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FROM THE EDITOR'S DESK

The Martindale-Hubbell Law Directory, available in book format and on LEXIS, now facilitates the location of information on attorneys and the firms with which you have scheduled interviews. It also continues to provide abstracts of the statutory law of numerous jurisdictions.

No longer is it necessary to know the city and state where an attorney practices when trying to locate information about them in Martindale-Hubbell. The 1992 edition contains two new volumes (16 and 17) which include an alphabetical index of attorneys represented in the professional biographical section of the directory. Although this directory does not include all attorneys, it is the most exhaustive international source available for locating information on attorneys and law firms.

The Martindale-Hubbell Law Directory also includes volumes which encompass state, federal and international law digests. The law digests are summaries of the statutory law in each jurisdiction covered. Although not definitive, the digests provide a synopsis to use as a starting point for statutory research in an unfamiliar jurisdiction. A

number of uniform and model acts as well as several model rules of professional conduct are also contained in law digest volumes. ...MR

THE SALEM WITCH TRIALS: 300 YEARS LATER

This year marks the 300th anniversary of the Salem witch trials, which resulted in 22 deaths: 19 hangings, one death by crushing, and two deaths in prison. Witchcraft was viewed as a threat to Christianity, so Puritan New England was a particularly inhospitable environment for suspected witches.

Accusations

The accusations began in January, 1692, when a young girl exhibited symptoms of forgetfulness, trancelike stares, animal-like noises, and crying episodes. Next afflicted was her eleven-year-old cousin who would bark like a dog or bray like a donkey and at times, run flapping her arms, as if attempting to fly. More young girls became stricken with similar symptoms, including choking, muscle spasms and fits, and the inability to pray. When a series of doctors could find no medical explanation for these strange ailments, the conclusion was drawn that the girls must be bewitched.

Because it was believed that victims of witchcraft knew who was harming them, the girls were asked to identify their tormentors. At first they refused, but when pressured, they named Tituba, a slave; Sarah Good, a housewife; and Sarah Osborne, a prosperous widow.

On February 29, warrants were issued for the arrests of these women. They were examined by two local magistrates. At the hearings, Tituba confessed to practicing witchcraft and the two other women denied their guilt. All three were incarcerated in a Boston jail. Earlier outbreaks of witchcraft usually ended at this juncture with sentencing. But because the colony's charter had expired, local officials did not have the power to hold trials. Possibly the Salem episode continued because there was no legal resolution. Instead, additional accusations were made and the arrests continued.

In May, the colony's leader returned from England with the new charter and appointed Sir William Phips as the new governor. Phips decreed that the trials of the jailed witches should begin at once and he convened a special court, the Court of Oyer and Terminer, to hear the cases. From its first session on June 2, 1692, to the dissolution of the court on October 30, 1692, twenty-eight defendants were convicted, and most of this number were executed by hanging on Gallows Hill. Several avoided death by confession, pregnancy, or escape.

Phips appointed seven judges to organize and run the trials. In addition, a jury of twelve male church members was to hear the evidence and decide innocence or guilt. Then the judges would determine the punishment. Lawyers were not allowed to advise suspects, even though the charter permitted such consultation. In fact, lawyers were barred from practicing in the colony because the Puritans felt they could not be trusted.

Evidence

The court determined that it would consider several types of evidence. A confession was the most significant type of proof. Interestingly, those accused who confessed were usually not executed. Instead, they were encouraged to "cry out on" other witches. Presumably, the

confessors were to be executed later when their testimony was no longer required.

Public tests also served as proof of guilt. One test involved observing the hysterical reactions of the victims when near the accused. Another popular test was the recitation of the Lord's Prayer. Supposedly, a witch's loyalty to the devil would prevent her from reciting the prayer without a mistake. However, during a trial filled with spectators and screaming girls, it was next to impossible to recite the words correctly, and even a one-word error was considered proof of guilt. A third test was the "laying on of hands," during which the accused witch would touch an afflicted victim. If the girl was cured of her fits, the spell had returned to the witch's body. Some Puritans were concerned that these tests were witchcraft in their own right and that the court "ought not to practice witchcraft to discover witches." Despite this apprehension, however, these "trials by tests" were employed in at least eight of the trials.

Empirical evidence in the form of the Devil's mark or witch's tit was also introduced. This physical evidence was an unnatural protuberance on the accused's body, which supposedly was insensitive to pain. The accused witches would be searched for moles, warts, and scars, which would then be pricked.

Testimony from villagers about past incidents was also sought. Evidence of injury, illness or property damage was proof that the accused had cast a spell in revenge. Also considered were superhuman feats, such as lifting extremely heavy objects or mind-reading.

The court relied most heavily on spectral evidence, or testimony from a victim that a suspect's ghostlike spirit or "shape" had hurt them. Because only the victim could attest to spectral evidence, the judges tried to substantiate this evidence with physical evidence, such as matching teeth to bite marks.

In early 1693, Governor Phips instituted a rule that no conviction could be based on spectral evidence. After this rule took effect, no more suspected witches were convicted.

Using these forms of evidence, the court convicted twenty-eight men and women of witchcraft. One of the accused, Giles Cory, stood mute before the judges and would not enter a plea of guilt or innocence; therefore, legally he could not be sentenced. To force a response, the authorities resorted to "peine forte et dure," a procedure in which stone weights were placed on Cory's body. Cory remained silent, and died after two days of this torture.

Legal Redress

Those who were jailed (or their families) had to pay the jailer for food, services, and the chains that bound them. Often personal property was seized to pay these fees. Additionally, any person receiving a death sentence was subject to the laws of attainder and lost civil and legal rights. In 1709, twenty-one of the survivors and families of the accused petitioned the court to regain their civil rights and property. Two years later, the General Court reversed the attainders and legal restrictions and compensated the petitioners.

Those accused who did not have children were not cleared for over two hundred years. In 1950, a distant relative of an executed witch asked the Massachusetts court to officially pardon and drop all charges against her relative and all the convicted witches. The court refused, reasoning that because the colony had been under English control when the trials took place, only an English court could clear the names. The English courts also refused. In 1957, the Massachusetts state legislature acted and passed a resolution clearing all names.

Theories

Several theories have attempted to explain the Salem witch frenzy. Many believe that some of

the girls suffered from mass hysteria. Others hypothesize that the girls acted and pretended in order to gain attention and to add excitement to their otherwise dull lives. Some historians think that many of the villagers had seen "shapes" themselves, probably induced by the powerful herbs used to cure illness, so it was not hard for them to believe the girls had also seen shapes.

Two historians have advanced a rather different theory after studying the trial records and colony documents extensively. They discovered that villagers living on the east side of Salem were prosperous while those residents on the west side had been struggling. Additionally, these two segments of the village had quarreled for over twenty years about ministers. These historians posit that the girls' accusations were readily accepted because they were made against longtime enemies.

No matter which theory is accepted as plausible, the fact remains that innocent people died based on evidence that was contrived or suspect. While this 300th anniversary will not be a celebration, it can serve as a opportunity to reflect on how one small community dealt with a devastating legal and moral crisis.

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INTERLIBRARY LOAN

It is time once again to introduce newcomers to our interlibrary loan service. Faculty, second and third years should already be familiar with these instructions. We hope that first year students will assist us to expedite their requests by doing the following:

1. Always search the LION terminal first to see if either Law or Swem (the College's Library) possess the material;
2. If you personally go to Swem, be sure to look both on LION and in the **old card catalog** as this is the key to locating older material. Indeed, this same procedure should be pursued when searching at the Law Library;
3. When an ILL request is necessary, forms are available at the circulation desk. Please complete all the information;
4. Provide as full a cite as possible -- an incomplete cite prolongs the time it takes to process the request;

5. Try to give us sufficient notice to send for the books or photocopies you require. Many requests are received within four or five days, but it could take a week to ten days. We will, of course, do our best to find the material close at hand but this is not always possible.

Requesting a copy via FAX is an option when copies are needed quickly. We maintain free FAX agreements with the academic law libraries in both Virginia and the Southeast region. Other libraries may charge for FAX requests and the charge is passed on to the patron.

If you follow the above instructions to the best of your ability, it will be easier for us to play our part and obtain the necessary material for you with the minimum delay. If you have questions concerning ILL services, feel free to ask. Thanks for reading (or re-reading) this and we promise you our very best service at all times. ...JP

BITS & BYTES

LEXIS & WESTLAW Printing. We are experimenting with new LEXIS and WESTLAW printer configurations to make printing from online systems more efficient. With your individual LEXIS and WESTLAW passwords you can print entire documents, multiple pages from selected documents, or citation lists only to the stand-alone laser printers. Students' passwords also allow downloading documents from the databases to a floppy disk. You can still print screens of information to the printers attached to each terminal. Please note that passwords have been programmed into the "walk up" terminals located throughout the Library. These terminals only allow screen prints or download to disk.

To practice efficient use of our printing and downloading options please observe the

following guidelines. Print only those materials which cannot be found in hard copy in the Library. Also before you press the print key, make sure you are going to retrieve what you really want. It is not an efficient research practice to automatically print every document your research produced. Instead, first scan the documents in KWIC or TERM mode to determine relevancy. You can then print just the most relevant documents or their citations. Prints sent to the stand-alone printers are collected and sorted by the student LEXIS and WESTLAW representatives and placed in file folders in the CALR Learning Center.

These changes to LEXIS and WESTLAW printing are experimental. If there is continued misuse of CALR printing functions, we will try other options. Our goal in the Library is to try to prepare students for life beyond Marshall-Wythe. Please remember that law firms seriously object to associates wasting client money by indiscriminately printing everything they retrieve from online research. Practice good online habits and print only what is not available in the Library.

Additional Terminals. Many of you may not know the extent of our stash of computer terminals. For those who haven't explored every nook and cranny of the Law Library, I would like to point out where additional LEXIS, WESTLAW, and multipurpose computer terminals are located.

LEXIS Terminals:
Typing Rooms F,G,H,I

WESTLAW Terminals (coming soon):
Typing Rooms A,B,C,D

PCs connected to student network:
Typing Rooms P,Q,R

If all the terminals in the Computer Lab or the CALR Learning Center are in use, remember our other "stash" of terminals.

WordPerfect Classes. MWLL Computer Services has scheduled several one hour classes for October. The classes are:

Introduction to Wordprocessing on WordPerfect

Job Searching with WordPerfect

Advanced Wordprocessing on WordPerfect

A detailed schedule of the various class presentations is posted in the Computer Lab and at the circulation desk. If you are interested in attending a class, please sign up for a time in the Computer Services Sign-up book at the circulation desk. ...MGH

LIBRARY TRIES WILSON DATABASES

The Law Library has signed a trial subscription for several CD-ROM periodical databases produced by The H.W. Wilson Co. The databases we have received are: Social Science Index, Index to Legal Periodicals, Readers' Guide Abstracts, and Wilson Business Abstracts. Access to these databases is through a computer and CD-ROM reader located in the Reference Room. General instructions for searching the Wilson databases are located next to the computer. Please remember to use these indexes in your research and let the librarians know what you think. If you have any questions about the Wilson CD-ROM databases please see Mary Grace Hune in the Reference Department. ...MGH

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