

The witch and the detective: mid-Victorian stories and beliefs

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Why did the witchcraft-beliefs of the English non-urban working class go into decline during the course of the nineteenth century? ¹ I want to argue that it is the *kind of story* that believers and non-believers told that eventually made science and rationality (narrated here by forensic witnesses) more attractive than magic (narrated here by witchcraft-believers). Thus the decline in witchcraft-belief was not due to an increasing respect for the claims of science and a matching retreat from irrationality, but to a falling off in the acceptability of the traditional witchcraft narrative, and an attendant rise in the acceptability of a forensic narrative based on the demonstration of detective skills – in particular the skills of policemen, doctors and lawyers. My analysis can be seen as just part of a tale that others have been telling, others much longer in the field than I, and in different corners.² They have shown that the essentially Whig story of the triumph of rationality over superstition does not account for what historians find in the record. Despite being presented with the evidence of decades of scientific advance and even revelling in those advances, people persist in believing ‘weird things’, however ‘weirdness’ is defined.³

I am not arguing that all that changed over this period was the popularity of this or that kind of story. Real changes can be traced – for example the profound shift in the status of the ‘expert’ in the eyes of the court and of the public in the courtroom.⁴ My point is that such changes can be traced and largely explained through the changes in the stories the courts heard: as the contrasting styles of the various witnesses’ narratives examined below illustrate well. Nor am I claiming that the social and economic background of my storytellers is irrelevant or unproblematic. Rather I am saying that the influence of those factors is more readily discernible through narratological lenses than through an analysis of content that seeks to divorce it from matters of style. By ‘narrative’, I mean both the ‘how’ and ‘what’ of the stories which victims and witnesses told about their experiences and allegations of witchcraft. Much recent narratology is concerned with distinguishing

between the 'narrative' (as told) and the 'story' (its essence), but here I want to avoid the paradoxes, infinite regresses and ultimate privileging of some version or other of any particular story which the story/narrative distinction seems to involve. As Barbara Herrnstein Smith puts it, 'for any particular narrative, there is no single *basically* basic story subsisting beneath it but, rather, an unlimited number of other narratives that can be *constructed in response* to it or *perceived as related* to it'.⁵ Thus each of these 'witchcraft' narratives will be regarded, not as a version of the true story discoverable by sifting through all possible versions (whatever that might mean), but as one of the many diverse accounts that could be given. This will not prevent me, or anyone else, from believing some narratives rather than others, but it does discourage a stereotyped privileging of one narrative over another.

The best source for the study of Victorian witchcraft is newspapers. The reports in the local press of what were usually if erroneously called 'witchcraft trials' are often our only indicator of the depth and range of such practices and beliefs. With nice irony, as witchcraft-belief declined and newspapers became more common, reports of cases of witchcraft-belief are easier to find. At the same time, court papers relating to these cases seem to have had no better chance of survival than any others.⁶ So it is to the newspapers that one must turn in the great majority of instances to discover anything at all about the evidence. There are two different kinds of story which can be unearthed from the files of newsprint – but although there are occasional letters to the editor which cast interesting light on the matter, the actual opposition (such as it may turn out to be) between the witch-believers' and the forensic detectives' ⁷ stories was repeatedly made real somewhere else: in the courtroom. Somewhere between those two are found the stories of the cunning-folk, who did most to keep the old beliefs alive. Their stories were rarely if ever recorded, in the courtroom or anywhere else, and unfortunately there is not room here for any reconstructions.⁸

Witnesses and lawyers, in their various statements to the court, used widely different kinds of narrative. It is important to understand what the court would accept – including the laws of evidence – as this obviously influenced what was allowed to be said in fundamental ways. The accused, for example, were almost never permitted to speak, so their stories are even more imperfectly known than those of the accusers, witnesses and 'detectives'; and what medical witnesses were expected to say and do was not only changing, but was a matter of deep division.⁹ However, I am only interested in court procedures in so far as I have to be in order to understand the evidence. In seeking to trace changes in the acceptability of this or that narrative tradition, I am trying to make the 'ordinary person's' rules central. By 'ordinary person' I mean the person who at the start of the nineteenth century would have routinely considered witchcraft as an explanation for unpleasant experiences, but whose descendant at its end rarely if ever did.

My suspicion is that this shift is accounted for by the increasing fascination which detective narratives held for this 'ordinary person'. The fascination was exemplified not just in fiction (perhaps hardly at all in fiction, given the poor to non-existent literacy of many witch-believers), but also in their experience of the local police station, magistrate's court and assizes, and in their experience of forensic science (typified by the policeman and physician).

Keith Thomas noticed that the decline of witchcraft-belief amongst the educated classes in England in the late seventeenth century preceded the rise of empirical science and of modern technology.¹⁰ I am suggesting that the decline of such beliefs amongst the scarcely-educated two hundred years later was similar, in that popular belief and interest in the power of forensic science seems to have been ahead of its actual development. The fascination with forensic evidence seems to have been due more to the lure of its associated narrative – the perceived strength of its storytelling – than to a collapse of peasant credulity in the face of irrefutable science. Peasant credulity may simply have switched its allegiance.

This chapter is an outline of the case for this thesis. I will be looking at two instances of alleged witchcraft, both of which attracted much notoriety in their day. The charges usually laid in these cases were obtaining money or goods by false pretences and various degrees of assault.¹¹ The assault usually arose because of the persistent belief, going back at least three hundred years, that to cut a witch (typically, but not necessarily, on the face) removed the power of the witch over the assailant (and by implication over his or her family). The particular case I shall deal with here, from Stratford-on-Avon in 1867, was a straightforward witch-cutting of this kind. False-pretences charges in 'witchcraft trials' were against cunning-folk, always after they had accepted cash or payment-in-kind for their services, and usually after they had failed to achieve what they had promised. Payment was necessary for the transaction to be accounted fraudulent, while failure was frequently the real cause of complaint. The case I will be referring to here was more serious than most: James Tunnicliff, prosecuted for false pretences at Rugeley in 1857, was lucky not to have been on a murder charge. First, however, in order to create a clearer context for my treatment of these cases, I want to discuss the power of narrative.

The power of narrative

Narrative is very powerful in our lives; it is a prime way of making sense of the world.¹² It is a major provider (for some people the only provider) of intelligibility; its rhetoric, carefully used, is a major persuader. Acquiring the skills needed to tell and understand stories is an early and vital aspect of a child's socialization: it is not instinctive. We learn to use 'symbols ... to talk about absent things as though they were present (that is, imagining), making

use of the concept of time, and, of course, participation in social life'.¹³ Also critical to oral storytelling is dramatic skill: emphases, pauses, glances and gestures. In the courtroom, from a lawyer, this is a good part of what is sometimes called 'forensic eloquence', but theatrical skills of this kind are not foreign to any successful witness, expert or otherwise. But beyond agreeing that narrative is 'a recounting of events'¹⁴ which, in effect, follows the form 'And then ... and then ...', there is no consensus about what a narrative is, or what makes it work well, or badly. Attempts to establish rules have only created opportunities for others to find narratives where the rules have been successfully broken.¹⁵ At the same time, it is demonstrably possible to write lucidly about narrative, and to conduct meaningful arguments about it – not so much in general as in and across specific instances or genres. Much that has been written about narrative and the novel is illuminating when considering, for example, narrative in the courtroom. Even though the distinction between fact and fiction (problematic in other settings) is of prime importance to the court, studies of narrative suggest that either the narrator or her listeners, or both, deeply feel the narrative itself to be a prime guarantor of its 'truth'.

Numerous studies in different societies suggest that sequences that conform to our idea of a good story are easier to remember, and that if something is missing from a story, we tend to supply it. Indeed, it has been said that 'almost anyone who speaks any language can understand the story grammar of almost every other person'.¹⁶ Narrative is central not only to how we explain external reality; it provides the shape for accounts of our own and others' lives. When stories of any kind are successful, they are coherent and plausible accounts of how and why things happened as they did.¹⁷ There is much to suggest that 'coherence' and 'plausibility' depend crucially upon sequence, and upon the causality thereby implied: the bald sequence 'And then ... and then ...' of the narrative draws on 'a miscellany of conventions'¹⁸ which alerts everyone – narrator and listeners – to the *likelihood* of a causal statement. 'He loved her. He stabbed her': we are likely to read that as causal, and in this way, much nonsense is passed off as sober fact. 'He drank a glass of water. He stabbed her': here we want to be told the connection – to be given the cause (was it something in the water?) – otherwise we may assume that we are being told of its absence. 'Coherence' and 'plausibility' depend also, in Frank Kermode's elegant phrase, on a 'sense of an ending'.¹⁹ This is distinct from the need for the narrative to conclude with justice done (or not), or a life fulfilled (or not): the 'sense of an ending' pre-dates, so to speak, the end, and provides some at least of the rules by which the right 'facts' are selected from the infinity of facts available, and by which those facts are then related one to another. Selection is not automatic, not merely a matter of rejecting the irrelevant (which is not a straightforward matter either): even from amongst the relevant facts, however determined,

few are chosen. 'To tell everything would be pathologically tedious.'²⁰ Selection is thus fundamental to narrative, and relies critically upon a common understanding and acceptance of that shadowy, shape-shifting 'miscellany of conventions' which is the closest we have to narrative rules. Depending on context, there is agreement (of a sort) that certain things need explanation, and agreement (of a sort) as to what counts as explanation.

The criticality of selection applies as much to what is *not* said as to what is said; from time to time and place to place and person to person, and in this or that narrative, there are things which cannot be said. They may be true, but they are thought to be trivial, private, obscene and partial. To have uttered such words, to have selected these facts, could cast doubt on the narrative by casting doubt on the narrator: if she does not know not to say that, what else does she not know? If he cannot distinguish truth which is fit to be uttered from the unutterable truth, how do we know that he can recognize the truth at all? How can such people be trusted? The person of the narrator is also important, and in a sense a matter of selection; what counts as lending authority to their narrative also changes over time. For the narrator simply to have 'been there' may not be enough (even in the case of the author of an avowedly fictional work): a slave may be supposed not to be fully human; an uneducated man may be thought incapable of following an argument; a non-Christian may be held to be blind to any truth. If we want 'here' and 'now' to understand what a narrative constructed 'there' and 'then' meant, we need *inter alia* to know what, and in which contexts, was thought to be trivial, private, obscene or partial, as well as who was expected or allowed or forbidden to speak.²¹ Then we may know something of what was left out. The Victorian novel is by no means the only place where truth is no defence.

Implicit in selection is secrecy. Complicit with the narrator are the listeners, who understand that not everything can be said, and not just for reasons of time, or decorum. Secrets carry the narrative forward. One vital secret is what happens next, and perhaps the biggest secret is how the narrator knows what happens next – how the selection proceeds. And if the selection works, and continues to work throughout the tale, then the story is a good story and 'truth', of a factual or fictional kind, is deemed to have been served. The competent narrator knows what happens next for several reasons, amongst them the afore-mentioned externally conferred authority so to do: we as listeners are inclined to allow, for example, that the witch knows the power of her spells and the detective the meaning of his clues. There are, however, ineffectual witches (though these will be rare, since a witch is known precisely by the efficacy of her spells) and, more commonly, stupid detectives. The right rhetoric is vital – it can of itself provide explanation: 'Once upon a time ...' foreshadows one sort of story; 'I was proceeding in a north-easterly direction ...' quite another; and as the narrative

moves on, the correct use of the proper rhetoric not only bolsters the narrator's authority, but helps to select and reject the facts of the narrative.

In short, one could agree with Sarbin and others as to 'the universality of the story as a guide to living and as a vehicle for understanding the conduct of others', and believe with them that 'human beings think, perceive, imagine, and make moral choices according to narrative structures'.²² The search for 'rules' of narrative may have been frustrating for narratologists, but for the world at large it is liberating that we apparently nevertheless all know a story when we hear one. This fact (if it is a fact) implies that the construction and understanding of a narrative is a collective act: that the project of uttering successful narratives requires not only suitably inspired speakers, but also suitably inspired listeners. And we do seem to be inspired. We find stories even where they do not pre-exist: people shown films of randomly created shapes making randomly created movements will make up narratives to account for what they see. 'It matters not whether historian, novelist, or student: a person tries to make sense of the world with limited epistemic and linguistic skills. Where there are no firm connections between empirical events, the individual organizes them into an imaginative formulation that meets one or more tests of coherence.'²³ In the courtroom, it is the judge who, in agreement with legal precedent and statute, says what narratives are acceptable: who may say what when. But the public audience may well have different ideas about what is worth listening to.

So now I turn to a couple of mid-nineteenth-century 'witchcraft' cases. In both, desperate people used ancient and respected conventions to create stories that helped them to make sense of their lives. In both, those stories were countered in court by forensic stories. I begin with witch-cutting in Stratford-on-Avon in the late 1860s.

The cutting of Jane Ward (1867)

The newspaper narratives

For some time past, a family named Davis, residing in Emms-court, Sheep-street, Stratford-on-Avon, have laboured under the most extraordinary delusions. They have persisted in a belief that visits have been made to them in various shapes by individuals in a bodily form – some after the manner of the patron saint of Paris, who carried his head under his arm, 'as a gentleman carries his cane'; others have come down the chimney bereft of their caput, and when landed in the room they have gone through a variety of capers – seizing the inmates, tossing them in the air, throwing the furniture about the apartment, pulling the bed-clothes off, and playing 'such fantastic tricks' as to be absolutely incredible. One young girl, who happened to be an invalid, and obliged to recline on a sofa, has declared her positive

knowledge that a man and woman came down the chimney a few days since, both persons headless, and seized her by the body, cast her violently on the ground, and then tossed her in the air, after which they took up the sofa she had used and went through a similar feat with it. Although Police-Superintendent Richardson showed that the accumulated dust around the legs of the furniture proved that no such thing could have happened, the entire family confirmed their belief that the witches had been there, and also that the only way to break the spell they were under was to draw blood from the person they supposed to be the witch. This was, unfortunately, attributed to a neighbour named Jane Ward, who lived two doors away, and on Friday, the man John Davis carried out his delusion by suddenly pouncing on the poor creature, and, seizing her firmly, he inflicted a frightful gash in her cheek, fully three inches long. Having done this, the whole family felt relieved and assured that 'the spell was broken', for they told the superintendent that the following day they had all slept well and undisturbed, which they had not done while the witch was left unexorcised. The man, John Davis, was brought before the magistrates – the mayor (Mr. C. F. Loggin) and Alderman Kendal – at the Town Hall, Stratford-on-Avon, on Thursday, charged with wounding the said Jane Ward with a knife, with the intent of doing grievous bodily harm. Mr. J. E. H. Greaves, solicitor, appeared for the prosecution; and the hearing, which lasted some time, ended with the prisoner being committed to take his trial at the next Warwick Assizes.²⁴

The press reports are the only surviving accounts of the relevant narratives and are plainly defective. Our reporter may have been a professional journalist, or perhaps just a local observer who thought to turn a quick penny, and he is playing it for laughs as well as for sensation. Moreover, much has been left out – this hearing, after all, 'lasted some time' – only some of which is supplied by the rather different account published in the *Stratford Herald*:

It will hardly be credited that in this year of grace, in a country which boasts of its education and common sense, that anyone can be silly enough to believe in 'witchcraft', but so it is.

John Davis, a great strapping fellow, who had been a soldier, was charged with cutting and wounding one Jane Ward, widow, with intent to do her bodily harm, on Friday, the 25th of October ...

Mr. J. E. H. Greaves [*sic*] appeared for the prosecution, and Mr. J. Warden for the prisoner.

Mrs. Jane Ward, widow, 4 Emm's Court, Sheep-street, Stratford-upon-Avon, said on Friday night last she was putting up her window shutters when two women named Stanley came up to her and used bad language; they called her a 'witch'. The prisoner then made his appearance; he was going in the direction of his house in the same court in which she lived. He placed himself between the two women and struck her with a knife on the left cheek. It was dusk when he struck her; he called her a 'd—d old witch' and said 'I've done for you now; I can do anything with you.' She had known Davis since he was a boy, and never had any words with him until lately. She hooted

'murder' and ran up to Mrs. Timm's. The prisoner went to his own house; the Stanleys went away and she gave information to the police. Mr. Stewart, surgeon, dressed the wound. During the last five months the prisoner had threatened to take her life; he had often called her an 'old witch', and said 'if he could draw blood of her he would be satisfied.' She had forbidden the prisoner her house. Mr. Richardson had taken the apron and shawl she wore at the time off her. (The blood-stained garments were produced in Court.) – Cross-examined by Mr. Warden: It was between six and seven o'clock when Davis struck her; she could not see what he had in his hand; she felt something sharp go into her face; she said nothing to the prisoner to provoke him; she had never 'be-called' him; both day and night she had no rest from him; when she forbade the prisoner her house he was interfering with herself and family; when he struck her Friday last they had no words.

Mr. Wm. Stewart, assistant to Mr. H. Lane, surgeon, said that on Friday night last, about seven o'clock he was called to see Mrs. Ward at Superintendent Richardson's. She had an incised wound on the left cheek, half an inch deep in one part, from the upper part of the face downward. The knife (produced by Supt. Richardson) would inflict the wound, which was more of a cut than a stab. Under certain circumstances it might have been a dangerous wound. – Cross-examined by Mr. Warden: The wound could not have been caused by the finger nails. He had tested the stain on the knife and found it was from blood.

Supt. Richardson said that on the 25th October Mrs. Ward came to him crying very much and bleeding; she seemed in a fainting state, holding her handkerchief up to her face, which was smothered in blood. He washed the wound and then went for the surgeon. Afterwards himself and p. c. Hitchcox apprehended the prisoner; he charged Davis with wounding Mrs. Ward, and told him it might turn out a serious case. Prisoner said 'he was obliged to do it; he could get no rest!' He (witness) said 'you might have taken her life.' The prisoner said 'and a good job too.' He found a knife, and some money on Davis; the weapon appeared to have fresh blood on it. The prisoner said nothing when he took the knife from him. On the following morning when Davis's sister brought the prisoner's breakfast, he accompanied her to the cell. She asked Davis 'how he had slept?' He said 'he never had a better night's rest in his life; she (Ward) had no power over him now!' – Cross-examined by Mr. Warden: He cautioned the prisoner twice when he apprehended him.

There were no witnesses called for the defence. The usual caution was read to the prisoner.

Davis said he had no wish to say anything now.

The charge is a serious one, and the prisoner is liable to penal servitude for life. The magistrates committed him to take his trial at the Assizes, and commented on the folly and wickedness of his dastardly act.²⁵

This, the local newspaper's account, is both longer and, not surprisingly, less interested in the laughs to be had at the expense of denizens of their town; but we have to read the other papers to know *why* Davis believed his family

to have been bewitched. The accounts of the trial a few weeks later add little. The Stanleys, we find, are Davis's sister and sister-in-law or niece; and although the surgeon, Mr Williams, was able to identify the substance on Davis's knife as blood, he was unable to say whether it was human blood. While John Davis had a regular and responsible job at the local brewery (E. F. Flower gave him an excellent character), Jane Ward was less respectable. She described herself in court as earning her living by 'going out nursing',²⁶ her son had been transported for an unspecified crime, and she had to deny that she had spent two months in prison for assault. Nevertheless, throughout, the sympathy of the newspapers was with her as the victim of an ignorant and vicious attack. The court took the same view, and sentenced Davis to eighteen months' hard labour.

Dust and the detective's narrative

Despite the limited data on what was actually said in and out of court, it is possible to make several important points about these narratives. To begin with, it is clear that John Davis and his extended family on the one hand ('the Davises') and the policeman, the medical man and the lawyers on the other ('the forensic team') were talking right past each other. The narrative pursued by the witch-believers had nothing to do with what the forensic team was talking about, and the evidence of the forensic team meant nothing to the Davis clan. If Superintendent Richardson had not noticed the dust still gathered around the legs of the sofa, the court would still not have believed the Davis family's tale, because dust or no dust, the court did not believe in witchcraft. If the court had been disposed to believe that the Davises had been bewitched, then the undisturbed dust could have been explained as part of the enchantment (which is presumably what the Davises told themselves after Supt. Richardson pointed it out) or, even more likely, it would simply not have been noticed in the first place. If the Davises had had the advantage of today's detective novels and films, they might have realized that the policeman would pounce on such things, and without necessarily prejudicing their own belief in the witchcraft, might have removed the dust. Finally, the dust is actually irrelevant to the case. It was the cutting of Jane Ward that was illegal, not the witchcraft, and John Davis did not deny cutting her.

Something other than science *versus* magic is going on here. If Superintendent Richardson was using a scientific approach, it was not 'pure' science. In fact, the policeman's adduction of the dust as clinching his case was not as far removed from the way the Davises viewed the world as the forensic team and the court would have liked to think. Helpful here is Carlo Ginzburg's discussion of 'conjectural science,' under which head he includes medicine, psychoanalysis and detection.²⁷ Within what he calls an 'evidential paradigm' the dust can be shown to have been merely a clue, a sign; it was

taken as indicating that some things were highly probable (such as that Mrs Davis, or whoever was in charge of these things, was a negligent housewife) and the high impossibility of others (such as that the sofa had danced around the room), but it was not proof, and it was not the event itself. Its status in court depended upon a world-view of orderly Newtonian cause-and-effect, but its evocation partook of ritual. The facts about the dust only work as evidence if it is accepted *a priori* that there is no such thing as witchcraft – in which case, the evidence of the dust is not needed anyway. But the court allowed it and the papers were only too delighted to print it (as we still are to read it). We like hearing about the dust not least because it shows Richardson to have been a good detective; his particular application of such skills may have been neither here nor there in this case, but could well have been crucial in another matter. Accepting this account was also one of the ways in which the court stressed its disbelief in witchcraft and, perhaps, sought to educate others in how to think about such matters.

The Davises for their part were not ignorant about clues. That was how they 'knew' who had bewitched them. The clues they followed were not the ones to which the forensic team or the court paid attention, of course (and no one bothered to ask the Davises what those clues were, which is why we do not know either), but in privileging some clues and disallowing others, the court was not using any explicit rules. It is not enough to say that the law did not require the Davises to prove witchcraft; it did not require Superintendent Richardson to disprove it either, since the case was not about whether there had been any witchcraft; but Richardson tried to disprove it anyway, and the court respected his clues, and did not even enquire into theirs. Nor is this the only such example even within this small trial: the evidence of William Stewart, the surgeon's assistant, regarding the blood on the knife is similarly tantalizing.²⁸ New forensic techniques enable him to say that it is indeed blood, but not whether it is human blood, let alone Jane Ward's blood.²⁹ His evidence in this matter thus adds little to the case, but he is nevertheless positively invited to announce the findings.

The witchcraft narrative

The point is not to demonstrate that these narratives – the forensic team's and the witchcraft-believers' – employ equally valid hypotheses. Superintendent Richardson represents the world in which I want to live, and indeed in which I believe I do live. The ignorance, superstition and reliance on casual violence which drove John Davis to attack Jane Ward is deplorable, but I cannot deny Davis's sincerity. The point is rather to call attention to the deployment in this case of at least two narrative traditions. As this example from Stratford shows, a belief in witchcraft can create cracking good stories: 'a man and woman came down the chimney a few days since, both persons

headless, and seized her by the body, cast her violently on the ground, and then tossed her in the air, after which they took up the sofa she had used and went through a similar feat with it.’³⁰ It is not the kind of narrative I seek out myself, but it is undeniably in an ancient, popular and still-enduring tradition. What has endured is its power as a story. Neither the storyteller nor his or her audience has to believe in witches or sorcery in order for the cracking good story to be told and enjoyed; admittedly *someone* has to believe in witches and their powers, if only in the universe of the story itself, in order for the tale to work, but that someone does not have to be the teller or the listener. Or we can all suspend our disbelief and *pretend* to believe. If only fleetingly, the witchcraft narrative may create a faith in spells and a longing to be granted just three wishes.³¹ This may have been what some of the public did in this case. We need to understand the appeal of this esoteric knowledge: the assurance that life and the world can be understood and controlled by ritual and cunning; the temptation of hidden, meet and utter revenge on one’s enemies. In so far as some people in Stratford-upon-Avon in 1867 believed it, the Davis’s witchcraft narrative had great power.

The gulling of the Charlesworths (1856–57)

The cunning-man’s story

The tale of how a cunning-man called James Tunnicliff duped the newly-married Thomas and Elizabeth Charlesworth is complex, and this section will be only as long as it needs to be to provide a bare context for the forensic narrative.³² The partial failure of the forensic case attempted against Tunnicliff highlights the success of the forensic men in Stratford-on-Avon. In April 1856, the Charlesworths, four months married and already with a baby in the house, became convinced that they had been cursed by Thomas’s widowed mother, who had moved out a month earlier. The cheese would not set, and the dairymaid was ill. Charlesworth was advised to go to see James Tunnicliff ‘to take off the witchcraft’. Tunnicliff was in his mid-sixties, a beerhouse-keeper and agricultural labourer who lived a scant three miles north of Bromley Hurst, where the Charlesworths farmed. The involvement of most cunning-people with their clients was brief – perhaps only a single consultation per query – and that was probably Tunnicliff’s usual *modus operandi* too. But this time was different. The Charlesworths were not rich, but their resources were certainly far more than Tunnicliff was used to, and they were frightened and credulous. The cunning-man may well have known what the problem was before they opened their mouths. Even if he did not know the family well, the mother’s acrimonious departure must have set tongues wagging. Despite his wife’s opposition, Tunnicliff agreed to help the young couple.

He seems to have done several things to 'help'. He diagnosed widespread witchcraft, extracted a hefty preliminary fee, and at his request Charlesworth 'wrote a letter for him to a man named Conway, in London, but whose address I forget, for a spell-book'. Tunnicliff probably engineered a 'fearful' night, when there was a terrible howling heard at the farm; he almost certainly also began a long course of poisoning the family. But they had no suspicions about him on that or any other account. He explained the 'fearful' night as a by-blow of his magical battle with one of old Mrs Charlesworth's wizards. The Charlesworths decided to employ him full-time, ostensibly as a labourer, but in fact to counter the bewitching. He moved in ten days later, and stayed for nine months.

On at least one occasion, as part of the treatment, Tunnicliff slept in the same room as the Charlesworths. One of Tunnicliff's daughters stayed at Bromley Hurst for a period too, adding to the expense, and maybe also the dignity of the treatment; but one day she had a fit, and said: 'Oh, they are doing wrong to Mr. C; they will kill him.' In early February, Tunnicliff and Elizabeth went to Derby. Thomas accompanied them as far as Burton, on some business to counter the witchcraft. For the most part, however, Tunnicliff stayed in or around the farmhouse. Whenever anyone came to the farm, he hid. At some point, a bottle filled with a strange liquid was found in the cowhouse thatch, but we don't know whether Tunnicliff said that this was old Mrs Charlesworth's witchcraft or his cunning. Everyone in the household (which also included a housekeeper, a nursemaid and a maid) was ill some of the time and, in hindsight, they realized that they were often ill after Tunnicliff had fixed their meal. Charlesworth had several severe attacks over the months, taken as continuing evidence of his mother's ill-wishing – the widow's curse, as the indictment against Tunnicliff called it. The animals fared no better with seven cows slipping their calves and one horse her foal. Even worse, Elizabeth Charlesworth had two miscarriages while Tunnicliff was on the farm, and in September the baby Elizabeth died of convulsions.

Tunnicliff's downfall was sudden. After months of fear and horror, on 10 February there was another 'awful night'. Thomas Charlesworth lost consciousness and it was thought that he was dying. The Charlesworths, who had depended upon the cunning-man so utterly for nigh on a year, suddenly called in the surgeon and the lawyer – the latter so that Thomas could make his will. Tunnicliff had gone too far, although there is little evidence as to why the worm turned when it did. The servants had gradually taken against him, which cannot have helped, but the Charlesworths had ignored their servants' fears before, as when they had dismissed a sceptical dairymaid at Tunnicliff's bidding. This time, however, they dismissed Tunnicliff, and very quickly brought charges against him.

Bryony and the doctor's narrative

A fortnight later, on 25 February, Tunnicliff was arrested by Ellis Crisp, the police superintendent, on charges of obtaining money under false pretences and of having drugged Thomas Charlesworth. The police searched Tunnicliff's house and took away a root and some powder, but it is not clear whether the arrest came before or after the search. It is tempting to say that Mr Higgins the surgeon suspected poisoning when he examined Thomas Charlesworth early in the morning of 11 February, and that this, together perhaps with suspicions voiced by Mr Higgins the lawyer,³³ at last prompted the Charlesworths to call in the police and set in train the legal process. It may not, however, have been as straightforward as that. It may all have been suspicion. Indeed, in the end, the drugging charge did not stick. The medical witness at the committal hearing was a Dr Monckton.³⁴ There is no explanation of why Mr Higgins the surgeon was not called, and there is no sign that Monckton had been involved at an earlier point in the investigation; nor is there any mention of his having special knowledge of poisons.³⁵ His involvement moreover was curiously informal. He sat to one side during the proceedings, taking notes about the Charlesworths' medical condition, 'it being considered not improbable that their health had in some way been affected by the conduct of the prisoner'.³⁶ There is no record of his asking any questions. He identified the root found in the search of Tunnicliff's house as *bryonia dioica*, which may mean that he had seen the evidence before or he may have recognized it at first glance in the courtroom. *Bryonia dioica* is white bryony, a fairly common hedgerow plant and well known to herbalists.³⁷ Monckton testified that *bryonia dioica* was 'not used in legitimate medicine'. It could kill people, and cause cows to abort and was also used to stop barrenness in cattle. But such severe symptoms as Charlesworth described were, he said, 'unlikely' to have been caused by it.³⁸ Thus the charge of drugging was dropped. The trial was long at eleven hours, and at the end the jury did not hesitate to find Tunnicliff guilty of obtaining money by false pretences. He was sentenced to one year's hard labour.

Cunning-folk and forensic skill

Although no one said so (or not in print), Tunnicliff had surely been very close to getting away with it altogether. As it was, he got away with a great deal. Presumably the police had considered charging him with the murder of the baby – there is no mention of this³⁹ – but either the death was too long before (six months) or the evidence of convulsions too ambiguous. Perhaps it was simply that babies were dying all the time in the 1850s, and there was no reason to regard baby Elizabeth's death as out-of-the-way. All the same, the prosecution clearly suspected that Tunnicliff, systematically and

over many months, had been poisoning a number of people and farm animals, and may well have been responsible for Elizabeth's two miscarriages, if not the death of her child, but they could not prove it. This lack of proof was only partly a failure of forensic science. Tests for the presence in dead human tissue of vegetable poisons had been developed a few years before,⁴⁰ but this was not a murder enquiry and there was no dead body, just the Charlesworths and their servants. There were steps which Monckton, or someone else, could nonetheless have taken, but did not, like eliminating other possible causes of ill-health at Bromley Hurst, examining vomit traces for signs of poison, or questioning members of the Charlesworths' household about the food they had eaten over the months. Alfred Swaine Taylor's *Medical Jurisprudence* was in its fifth edition by this time, and in it Monckton – and the magistrates – could have read simple and comprehensive rules on how to proceed in cases of suspected poisoning: but if they did read them, they did not follow them.⁴¹ This neglect of good practice was not unusual, however, if the complaints of men like Thomas Wakley and Alfred Taylor are true,⁴² and we should not make too much of it. The newspapers at the time did not. It is more to the point that the prosecution for drugging failed because it did not have the services of someone who could tell a good forensic story. Better use of existing science might have given the prosecution sufficient evidence of poisoning to allow the drugging charge to go forward to the trial, but its definite value to Charlesworth's team would have been a vastly improved narrative. Witchcraft, as we saw in Stratford, can tell some great stories, but it is weak on cause-and-effect. There are no *symptoms* of witchcraft: its effects are the witchcraft. What you see is what you get. The thrill of hearing of such powers is undeniable, but when directly countered with a forensic story that promises to provide a radically different explanation, its authority is suddenly in danger. Of course, if you believe in witchcraft, science will not change your mind, though if you are interested in a good story you will at least listen to what the forensic man says.

With hindsight Dr Monckton does not inspire confidence, however, and my lack of confidence is rooted in more than a recognition of his ignorance – my reaction to his evidence certainly pre-dated knowledge of the extent of his ignorance, and my knowledge that he had not long qualified at the time of the trial. What he said and how he appears to have said it (and it is central to my approach to these narratives that it is scarcely possible to divide one from the other) did not seem to come from extensive knowledge or experience. On the one hand, he said that *bryonia dioica* could kill people and could cause cows to abort; on the other, he thought Thomas Charlesworth's symptoms too severe to have been caused by it. Of course this impression of slipshod ineptitude may have been the fault of the journalist, whose report is not *verbatim*, but the rest of the piece has a varied tone which suggests that he was being reasonably true to what he heard. Dr Monckton sounds

arrogant, ignorant and incompetent: perhaps he was just a nervous young man. The Stas test was available to him, and there is no sign that he knew of it, if only to explain why he was unable to carry it out; he was crucially poorly informed about the effects of bryony poisoning – possibly because of a hasty reading of Orfila's textbook.⁴³ This is not to argue that he should have found it in himself to assert that the bryony was very likely to have been the agent of the havoc that had hit the Charlesworths, but that a better forensic witness would have made more of whatever he was able to say and would have told a better story. William Stewart in Stratford was much more impressive with just as little to go on.

The charge that remained was false pretences. It is not quite clear what was involved in proving this. Certainly, the prosecution had to prove that James Tunnicliff had solicited and received payment for unwitching the Charlesworths. At least one court, however, deemed it necessary also to show that the client had believed that the cunning-person was able to do what she or he claimed.⁴⁴ If this was the usual attitude, then the prosecution must have been rather embarrassed when Thomas Charlesworth changed his evidence so radically between the hearing and the assizes. At the hearing, he had been quite open about his belief that his mother had bewitched him, and about his trust in Tunnicliff's ability to undo the magic. Presumably it was the 'great laughter' which greeted his naïve pronouncements on the first occasion which led to his denying his beliefs at the trial.

It may have been because of gaps like this that the prosecution went to such great lengths to show that none of the people alleged to have been 'put on' Thomas Charlesworth and his family by his mother actually existed. In fact, it was irrelevant whether they existed or not. Witchcraft was not illegal, and even if every one of the named men had been found alive and well – even if people had come forward to say that the named men were all well-known cunning-folk – it would have made no difference. Nonetheless, for example, a policeman came at some expense all the way from Burton-upon-Trent to state that no man called Plimmer lived there.⁴⁵ The main ploy of the prosecution, however, was to tell a quite different kind of story – a comic tale. The reaction of the crowd at the hearing had made it clear that most people found the case very funny ('The room was crowded with a much-amused audience,' said the *Staffordshire Advertiser*⁴⁶), and it was not James Tunnicliff at whom they laughed. It was poor Thomas Charlesworth, who with his wife had suffered so much, and now had to suffer this. The judge eventually told Thomas that he did not have to answer questions which exposed him to ridicule, but by then the damage was done. The Charlesworths had had to listen to their own counsel tell the court that,

in your own country there are persons weak enough – credulous enough – to believe in the existence of charms or spells or in what is usually termed

witchcraft, and that there are also designing persons, not far from your own dwellings, who avail themselves of this weakness and credulity to perpetrate frauds greatly to the injury of those unfortunate persons.⁴⁷

This was the story that won the day for the Charlesworths who, 'weak' and 'credulous' as they undoubtedly were, may never have understood what had happened to them.

An unanswered question is what would have happened if the best story of all – James Tunnicliff's – had been told? As far as we know, James Tunnicliff never told his tale to anyone, though one can picture his wife telling it to him when he came back from prison. Did Tunnicliff know the risks he was running for himself and others? Had he ever imagined he would be living at the farm for nine months? How had he thought it would end? Did he have any faith at all in the magical power of what he did, or professed to do? The other untold story is the witch's. It is not impossible that old Mrs Charlesworth thought she was a witch. Her son thought she was, and she had said some rather witch-like things such as 'may your cheese never take' and 'may you rot in your bed'. It is also the case that a wronged mother might say such things as she stormed out of the door. Thomas's is a typical witch-accusation: someone asks you a favour, you refuse, something unpleasant happens to you, and you accuse the person you refused to help of being a witch. As Keith Thomas put it, we have 'the same old pattern of charity evaded, followed by misfortune incurred'.⁴⁸ However, the 'witch' was not on trial and no evidence of witchcraft was needed. Thus much is left out of the witchcraft stories, so much that they sometimes hardly make sense. Evidence is often nonetheless offered, and is generally greatly appreciated (more laughter in court), but it is not relevant, often to the enduring mystification of the complainants. More than one remarked that when 'they' abolished witchcraft, they should also have abolished witches.⁴⁹ How many people who were present at the Stafford Assizes muttered it as they went home? Did Thomas Charlesworth say it to his wife the night after the trial?

The challenge of science and the law

So narrative is powerful, but it has competitors.⁵⁰ Highly relevant here is what is loosely called 'scientific method', which in the courtroom was typically the realm of the 'expert witness'. This figure was reasonably well known to the Victorian court⁵¹ and, as we have seen, these gentlemen were there, commenting (Monckton) and reporting (Stewart). Such evidence was admissible only in so far as the court perceived it as contributing to the testing of the 'coherence' and 'plausibility' of the narrative they had been invited to support, but for the public gathered there (and it is their beliefs with which

I am concerned), the expert's reports were understood as narrative, and it is that narrative which increasingly held their attention.

In Victorian England the laws of evidence were in a state of flux and far from clear. Over the eighteenth and nineteenth centuries, and even into the early twentieth century, there was a slow and unsteady shift: from a preference for a confession by the accused, to a preference for strong corroboration by reliable witnesses, to a preference for the establishment of clear chains of forensic evidence. Foucault describes this as a movement from 'the exposition of the facts or the confession to the slow process of discovery'.⁵² The process of justice can thus be seen as moving from domination by judges when the hearing of confessions was the point of the trial, to domination by witnesses when witnesses were the fount of truth, and finally domination by lawyers when what was at stake was 'the professional management of a mixture of evidence'.⁵³ The mid-Victorian period is at an interesting juncture in this turmoil. Much contemporary jurisprudence was concerned with what constituted a 'competent' witness – Christopher Allen looks at the perceived defects of the Victorian witness: religious principle, infamy, interest and, above all, the fact of being the accused.⁵⁴ The reason we never hear directly from the accused is that until 1898 they were barred from speaking, largely for their own protection. The overriding fear of the lawmakers was that a bullying prosecutor or judge could, by putting the accused 'to a species of moral torture',⁵⁵ betray them into incriminating themselves. Over the same period the slow rise of the 'expert witness' introduced other problems. Although this trend was vital to the rise of lawyers' courtroom power, they did not make common cause with the 'experts'. Their approaches to the court-process were fundamentally different, and in many ways they competed rather than co-operated with each other. Forensic scientists offer a pre-eminently objective stance, and have striven to be treated as focused guides to indisputable truth, while lawyers remain locked in the adversarial process. The police detective was somewhere betwixt and between these groups: a leading member of the prosecution team, and, if not a scientist, a man whose forensic skill was his chief qualification for his job and the chief reason he was listened to in court.

Detectives, fiction and the uncanny

It is a tradition of witchcraft narratives, as with ghost stories, to present them as 'told', even in their written form. Although aspects of this tradition – the listeners gathered around the storyteller by the fire – were in decline even then, orality remains very powerful elsewhere in our culture, in spheres apparently far removed from this, in the courtroom for example. Given the hostility of modern policemen, lawyers and forensic scientists to pretensions to magical powers, their storytelling activities take on added interest. Good

evidence in the courtroom is not the result of a scientific experiment, it is a story that the courts will accept. How rational is detection? How irrational is witchcraft?

A great deal of attention has been paid to the development in this period of the detective novel, particularly to the work of Poe, Dickens and Collins.⁵⁶ This work has value for my enquiry for two reasons. First, because it is widely agreed that fictional representations of detectives and detective work were in many respects in advance of what real detectives actually did, and indeed that many detectives learned from these novels. Second, because much of what is known about real detectives at this time relies on what Poe, Dickens, Collins and their like wrote. It was a symbiotic relationship. While Dickens's Inspector Bucket in *Bleak House* was drawn in part from the real-life Inspector Field, for example, Inspector Bucket (and his literary counterparts) may have inspired Mr Field's counterparts (if not Mr Field himself), and helped prepare the public for them. There are also, however, the stories written by detectives themselves. The granddaddy of the genre is the memoirs published in 1828 by the once-and-future criminal Vidocq. This unreliable account of his extraordinary career with the French *Surêté*, which he founded, was translated into English that same year and has rarely been out of print since.⁵⁷ He attracted imitations, for example the two volumes published in 1861 by the Edinburgh policeman James M'Levy (*Curiosities of Crime in Edinburgh* and *The Sliding Scale of Life*) and William Henderson's *Clues* (1889).⁵⁸ In the work of both men, it is notable that the police catch their man (or, occasionally, woman) because they plan carefully, because they share knowledge with one another, even across the country, because sometimes they break the law themselves (illegally detaining people, searching them without warrants, breaking into premises), and above all because they know the criminals and their ways of working. Extraordinary feats of detection are rare in these books, as they assuredly were in real life. At the same time, both M'Levy and Henderson are keen to be recognized as having uncanny skills. One of Henderson's cases involved concealing himself at a vintner's, where he was able to observe how some thieves operated. He writes with evident satisfaction of their reaction to his knowledge: 'there seemed to have arisen the feeling that some supernatural influence had been brought to bear to detect them.'⁵⁹ Similarly, M'Levy is not averse to our thinking him possessed of extraordinary powers:

In nine cases out of ten there is something mysterious in the way of Providence towards the discovery of crime. Just run up the history of any detective you please, and you will come to the semblance of a trace so very minute that you may view it as a natural or a mysterious thing, just according to your temperament and your point of view. As a philosopher, and a little hardened against the supernatural, you may treat my credulity as you think proper. I don't complain, provided that you admit that I am entitled to my

weakness; but bearing in mind at the same time, that there are always working powers which make considerable fools of our reasoning.⁶⁰

To revert to my opening question: why did the witchcraft beliefs of the English non-urban working class go into decline in the course of the nineteenth century? This seems to me the most interesting enquiry to make of nineteenth-century magic-beliefs, apart perhaps from the historiographical question of why historians neglected those beliefs for so long. The well-told forensic story is very close to the story that cunning-folk would have told had they been willing or able to do so. The witchcraft stories were not heard in the courtroom, as (a) witchcraft was not a crime and so evidence of it was not sought and (b) when cunning-folk were there as the accused they were not heard either. The forensic men moved into that space, but they were not bound to 'win', any more than the cunning-folk and witches had been in their day. Dr Monckton, relying (or so it seems) on the old, informal accounts both of the case and himself, did not advance the cause of the forensic scientist as expert witness. Mr Stewart, with his largely irrelevant but formal and scientific account, did.

As Levack suggests in looking at the decriminalization of witchcraft in the previous century, intellectual history may not be the place to look for an explanation of changing attitudes to magic and witches.⁶¹ There is increasing evidence that the advance of science and of scientific attitudes makes little difference to what we believe. A glance at any newspaper will confirm that people are as willing now as they were when Lewis Carroll wrote it to believe six impossible things before breakfast; and Keith Thomas was only the first to notice that the persecution of supposed witches ended before any appreciable influence of scientific ideas can be traced. What people believe does change, that much is clear, but why is far less so. I suggest that it has something to do with fashions in stories and storytelling. If it is a good story, then people will believe it until a better story comes along: what is good and what is better is the moot point.

Notes

- 1 I am grateful to Dr Katherine D. Watson, Wolfson College Oxford; Dr Lesley Hall, Senior Archivist (Outreach), the Wellcome Library for the History and Understanding of Medicine; and Dr Norah Rudin (see n. 29 below) for their help and guidance on some finer points; and to the staffs of the Wellcome Library, the London Library and the Morrab Library, Penzance, for their assistance. This may be the place to state that in an obvious but still important sense I am the only storyteller in this chapter, using what narrative skills I have to keep the reader's trust and attention; and in the absence of sufficient space to argue my way out of that, I shall merely assert that that trust depends to a substantial degree upon my convincing readers that in extracting these narratives from contemporary newspaper reports, I am not obscuring the stories that were first told some 150 years ago.

- 2 For example, Stephen Shapin, *The Scientific Revolution* (Chicago, 1996); Barbara Shapiro, *A Culture of Fact: England 1550–1720* (Ithaca and London, 2000); and Ian A. Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest 1830–1926* (London, 2000). Specifically on witchcraft narratives, see for example Marian Gibson, *Reading Witchcraft: Stories of Early English Witches* (London, 1999) and Malcolm Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge, 2000).
- 3 To use Michael Shermer's phrase *Why People Believe Weird Things: Pseudoscience, Superstition, and Other Confusions of Our Time* (New York, 1997)) – although not to adopt his answer – that people who believe 'weird things' simply do not think straight.
- 4 For an absorbing account of the medicalization of the inquest, which has clear implications for cases such as mine, see Burney, *Bodies of Evidence*, pp. 8–12, 107–36.
- 5 Barbara Herrnstein Smith, 'Narrative Versions, Narrative Theories', reprinted in Martin McQuillan (ed.), *The Narrative Reader* (London, 2000), p. 144 (her italics).
- 6 See for example Owen Davies, 'Newspapers and the Popular Belief in Magic', *Journal of British Studies* 37 (1998) 139–65. Davies's researches in Somerset, however, suggest that there may be untapped riches awaiting researchers in other counties too: Davies, *A People Bewitched: Witchcraft and Magic in Nineteenth-Century Somerset* (Bristol, 1999).
- 7 None of my policemen was a detective by title. The only such detectives at that time were in the Metropolitan Police. My policemen were all ordinary police inspectors and superintendents, but since it is their evidence-gathering and -presenting activities that interest me, it is useful to call them detectives.
- 8 But see n. 32 below.
- 9 Burney, *Bodies of Evidence*, pp. 108–9.
- 10 Keith Thomas, *Religion and the Decline of Magic* (London, 1971), e.g. pp. 789, 791.
- 11 Witchcraft itself had ceased to be a crime in England in 1736, and thus nineteenth-century newspapers' delight in reporting 'witchcraft trials' employed a serious misnomer. See Owen Davies, *Witchcraft, Magic and Culture 1736–1951* (Manchester, 1999), pp. 1ff. The 1736 Act created the offence of pretending 'to exercise or use any kind of witchcraft, sorcery, enchantment, or conjuration, or [undertaking] to tell fortunes'.
- 12 For much of the argument in this section, see especially McQuillan, *The Narrative Reader* and the essays cited below from Theodor Sarbin (ed.), *Narrative Psychology: The Storied Nature of Human Conduct* (New York, 1986); also Philip J. M. Sturges, *Narrativity: Theory and Practice* (Oxford, 1992).
- 13 Theodor Sarbin, 'Narrative as a Root Metaphor', in Sarbin, *Narrative Psychology*, pp. 14–15. See also Brian Sutton-Smith, 'Children's Fiction-Making', in Sarbin, *Narrative Psychology*, pp. 67–90.
- 14 Sturges, *Narrativity*, p. 18.
- 15 McQuillan, *The Narrative Reader*, *passim*.
- 16 James C. Mancuso, 'The Acquisition and Use of Narrative Grammar Structure', in Sarbin, *Narrative Psychology*, p. 104.
- 17 Ernest Keen, 'Paranoia and Cataclysmic Narratives', in Sarbin, *Narrative Psychology*, pp. 174–5; John A. Robinson and Linda Hawpe, 'Narrative Thinking', in Sarbin, *Narrative Psychology*, pp. 111–12.
- 18 Sturges, *Narrativity*, p. 11.
- 19 Frank Kermode, *The Sense of an Ending: Studies in the Theory of Fiction with a New Epilogue* (Oxford, [1966] 2000).
- 20 Frank Kermode, *Poetry, Narrative, History* (Oxford, 1990), p. 35.
- 21 For example, Shapin in *The Scientific Revolution* discusses the importance of class (in the shape of 'gentility') to the acceptability of 'facts' to an educated audience a century or two earlier. How far this applied to the courtroom, especially by the period I am investigating, is moot. Shapiro, *A Culture of Fact*, has a robust attack on at least part

- of Shapin's thesis: 'whatever the courtroom was, it was certainly not a place of shared, gentlemanly trust' (p. 5).
- 22 Sarbin, 'Introduction and Overview', p. x; 'Narrative as a Root Metaphor', pp. 3, 8, 9, both in Sarbin, *Narrative Psychology*.
 - 23 Sarbin, 'Narrative as a Root Metaphor', in Sarbin, *Narrative Psychology*, pp. 12–144.
 - 24 The *Warwick and Warwickshire Advertiser*, *Birmingham Post* and *The Times* carried an identical account. *Warwick and Warwickshire Advertiser and Leamington Gazette*, 2 Nov. and 7 Dec. 1867; *The Times*, 4 Nov. and 2 Dec. 1867. I have not seen the *Birmingham Post*; but *The Times* acknowledges it as the source of its article.
 - 25 *Stratford Herald*, 1 Nov. and 2 Dec. 1867.
 - 26 She was described as a washerwoman in the 1861 census, and as a charwoman in the 1871 census.
 - 27 Carlo Ginzburg, 'Clues: Roots of an Evidential Paradigm', in Ginzburg, *Clues, Myths and the Historical Method*, trans. John and Anne Tedeschi (Baltimore, [1979] 1992), pp. 96–125.
 - 28 Stewart seems to have been an apprentice or assistant to the surgeon Mr Lane, who was also the medical officer to the Stratford Poor Law Institution. He does not appear ever to have qualified. Thanks to Dr Hall of the Wellcome Library for this information (see n. 1 above).
 - 29 In 1862 the Dutchman Izaak Van Deen had developed a presumptive test for blood using guaiac, a West Indian shrub, but the discovery a year later of Schönbein's hydrogen peroxide test seems to have carried the day. Stewart may have used Van Deen's guaiac test, although hydrogen peroxide was probably easier to find in Stratford-upon-Avon. See 'Forensic Science Timeline' (www.forensicsdna.com/Timeline.htm); Keith Inman and Norah Rudin, *Principles and Practice of Criminalistics: The Profession of Forensic Science* (Boca Raton, 2000).
 - 30 *The Times*, 4 Nov. 1867.
 - 31 J. K. Rowling, the author of the *Harry Potter* stories, said on *Desert Island Discs* that adults at book-signings sometimes solemnly whisper to her that 'they are trying out her spells'. Kingsley Amis's supernatural novel *The Green Man* (1969) was greeted as a true tale by many readers.
 - 32 A fuller account is in my unpublished paper 'James Tunnickliff's Story: The Narrative of a Cunning-Man'. The main source for the case is the *Staffordshire Advertiser*, 7 and 21 March 1857, which reported the committal hearing and the assizes trial respectively. See also Public Record Office (hereafter PRO), ASSI 5 177/17 f. 44, and also *The Times*, 7 and 24 March 1857.
 - 33 According to the newspaper both men were called Higgins.
 - 34 David Henry Monckton (MS London 1849, MD 1855, MRCS and LSA 1849), practised in Rugeley, and was associated with King's College London. He had continuing connections with the Royal College of Surgeons, in which he later held office, and contributed several articles to the *Medical Times and Gazette* (Information from Medical Directories kindly provided by Dr Hall of the Wellcome Library).
 - 35 The Medical Witnesses Act 1836 applied only to the investigation of suspicious deaths in coroners' courts, but its provisions might have been taken as laying down best practice for situations such as this. In particular, the Act stipulated that the medical witness should preferably be the man who had attended the deceased; failing that, it should be a medical man who saw the deceased soon after death; failing that, 'any qualified man practicing in the vicinity': Burney, *Bodies of Evidence*, pp. 108–9. *Mutatis mutandis*, Monckton would seem to have qualified under the last rubric, if indeed they were respected here at all.
 - 36 *Staffordshire Advertiser*, 7 March 1857.

- 37 Richard Mabey, *Flora Britannica* (London, 1997), pp. 131–3, who records that it is also called mandrake (which it is not) and wild vine. Mabey refers to Anne Pratt's *Poisonous, Noxious, and Suspected Plants of Our Fields and Woods* (London, 1857), pp. 107–9, but she seems to have confused white bryony (*bryony dioica*, family Cucurbitaceae) and black bryony (*Tamix communis*, family Dioscoreaceae). Her source may well be Alfred Swaine Taylor's influential *On Poisons, in Relation to Medical Jurisprudence and Medicine* (London 1848), p. 511, which, surprisingly, has the same confusion.
- 38 That bryony is a poison was known to Orfila, author of the first great manual on poisons, *A Treatise on Mineral, Vegetable and Animal Poisons, Considered in Their Relation with Physiology, Pathology, and Medical Jurisprudence*, trans. from the French by J. A. Waller, 2 vols (London, 1818), vol. 2, pp. 11–14, and his British followers such as Robert Christison, *On Poisons* (London, 1845), pp. 459–60, and Taylor, *On Poisons*, p. 511. In recent times, cattle have died from eating bryony root (see Mabey, *Flora Britannica*, p. 132).
- 39 No police records survive.
- 40 In 1851 the Belgian chemist Jean Servais Stas had devised a brilliant method for demonstrating the presence of vegetable poisons in human tissue – in this case nicotine. What is now called the Stas Otto method remains the basic test for alkaline poisons. For an account of the method, and of the murder which Stas thus helped to prove, see Linda Stratmann, *Linda's Crime Notes*, 'Tobacco and Crime' at www.parmaq.com/truocrime/Tobacco.htm (last checked 21 May 2002).
- 41 A. S. Taylor, *Medical Jurisprudence* (5th edn, London, 1854), pp. 26–34. The fourth edition (1852), if that was the latest to hand, was identical in this respect.
- 42 For Wakley's campaigns to reform the law of inquests to allow more scope for medical expertise, see Burney, *Bodies of Evidence*, e.g. pp. 56–7. For Taylor's attitude and evidence, see his *Medical Jurisprudence*, p. 27: 'there is no person so well fitted to observe these points as a medical man; but it unfortunately happens, that many facts important as evidence are often overlooked. The necessity for observing and recording them is not perhaps generally known.'
- 43 At one point Orfila reports that dogs poisoned with bryony die without distress, and he could be understood to aver that the same is true for humans, except that he goes on to say: 'A number of observers have attested that the administration of bryony has been followed by violent vomitings, accompanied with faintings, sharp pains, alvine [sc. 'of the intestines or belly'] evacuations profuse, and of a serious nature, great thirst, &c.' (*Treatise*, p. 13.) Monckton was probably right about the use of bryony in legitimate medicine. Christison, *On Poisons*, pp. 459–60, refers to its having been 'expelled from medical practice', but it has always been part of the herbalists' pharmacopæia. The earliest use of 'bryony' as recorded in the *Oxford English Dictionary* (2nd edn, 1989) is at least eleventh century: 'Genim as wyrte ð man bryonia nemnð' ('Pluck the plants which people call bryonia'). Thanks to Rod Griffin for the translation from Anglo-Saxon.
- 44 Davies relates an 1881 case from Somerset which failed when the accuser said he had never believed in the cunning-man's power to cure his wife, but had gone along with it for her sake. On another occasion, the same cunning-man was found not guilty when it was shown that he had cautioned his client not to pay him unless it was of her own free will: Davies, *A People Bewitched*, pp. 67–8.
- 45 John Anderson from Burton-upon-Trent was amongst the witnesses who were paid to attend for six and a half days (List showing 'Circuits of the Judges' for Stafford, on the Oxford Circuit, opening Friday 13 March 1857, PRO, ASSI 4/32).
- 46 *Staffordshire Advertiser*, 7 March 1857.

- 47 *Staffordshire Advertiser*, 21 March 1857.
- 48 Thomas, *Religion and the Decline of Magic*, p. 696.
- 49 The first mention of this that I have seen is in *The Times*, 16 Sep. 1830, purportedly from Ireland, but it recurs over the years.
- 50 For example, painting, sculpture and music can represent experience in non-narrative, non-verbal ways (although they all have narrative forms available to them, and perhaps even have their origins in narrative).
- 51 According to Tal Golan, 'The History of Scientific Expert Testimony in the English Courtroom', *Science in Context* 12 (1999) 7–32, the term was understood by the late eighteenth century: 'The 1795 edition of Lord Gilbert's seminal *Law of Evidence* was the first legal text to dedicate a distinct discussion to proof by expert testimony. In a new section titled "Of Proof by Experts," the editor, an English barrister named Capel Lofft, discussed the station of expert opinion on the legal continuum between fact and speculation' (p. 14). I am most grateful to Dr Watson for pointing me to this source.
- 52 Michel Foucault, *Discipline and Punish*, quoted, without page reference, in Ronald R. Thomas, *Detective Fiction and the Rise of Forensic Science* (Cambridge, 1999), p. 1. Also relevant, but not pursued here, is the debate about the 'culture of fact' (to use Shapiro's phrase) exemplified by the relevant work of Shapin, *The Scientific Revolution*; Lorraine Daston, *Wonders and the Order of Nature 1650–1750* (New York, 1998); Shapiro, *A Culture of Fact*. But see above, n. 22.
- 53 Quoted, p. 34, in Thomas, *Detective Fiction and the Rise of Forensic Science* from Alexander Welsh, *Strong Representations: Narrative and Circumstantial Evidence in England* (Baltimore, 1992), p. 35.
- 54 C. J. W. Allen, *The Law of Evidence in Victorian England*, Cambridge Studies in English Legal History (Cambridge, 1997), *passim*.
- 55 Quoted in Allen, *Law of Evidence*, p. 153, from *Parliamentary Debates*, 3rd series, clii, 762–3 (24 Feb. 1859) [Lord Campbell's speech].
- 56 Thomas, *Detective Fiction and the Rise of Forensic Science* is the latest, and his bibliography is an excellent guide to earlier studies.
- 57 Eugène François Vidocq, *Mémoires de Vidocq: chef de la police de sûreté, jusqu'en 1827, aujourd'hui propriétaire et fabricant de papiers à Saint-Mandé*, translated 1828 by H. T. Riley and published as *Memoirs of Vidocq, written by himself* (according to the Bodleian entry [last accessed 26 May 2002]).
- 58 James M'Levy, *The Casebook of a Victorian Detective*, ed. George Scott-Moncrieff (Edinburgh, 1975) [this reprints both *Curiosities* and *The Sliding Scale*]; William Henderson, *Clues, or Leaves from a Chief Constable's Notebook* (Edinburgh, 1889).
- 59 Henderson, *Clues*, p. 123.
- 60 M'Levy, 'The Bluebells of Scotland', in *Casebook*, p. 141.
- 61 Brian Levack, 'The Decline and End of Witchcraft Prosecutions', in Marijke Gijswijt-Hofstra, Brian P. Levack and Roy Porter, *Witchcraft and Magic in Europe: The Eighteenth and Nineteenth Centuries* (London, 1999), pp. 3–30.