

Summer 1930

Post-Reformation Burning at the Stake of Heretics

William Renwick Riddell

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

William Renwick Riddell, Post-Reformation Burning at the Stake of Heretics, 21 *Am. Inst. Crim. L. & Criminology* 254 (1930-1931)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in *Journal of Criminal Law and Criminology* by an authorized editor of Northwestern University School of Law Scholarly Commons.

POST-REFORMATION BURNING AT THE STAKE OF HERETICS

WILLIAM RENWICK RIDDELL

The practice in England, as elsewhere, of punishing obstinate heretics by Burning at the Stake was well established: and such instances as the execution in that manner of Sir John Oldcastle have been made a matter of reproach to the dominant Church of the time. But little, if any, attention has been paid to the practice after the Reformation; and it has in many quarters been taken for granted that the horrible form of execution ceased with the power of the Church of Rome.

In this Paper, I propose to outline the story of two executions of heretics in that form, occurring many years after the sovereignty, of the Roman Catholic Church in England—executions which had no little effect in attracting public attention and so putting a stop to the atrocity.

In the reign of James I, one Bartholomew Legatt (Legate, Legat, Leggatt, are variant spellings) of the County of Essex, who is described by those who abhorred his opinions as a “person comely, complexion black . . . of a bold spirit, fluent tongue, excellently skilled in the Scriptures,” attracted the attention of the authorities of the Church of England by his denial of the Deity of Christ: he was brought before John King, Bishop of London and others in the Consistory of St. Paul’s, and reasoned, argued with; but in vain—he “persisted obstinate in his opinions, flatly denying the authority of that Court.” King James, who had no small opinion of his own learning and skill in debate, hearing of this heretic, had him brought more than once before him; and himself took him in hand to convince him of his errors. Trying to catch him, he asked him whether he did not daily pray to Jesus Christ, expecting an answer in the affirmative and then to triumph as that would imply a belief in the deity of Him prayed to. But Legatt, at once, said that he did not; whereupon the King “in choler, spurned at him with his foot,” (*alias*, kicked him) and sent him away.

Brought before the Consistory Court of St. Paul’s, Bishop King “pronounced, decreed and declared” him “an obstinate, contumacious and incorrigible heretic” and certified him as such to the King. The

King issued his mandate to Lord Ellesmere, Lord Chancellor, with the assent of the Privy Council "immediately, upon the receipt hereof, to award and make out, under our great seal of England, our Writ of Execution. . . ." Accordingly, a Writ De Haeretico Comburendo was issued to the Sheriffs of London, requiring them "the said Bartholomew Legatt . . . to commit publicly to the fire . . . and . . . cause him to be really burned in the same fire . . ." And the hideous sentence was carried out in all its horror on Wednesday, March 18, 1612.

An examination of the heresies alleged shows that the whole was a denial of the Deity of Christ—no more and no less than the same denial by such well-known persons as Joseph Priestley and William Ellery Channing, and as old as Arius and the First Century.

The other execution of the same character was a few months later: one Edward Wightman of Burton-on-Trent, was convicted of heresy in the Court of Richard Neile, the Bishop of Coventry and Lichfield; and, being handed over to the Civil Arm, was burnt to death at Coventry, April 11, 1612. His heresies were found to be of a more extensive reach than those of Legatt, he being considered by Bishop, King, Lord Chancellor and the Church Historian, Fuller, as being guilty of ten heresies namely those of "Ebion, Cerinthus, Valentinian, Arius, Macedonius, Simon, Magus, Manes, Manichaeus, Plotinus and the Anabaptists."

There are sixteen heads specified, wherein his heresies consisted: of these, the first is a denial of the Trinity in Unity; the next three, a denial of the Deity of Christ and the fifth a denial of the Deity of the Holy Ghost; the sixth an assertion that the Apostles', the Nicene and the Athanasian Creeds are erroneous—passing over for the time the next three, in the eleventh is asserted the death of the soul with the body, and the twelfth the same under different aspect; "13. That that baptizing of infants is an abominable custom"; the twelfth repeats the deprecation of infant baptism and attacks the Sacrament of the Lord's Supper; sixteen, "that Christianity is not wholly professed and practiced in the Church of England, but only in part." The seventh, eighth, ninth and fifteenth contain beliefs which have led many to think that the heretic was partially insane—they set up a claim that he was the Prophet foretold in Deuteronomy and Isaiah, the Holy Ghost and Comforter of the New Testament, the Elias to come of Malachi, and sent to deliver the World and the Church from the heresy of the Nicolaitans.

It will, I think, be recognized that he held in part Unitarian and Anabaptist views—and was, at least, partially insane. It may be added that even this Continent has not been entirely free of men claiming to be the Deity.

Whatever we may think of their doctrines, we must admire the courage and determination of these men in boldly avowing and defending what they believed, in the face of practically certain death.

The Church Historian tells us that the people "being unable to distinguish between constancy and obstinacy were ready to entertain good thoughts even of the opinions of these heretics, who sealed them so manfully with their blood. Wherefore King James politicly preferred that heretics hereafter, though condemned, should silently and privately waste themselves away in the prison, rather than to grace them . . . with the solemnity of a public execution" Accordingly, though a Spanish Arian was afterwards allowed to dwine away and die in prison, there were no more Burnings at the Stake for Heretics in England.

This punishment, indeed, continued for sometime for women guilty of Petit Treason—apparently, the old Common Law punishment in that manner of a woman, present when her husband had committed Murder, had long been effete.

On this Continent, I can find Burning at the Stake a Judicial form of execution only for Petit Treason and for Negroes (in pre-Revolutionary New York).