

Salem Prosecuted:

The Role of Thomas Newton and Anthony Checkley in the Salem Witchcraft Crisis

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The names Thomas Newton and Anthony Checkley are not synonymous with the Salem witchcraft trials of 1692, as are Samuel Parris, Tituba, and Ann Putnam, Jr. Newton and Checkley were not among the accused or the accusers, nor were they directly involved in the interrogations of the accused witches at the trials. The role they played, as prosecutors in the legal proceedings, took the place mostly behind the scenes. They left no diaries or testimonies, and they have never been the subjects of any extensive scholarly exploration. The result is that Thomas Newton and Anthony Checkley have nearly disappeared into obscurity. A close examination of the record, however, reveals an intricate web of connections that tied them to prominent individuals and events in the Massachusetts Bay colony in significant ways. Many of those connections led to Salem and to the witchcraft trials. Although historical attention does not focus on Thomas Newton and Anthony Checkley, fragments of their stories live on in genealogical records, military histories, and legal reports. These suggest that the reach of, and the responsibility for, the Salem witchcraft episode go far beyond its well-known figures.

New England in the seventeenth century experienced waves of war and turmoil that would contribute to the extraordinary outbreak of witchcraft at the end of the century in Essex County, Massachusetts.<sup>1</sup> Tensions with the Indians were constant, and in 1675 King Phillip's War broke out between the English colonists and the Wampanoags. One colonist who served in this war was Anthony Checkley.

Captain Anthony Checkley was born in Preston-Capes, Northamptonshire, England in 1636, the son of William and Elizabeth Checkley.<sup>2</sup> In 1645, Anthony

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<sup>1</sup>See Mary Beth Norton, *In the Devil's Snare: The Salem Witchcraft Crisis of 1692* (New York: Knopf, 2002).

<sup>2</sup> Checkley was born on July 31, 1636; he would die in Boston on October 18, 1702. Josiah Granville Leach, "Some Account of Capt. John Frazier and his descendents: with notes on the West and Checkley families, 1910,"

Checkley and his uncle, the merchant John Checkley, became the first of their immediate family to immigrate to the American colonies. Checkley's first job in the Massachusetts Bay colony was "a position in the counting-house of his uncle," but he soon established a mercantile business of his own. In addition to his work as a merchant, Checkley began practicing law, although there is no record of him having a legal education (or any higher education). In 1664 Checkley married Hannah Wheelwright, daughter of the Reverend John Wheelwright, with whom he had five children: John, Sarah, Elizabeth, Mary, and Hannah. His second marriage to the widow Lydia Scottow Gibbs in 1678 produced no more children.<sup>3</sup>

Less is known about Thomas Newton, the only person involved in the Salem trials with formal legal training. Twenty-five years younger than Anthony Checkley, Newton (1661-1721) was born and educated in England, and came to Boston to practice law in 1688. Newton served for a brief time in 1691 as attorney general for the colony of New York, prosecuting capital cases involved in Leisler's Rebellion.<sup>4</sup> He then returned to Massachusetts and built a reputation as "the best lawyer in America," attaining the position of attorney general of the Massachusetts Bay colony in 1720.<sup>5</sup> He married three times: first, Record Ward in 1698 in Marlborough, Massachusetts; next, in 1714, Katherine Payn in Boston; and, finally, Sarah Sperry in 1719, also in Boston.<sup>6</sup> Newton

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[http://books.google.com/books/about/Some\\_account\\_of\\_Capt\\_John\\_Frazier\\_and\\_hi.html?id=E71MAAAAMAAJ](http://books.google.com/books/about/Some_account_of_Capt_John_Frazier_and_hi.html?id=E71MAAAAMAAJ) [accessed November 8, 2011].

<sup>3</sup>Ibid.

<sup>4</sup> *Civil List and Forms of Government of the Colony and State of New York* (Albany: Weed, Parsons and Company, 1870), 39. On Thomas Newton and Leisler's Rebellion, see Stephen Foster, *The Long Argument: English Puritanism and the Shaping of New England Culture* (Chapel Hill: University of North Carolina Press, 1991), 260.

<sup>5</sup> Francis Samuel Drake, *Dictionary of American Biography* (Boston: Houghton, Osgood, 1879), 657. Newton was born on January 10, 1661 in England and died on May 28, 1721 in Portsmouth, New Hampshire. For the quote, see Alden Chester and Edwin Melvin Williams, *Courts and Lawyers of New York: A History 1609-1925* (New York: The American Historical Society, Inc., 1925), 2: 468.

<sup>6</sup> Thomas Newton, Ancestrylibrary.com. [http://search.ancestrylibrary.com/cgi-bin/sse.dll?g\]=Root\\_CATE](http://search.ancestrylibrary.com/cgi-bin/sse.dll?g]=Root_CATE) [accessed November 9, 2011]. Newton's marriages are as follows: first, to Record Ward on August 17, 1698 in Marlborough,

was, according to his obituary, “affable, courteous, circumspect, devout, exemplary for family government, and all the duties of humanity.”<sup>7</sup> Perhaps Thomas Newton came to Massachusetts Bay as an answer to an appeal made in 1685, requesting that England send “some honest lawyers, if any such in nature.”<sup>8</sup>

These men, particularly Checkley, were linked in intriguing ways to other inhabitants of the New England colonies who would in some manner find their way to Salem in 1692. Checkley’s first wife, Hannah Wheelwright, was the daughter of the Antinomian clergyman John Wheelwright. John Wheelwright immigrated to the Massachusetts Bay colony in 1636 with his family, becoming minister of the church in what is now Braintree. Wheelwright shared and defended the religious views of his sister-in-law, Anne Hutchinson, which led to disputes with the General Court of Massachusetts Bay. When the General Court found him “guilty of sedition and contempt,” and banished him from the colony, Wheelwright and his followers moved to Exeter, New Hampshire. Another dispute arose when the town of Exeter was declared to be under the jurisdiction of Massachusetts, so he moved again with his family, this time to Wells, Maine.<sup>9</sup> In 1662, his banishment was lifted, and Wheelwright returned to Massachusetts Bay to become the minister of Salisbury, Massachusetts.

It is at this point that Wheelwright’s story takes an intriguing twist, one that would ultimately connect him, and his daughter Hannah, to Anthony Checkley and to the

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Massachusetts; next, to Katherine Payn on October 29, 1714 in Boston; and, finally, to Sarah Sperry on July 7, 1719 in Boston.

<sup>7</sup> *The New England Historical and Genealogical Register*, 17 (1863): 184.

<sup>8</sup> Benj. F. Harrington, *Municipal History of Essex County, Massachusetts*, 3d ser., 2 (Lewis Historical Publishing Company, 1922): 826.

<sup>9</sup> Josiah Granville Leach, “Some Account of Capt. John Frazier and his descendents: with notes on the West and Checkley families, 1910,”

[http://books.google.com/books/about/Some\\_account\\_of\\_Capt\\_John\\_Frazier\\_and\\_hi.html?id=E71MAAAAMAAJ](http://books.google.com/books/about/Some_account_of_Capt_John_Frazier_and_hi.html?id=E71MAAAAMAAJ) [accessed November 8, 2011].

Salem witchcraft trials. In 1679, while in Salisbury, Wheelwright took an assistant, a man by the name of George Burroughs. Burroughs, the record shows, “was engaged to render him [Wheelwright] aid.”<sup>10</sup> This was the same George Burroughs who would be accused and executed for witchcraft during the trials in Salem in 1692. Some of the charges used against Burroughs in his trial were his lack of religious orthodoxy, including “failures to take communion and to have his children baptized.”<sup>11</sup> Could George Burroughs have derived some of his religious independence from his mentor John Wheelwright? That independence would come back to haunt him.

Reverend John Wheelwright’s story leads back to Salem in one other significant way, which ultimately points to Anthony Checkley. In 1664, Wheelwright’s daughter Hannah married Anthony Checkley. As prosecutor in the Salem witchcraft trials after July 1692, Checkley would have been in a position to prosecute his father-in-law’s former assistant minister, George Burroughs, as an accused witch. Did Anthony Checkley know Burroughs, or know of Burroughs, before Burroughs was accused? There is nothing in the record to prove that, and Hannah Wheelwright Checkley was deceased by the time, but it is possible that gossip about his father-in-law’s assistant could have reached Checkley before the trials at Salem began.

The court records themselves reveal another curious turn in the narrative, further involving Anthony Checkley and George Burroughs. In creating the *Records of the Salem Witch-Hunt*, editor Bernard Rosenthal, Margo Burns, and others worked to identify the handwriting of individuals who were responsible for signing court documents. The

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<sup>10</sup> Charles H. Bell, *John Wheelwright, His Writings, Including his Fast-Day Sermon, 1637, and his Mercurius Americanus, 1645; with a paper upon the Genuineness of the Indian Deed of 1629, and a Memoir* (Cambridge: Harvard University Press, 1876), 75.

<sup>11</sup> Norton, *In the Devil’s Snare*, 152.

*Records of the Salem Witch-Hunt* shows that as prosecutors, Newton and Checkley were responsible for writing and signing the formal indictments of the accused. In addition, they signed the reverse side of each deposition and examination document, identifying the nature of the document (i.e. “Ann ffosters Examination and Confession”) for the court.<sup>12</sup> They then marked the document as official and ready for court use. An irregularity in this practice appears in the court documents of George Burroughs: prosecutor Anthony Checkley never signed them.

Anthony Checkley took his position as prosecutor for the Court of Oyer and Terminer on July 27, 1692; George Burroughs’s case went to the grand jury on August 3, to trial on August 5, and on August 19, 1692 Burroughs was executed for witchcraft. This chronology confirms that Checkley was serving as prosecutor during the time that the Burroughs case was in its legal phase. Checkley’s handwriting is absent, however, from all court documents pertaining to the Reverend George Burroughs.<sup>13</sup> The record shows that Checkley signed other documents prior to and after the Burroughs case, but he signed none of the indictments, testimonies, or examinations relating to George Burroughs. Checkley’s signature even appears on documents pertaining to the case of Mary Esty, a case that was being prosecuted alongside that of George Burroughs.<sup>14</sup> The omission of Checkley’s signature on the Burroughs documents is notable, yet its significance remains unclear. Was clerk of court Stephen Sewall, whose name appears instead on the Burroughs documents, simply filling in for Checkley? Or did Checkley

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<sup>12</sup> Bernard Rosenthal, ed. *Records of the Salem Witch-Hunt* (New York: Cambridge University Press, 2009), Document 419.

<sup>13</sup> *Ibid.*, Documents 453, 454, 455, 457 (documents pertaining to Rev. George Burroughs).

<sup>14</sup> *Ibid.*, Documents 459, 460 (documents pertaining to Mary Esty).

deliberately recuse himself from some of his usual duties as prosecutor in the Burroughs case?

Thomas Newton's connections in Massachusetts Bay were not as wide or deep as those of Checkley, likely because of his more recent arrival in the colonies (1688). The records of the Ancient and Honorable Artillery Company of Massachusetts, however, lead to both Newton and Checkley and connect them to a number of other individuals who appeared in Salem in 1692. They also lead to the frontier tensions with the Indians. The Ancient and Honorable Artillery Company of Massachusetts, founded in 1636, was a citizen militia that defended the New England colonies against Indian threats. The roster of this militia included many of the prominent and well connected men of the Salem and Boston communities, many of whom would play a role in the Salem witchcraft episode.

Anthony Checkley joined this militia in 1662; in 1683 he became a lieutenant (yet always referred to in the records as "Captain" Checkley).<sup>15</sup> In 1678, after the death of Hannah Wheelwright, Checkley married Lydia Scottow Gibbs; his new father-in-law, Joshua Scottow, had been a member of the militia since 1645 and had fought in King Phillip's War. Benjamin Gibbs, Lydia Scottow Checkley's first husband, joined the Company in 1666, served on the Connecticut River with Joshua Scottow in King Phillip's War in 1676, and met his death in that conflict. Two men who would be Checkley's pallbearers were also members: Elisha Hutchinson and Samuel Sewall. Hutchinson, a Boston magistrate who, working with Thomas Newton, sent the order in May 1692 to apprehend George Burroughs for trial in Salem, joined the militia in 1670.<sup>16</sup> Samuel

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<sup>15</sup>Olivia Ayer Roberts, *History of the Military Company of the Massachusetts, now called, the Ancient and Honorable Artillery Company of Massachusetts: 1637-1888* (New York: A. Mudge and Son, 1895), 197.

<sup>16</sup> Rosenthal, ed., *Records of the Salem Witch-Hunt*, Document 97.

Sewall, who would later serve as a judge in the Salem witchcraft trials, joined in 1679.<sup>17</sup> Notable ministers who would play prominent roles in the Salem witchcraft episode delivered the election sermons for the Company: Increase Mather in 1665, Samuel Willard in 1676, and Cotton Mather in 1691.<sup>18</sup> In 1702, after the witchcraft episode had subsided, Thomas Newton found his way to the militia and appears on the militia's roster. These two threads – service in the Ancient and Honorable Artillery Company of Massachusetts on the frontier, and participation in some capacity in the Salem witchcraft trials – appear too consistently in these individuals lives to be unrelated.

Service in this militia undoubtedly created an intense community bond among its members, who had participated in brutal and costly frontier wars. Later, when facing a different type of assault in 1692 – this time from the invisible world – some of these militia members would approach it with the same communal resolve. Many of the men who had fought Indians would also wrestle with witches. That they were unsuccessful against the first enemy meant that they needed to succeed against the second. And so in 1692, presented with another way to satisfy both God and their community, they pursued the accused witches with an energy that suggests more was at stake than a zeal to root out the devil.

In May 1692 Governor Phips created a court of Oyer and Terminer in Salem to prosecute the accused witches, appointing Thomas Newton to serve as prosecutor. Newton served in this capacity from the time the court was called into session in May until July, 1692, when he left Salem to assume a position in New Hampshire.<sup>19</sup> The

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<sup>17</sup> Samuel Sewall, *Diary of Samuel Sewall: 1674-1729*, Vol. 2 (Cambridge, Massachusetts Historical Society, 1882), 240. Hutchinson and Sewall would later serve as Checkley's pall bearers.

<sup>18</sup> Roberts, *History of the Military Company of the Massachusetts*, 243, 289.

<sup>19</sup> In October 1692 Newton would move again, this time to accept a position as Justice in York County, Maine. Roberts, *History of the Military Company of the Massachusetts*, 344.



reason for Newton's departure, in the middle of the witchcraft trials, is unclear. Did he choose to leave his position prosecuting accused witches? What could have been more urgent than ridding the holy commonwealth of the devil's accomplices? Governor Phips then turned to Checkley to be the final prosecutor for the trials.

The role that first Newton, and then Checkley, played as prosecutors for the Court of Oyer and Terminer in the Salem witchcraft trials is not altogether clear. It seems that it may also have been unclear to those involved – at one point Checkley complained that “All other officers know their powers duty and dues by the law, but Relating to the King's Attorney [sic] the law is Silent.”<sup>20</sup> The commission from Governor Phips to Anthony Checkley in July of 1692 attempted to define the role of the prosecutor: to “implead and prosecute all Offenders Capitall [sic] or Crininal [sic] then and there to be brought upon their Tryall [sic].”<sup>21</sup> Checkley was, then, to both “implead” – to bring legal action against the accused, and to “prosecute” – to pursue that action through the legal proceedings.<sup>22</sup>

The prosecutors were not charged with interrogating witnesses. In Salem in 1692, that job fell to the magistrates.<sup>23</sup> The work Newton and Checkley performed, as legal officers representing the government in these criminal witchcraft trials, was more preparatory to the trial. They wrote formal indictments, collected and signed depositions against the accused witches, and compiled the examination records for the magistrates to use in court. It was also their role to determine the order of the cases to be heard before

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<sup>20</sup>Rosenthal, ed., *Records of the Salem Witch-Hunt*, Document 852.

<sup>21</sup>*Ibid.*, Document 436.

<sup>22</sup>Implead – “to raise an action against.” “Prosecute” – to continue a course of action with a view to its accomplishment. *Oxford English Dictionary*. <http://www.oed.com/view/Entry/92444?redirectedFrom=implead#eid>, <http://www.oed.com/view/Entry/152932?redirectedFrom=prosecute#eid> [accessed Nov. 20, 1022].

<sup>23</sup>The magistrates were: William Stoughton, John Richards, Nathaniel Saltonstall, Waitstill Winthrop, Bartholomew Gedney, Samuel Sewall, John Hathorne, Jonathon Corwin, and Peter Sargeant.

the court. Thomas Newton made the first key decision in this regard. In a letter written on May 31, 1692 to Isaac Addington, Newton explained that he decided not to bring to court all the witchcraft cases at once, saying “we shall not this weeke try all [the accused] that we have sent for,” since it would be too “tedious” and because “the afflicted persons cannot readily give their testimonyes, being struch dumb and senceless for a season at the name of the accused.”<sup>24</sup>

Newton decided instead to focus on one case; the court would prosecute Bridget Bishop first. Newton likely believed that he had a potent case against Bridget Bishop, who had been tried (and acquitted) of witchcraft once before in 1680. The cumulative toll of this earlier accusation and the subsequent gossip that followed Bishop the 1692 accusation weighed heavily against her. The evidence against Bishop in 1692 included her husband’s deposition accusing his wife of sitting “up all night with the devil,” and describing how “the devil had come bodily to her.”<sup>25</sup> Newton selected Bridget Bishop as the first accused witch to be tried because he wanted to start with a strong case and establish the tone for the rest of the trials.

This tone would lead to more than one hundred accusations of witchcraft and nineteen executions. At one point, Checkley intervened in the sentencing: he told Governor Phips that three women condemned to death for witchcraft were “under the same circumstances” as “some of the cleared.”<sup>26</sup> When Governor Phips acknowledged the inconsistency and reprieved the three, Lieutenant Governor Stoughton was furious, wondering who it was “that obstructed the Execution of Justice, or hindered these good

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<sup>24</sup> Rosenthal, ed., *Records of the Salem Witch-Hunt*, Document 253.

<sup>25</sup> Sarah Nell Walsh, “Courtroom Examination of Bridget Bishop,” University of Virginia, 2001, [http://www2.iath.virginia.edu/salem/people/bishop\\_court.html](http://www2.iath.virginia.edu/salem/people/bishop_court.html) [accessed Nov. 18, 2011].

<sup>26</sup> Checkley, as quoted in Norton, *In the Devil’s Snare*, 291.

proceedings.”<sup>27</sup> In this case, Checkley saved lives. Other prosecutorial actions he and Newton took would lead to convictions and, in some cases, executions.

As prosecutors, Thomas Newton and Anthony Checkley followed legal procedures, calling cases to trial and ensuring that documents and indictments were properly prepared and entered into the court records. They seem to have fulfilled their duties diligently, although they do not get much attention in the historical record or from historians. The fragments of evidence that survive show Newton and Checkley to be part of an intricate network of people and institutions – of family connections and militia organizations – that converged in Salem in 1692. What does not emerge from the very thin record regarding Newton and Checkley is any indication of what they thought about these proceedings. They played a role in sending many people to their deaths; surely they had to reflect on this. As support for the prosecutions eventually faded, did they come to regret their part in the trials? This and other questions remain unanswered, and their stories must remain incomplete. Those stories are not without meaning, however. They demonstrate that in 1692, many roads did indeed lead to Salem, and also that many must share the burden of responsibility for the witchcraft episode.

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<sup>27</sup> Lieutenant Governor Stoughton, as quoted in Norton, *In the Devil's Snare*, 292.

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