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“Take Heed of Revelations:”  
Puritanism, Spirituality, and Mental Instability in the Case of Dorothy  
Talbye

By: Elizabeth Paulson

**Abstract:** This project is a detailed exploration into the spectacle of Dorothy Talbye’s execution in Massachusetts in 1638, where I speculate on how this event reflects colonial attitudes toward punishment, spirituality, and mental illness. Talbye was hanged for the murder of her three-year-old daughter, Difficulty. While this is not the first case of child murder in early America, Talbye’s case has a significant historical legacy due to the controversial nature of the court’s ruling regarding her mental stability and execution. In his journal, Governor John Winthrop wrote that he believed that Talbye did not act out of malice but murdered her daughter because of Satan’s persuasions. By examining Winthrop’s entry on Talbye’s offenses and other legal documents, I argue that Winthrop’s perspective provides a lens through which we can understand how New England Puritans understood mental illness as a spiritual or religious problem that could be cured with faith, frequent confession of sins, and repentance.

**Keywords:** *Puritanism, mental illness, filicide, Early America, crime, punishment*

Dorothy Talbye (1598-1638) was executed in Massachusetts in 1638 for the murder of her three-year-old daughter, Difficulty. To be sure, this is not the first case of filicide in early America; however, Talbye's case has a significant historical legacy due to the nature of the court's ruling in favor of her death despite her clear mental instability recognized by her contemporaries. John Winthrop (1587/88-1649), governor of the Massachusetts Bay Colony at the time, wrote that he believed that she did not act out of malice or cruelty but murdered her daughter because Satan told her to do so. Winthrop's journal, as well as church and court records, provide a look into the interconnected nature of mental illness and spiritual delusions in Puritan society. The life of Dorothy Talbye is an important, yet often overlooked, case study on colonial attitudes toward punishment, spirituality, and mental illness; this instance of filicide is rarely mentioned in secondary literature, effectually relegating Talbye as an ancillary figure in the study of law and crime in early America. Therefore, due to the lack of secondary sources, this project is largely based upon primary sources and archival material. By thoroughly examining texts regarding Talbye's life and offenses, I argue that the Puritans viewed mental illness as a spiritual or religious problem that could be cured with faith, frequent confession of sins, and repentance.

In the secondary literature on crime in early America, Dorothy Talbye's case is often overlooked despite its historical significance. While her story is occasionally mentioned in sensationalized journalistic publications, such as *Women Who Kill* by Ann Jones, the vast majority of historical secondary sources have relegated Talbye to the sidelines, likely due to the lack of documentation on court cases in the seventeenth century. *Murder and the Death Penalty in Massachusetts* by historian Alan Rogers briefly mentions Talbye's case, likely because Talbye was the first woman executed in the state. However, out of the 512 pages in Rogers' monograph,

Talbye's entire life story only takes up a single page.<sup>i</sup> In addition, Rogers' descriptions of Talbye are not unbiased; for example, he writes that she had "pathetically" confessed her crimes to the magistrate, despite the lack of evidence describing how she acted at that time.<sup>ii</sup> Therefore, my investigation will be largely focused on the contemporary primary sources that mention Talbye's case.

To be sure, there are various limitations of these sources. It is important to mention that John Winthrop only mentions Talbye in a single entry after she murdered Difficulty; it is quite likely that he was looking at her past through hindsight and an extremely biased lens. Despite Winthrop's influence as Governor, his account is not representative of the entire Salem community. In addition, the lack of an official law code from the Massachusetts Bay Colony at this time, as well as the small number of primary sources, make it difficult to fully put together Talbye's life story. However, it is still possible to make arguments based on the limited sources available because they retain insights and values of Salem Puritanism and community life.

Winthrop's journal is one of the most detailed sources from this period. Though he only has a page-long entry in his journal on Talbye, it is a comprehensive account that highlights Winthrop's perspective on Talbye's mental and spiritual decline. Winthrop's position as governor and his jurisdiction in legal proceedings give this account authority and accuracy.

Furthermore, since his journal entry on this case was written soon after her execution in December 1638, it is the most contemporary source on this case. In addition to Winthrop's journal, I draw upon various other sources as supplementary material for information on the Talbyes, such as the "Records and Files of the Quarterly Courts of Essex County, Massachusetts," marriage documents from England, and baptism records from the First Church of Salem. As for legal documents, though the *Massachusetts Body of Liberties* was not officially

compiled in 1641, meetings about creating a law code were already taking place as early as 1635.<sup>iii</sup> Since the laws that were officially established in 1641 were being discussed years earlier, I use the *Body of Liberties* to support my examination of Talbye's case, as it is unlikely that any major changes would have been made from 1638 to 1641 on severe crimes such as murder. To supplement the *Body of Liberties*, I also draw from the Magna Carta, as Winthrop states that the goal of the *Body of Liberties* was to “frame a body of grounds of laws, in resemblance to a Magna Carta,” and the Bible, which is explicitly cited as evidence in both Winthrop’s journal and the *Body of Liberties*.<sup>iv</sup>

In this article, I will be focusing on the early Puritan community in Salem, Massachusetts. English colonists arrived at *Naumkeag* (now modern-day Salem), a pre-colonial settlement of indigenous people, in 1626. Due to war and disease that significantly decreased the indigenous population, the English colonists met little resistance as they moved into the area. In 1628, the Massachusetts Bay Company arrived, and one year later in 1629, the Salem Charter was issued by the English Crown.<sup>v</sup> In the same year, the Puritans founded the First Congregation Society. Generally speaking, the Puritans were a radical sect of English Protestantism who became disillusioned with the Church of England, as they believed it was becoming too similar to Roman Catholicism. Therefore, in the 1620s and 30s, many migrated to New England to create a new social order. According to religious historian Michael P. Winship, “religion in this period was understood to mean the worship of God” — not just in church on Sunday, but in all aspects of daily life.<sup>vi</sup> In New England, the Puritans embodied and lived through Biblical teachings every day, separating themselves from England, who had broken her covenant with God. In addition, they believed in predestination, or the idea that participation and belief in Christianity would not lead to salvation alone because God had the privilege of picking and choosing who would be

saved. However, early American Puritans were not a monolithic group, as there were various degrees of difference in each colony. At the end of 1630, for example, there was considerable debate surrounding the degree of separatism from the Church of England. In Salem specifically, congregations leaned heavily toward the opinion of complete separation from English Protestantism, differing from other colonies in Massachusetts.<sup>vii</sup> While I cannot make broad generalizations due to the specificities of the circumstances surrounding Talbye's life and crimes, this case can be used as evidence to spark further conversations regarding the relationship between religion and mental instability in early America.<sup>viii</sup>

Dorothy Rowlinson was born in Lincolnshire, England in 1598, and was baptized in that year at Braceby Church.<sup>ix</sup> On November 14, 1619, she married John Talbye in Threkingham, Lincolnshire, England.<sup>x</sup> She likely sailed to New England sometime in the early 1630s because, in 1636, the First Church of Salem recorded the baptism of her daughter, Difficulty.<sup>xi</sup> In Salem, she lived with her husband, John, and her four children on a small farm.<sup>xii</sup> Her early life in the colony is recorded by John Winthrop, Governor of the Massachusetts Bay Colony at the time. After John Winthrop sailed to New England in 1630, he was elected Governor, holding office from late 1630 to 1634. He would hold office again from 1637-1640, which were the years in which Talbye's condition further deteriorated. According to Winthrop, in her early life, she was considered by many in the community to be a devout Puritan. She belonged to Salem's church and, in Winthrop's words, was a woman "of good esteem for godliness."<sup>xiii</sup> However, she often fell into periods of what Winthrop calls "melancholy or spiritual delusions," highlighting his explicit acknowledgment of her mental instability in the years before murdering Difficulty.<sup>xiv</sup>

Not only did she deal with periods of melancholy, but she also dealt with spiritual delusions. In these times, Winthrop reports that "she sometimes attempted to kill [her husband]

and her children and herself, by refusing water, saying it was so revealed to her” by a voice she believed to be God.<sup>xv</sup> As illustrated by this quote, Winthrop understood that there was a reason behind her actions; Talbye acted in this way because “God” was telling her to do so. Though it is difficult to tell whether or not Winthrop believed her melancholy was inherently spiritual, he seems to recognize there was a connection between the two. According to English writer Robert Bolton in *Instructions for a Right Comforting Afflicted Consciencs* (1631), melancholy was a disease of the mind and body. One common psychological symptom was spiritual delusions and apparitions; these hallucinations were often believed to have been the voice of God or to have come from Heaven by the person who had them, rather than being the influence of melancholic vapors.<sup>xvi</sup> In this case, when Talbye believed she was hearing the voice of God, it was likely instead spiritual delusion rather than a religious revelation, as Winthrop notes in his journal.

In April 1637, Dorothy was on trial for physically assaulting her husband, John Talbye, but never showed up to court. According to the “Records and Files of the Quarterly Courts of Essex County, Massachusetts,” the magistrates presiding over her case declared that Talbye, “for frequent laying hands on her husband to the danger of his life, and contemning authority of the court,” would “be chained to a post, being allowed only to ‘come to the place of God’s worships’ until she repents.”<sup>xvii</sup> This punishment not only highlights the emphasis on visibly shaming sinners in Puritan societies, but also the importance of repentance, as she would only be able to gain her freedom when she confessed her sins and outwardly asked for forgiveness, making her repentance a public spectacle. After being freed from her punishment, the church leaders admonished her for her actions and tried to reform her through religion. However, Talbye would not visit the church as ordered because she stated that she did not need it to talk with God and had found her own means of communication with him.<sup>xviii</sup> She turned her back on the church of

Salem, so the elders decided to excommunicate her. For the Puritans, excommunication was a conditional state that was meant for restoration and repentance.<sup>xix</sup> To save the community from being poisoned by their sins, a sinner would be excommunicated. The sinner would be cut off not because of their offense, but their unwillingness to repent, and would be absolved once they ceased this behavior.<sup>xx</sup> The threat of excommunication was a heavy one. In early America, religion played a large role in maintaining one's morality and good character. Based on Winthrop's account, Talbye was never absolved despite the church's best efforts.

In a similar example, the wife of a man named Hett was cast out of Boston's church in 1643. Winthrop wrote that "within a few weeks after her casting out, she came to see her sin and lay it to heart, and to frequent the means, and so was brought to such manifestation of repentance and a sound mind, as the church received her in again."<sup>xxi</sup> This woman was able to manifest repentance and a sound mind by acknowledging her sin and was later brought back into the Church. Not only does this further point to the importance of repentance in Puritan society, but it also highlights Winthrop's belief that her permanent break with the church was a breaking point. Conversion and participation in the church marked individual and communal salvation. If Talbye had come to terms with her sins after being excommunicated, like the wife of Hett, then perhaps she could have been "cured" of her spiritual problems through repentance, as Winthrop believed. It is important to note that church attendance and absolution for her sins would not have improved Talbye's mental stability. However, this was the common belief at the time, due to the radical emphasis of faith and worship in every aspect of Puritan society. Bolton, for example, believed that melancholy could be cured through spiritual purification of the excess black bile created by sadness in the body.<sup>xxii</sup>



Over the course of the next year, Talbye's mental state became more unstable. In July 1638, court records from Essex County state that she was "whipped for misdemeanors against her husband."<sup>xxiii</sup> Being chained to a post and whipped were not only disciplinary actions meant to dissuade Talbye from sin, but they were also a warning to onlookers that the same would happen to them if they strayed from salvation. Religion and domestic life were matters of the community, and, therefore, offenses were enacted publicly for all to see.<sup>xxiv</sup> In the time after her whipping, Winthrop reports that she "was reformed for a time, and carried herself more dutifully to her husband," thus illustrating his belief that the physical act of whipping worked as a method of spiritual and mental reform.<sup>xxv</sup> For a short period between July and November 1638, Talbye did not publicly act out. It is important to acknowledge that Winthrop and the community likely believed they were helping Talbye rid herself of her spiritual delusions and reform herself, thus saving her from damnation.

In November 1638, Talbye broke her three-year-old daughter Difficulty's neck. Winthrop wrote that "she was so possessed with Satan, that he persuaded her by his delusions, which she listened to as revelations from God, to break the neck of her own child, that she might free it from future misery."<sup>xxvi</sup> Winthrop emphasizes that Satan persuaded her to kill Difficulty for what can be interpreted as "just" reasons: to save her child from what Talbye believed to be a life of "further misery." Here, Winthrop eliminates some of Talbye's agency in her crime; there is an implication that, had Talbye not been plagued by melancholic vapors, that she would not have killed Difficulty. As I stated above, the Puritans believed that spiritual delusions were a symptom of melancholy. Though Talbye believed she was hearing the voice of God, Winthrop makes it clear here that he believed these "revelations" to be the result of Satanic delusions. However, though there was acknowledgement that she was not in her right mind based on Winthrop's point

of view, Talbye was not punished unfairly; it was Talbye, not Satan, who committed filicide. From a modern perspective, being chained to a post, whipped, and excommunicated from the church are extremely unhealthy ways to treat mental health issues and likely only exacerbated Talbye's symptoms. While Winthrop and many of his contemporaries believed that these methods of curing spiritual problems worked for a time, they were not enough to save Talbye entirely.

According to the *Massachusetts Body of Liberties*, which was officially compiled in 1641 and made up of many smaller pieces of legislation passed in earlier years, the punishment for murder was clear: "If any person commit any willful murder, which is manslaughter, committed upon premeditated malice, hatred, or Cruelty, not in a mans necessary and just defense, nor by mere casualty against his will, he shall be put to death."<sup>xxvii</sup> After this statement, there are several Biblical verses listed as evidence within the document: Exodus 21:12, 21:13, and Numbers 35:31. According to the 1599 version of the Geneva Bible, commonly used in Puritanism, Exodus 21:12 states that "anyone who strikes a person with a fatal blow is to be put to death," and Exodus 21:13 highlights that "if a man lie not in wait, but God deliver him into his hand; then I will appoint thee a place whither he shall flee." Similarly, Numbers 35:31 emphasizes that "you are not to accept a ransom for the life of a murderer who deserves to die; he must surely be put to death."<sup>xxviii</sup> Throughout his descriptions of other criminal cases, Winthrop frequently drew from the Bible, specifically Exodus, as support for court rulings.<sup>xxix</sup> Though not explicitly stated in Winthrop's entry, it is clear that Dorothy's sentencing followed similar Biblical principles. Unlike in modernity, there was no insanity defense that Talbye could invoke to decrease the severity of her sentence. While Winthrop evidently understood that Satan possessed her, the law

was clear in this regard; in 1638, there was not yet legal differentiation for “ordinary” criminals and people struggling with mental instability.

At the beginning of her trial, Talbye stated that she murdered her daughter to save her from further misery. However, after this first admission of guilt, she remained silent until she was threatened with *peine forte et dure*, a method of torture allowed under English common law where heavier stones would be pressed on an uncooperative defendant’s chest until they pleaded guilty. After this threat, she “confessed the indictment” once again, likely out of fear.<sup>xxx</sup> Winthrop specifically notes that she would not “give any testimony of her repentance, either then or at her execution” in December 1638.<sup>xxxi</sup> Since repentance was one of the “cures” for spiritual problems that led to sin, this signals Winthrop’s belief that Talbye was beyond salvation – she admitted her crime but did not verbally beg forgiveness. Throughout the trial, however, Talbye showed further signs of mental instability; for example, “she would not uncover her face nor stand up but as she was forced.”<sup>xxxii</sup> Despite Winthrop’s acknowledgement that she was not in her right mind when she murdered her daughter, the fact that she had murdered Difficulty and did not repent for it was a sign that she likely could not have been reformed even with the help of others, and was too far away from salvation. Historian Alan Rogers states that the lack of legal documents from seventeenth-century murder trials makes it difficult to get a clear picture of how a defendant was brought to justice.<sup>xxxiii</sup> He does note that Massachusetts followed Clause 39 of the Magna Carta during this time, which states: “No free man is to be arrested, or imprisoned, or disseised, or outlawed, or exiled, or in any other way ruined, nor will we go against him or send against him, except by the lawful judgment of his peers or by the law of the land.”<sup>xxxiv</sup> In this case, both the law of the land, the court, and the Salem community found Talbye to be guilty of filicide. Speaking for the court, Winthrop sentenced her to death by hanging.

Talbye was hanged two days after her trial in December 1638. Though Winthrop does not outrightly comment on Talbye's mental state, it is clear that her behavior was abnormal. Despite the fact that hanging was the standard method of execution, Talbye requested to be beheaded instead, stating that "it was less painful and less shameful," but her request was denied.<sup>xxxv</sup> Once on the platform, she removed the cloth that covered her face and "put [it] between the rope and her neck."<sup>xxxvi</sup> Hugh Peter, her former pastor, accompanied her, but, according to Winthrop, "could do no good with her."<sup>xxxvii</sup> Winthrop explicitly mentions that Talbye does not "give testimony of her repentance. . .at her execution" in his journal.<sup>xxxviii</sup> Talbye claimed she killed Difficulty to save her daughter from further misery; the lack of repentance and concern for herself perhaps implies that Talbye did not feel as if her actions had been wrong. Regardless of Talbye's uncooperative behavior, her execution continued: "after a swing or two, she caught the ladder."<sup>xxxix</sup>

Public hangings were a spectacle that drew large crowds, and Talbye could be used as an example to the community. Immediately after her execution, Pastor Hugh Peter addressed the crowd that had gathered "to take heed of revelations &c. and of despising the ordinance of excommunication as she had done."<sup>xl</sup> Here, Peter emphasizes that this was a necessary punishment for Talbye's crimes and a reminder to all those listening to continue acting in a Christian manner so they would not go down the same path as her. Furthermore, he pointed out her lack of repentance, stating that "for when it was to have been denounced against her she turned her back [to the church]" and would have gone forth "to sin further "if she had not been stayed by force [execution]."<sup>xli</sup> To her peers in Puritan society, though the root of Talbye's instability was likely melancholy, it appeared that her mental state ultimately declined because she removed herself from Puritanism and the church, therefore isolating herself from the help of

the church and the community and opening herself up to Satanic delusions. It is important to acknowledge here, however, that Winthrop and other contemporary documents were aware of Talbye's mental instability and did not place the entire blame of her actions on her alone; despite that, she paid the price for her crimes.

The murder of Difficulty Talbye is an important, yet often overlooked, case study to examine the interaction between Puritanism and mental instability and perceptions of mental instability in early Salem. Winthrop's response to Dorothy Talbye's trial highlights how he viewed mental instability as a religious problem that could be cured with faith, frequent confession of sins, and repentance, often through public spectacle and violence (i.e. whipping). The intense Puritan religiosity and emphasis on repentance in response to sin likely were factors that contributed to Talbye's declining mental health, which eventually culminated in Difficulty's murder. Therefore, the excerpt from Winthrop's journal and other primary sources illuminates a likely popular Puritan opinion surrounding mental instability and spiritual delusion, and the consequences of not actively working to achieve salvation. In addition, this case highlights the importance of public punishment in early Puritan society, as it acted as a deterrent for other community members as well as a medium of religious salvation.

When the *Massachusetts Body of Liberties* was compiled in 1641, three years after Talbye's execution in 1638, it contained this clause: "Children, Idiots, Distracted persons, and all that are strangers, or newcomers to our plantation, shall have such allowances and dispensations in any cause whether Criminal or other as religion and reason require."<sup>xlii</sup> It is difficult to speculate on whether or not this would have helped Talbye and saved her from execution. Though melancholy was recognized by the Puritans as a disease, she had still committed a serious crime. Like all Puritans, it is reasonable to assume that Talbye was stable enough to recognize that murder was

against the law. Therefore, would she even have been considered an “Idiot [or] Distracted person”? English Reverend William Bates wrote in 1691 that “as in Idiots, [. . .] as in distracted persons, cannot weigh and compare, and therefore makes a perverse judgement of things; so the carnal Mind by not due measuring and pondering, judges falsly of Spiritual Things.”<sup>xliii</sup> In Bates’ perspective, Talbye, who falsely interpreted the word of Satan to be the word of God, could perhaps have fit the description given in the *Body of Liberties*. Regardless, even if it had the potential to save her, the *Massachusetts Body of Liberties* was compiled three years too late to even be considered in her case.

Talbye’s case is one of the first known examples of a mother murdering their child in America and has gained popular notoriety. Even four centuries later, the Puritan methodology of dealing with mental instability and crime is strikingly similar to contemporary thinking on this subject. The perpetrator, while acknowledged to not be in their right frame of mind, must somehow still be punished for their crimes — albeit now often in a less violent and more humanizing manner. The *Massachusetts Body of Liberties* was one of the first colonial law codes to include mentions of mental and physical disability. It is difficult to speculate whether or not Talbye’s case influenced these developments; as I stated earlier, it is unlikely the *Body of Liberties* would have saved her from execution, as it was not relevant enough to the circumstances surrounding Difficulty’s murder. On the other hand, the modern-day insanity defense, where the defendant can plead guilty but lack culpability for their crimes due to their mental state, might have proved more useful. However, it would not be used until 1843 in England, when Daniel McNaughtan tried and failed to assassinate the British Prime Minister. He was judged as not knowing “right from wrong” and his perceived mental instability was used as a criminal defense.<sup>xliv</sup> Instead of execution, McNaughtan was sent to a hospital then transferred

to an asylum for treatment — had this been available two hundred years earlier, this alternative punishment would have perhaps improved Talbye’s mental state. Questions about similar cases still remain at the forefront of current murder jurisdictions: how do we properly deal with mothers who are suffering from psychosis and kill their children as a result? What is an appropriate punishment: treatment in a hospital, lifelong imprisonment, or execution? Talbye’s case is perhaps the first one on record to bring up these questions in early America. Beginning in 1638, her legacy connects to a long and fraught history surrounding the relationship between psychosis and crime that is still relevant today, especially in regard to women committing infanticide or filicide. Therefore, Talbye’s case is important to history because Winthrop’s observations highlights similarities between New England Puritan and modern conceptions of mental instability as well as concerns over the culpability of an “insane” defendant.

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## Endnotes

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- <sup>i</sup> Alan Rogers, *Murder and the Death Penalty in Massachusetts* (Amherst: University of Massachusetts Press, 2008), 7.
- <sup>ii</sup> Rogers 2008, 7.
- <sup>iii</sup> William H. Whitmore, *Colonial Laws of Massachusetts. Reprinted from the Edition of 1660, with the Supplements to 1672. Containing also, the Body of Liberties of 1641* (Boston, Rockwell and Churchill, 1889), 2.
- <sup>iv</sup> John Winthrop, *The History of New England from 1630 to 1649 / by John Winthrop; from His Original Manuscripts, with Notes to Illustrate the Civil and Ecclesiastical Concerns, the Geography, Settlement and Institutions of the Country, and Lives and Manners of the Principal Planters by James Savage.* (Tufts University, Tisch Library: 1825), 1:160.
- <sup>v</sup> Michael P. Winship, *Godly Republicanism* (Harvard University Press, 2012), 135.
- <sup>vi</sup> Winship 2012, 11.
- <sup>vii</sup> Winship 2012, 156.
- <sup>viii</sup> It is important to mention that Talbye was not accused of witchcraft nor was this case a part of the Salem Witch Trials, which took place in 1692 (54 years after Talbye's execution).
- <sup>ix</sup> "England Births and Christenings, 1538-1975," FamilySearch, accessed January 20, 2022, <https://familysearch.org/ark:/61903/1:1:NYVY-LJ9>.
- <sup>x</sup> "England: Marriages, 1538-1973." American Ancestors by The New England Historic Genealogical Society, 2014, accessed January 20, 2022, <https://www.americanancestors.org/DB544/rd/317664970>.
- <sup>xi</sup> "The Records of the First Church of Salem (1629-1736)," (First Church in Salem Archives, 2018), 16.
- <sup>xii</sup> Rogers 2008, 7.
- <sup>xiii</sup> Winthrop 1825, 1:279.
- <sup>xiv</sup> Winthrop 1825, 1:279.
- <sup>xv</sup> Winthrop 1825, 1:279.
- <sup>xvi</sup> John F. Sena, "Melancholic Madness and the Puritans," *The Harvard Theological Review* 66, no. 3 (1973): 300.
- <sup>xvii</sup> Essex County Court Records, April 27, 1637, in *Essex Institute Historical Collections*, 129 vols. (1859-1993): 7:129. and August 25, 1638, 187.
- <sup>xviii</sup> Ann Jones, *Women Who Kill*, 1st Feminist Press ed. (New York: Feminist Press, 2009), 55; Winthrop 1825, 1:283.
- <sup>xix</sup> David C. Brown, "The Keys of the Kingdom: Excommunication in Colonial Massachusetts," *The New England Quarterly* 67, no. 4 (1994): 534.
- <sup>xx</sup> Brown 1994, 534.
- <sup>xxi</sup> Winthrop 1825, 2:129.
- <sup>xxii</sup> Stephen Pender, "Melancholy, Grief, and the Imagination in Early Modern England," *Philosophy and Rhetoric* 43, no. 1 (2010): 55-6.
- <sup>xxiii</sup> Essex County Court Records, August 25, 1638, in *Essex Institute Historical Collections*, 129 vols. (1859-1993): 7:187.
- <sup>xxiv</sup> It is important to note here that Puritan punishments were quite egalitarian in regards to gender; I do not think anything would change if Talbye had been a man.
- <sup>xxv</sup> Winthrop 1825, 1:279.
- <sup>xxvi</sup> Winthrop 1825, 1:279.
- <sup>xxvii</sup> "The Massachusetts Body of Liberties (1641)" in *American Historical Documents, 1000-1904.* (New York: Collier, 1910), line 100
- <sup>xxviii</sup> "The Massachusetts Body of Liberties (1641)," line 100.
- <sup>xxix</sup> In a case from 1644, Winthrop uses Exodus and Deuteronomy as support to define murder. He writes: "And that in Exodus if a master strike his servant with a rod, which is a lawful action, and he die under his hand (as this servant did) he was to die for it:—And that in Deut. if a man strike with a weapon or with his hand, or any thing wherewith he may die, and he is a murderer,— shews plainly, that let the means be what it may, if it be voluntarily applied to an evil intent, it is murder; according to that judgment given against her that gave a potion to one to procure his love, and it killed him, it was adjudged murder." Winthrop 1825, 2:188.
- <sup>xxx</sup> Winthrop 1825, 1:279.
- <sup>xxxi</sup> Winthrop 1825, 1:279.
- <sup>xxxii</sup> Winthrop 1825, 1:279.
- <sup>xxxiii</sup> Rogers 2008, 4.

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<sup>xxxiv</sup> Quote from “The 1215 Magna Carta: Clause 39,” *The Magna Carta Project*, trans. H. Summerson et al. [http://magnacarta.cmp.uea.ac.uk/read/magna\\_carta\\_1215/Clause\\_39.](http://magnacarta.cmp.uea.ac.uk/read/magna_carta_1215/Clause_39;); Rogers 2008, 4.

<sup>xxxv</sup> Winthrop 1825, 1:279.

<sup>xxxvi</sup> Winthrop 1825, 1:279.

<sup>xxxvii</sup> Winthrop 1825, 1:279.

<sup>xxxviii</sup> Winthrop 1825, 1:279.

<sup>xxxix</sup> Winthrop 1825, 1:279.

<sup>xl</sup> Winthrop 1825, 1:279.

<sup>xli</sup> Winthrop 1825, 1:279.

<sup>xlii</sup> “The Massachusetts Body of Liberties (1641),” line 55. E.R. Weatherup states that the Massachusetts Body of Liberties in 1641 is the first colonial legislation to include consideration of various disabilities (in *Disability and Academic Exclusion: Voicing the Student Body*, 34-5.)

<sup>xliii</sup> William Bates, “The four last things viz. death, judgment, heaven, hell, practically considered and applied in several discourses (1691)” (Manchester: S. Johnson, 1838; Ann Arbor: Text Creation Partnership, 2011), 455

<sup>xliv</sup> Andrea Lisa Alden, “(Dis)Articulating Morality and Myth an Ideological History of the Insanity Defense,” (Arizona State University, 2014), 6.