

Niall Chithelen
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It Takes a Witch to Punish a Rapist: Timothy Swan and the Essex County Witchcraft Crisis, 1692¹

Timothy Swan (1663-1693) was a resident of Andover in 1692, a sufferer from what Emerson Baker calls a “mysterious illness,” a member of a disagreeable family, and an alleged rapist.² Over the course of the Essex County witchcraft crisis, sixteen women admitted to afflicting Swan, and he became a central figure in the Andover cases.³ In the chaos and suspicion surrounding the witchcraft trials, his would-be afflictrixes saw that Swan was visibly ill; they recognized their own revulsion toward him; and they concluded that they must be responsible for his sickness. Swan’s affliction became a warped form of justice; the women who admitted to afflicting Swan might well have been asserting their own ability to punish an offender whom the law had let free.

Conflicts in Andover and the Swan Family

Although the 1692 witch trials in Salem Village have been examined in great depth, the goings-on in Andover and surrounding villages remain murky. Mary Beth Norton describes the “spiraling circle of accusations,” whereby confessions and accusations piled upon one another, with accusations crossing village lines—Andoverites testified against George Burroughs, and

¹ I am using the term “Essex witchcraft crisis” from: Mary Beth Norton, *In the Devil’s Snare: The Salem Witchcraft Crisis of 1692* (New York: Alfred A. Knopf, 2002), 8.

² Emerson W. Baker, *A Storm of Witchcraft: The Salem Trials and the American Experience* (New York, NY: Oxford University Press, 2014), 15.

³ *Ibid.*, 238.

Ann Putnam Jr. (among others) accused various Andoverites of witchcraft.⁴ Emerson Baker looks back to the 1670s and 1680s, identifying “serious factional conflict” in Andover as an important factor in the progression of the trials.⁵ To make this claim, Baker turns to anthropologist Elinor Abbot’s work on Andover.⁶

Abbot argues that the Andover factions centered on issues of “blood and country”: the residents of South End were mostly Scots or other non-Britons, while those in North End were Britons from Hampshire and Wiltshire. She attempts to trace the blood and country lines through three interrelated conflicts leading up to the witchcraft crisis: the settling of seats in the town’s new meetinghouse; the declining popularity of the town’s aging minister, Francis Dane; and the continued existence of a town tavern that, to some, encouraged disorderly and untoward conduct. Abbot suggests that these fault lines should be evident in the course of the trials, and indeed many of the accused were Scots and/or kin of Francis Dane. Baker, in his analysis, emphasizes the unpopularity of Francis Dane and his kin—twenty-eight of whom would be accused of witchcraft—as being similar to pastor-based conflict in Salem Village. Both Baker and Abbot argue more generally that the crisis played out to a large extent along factional lines, and those lines had their bases in regional, social, ethnic, economic, and religious disputes.⁷

On the subject of village disputes, neither Abbot nor Baker makes much of the Swan family (Abbot does not mention the Swans at all). The Swans were not, in fact, longtime

⁴ Norton, *In the Devil’s Snare*, 233–36, 253–57.

⁵ Baker, *A Storm of Witchcraft*, 80.

⁶ Ibid, 319, fn 24.

⁷ Abbot does not establish definitively that Dane was a Scot; if he was, a considerably higher proportion of the accused were Scots. The material in the preceding paragraph comes from Elinor Abbot, *Our Company Increases Apace: History, Language, and Social Identity in Early Colonial Andover, Massachusetts* (Dallas, Tex.: SIL International, 2006), 134–150; Baker, *A Storm of Witchcraft*, 153.

residents of Andover.⁸ The conflicts in which they were involved, however, had no relationship to blood or country; rather, they stemmed from Robert Swan's general irascibility and Timothy Swan's alleged rape of Elizabeth Emerson.

In March 1684, Robert Swan was sued by John Whittier of Haverhill for "not keeping an agreement."⁹ Swan had apparently agreed three years earlier, in 1681, to give Whittier 35£ worth of crops in exchange for building a house. Their working relationship was acrimonious; Swan did not believe that Whittier would do the work, and Whittier found Swan overbearing. After a series of minor disputes over materials, Whittier declared that he wanted to forgo the contract altogether, concerned that otherwise "Swan will [trouble] me about the work."¹⁰ After more quarrelling, Swan lost the case. The only person who spoke expressly in support of Robert Swan was his son, Timothy.¹¹

In 1685, Timothy Swan was accused of being "uncivil" to and "fornicating" with another Haverhill resident, Elizabeth Emerson.¹² She became pregnant, but accused Timothy of coercion and "dragging her upstairs in her home and having sex with her while holding one arm across her throat to ensure her silence."¹³ Swan was found not guilty but ordered to support the child, which he did inconsistently.¹⁴ Before the illicit pregnancy, Elizabeth had already developed an unfortunate reputation in the community. In 1676, when she was a teenager, she had been beaten so severely by her father with a flail swingle (a large, sharp instrument used for cutting flax) that

⁸ Robert Swan, Timothy's father, was listed as "of Haverhill" as late as 1686. It is not clear when or why Timothy Swan moved to Andover. George F. Dow, ed., *Records and Files of the Quarterly Courts of Essex County, Massachusetts*, (Salem, Mass.: Essex Institute, 1911), 9:186. Hereafter *Essex Courts*.

⁹ *Essex Courts*, 9:185.

¹⁰ *Ibid*, 186.

¹¹ *Ibid*, 185, 187.

¹² *Ibid*, 603. These quotes likely do not reflect the exact accusation; they are Dow's rendering of a later conversation on the topic. Swan may have been accused of a more unsavory act; Dow tended to censor terms relating to sexual impropriety. Mary Beth Norton, conversation with author, November 15, 2017.

¹³ This is Baker's description. Baker, *A Storm of Witchcraft*, 158.

¹⁴ *Ibid*, 159.

he was brought to court. Around that time, rumors started to swirl regarding her liaisons with men. To the fabric of the town, Elizabeth Emerson's presence was thus doubly disruptive: her father had violated familial norms by beating her so savagely, and she herself was violating gender norms with her (reputed) promiscuity.¹⁵ If Emerson was telling the truth, she was still unlikely to win a conviction. For one, her unfortunate reputation preceded her and perhaps more importantly, the not guilty verdict might have been inevitable, given the longstanding view that a woman could not become pregnant from rape.¹⁶

In 1686, Robert Swan ended up in court again, this time for “defaming the acts of this court, in the sentences they passed upon [Nathaniel] Ayers and Caleb Hopkinson in allowing maintenance toward keeping their bastard children.”¹⁷ Swan made the defamatory comment in the course of a loud and unsolicited complaint delivered to other community members. He said that verdicts against his stepson (Ayers) and Hopkins were “two of the most unjust actions ever done and before he should be so dealt with, he would carry the case to Boston.”¹⁸ His words sat badly with the others, especially in light of his son's recent actions. When someone brought up the Elizabeth Emerson case—with Elizabeth's father present—Robert lashed out, saying that Timothy was not supposed to go into “that wicked house,” and he “could not abide the jade [whore].”¹⁹ At the defamation trial, many attested to Swan's inappropriate comments, including

¹⁵ Laurel Thatcher Ulrich, *Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650-1750* (New York, N.Y.: Knopf, 1982), 197-198; “Flail, n. and Adj.,” *OED Online* (Oxford University Press), accessed November 16, 2017, <http://www.oed.com/view/Entry/70967>.

¹⁶ Thomas Laqueur notes that this belief was both widespread and inconsistently adhered to over the centuries. Thomas Walter Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge, Mass.: Harvard University Press, 1990), 161-62.

¹⁷ *Essex Courts*, 9: 601.

¹⁸ *Ibid*, 603.

¹⁹ *Ibid*, 603. Dow often replaced the word “whore” with “jade,” and the quotations here did not come directly from the originals. Mary Beth Norton, conversation with author, November 15, 2017.

James Davis (the town constable), Sarah Davis, Constance Davis, Michael Emerson, Samuel Emerson, Nathaniel Smith, and Josiah Gage.²⁰

That Robert was fined and rebuked so harshly for defending Timothy indicates, moreover, that a large part of the community found Timothy's behavior disturbing. What followed could only have made it worse: in 1691, some neighbors discovered the bodies of two infants sewn up in a bag and buried in Elizabeth Emerson's yard. The discovery shocked the community, and in 1691 Emerson was convicted of murder. She was executed in 1693—just one of eleven people executed for murder in Massachusetts since 1630.²¹ Timothy Swan might have had no direct involvement in the crime—he was not the father of these children—but he was undoubtedly linked with Elizabeth Emerson in the minds of others. Illicit sexual acts in Puritan New England received attention both in the form of prurient gossip and attempts at moral redemption; considering what Elizabeth went on to do, the failure of the latter must have seemed a dire omen for the community.²² As for Swan, his role was clearly a corrupting one: he had fathered her infant by committing a crime—be it fornication or rape—and within a few years Elizabeth committed a crime against infants.

Justice by Witchcraft

The year after Elizabeth Emerson's conviction, she was joined in jail by a number of people who had confessed to afflicting Timothy Swan.²³ Timothy Swan did not become involved in the witchcraft trials the same way that many other afflicted did, however. He had not accused

²⁰ *Essex Courts*, 9: 601-605.

²¹ Ulrich, *Good Wives*, 196-99.

²² Ulrich, *Good Wives*, 198; Richard Godbeer, *Sexual Revolution in Early America* (Baltimore: Johns Hopkins University Press, 2002), 86, 89-94.

²³ Bernard Rosenthal, et al., eds., *Records of the Salem Witch-Hunt* (Cambridge: Cambridge University Press, 2009), 814-18. Hereafter RSW.

others of afflicting him. Rather, it seems that in the chaos surrounding the trials, people linked witchcraft, Timothy's illness, and their impassioned dislike of him, and came to believe that they had afflicted him—witchcraft had transmuted their private anger into physical harm.²⁴

The first few people who confessed to afflicting Timothy Swan did so without being prompted; when witchcraft arrived in Andover, they thought first of Timothy Swan. The very first mention of Swan in the trial records is odd: Ann Foster said in her examination that she “tyed a knot in a Rage & threw it into the fire” in order to hurt Timothy Swan. The quoted sentence was amended, however, and instead of Swan's name, it originally read “...threw it into the fire to hurt a woman at Salem Village,” with the woman being Goody Vibber.²⁵ It is not clear exactly why the recorder, John Higginson Jr., made this change, and the editors of the volume do not identify it as a separate hand or a separate instance of the same one, so the revision likely happened on the same occasion.²⁶

Given that Higginson Jr. was a resident of Salem and Goody Vibber had been established as afflicted there, it was more likely that Ann Foster, a resident of Andover, brought Timothy Swan into the trial. The original accusation against Ann Foster is no longer extant, but the editors of the trial records note that it was probably linked to the visit of two Salem Village accusers tasked with locating the source of the Andover resident Elizabeth Ballard's illness. If the Salem Village accusers brought the trials with them, they also brought the existing patterns of affliction and accusation. They did not, however, bring knowledge of Timothy Swan, his illness, nor his

²⁴ Marilynne K. Roach also suggests that Swan's afflictions might have been related to his encounter with Elizabeth Emerson. However, due to her focus on rigorously telling “the story” of what happened, Roach does not delve into what it *means* that people admitted to afflicting Swan as they did, and she has to flatten the patterns that emerged over time in the examinations (she presents all of the confessions together). Marilynne K. Roach, *The Salem Witch Trials: A Day-by-Day Chronicle of a Community under Siege* (New York: Cooper Square Press, 2002), 174-175, xv-xvi.

²⁵ RWS, 467.

²⁶ Ibid.

suspected crimes. Furthermore, the mention of Elizabeth Ballard would have divided the Andover community along well-drawn lines, as Ballard's husband had an established dislike for the Carriers, Danes, and now Fosters. But Ann Foster did not mention Ballard. Indeed, where Goody Vibber and Elizabeth Ballard fit nicely into the patterns of affliction and division from Salem Village, Timothy Swan did not.²⁷

Other admissions regarding Timothy Swan were similarly unusual. Mary Lacey Jr., the second to mention him after her grandmother Ann Foster, was not prompted to admit to afflicting Swan. Rather, she brought him up in response to the question, "Who did the Devil bid you afflict?"²⁸ Lacey Jr. likely knew the person whom Foster had already admitted to afflicting, but she admitted to afflicting no one else. In fact, only the third person who admitted to afflicting Swan—Mary Lacey Sr.—also admitted to hurting Elizabeth Ballard.²⁹

When Mary Toothaker admitted to afflicting Timothy Swan, she commented that she "did often think of him & her hands would be clinched together, And that she would grip the dishclout or any[thing] else. and so think of the persone [sic]; And by this & afflicting of [others] since she came down she is convinced she is a witch."³⁰ Toothaker's language recalls Ann Foster's earlier description of tying a knot "in a rage" to hurt Swan.³¹ Toothaker, moreover, was related to Elizabeth Emerson, and almost certainly knew that Emerson had accused Swan of raping her a few years prior earlier.³² Toothaker's visceral response to thinking of Swan, then,

²⁷ The material in the preceding paragraph comes from RWS, 930, 941, 945, 467; Abbot, *Our Company Increases Apace*, 147, 150.

²⁸ RWS, 478.

²⁹ And even then, the mention of Ballard reads like an afterthought. Ibid, 479.

³⁰ Ibid, 491. Baker also points out this connection when analyzing Toothaker (not Swan). Baker, *A Storm of Witchcraft*, 150.

³¹ RWS, 467.

³² Baker, *A Storm of Witchcraft*, 149–50. Toothaker's daughter, Martha, married Joseph Emerson (also of Haverhill) in 1690. RWS, 939. Joseph was Elizabeth's first cousin. "Elizabeth Emerson," *FamilyCentral Family History Services*, Accessed November 27, 2017, <http://www.familycentral.net/index/pedigree.cfm?ref1=6012:2079>; "Robert Emerson," *Geni*, Accessed November 27, 2017, <https://www.geni.com/people/Robert-Emerson/6000000003887711022>.

was anger, as she perhaps thought of how Swan had wronged her kinswoman. Notably, Toothaker reasoned that she was a witch because of her anger toward Swan *and* because of the “afflicting of [others].”³³ In less exceptional times, then, she presumably still wrung her towel when thinking of Swan, only with no result. During the witchcraft crisis, she had gained the power to exact a certain justice with her towel-wringing—Swan’s illness had become an affliction. Multiple confessors went on to say that they had afflicted Swan on behalf of someone else in the community.³⁴ Nobody mentioned Elizabeth Emerson, but there were few plausible alternatives.

As the examinations progressed, new patterns of affliction and accusation formed with Swan as a reference point, and. Mary Lacey Jr. mentioned that Richard Carrier—who had been roped into the trials earlier—had helped afflict Swan. Mary Lacey Sr. then said Carrier’s mother—who had been accused earlier by Salem Village residents with no mention of Swan—had been involved, as had Mary Bradbury.³⁵

When Richard Carrier was examined, he had been tortured, and he was asked directly about Timothy Swan. If the judges were looking for convictions, they had found a reliable member of the afflicted in this ill, unpopular man. Soon after Richard Carrier’s examination, the accused began to mention also afflicting people from Salem Village like Ann Putnam Jr. and Mary Walcott. Putnam Jr. and Mary Walcott each mentioned, in turn, that they saw accused from Andover and Haverhill afflicting Swan. They certainly saw no such thing, but they were afflicted and so was he, and they knew at this point the appropriate people to accuse of witchcraft. Timothy Swan himself began to participate in some of the trials, even putting up bond at least

³³ RWS, 491.

³⁴ Roach, *The Salem Witch Trials*, 175.

³⁵ RWS 478, 479.

twice to see the prosecution through—a notable expenditure from the man previously unable to pay his child support. Once the accusations crossed town boundaries and trials became more rote, the Swan accusations folded into the broader trends that Baker and Abbot describe; many of those accused were among Francis Dane’s extended family. Swan’s earlier transgressions paled in the glare of a witchcraft crisis.³⁶

Back to Normalcy, 1693

Mary Beth Norton has explained how accusers in the witchcraft crisis took on “‘official’ duties in the invisible world.”³⁷ They “solved crimes,” they “spied,” they defended New England, and meted out justice at a time when the male system had broken down.³⁸ These women, mostly young and traditionally powerless, upended the system in a time of crisis.³⁹ In Andover, however, it was the *accused* who brought justice to the case of Timothy Swan. Witchcraft was a form of empowerment; it changed what would otherwise have been Swan’s mundane illness into an affliction, a form of unacknowledged retribution for the man’s defiling of Elizabeth Emerson. The accused, in coming forward as witches and claiming that they had acted on behalf of another member of the community, had given themselves the power to punish a man whom the legal system had but fined.

This power did not last long. By January 1693, new courts were convened and many of the accusers, including Mary Lacey Jr., were found not guilty.⁴⁰ They were now free, no longer under threat of execution, relieved of the stigma of witchcraft. But, the verdict of not guilty

³⁶ RWS, 482, 496, 514, 495, 546.

³⁷ Norton, *In the Devil’s Snare*, 303.

³⁸ Ibid.

³⁹ Ibid, 304.

⁴⁰ RWS, 797, 768, 778-790.

meant that they had not in fact afflicted Timothy Swan, and their episode of power was over. In February 1693, Timothy Swan died from whatever illness had actually been afflicting him. On June 8th, 1693, Elizabeth Emerson, having sat in prison in Boston through the entirety of the trials, was executed for murder.⁴¹ The specter of witchcraft had receded, the colony's legal system was running once again, and justice was back in the unclenched hands of magistrates and men.

⁴¹ Ulrich, *Good Wives*, 200.

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