

WITCHCRAFT AND THE CHURCH

IN SCOTLAND

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I N T R O D U C T I O N .

The darker alleys of the human mind have ever exerted a fascination for the students of man's progress from the primeval. Numberless researchers have pried into the labarynthine mazes and devoted much attention to the universal belief in witchcraft which for so long exercised a profound effect upon human relations.

Scotland was no exception in the fervency of its belief in witchcraft, but too many scholars furth of Scotland have been content to note this obvious fact and draw general conclusions from a few of the more lurid records such as Pitcairn supplied in abundance. Matters were not improved when they found a Scott among Scots fulminating against witchcraft and the Kirk's part in the era of burnings.

Not that way lies a balanced assessment of the course of witchcraft and the Kirk's part therein. The plan adopted in the pages that follow is to trace the origins of Scottish witchcraft, to examine the statutes upon the subject and then to peruse in greater detail the part played by the Kirk, from the General Assembly down through the Kirk courts to the individual minister toiling in his corner of the vineyard.

The first essential for the success of the plan is that it be based not on the few notorious extracts which have done duty so often in the past but on a widespread investigation of all kinds of material, both lay and ecclesiastical from all parts of Scotland throughout the two hundred years when the Kirk battled against witchcraft.

Working on these lines the general pattern of the Kirk's part can be discerned/

discerned, but only the general pattern for before the machinations of the devil human reactions were apt to be even more unpredictable than usual. Hence in the realm of Scottish witchcraft the temptation to dogmatise upon the particular must be shunned as the trap into which the unwary many have been led. The exceptions are there and are often illuminating but must never be adduced as the accepted practice. That can only be based upon a regular series of similar cases.

Of the prevalent belief in witchcraft there was no doubt. Laity and clergy were at one on that point, though what they meant by witchcraft varied widely, from herbal cures through charms to rank witchcraft smelling of the sabbat and the coven. While the latter type was not common it did rear its head from time to time in such widely separate parts as Bute and Aberdeen. Then came the orgies and the dancing, the leaders, male and female, with all the embellishments of pagan ritual.

How to explain the Kirk's reaction to all this is the endeavour of the pages which follow, from the first tentative fumbings of the ministry, not over worried about witchcraft, through their gradual development of a system of witch hunting which for devilish efficiency stands unchallenged in these islands, to the inevitable decline when a Kirk, but a shadow of its former self had to bow to the scepticism of the legal luminaries, the enlightening influence of the age of reason, and, by no means least, the commonsense of the generality of Scotsmen.

C O N T E N T S

Page 1.	Chapter I	<u>The Origins of Scottish Witchcraft.</u>
17.	Chapter II	<u>The Scottish Parliament and Witchcraft.</u>
17.		1563 Act against Witchcraft.
18.		Reasons for this act.
24.		First cases under the new act.
26.		The problem of consulters
27.		Parliament and the great witchcraft outbreak of 1590.
28.		James VI clarifies the law on witchcraft.
32.		Parliaments stand against the overweening Kirk 1640-49.
38.		Parliaments increasing interest in Witchcraft
38.		Appointment of a committee for Witchcraft business.
43.		The Cromwellian Interregnum and its effects.
47.		Parliament finds no necessity for new legislation after 1660
49.		1736 repeal of acts against Witchcraft
38.		Conclusions.
Page 53.	Chapter III	<u>The General Assembly and Witchcraft.</u>
53.		(1) The General Assembly and the Temporal Authorities
73.		(2) The General Assembly and the Ecclesiastical Courts.
Page 89.	Chapter IV	<u>The Presbytery and Witchcraft.</u>
89.		Decisions, lay and spiritual, binding upon Presbyteries.
99.		How Witchcraft was brought to the notice of Presbyteries.
		A. Minister.
99.		(1) Advice
103.		(2) Assistance
106.		(3) "Depositionis, Dittaes, Informationis"
109.		B. Kirk Session
109.		(1) Advice
111		(2) Delations
116.		C. Synod.
117.		(1) Correlation of Effort.
118.		(2) Instructions to Presbyteries.
121.		D. Noblemen.
122.		E. Bailies
124.		F. Presbyterial delations and visitations
126.		G. Appeals.
129.		How Presbyteries dealt with Witchcraft
129.		(A) Cases capable of immediate solution by Presbyteries.
133.		(B) Ask for advice or remit to higher court.
136.		(C) Gather information
145.		(D) Approach the Privy Council
154.		(E) Advise Commissioners and Attend Trials
157.		(F) Attend Executions.

Page 169. Chapter V.

The Kirk Session and Witchcraft.

Decisions, lay and spiritual, binding upon Kirk Sessions
The Power of the Kirk Session.

170. (A) Factors strengthening the Kirk Sessions
 170. (1) Composition
 174. (2) Meetings
 175. (3) Support for Kirk Session decisions.
 177. (B) Factors weakening the Kirk Sessions.
 177. (1) Interference with regular meetings.
 182. (2) Obstruction of their work.
 185. (3) Decrease in power after 1660.
 191. (C) How Witchcraft was brought to the notice of Kirk Sessions
 191. (a) Parishioners.
 192. (1) Accusations
 194. (2) Complaints of slander with witchcraft.
 199. (b) Minister
 199. (1) Appeals to the Session for assistance.
 203. (2) Conveys informations from his own to another Session
 204. (3) Delates people to his Session
 205. (c) Elders
 206. (d) Presbyteries
 207. (e) Delations and confessions of witches
 208. (f) Temporal Authorities.
 209. (D) How Kirk Sessions dealt with Witchcraft
 209. (a) Gather information for probation
 210. (1) Confession
 213. (2) Imprisonment
 223. (3) Torture
 230. (4) Witnesses
 244. (b) Deal with cases capable of immediate solution
 244. (1) Witchcraft
 245. (2) Consulting
 251. (3) Charming
 257. (4) Slandering
 261. (c) Pass on information to other authorities
 261. (1) Presbytery.
 264. (2) Local Magistrates
 266. (3) Privy Council etc.
 269. (d) Make financial arrangements.

Page 274. Chapter VI

The Minister and Witchcraft.

Decisions, lay and spiritual binding upon Ministers.

Ministerial views on superstition in general, and witchcraft
in particular.

The Minister as a witch hunter.

311. (A) Factors strengthening Ministers.
 312. (1) Herald and Messenger
 314. (2) Powerful position in his own congregation
 320. (3) His friends and allies.
 327/

Page 327.	B. Factors Weakening Ministers.
327.	(a) Worldly Distractions
327.	(1) Poverty.
329.	(2) Paucity of Ministers.
331.	(3) Religious and Civil Strife
340.	(4) Plague
342.	(5) Human Ills
343.	(b) Obstruction of Ministers Work.
343.	(1) Congregations
345.	(2) Kirk Sessions
348.	(3) Civil Authorities.
362.	C. How the Ministers dealt with Witchcraft
363.	(1) "Inquifitors general."
376.	(2) Delator
379.	(3) Attestor
386.	(4) Appellant for Commission
390.	(5) Adviser and assistant at trial.
400.	(6) Attendant on the condemned
402.	(7) Defender and protector of witches

Page 413.	Appendix I	The Scottish Witchcraft Act of 1563.
415.	Appendix II	The Influence of Bishop Jewel's Sermon
417.	Appendix III	The Search for Health.
421.	Appendix IV	James VI changes his Mind.
424.	Appendix V.	The L.S.D. of Burning.

C H A P T E R I.

THE ORIGINS OF SCOTTISH WITCHCRAFT.

Lying near the mists which enveloped Ultima Thule and far from the levantine cradle of European civilisation Scotland has nothing to offer the historian in the way of accurate documentary information of the primitive religion of its early inhabitants at a time when Greek and Roman writers give much information on magical lore, astrology and witchcraft. (1)

That the ancient inhabitants would have their fair share of the magical rites and customs common to all primitive peoples is a safe assumption (2) but whether any more definite religious system of witchcraft existed it is impossible to say. Miss Murray holds that ritual witchcraft - the Dianic Cult as she names it - was the ancient religion of western Europe (3) but advances no positive evidence of its existence in early Scotland. (4)

According to her theory, however, ancient Scotland would be permeated with/

- (1) Lecky. History of Rationalism pp 19-40.
Summers. "Geography of Witchcraft" Ch. I.
- (2) Infra p.4 Lecky "History of Rationalism" p. 27. "In the ruder forms of savage life we find the belief in witchcraft universal"; "Ewen "Witchcraft", Introduction p.21 "In all ages belief in supernatural powers has been universal".
Cambridge Mediaeval History VIII p.660. "Finally, there was the primitive magic and folklore of the less civilised peoples who lived in or near the Roman Empire, such as the Celts, traces of whose Druidic lore already appeared in Roman authors."
- (3) Murray. Witch Cult in Western Europe p.12.
- (4) Ibid. p.24. quoting Chronicles of Lanercroft p. 109. re priest of Inverkeithing's fertility dance in 1282.

with witchcraft as she held. "It is now a commonplace of anthropology that the tales of fairies and elves preserve the tradition of a dwarf race which once inhabited northern and western Europe." (1) In her later anthropological study, *The God of the Witches*, she states, "The identification of the witches with the dwarf or fairy race would give us a clear insight into much of the civilisation of the early European peoples, especially as regards their religious ideas. (2) Other authorities deny this theory of a dwarf race but there is no doubt that there persisted among the Scottish people a strong belief in the existence of fairies and their power to do people harm. (3) The most striking instance of the association in the popular mind of witches and fairies as one and the same occurred in Kingarth in the island of Bute in March 1650. Finwell Hyndman appeared before the Kirk Session and admitted being absent from her employment for twenty four hours every three months. The result was, "The Session finding this a great presumption against the said Finwell and she being still bruted for a witch or (as the commone people call it) being with the fayryes, they appoynt Ninian Stewart of Largizean, John Wallace to apprehend the said Finwell." (4)

- (1) Murray *Witch Cult in Western Europe*, p.14. References to this pigmy race are by no means rare in Scottish literature. *Miscellanea Scotia* II p. 143; Martin *Description of Western Islands* pp. 19,82; Mackenzie *History of the Outer Hebrides* p.XXV, p.592.
- (2) Murray *God of the Witches* p.60.
- (3) *Cambridge Mediaeval History* VIII p.666 "Especially characteristic of the Celtic peoples was the belief in fairies or underground beings" Hewison "Bute in the Olden Times II p.261.
- (4) Paton *Kingarth Parish Records* p.21. The not unnatural result of her disappearance was that the accused brought back a little fairy of her own of. Jas. K. Hewison *Bute in the Olden Times* p.262.

Whatever the religion of the ancient inhabitants of Scotland it would persist long after the arrival of Christianity (1), but the greatest obstacle to the acceptance of Miss Murray's interesting theory that it was the Dianic Cult which persisted is her inability to produce any evidence of the continuity of the early pagan religion until late in the Middle Ages. (2)

In England there is comparatively early documentary evidence of witchcraft ritual worship and dancing. (3) The Liber Poenitentialis of Theodore, Archbishop of Canterbury 668-690 A.D. has a whole section dealing with magical practices and ceremonies and their appropriate punishments (4) In the same century the Laws of the King of Kent give the fines for offering to devils. (5) Successive lay and spiritual condemnations of witchcraft, devil worship, riding at night, dancing in horns and skins can be traced throughout the next three centuries till the time of Cnut (6) The strong hold/

- (1) Lecky. "History of Rationalism" p.40. "Religions never truly perish except by a natural decay".
Murray. "God of the Witches" pp6, 7.
- (2) Murray. "Witch Cult in Western Europe p.23. The fertility dance performed by the priest of Inverkeithing is the only Scottish case she mentions until after the Reformation. Nevertheless her theory cannot lightly be dismissed because of the instances in Scottish witchcraft subsequent to the Reformation which seem to substantiate her theory e.g. in particular "Highland Papers III pp 3-38 in 1662. Kittredge. Witchcraft in Old and New England p.548 dealing with the witches Sabbath expresses views bearing out Margaret Murray's thesis.
- (3) Murray. Witch Cult p.21 quoting Strabo's Geography Bk. IV C. IV. 6.
- (4) Thorpe. "Monumenta" II pp.32-34.
- (5) Ibid I. p.41.
- (6) Ibid I pp.41, 169, 203, 249, 379; II 152, 249, 299, 311, 323, 351.
Murray. Witch Cult in Western Europe pp 21-23.
Summers. Geography of Witchcraft pp 72-72.

hold which charms, spells, incantations and witchcraft had on the English prior to the Norman Conquest can also be gathered from the Anglo Saxon Leech Books (1) and probably most conclusively from the language of the people which had more than thirty terms for witch, wizard enchanter, seer and diviner. (2)

Scotland can offer no evidence in any way comparable to this mass of detailed information on early English magic and witchcraft. Adamnan's Life of Columba depicts a man struggling to win over a pagan people who had a profound belief in marvellous happenings (3) prophecies (4) cures of illness (5) the powers of sorcerers and demons (6), but makes no explicit mention of witchcraft.

Skene's summing up of the paganism of the Picts and Scots seems satisfactory when he describes it "as a sort of fetichism, which peopled all the objects of nature with malignant beings to whose agency its phenomena were attributed, while a class of persons termed Magi and Druadh exercised great influence among the people from a belief that they were able through their/

- (1) Cambridge Mediaeval History p.667. "The Anglo-Saxon Leech Book of Bald and Cid contains a large amount of magical procedure with much Christian colouring which may often replace a previous pagan equivalent ----- Much fear is shown of witchcraft, enchantment and ills from evil spirits."
- (2) Kittredge. "Witchcraft in Old and New England" p.27.
- (3) Adamnan. "Life of St. Columba I pp 38-77.
- (4) Ibid I pp 4-37.
- (5) Ibid II pp 41, 42, 60.
- (6) Ibid II pp 45, 48, 49.

their aid to practise a species of magic or witchcraft, which might either be used to benefit those who sought their assistance, or to injure those to whom they were opposed." (1)

For other evidence - if such it may be called - regarding witchcraft, in particular, and the supernatural in general Fordun, Boece and Holinshed have to do duty for lack of better material. A comparison of the three authors shows that Fordun the earliest in time, almost completely ignores the marvellous sights, showers of blood, monsters and witches so beloved of Boece and his copier Holinshed. Even such a famous story as that of Macbeth elicits no mention of the supernatural in Fordun's account; while the story of the plundering of Lindisfarne by a Scottish force "whereupon the earth suddenly opened and swallowed them up" is treated with scepticism by Fordun who comments "but why should a historian ply his pen in such apocryphal tales, in which every man of sense refuses to put faith (2)

Untrammelled by such doubts Holinshed commences his references to witchcraft with the statement that in 169 A.D. King Mogall became aware of a conspiracy aimed at his life "whether by witchcraft or otherwise by relation of friends, the certeintie is not knowen" (3) Holinshed also relates how King Natholocus, anxious to know the result of a rising against his/

(1) Skene. Celtic Scotland II p.118.

(2) Fordun Chronicles IV p.162.

(3) Holinshed Chronicles V p.89.

his tyrannical rule in 280 A.D. sent a trusted messenger "unto a woman that dwelt in the Ile of Colmekill (otherwise called Iona) esteemed verie skilfull in foreshewing of things to come, to learne of hir what fortune should hap of this warre which was alreadie begun." The witch consulting with her spirits prophesied the kings end by a trusted messenger - in effect the very messenger employed by the king (1)

Still delving in to the mythical past Holinshed recounts how in 352 A.D. in the reign of Eugenius "manie strange sights were seene in the furthest parts of Albion ---- Certeine witches and soothsaiers, declaring that these things betokened the destruction of the Scottish kingdome, were commanded by the priests to hold their peace on paine of death, as they that told nothing but lies fables, though afterwards their tales proved most true." (2)

While recounting instances of strange sights and visions in the succeeding centuries (3) it is not for 500 years, long after the last of the mythical kings, in the reign of Kenneth MacAlpine that Holinshed makes reference to witchcraft when he gives one of that sovereign's laws: "Inglers, wizzards, necromancers, and such as call up spirits, and vse to seeke vpon them for helpe, let them be burnt to death." (4)

As/

(1) Ibid p. 200

(2) Holinshed V. p. 117

(3) Ibid pp. 134, 162, 169, 178, 205.

(4) Ibid V p.207. This law is quoted by Summers 'Geography of Witchcraft' p. 203 without giving the source - a bad habit to which this writer is susceptible.

As told by Boece the story of the illness of Duffus, son of Kenneth Macalpin is of interest as it has all the embellishments associated with the witch trials of the 16th and 17th centuries ---- "the king fell in ane hevvy maledy, unknowim to medicinaris in thay days", in which he "was resolvit in ane continewal sweit", his physicians "disparit of his life", the men of Murray rose in rebellion on hearing of the king's incapacity, the rumour spread that the king was troubled "be devilry and craft of wichis: of quhilkis, gret noumer wes in Fores, ane town of Murray, the kings men discovered the witches with "ane image of wax, maid to the similitude of Duffus, dreband on ane treine speit afore the fire," the image was broken, the king recovered and the witches were burned (1) The importance of this story lies not in the value of Boece as an authority on events some 600 years before he wrote but in the wording of the story. Here is a Scottish writer of the early 16th century furnishing proof of his familiarity with the witchcraft jargon to become all too familiar in Scotland less than sixty years after his death.

The meeting of Macbeth and Banquo with the weird sisters is the next instance of the supernatural dealt with by Boece and enlarged upon by Holinshed (2). As has been pointed out Fordun makes no mention of supernatural happenings (3)

With/

- (1) Boece. History and Chronicles of Scotland II pp206, 207, Holinshed V p.233, 234 gives his version but Fordun makes no mention of witchcraft in the reign of Duffus.
- (2) Boece. History and Chronicles of Scotland II pp 259, 260. Holinshed Chronicles V pp 268, 269.
- (3) Infra p.5

With the 13th century witchcraft evidence leaving the dubious imaginings of the chroniclers came at last to invoke extant records. The General or Provincial Statutes of the XIII century, laying down who are to be excommunicated four times per year commences significantly enough with "all fortune tellers or witches male and female" (1)

During Easter week in 1282 the parish priest of Inverkeithing, reviving the rights of Priapus, led the young women of the village in a fertility dance in which he exhibited a phallic organ and stirred them to wantonneos (2)

Not/

- (1) Patrick. "Statutes of the Scottish Church" p.26. of also pp40, 75. for later examples of the same condemnation.
- (2) Stevenson. Chronicle of Lanercroft p. 100.
 Murray. Witch Cult p.23 accepts this incident as a ritual dance of the witchcraft religion.
 Black. Calendar of Cases of Witchcraft p.20.
 Dowden. 'Medieval Church in Scotland' p.144, 145 declares. "One can only imagine that he (the priest) was drunk or not in his senses."
 Miss Murray's interpretation of the facts has the advantage of numerous instances of dancing at witch meetings during the heigh day of Scottish witchcraft e.g. in particular at North Berwick 1590 -
 News from Scotland ; reprinted in Pitcairn Criminal Trials I pt 2 p.217 and further information pp245, 246. At Aberdeen 1596/7
 Spalding Club Miscellany I pp 97, 98, 144, 149 and 153.
 At Cupar 1649. Kinloch - Presbyteries of St. Andrews and Cupar pp 136, 137.
 At Dirleton 1649. R.P.C. 2nd Ser. VIII p. 189
 At Samuelston 1661 R.P.C. 3rd Ser I. p.648
 At Borrowstounness 1679 Webster Tracts on Witchcraft p. 97.
 At Torryburn 1704 Webster Tracts on Witchcraft. p.135.

Not till the 15th century are there more references to Scottish Witchcraft. The Earl of Athole, one of the chief conspirators in the murder of James I, was crowned "with hait irne; for ane weche said to him, he suld be crownit King afore his deith." (1)

In 1479 the trouble between James III and his popular younger brothers Albany and Mar culminated in their arrest. The oldest account states "that yer was mony weekes and warlois brint on Crag Gayt; and Jhone the earle of Mar, the kings brother, was flayne becaus thai faid he faworyt the weches and warlois." (2) Buchanan's version is that Albany and Mar having "consulted with the nobility as to the removal of the king's law born favourites Mar expressed himself rather too forcibly, was arrested by the courtiers, condemned by the Privy Council and put to death." He concludes, "The cause of his death was given out amongst the vulgar, to be, his having conspired with sorcerers against the king's life; and to make the matter more plausible twelve witches of the lowest condition were traced and burnt." (3)

James III/

- (1) Boece. History and Chronicles of Scotland II p.511. Holinshed Chronicles V p.427.
- (2) Pinkertoun. History of Scotland I p.503 quoting the old Chronicle at the end of Winton. Holinshed (Chronicles V p. 452) and Lesley History of Scotland P.43 both seem to follow this account.
- (3) Buchanan. History of Scotland p.296. Holinshed Chronicles p.452 makes no attempt to explain the course of events but simply states Mar was arrested by the king's command "and after was convict of conspiracie for witchcraft which he should practise against the king --- There were manie and diverse witches and sorcerers, as well men as women convicted of that, crime, and brunt for the same at Edinburg."

James III was certainly superstitious (1), believed in omens and had Andreas, a Fleming as his sooth sayer (2). If Boece can be believed the king would have much superstitious information to engage his attention at the time of his brothers' arrest as incubi and succubi were alleged to be specially active in Scotland.(3) But whether Mar had melted a waxen image of his brother, or James III having decided upon the removal of his brother made use of the witchcraft alarms then prevalent as a convenient accusation meriting death it is impossible to say.(4)

Conclusive proof that witchcraft was attracting attention during the reign of James III is furnished by the Protocol Book of the royal burgh of Stirling. The passage merits quotation as one of the earliest authentic records of Scottish witchcraft. "1480 May 26. Thomas Prestoun took instrument upon the presentation of a certain testimonial letter of Mr. John Moffat, official of Dunblane, upon the purgation of a certain woman therein/

- (1) Drummond. "History of Scotland p.135.
- (2) Lang. History of Scotland I p.358, note 60. Such a royal servant was by no means unusual. Louis XI of France, Frederick III of Austria and Henry VII of England were all patrons of astrology. cf. Cambridge Mediaeval History VIII p.684.
- (3) Boece. History and Chronicles of Scotland II pp.52,53.
- (4) f. The case of Eleanor Cobham, Duchess of Gloucester who was accused of attempting to procure the death of Henry VI by use of a wax image presents the same unanswered problem of Kittridge "Witchcraft in Old and New England p.81.

therein accused by her spouse upon the art of witchcraft within the tolbooth of the burgh of Strivelin, in the court of the sheriffdom of Striveline, before the aforesaid witnesses." (1)

The 1510 "Proclamation for regulating the Proceedings of the Justice - Aire of Jedburghe" instructs the justiciars to enquire "gif thair be ony Wichecraft or Soffary wfyt in the realme" (2) Although the instructions in question apply specifically to Jedburgh, Pitcairn is probably correct in holding that the proclamation was a circular to all sheriffs and baron baillies (3) It is true that witchcraft is only one of the forty five instructions, nevertheless its inclusion is significant of a growing consciousness of witchcraft.

The persistent attacks on Jean, Lady Glamis, from December 1528 till her death by burning in July 1537 form one of the strangest episodes in the history of that century. Janet Douglas was the sister of Archibald, 6th Earl of Angus. Her husband was the 6th Lord Glamis, who died in December, 1527. Exactly a year later she was summoned before parliament for assisting her forfeited brother, the Earl of Angus. Apparently this charge was not proceeded with but her lands were certainly escheated in 1531 for communing with rebels (4) On 31 January 1532 she had to find surety/

(1) Renwick. "Royal Burgh of Stirling 1667-1752. pp374, 375.

(2) Pitcairn. Criminal Trials I Pt. 1. p.66.

(3) Ibid p.64.

(4) Pitcairn. Criminal Trials I Pt. 1. p.88. Tytler History of Scotland IV pp 447, 448.

surety to appear at Forfar "to underly the law for art and part of the Intoxication of John, Lord Galmmys, her husband" (1) That such a charge, which amounts to murder by charmed philtres or poisons, should not have been raised, till over four years after her first husbands death is so unusual as to excite suspicion. Pitcairn hazards the guess that the previous treason charge having been found difficult of proof this new charge was adopted as being more likely to produce decisive results (2) The notables summoned as assissors adopted the eminently Scottish method of showing their disapproval of the charge by absenting themselves (3) Whether their disapproval was of the actual "intoxication" charge, or simply of this, the latest attack by James V on one of their class it is impossible to say on the meagre evidence. (4) The progress of this trial is unknown but on 17 July 1537 an assize found Lady Glamis "his commitit art and part of the trefonabill Conspiratioune and ymaginatioune of the Slauchter and destruction of our soverane lordis maift nobill perfone be poyfone " and of treasonably assisting her brother the Earl of Angus (5).
The/

- (1) Pitcairn Criminal Trials I Pt 1 p.158
- (2) Pitcairn Criminal Trials I Pt 1 pp 158, 187, 190.
- (3) Tytler. History of Scotland IV p.451 holds "a refusal of this kind was in fact a proof of the power, not of the innocence, of the party accused.
- (4) Infra p.182-5 for assissors refusing to attend witchcraft trials.; of Pitcairn Criminal Trials III pt.I p.68 for case against James Mure collapsing through absence of persons summoned to act on the assize.
- (5) Pitcairn. Criminal Trials I Pt. 1. p.191.

The sentence was that she be burned to death on the Castle Hill of Edinburgh.

The story, as given above is based on authentic criminal records but the accusation was made by later chroniclers and has been repeated down to modern times that Lady Glamis was burned for witchcraft (1) Pitcairn dismisses this allegation of witchcraft, as well as that of the intoxication of her first husband as unfounded (2) Tytler joins issue with Pitcairn's finding. While not committing himself further on the witchcraft issue than to say "the crimes of poisoning and witchcraft were then very commonly associated ---- hence probably the mala fama against Lady Glamis as a witch/

- (1) Hume of Godscraft quoted by Pitcairn I Pt 1 p.194. But would such a Douglas Supporter as Hume have mentioned witchcraft if he had any doubts.
 Genealogic of the House of Drummond quoted by Pitcairn I Pt 1 p.196
 Pinkerton. History of Scotland II p.347.
 Grant. Old and New Edinburgh I pp83/4.
 Sharpe in Law's Memorials P. XXI
 Summers. Geography of Witchcraft p.208
 Black. Calender of Witchcraft Cases p.10.
- (2) Pitcairn Criminal Trials I Pt 1. p.190. "The whole complexion of this shocking tragedy bears such savage traces of a furious and unmanly revenge against a noble and unprotected female, who was the only individual of her family on whom they could lay hands----" The most peculiar feature of Pitcairn's analysis of the case is that after learnedly arguing with of detail (I Pt I pp. 158, 187-198) that the lady was innocent he later declared "Lady Glamis was brought to the stake for witchcraft." (I Pt III p.242) Tytler, the protagonist of Pitcairn's theory of innocence has not noticed this damaging slip by Pitcairn. The simplest explanation is probably that even Pitcairn has unconsciously succumbed to the more obvious though improven version of the story. Incidentally there can be little chance of Pitcairn having changed his mind as both volumes were published in the same year.

witch or sorceress" (1) his final verdict on the various trials of Lady Glamis is "an examination of the evidence which has been lately furnished, leaves upon the mind little doubt of her guilt." (2)

In weighing up the evidence for and against Lady Glamis ancient chroniclers and modern historians alike have overlooked the persistent association of both the Angus and Glamis families with witchcraft in the 16th century. Three sisters-in-law of George, Master of Angus, the father of Lady Glamis all died mysteriously by poison. The Honourable Jean Lyon great grand daughter of Lady Glamis married Archibald, 8th Earl of Angus who was widely held to have perished by the spells of the notorious Agnes Sampson (3) Jean Lyon, Lady Angus, herself consorted with the notorious witch Barbara Napier who in 1591 was "fyllit, culpabill and convict, of the feiking of confultation fra Annie Sampfoune ane Wich, for the help of Dame Jean Lyoune Lady Angus, to keip hir fra wometing, guhen of the wis in bredin of barne." (4) Lady Margaret Douglas, sister of Archibald, 8th Earl of Angus, and sister in law of Jean Lyon was first married to Sir Walter Scott whose grandmother was popularly credited with supernatural/

(1) Tytler. Criminal Trials IV p.448

(2) Ibid IV p.236.

(3) Hume of Godscraft p432.
Pitcairn. Criminal Trials I Pt III p.243.
Spottiswoode. History of the Church of Scotland II p.389.
Calderwood. History of the Kirk of Scotland IV p.680

(4) Pitcairn. Criminal Trials I Pt III p.242.

supernatural powers; and her second husband was Francis Stewart, Earl of Bothwell and the "devil" of the North Berwick witches! (1)

With the Glamis and Angus families so strongly "mala fama" it is impossible to acquit Lady Glamis of the intoxication and witchcraft charges solely for lack of direct evidence. "Not Proven" would seem to be the verdict best suited to a puzzling case.

Between the execution of Lady Glamis and the Reformation the nearest approach to witchcraft was at Elgin in 1545 when the assise meeting in the Burgh Court "deliverit that Margaret Hay wrangit in the oppin sclandering of Margratt Baffour say and the said Margaret Baffour was ane huyr and ane wyche and that sche zeid widersonnis about mennies hows sark alane and hir hayr alone hir eyene for wyche craft." (2)

This brief resume of the mythical and historical references to witchcraft in pre-reformation Scotland makes it obvious how meagre are the records of the black art. Even the steadily increasing tempo of the witchcraft persecution on the continent during the 15th century has no apparent affect. (3) The long series of papal bulls culminating in that of/

- (1) Fraser 'Scotts of Buccleuch I p.159
- (2) Cramond. Records of Elgin I p.84.
- (3) Summers "Geography of Witchcraft" p.132.

of "Summis desiderantes affectibus" of Pope Innocent VIII in 1484 (1) the publication of the Malleus Malleficarum in 1487, and the systematic witch hunting on a new and grander scale by James Sprenger and Heinrick Kramer the authors of that treatise, pass unnoticed in Scotland. The conclusion is manifest that prior to the reformation witchcraft was far from being the "burning" question it was to become in Scotland in the days of the Universall Kirk of Scotland.

- (1) Lekky. History of Rationalism p.7. "In 1484, Pope Innocent VIII issued a bull, which gave fearful impetus to the persecution." Black 'Calender of Cases of Witchcraft' p.6 declares witchcraft "received a strong impetus from the promulgation of the bull." Ewen. Witchcraft and Demonianism p.41. blames Innocent VIII bull issued in 1485 for the increase. Cambridge Medieval History VIII, 686 points out wherein the Popes of that period brought into existence a new outlook on witchcraft. Murray. (Witch Cult in Western Europe p.24) and Summers (Geography of Witchcraft p.531) adopt the opposite standpoint and deny the importance of the Bull. But both writers are compelled to take this view by their respective, but widely different theories.

CHAPTER II.

THE SCOTTISH PARLIAMENT AND WITCHCRAFT.

The first Scottish Act of Parliament against witchcraft was passed in June 1563. It enacted: "Item Forfumekill as the Quenis Maieftie and thre Eftatis in this prefent parliament being informit that the havy and abominabill fuperftition vfit be divers of the liegis of this Realme be vving of Witchcraftis Sorfarie and Necromancie and credence geuin thairto in tymes bygane aganis the Law of God. And for avoyding and away putting of all sic vane fuperftitioun in tymes tocum.. It is statute and ordanit by the Quenis Maieftie and thre Eftatis foirfaidis that na maner of perfoun nor perfounis of quhatfumeuer eftate degre or conditioun that be of tak vppone hand in ony tymes heirefter to vfe ony maner of Witchcraftis Sorfarie or Necromancie nor gif thame felfis furth to haue ony fic craft or knowlege thairof thairthrow abufand the pepill. Nor that na perfoun feik ony help refponfe or confultation at ony fic vfaris or abufaris foirfaidis of Witchcraftis Sorfareis or Necromancie vnder the pane of deid alfweill to be execute aganis the ofar abufar as the feikar of the refponfe or confultatioun. And this is to be put in executioun be the Justice Schireffis Stewartis Baillies Lords of Regaliteis and Rialteis thair Deputis and others Ordinar Jugeis competent within this Realme with all rigour having powar to execute the famin." (1)

The/

(1) Acts of the Parliament of Scotland II p.539. Appendix I for various intrepretations of this act.

The reasons for the passing of such an act in 1563 are difficult to fathom. There had certainly been no sudden increase in witchcraft subsequent to the Reformation. It is true that Andrew Edie "comptar" of Elgin had disbursed forty shillings "for the binners to ye wyffis yat war wardit in ye stepill for witches in summer last bypast." (1); and that in September 1562 in the royal burgh of Stirling "Jonet Lyndesay being sumtyme dwelland in Cambus, and Isabell Keir, hir dochter, being brutit with wichecraft, and na man to persew thame thairfoir, oblist tham of their awin confessioun that thai sall nocht be fundin in this toun agane, undir the pane of deid (2) A total of two cases, one without pursuers definitely rules out any epidemic of witchcraft as the reason for the new act.

One Scottish writer has been frank enough to admit he does not find it clear why the act was necessary (3) but the common explanation of the growth of Scottish witchcraft subsequent to the Reformation is found in the attitude of the Protestant clergy. Thus Arnot holds that "witchcraft first made its appearance in our criminal code, at a time when the broaching of a new fit of religious notions excited a paffionate desire for the attainment at extraordinary purity and ftrictnefs in doctrine and in morals." (4) Sir Walter Scott states the Calvinists were of all sects "the/

(1) Mackintosh "Elgin Past and Present" p.120

(2) Renwick. Records of the Burgh of Stirling. p.80

(3) Legge. Witchcraft in Scotland p.259.

(4) Arnot. Criminal Trials p.347. But the most cursory reading of Kirk Session records shows small evidence of any passionate desire for a high moral standard; while the doctrinal decisions of Knox and his co-ministers were rejected by the Convention Parliament of 1561.

"the most eager to follow it up with what they conceived to be the due punishment of the most fearful of crimes." (1) Adopting the same line of reasoning Lecky declares that in Scotland "where the witch trials fall almost entirely into their (the Reformed ministers) hands, the persecution was proportionately atrocious." (2) Summers, the exponent of the extreme view of this thesis holds that "in Scotland, envenomed to the core with the poison of Calvin and Knox, fire and sword were seldom at rest. It is clear that heresy had brought Witchcraft in its train." (3)

While such sweeping strictures of the ministry have some justification in later times they offer no explanation for the passing of the Witchcraft Act of 1563, ignoring as they do the fact that the General Assembly's supplication to the queen in July 1562 concerning the "horibill vices" then afflicting the country only includes "adultery, fornicatioun, oppin horedome, blaphemy, contempt of God, of his Word and Sacraments." (4); and even more significant, the fact that the records of the General Assembly make no mention of witchcraft till after the act of 1563 was passed. (5)

The first Book of Discipline confirms the indifference of the ministers to/

- (1) Scott. Letters on Demonology and Witchcraft p.224.
- (2) Lecky. History of Rationalism pp 8, 9.
- (3) Summers. History of Witchcraft, p.25 of his even more turgid and extravagant references to Knox, Calvinism and witchcraft in his Geography of Witchcraft p.201.
- (4) B.U.K. I p.21. Knox History of the Reformation II p.344, 345 relates with bitterness how Maitland of Lethington was empowered to express their desires in "a mair gentill maner." So successful was he in this task that Mary's comment on the supplication as presented was: "Here ar many fair wordis: I can not tell what the heartis ar."
- (5) B.U.K. I p.44.

to witchcraft. In the seventh head dealing with ecclesiastical discipline a very full list of sins worthy of condemnation and excommunication does not include witchcraft. (1) But when the Order of Excommunication and Public Repentance was issued by the General Assembly in 1571 the criminal meriting the supreme ecclesiastical punishment were "wilfull murtherers, adulterers (lawfullie convict), sorcerers, witches, conjurers, charmers and givers of dringes to destroy children, and open blasphemers." (2) Such definite mention of witchcraft in all its branches serves to confirm the lesson of the General Assembly records that the Kirk's interest in witchcraft arose after, not before, the 1563 statute was enacted.

With neither an abnormal increase in witchcraft nor pressure by the Kirk as an incentive the reasons for parliaments action assume a new significance. Undoubtedly certain factors were combining to make the Scots more witchcraft conscious. First among these was the reading of the Bible. Knox wrote in 1543: "Then mycht have bene sein the Byble lying almaist upoun everie gentilmanis table" (3) A too literal interpretation of the Scripture teaching thrown open to them was a failing early evident among the reformers. For them the biblical exhortation "Thou shalt not suffer a witch to live" took on a new significance as they read the Old Testament stories of Pharaoh's magicians and the Witch of Endor. The/

- (1) Knox. History of the Reformation II p.227; Infra p.56
- (2) Knox. Works VI, Pt2 p.449
- (3) Knox. History of the Reformation I p.100.

The seed did not fall on stony ground as later events were to demonstrate.

Another factor leading to an increasing interest in and knowledge of witchcraft was the close connection between Scotland and England during the religious civil war of 1559-60. English soldiers who poured into Scotland to help the reformers in the spring of 1560 must have talked of the alarming increase in witchcraft, charming and cousening in England (1)

The repeal of the "Bill ayest conjuraeons and wichercraftes and sorcery and enchantments" (2) in the reign of Edward VI (3), and the consequent neglect to deal with the crime were two powerful factors helping to bring about this increase, with the result that in March 1559 a bill was introduced into the English parliament, once more making witchcraft a felony. Parliament was dissolved before the bill passed the Lords. The matter was not allowed to drop for John Jewel, Bishop of Salisbury, having made a visitation of the west country in the autumn of the same year, made pointed mention of the great increase in the number of witches when he preached before the queen early in 1560 (4)

Such information, once imparted to their Scots fellow soldiers would soon be disseminated among the lower and middle classes of the Lowlands. The Protestant nobility of Scotland, too, by their continued association with Elizabeth and her government must also have become increasingly aware/

- (1) New Shakespeare Soc Trans. 1877-79 p.459
Latimer Works I pp.345,349
- (2) Statutes of Realm III p.837
- (3) Statutes of Realm IV Pt1 p.18
- (4) Jewel Works II pp.1025-34 of Appendix II for more details re Jewel's sermon and its influence.

aware of the steady growth of English witchcraft, especially as stories of attempts to remove Elizabeth by such means became common talk (1) The passing of the English act once more making witchcraft a felony in 1563 was an example which they were soon to turn to good use in the field of Scottish politics.

But neither biblical reading nor association with England did more than prepare the way for the Scottish witchcraft act of 1563. That statute was born on the swirling sea of Scottish politics as two strong personalities - Knox and Mary - strove for mastery. The rejection of the First Book of Discipline by the Convention Parliament created bad blood between the preachers and a nobility more eager to keep the spoils of the Reformation than to ensure the financial stability of the new church. The queen's beauty - "some inchantment whareby men are bewitched" (2) - drawing nobles away from the godly to the side of the 'courteouris' widened the rift between the preachers and many of their erstwhile supporters. Knox and his fellow preachers stormed from the pulpits at queen and nobility alike. "The Preachouris war wonderous vehement in reprehensioun of all maner of vice, which then began to habourd; and especiallie avarice, oppressioun of the poor, excesse, ryotouse, chear, banketting, immoderat dansing and hurdome, that thair of enseuis. Whairat the Courteouris began to storme, and began to pyck guerrallis against the Preachearis, alledging that all their preaching was turned to raylling." (3) Knox was the/

(1) Notestein. History of Witchcraft. pp.25, 27.

(2) Knox. History of the Reformation II p.270.

(3) Knox. History of the Reformation II p.362.

the first to admit that this vehemence of his "provoked the hatterent, not onlie of the Courteouris, but also of diverse otheris against the speaker." (1) Even Maitland of Lethington wrote to Cecil: "You know the vehemence off Mr. Knox spriet which cannot be Crydled; and that doth sometymes uter soche sentences as ean not easaly be diggested by a weake stomach." (2)

Relations between the preachers and their courtier and noble opponents seemed to have reached breaking point when the pulpits resounded to the demand that when parliament met in 1563 "the targetting of weomen's tailes, and the rest of their vanitie." (3) should occupy its attention. Even the old friendship between Knox and Murray was so strained that for months they were not on speaking terms. But the "courteouris" must have realised that they could not afford to quarrel with the preachers for Knox wrote that when parliament met in June 1563, "But least that thei (4) should altogether have bein sein to have foirsakin God, (as in verray deid boyth God and his Word was far frome the hearttis of the moste parte of the Courteouris in that aige, and a few, excepted) thei began a newe schift, to wit, to speak of the punishment of adulterye, of witchcraft, and to seik the restitutioun of the glebes and manses to the Ministeris of the Kirk, and of the reparatioun of chruches: and thairby thei thought to have pleased the godbye that was hyghtlie offended at thair slackness." (5)

Here/

- (1) Knox. History of the Reformation II p.363.
- (2) Maitland of Lethington to Cecil, Knox 'Works' VI Pt.1 p.136.
- (3) Calderwood. Kirk of Scotland II p.216.
- (4) Another MS has "Lethingtoun and his Companyons"
- (5) Knox. "History of the Reformation" II p.383.

Here in the desire of parliament to placate the vitriolic anger of the ministers is the chief reason for the witchcraft act of 1563. There is something ironical in the thought that the act which was to send so many Scottish men and women to the stake was born of no widespread demand but slipped into the statute book alongside legislation on glebes and manses.

Unlike many Scottish Acts this one was to be no dead letter. Hardly had parliament come to an end before "the Erle of Murray, the Lord Robert of Halyrudhouse, and Lord John of Coldinghame (1), past to the Northland. Justice Courtis war halden; thevis and murtheraris war punished; twa witches war burnt." (2) Such an unusual addition to the usual capital crimes was doubtless the not unnatural result of the recent parliamentary legislation passed on the initiative of the nobility. (3)

Unfortunately the administration of the new act was not left in the hands of the civil authorities for the forces combining to disseminate and increase witchcraft among the common people in the middle of the 16th century found in the General Assembly an ideal sounding board. There, and not in parliament, which had relapsed into a court of record did public opinion make itself felt on the subject of witchcraft. As early as December, 1563, four women having been delated to the General Assembly ~~and~~ "the/

- (1) Lord John Stewart, Commendator of Coldingham married the sister and heiress of James Hepburn, Earl of Bothwell. The son of this marriage was Francis Stewart, Earl of Bothwell who played such an important part in the North Berwick witchcraft incidents of 1590-91.
- (2) Knox. "History of the Reformation" II p.391.
- (3) Throughout Western Europe acts and papal bulls frequently aggravated the evil they were designed to check of Chambridge Medieval History VIII p.686.

"the Lords of Privie Counfell war requiefted to take order therein." (1)

The General Assembly followed this up on 26 June 1565 by presenting articles to Queen Mary demanding that "fick horrible crymes as now abounds" including "witchcraft, forcerie and inchantment ----- may be feverellie punifhed, and judges appointed in every province or dyocie for the execution thereof, with power to doe the fame, and that be Act of Parliament" (2) In reply "her Majestie referreth the ordering to the parliament." (3)

It was such continual and increasingly effective appeals to the civil authorities, thus early instituted and never allowed to fall into disuetude by the Kirk that helped to make the witchcraft act of 1563 so tremendously effective.

The close connection between Kirk and parliament was demonstrated when parliament next met in 1567 and decided "that maister Johne Ppottifwood Johne Knox maifter Johne craig maifter Johne row and maifter David lindefay mefteris or ony foure or thre of pame be alfua prit and adioynit to pe faid, barones and cmeffrs of burrowis in debaiting treating and reffonig of pe materis to be pponit concernig pe eftait of pe Kirk." (4) The joint committee of fourteen laymen and four ministers met on 3 December and dealt with nineteen points affecting the Kirk. But the ministers were/

(1) B.U.K. I Ptl. p.44.

(2) B.U.K. I Ptl. p.60

(3) Calderwood "Kirk of Scotland II p.294

(4) A.P.S. III p.35.

20.
were not present three days later when the lay members referred to the Lords of the Articles an article: "Item how witchcraft falbe pvnEIFt and Inquifitioun takin pof and pat pe execution of death may be vfit alfweill aganis pame that confultis wt pe witche feik h^{er} support mantenis or defendis his as aganis hir felf." (1)

The ministers absence when this decision was taken was because parliament did not consider witchcraft one of the matters to be proponit concerning the estate of the Kirk, and with this view Knox and his colleagues must have been in agreement for they were not the men to accept without protest any slight to the power of the Kirk. (2)

The probably cause of the remit was a desire for the clarification of the position of consulters. There seems to have been an unwillingness to accept the death penalty for such a crime, as laid down in the witchcraft act of 1563. This is shown by the decision of the General Assembly in 1573 that bishops, superintendents and commissioners call before them all persons suspected of consulting "and if they be found to have confulted with the faids witches. That they caufe them make publick repentence in fackloath upon ane Sunday in tyme of preaching, vnder the paine of excommunicatioun; and if they be difobedient, to proceid to excommunication, dew admonitions preceeding." (3)

The /

- (1) A.P.S. III p.44.
- (2) In its early years the Kirk had some doubts as to its competence to deal with witchcraft of B.U.K. I p.343 and infra pp.60-62
- (3) Of infra pp. 34, 60, 245-250 for further details of the various attempts to reach a modus vivendi regarding the punishment of consulters.

The question of the punishment of witches and consulters having been remitted to the Lords of the Articles in 1567, with no apparent results, thirty years elapsed before the parliamentary records again make mention of witchcraft and then only in the briefest of statements "Ament the forme of proces againft witches." (1)

Such a tantalisingly brief reference to witchcraft at that time is easily understood. Ever since the North Berwick witches had plotted against King James VI and his bride in 1590 (2) there had been a steadily rising crescendo of witchcraft hunting which had reached the most impressive climax yet seen in Scotland with the burning of many persons in Aberdeen in 1596/97. (3) King James must shoulder some of the responsibility for the special fury of the witch hunting. His first reaction to the examination of Fian and his principal female associates had been to remark "they were all extreame lyars." (4) but when Agnes Samson "declared unto him the verie wordes which paffed betweene the Kinges Majeftie and his Queene at Upflo in Norway, the firft night of marriage, with the anfwere ech/

(1) A.P.S. IV p.157.

(2) Pitcairn. Criminal Trial I Pt2 p.209-257
 Melville. Memoirs pp.395, 396, 397
 Melville. Diary p.187
 Birrell. Diary p.25.
 Calderwood. Kirk of Scotland V p.115, 116, 127, 128.
 Spottiswoode. Church of Scotland II p.411,412.
 Moysie. Memoirs p.85.
 R.P.C. IV pp.612, 643, 729.

(3) Spalding Club Miscellany I pp48-193.

(4) Pitcairn Criminal Trials I Pt2 p.218 quoting Newes from Scotland.

each to other, "James in astonishment declared "he believed all the devils in hell could not have discovered the fame ----and therefore gave the more credit to the reft that is before declared." (1) He became thoroughly alarmed when dashing and flamboyant Bothwell was named as the leader of the witches in their attempts to kill him. (2) A symptom of his alarm was his angry outburst to the jury which had dared to acquit Barbara Napier of conspiracy against his life. (3)

But by 1596 this situation was completely changed. Bothwell had been driven from the country, his associates had paid the firey penalty, and the immediate danger to the king had been removed. In the calmer frame of mind thus engendered the king's attention was directed to a series of witchcraft processes in which the methods employed to gain convictions were far from satisfactory. His first reaction was to ordain that he should no longer be "dailie fasheit" by demands for commissions and justiciary on "witchcraft and sicklyke capitall crymes" without their being considered and allowed by the Privy Council. In future all commissions were first to be presented to the Privy Council, allowed by that body, surety thereupon found by the pursuers of delivery of half of the escheats and penalties to the/

- (1) Pitcairn. Criminal Trial I Pt.2. p.218
- (2) R.P.C. I. p.643.
Calderwood. Kirk of Scotland V pp. 127, 128, 150-152.
Calendar of State Papers Scotland 1509-89 pp.591, 593.
- (3) Calendar of State Papers Scotland 1509-89 p.592
Pitcairn Criminal Trial I Pt.2. p.243.
Calderwood Kirk of Scotland V. p.128.

the king, and thereafter the commission was to be subscribed by the Secretary and presented for the king's signature. (1)

Even these stringent regulations failed to check the flow of cases involving most questionable methods of detection and trial of witches. In July 1597 Jonnett Finlasoun of Burntisland successfully appealed to the Privy Council to restrain the baillies of that town from persuing her further for witchcraft after she had been found innocent at her first trial (2) During the same summer Margaret Aitken, the great witch of Balweary, having claimed the power of detecting witches by a secret mark in their eyes, was taken about the country. "Many were brought in question by her delations, especially at Glasgow, where dwers innocent women, through the credulity of the minister, Mr. John Cowper, were condemned and put to death. In the end she was found to be a mere deceiver." (3)

These two cases stung James VI into decisive action on the 17 August when he revoked all witchcraft commission then in operation. At the same time the king laid down the conditions upon which witchcraft commissions would be issued in future. Lieges who had already ken commissioners, or who were of good rank might apply, and if successful, were to have "sum baronis/

(1) R.P.C. V pp.268, 269.

(2) R.P.C. V. p.405.

(3) Spottiswoode. History of the Church of Scotland III p.67

baronis and ministeris unsuspect, to the noumer of three or four#e conjunctlie at the fewest," associated with them. Such commissioners were neither to proceed to the execution of the accused nor to meddle with their possessions. Finally consulers being equally guilty with the consulted, commissioners were to report the names of all such offenders to the king within fifteen days. Failure to obey the new conditions involved loss of the commissioners part of the exheat in addition to further penalties in person and goods. (1)

Neither the king nor the Kirk was prepared to let matters rest there. James was evidently determined to prove that for once the Privy Council decree had to be enforced for on 16 September he sent a personal command to the Royal Burgh of Stirling: It is our will and we command you that ye fail not (all excuses set apart) to send to us at Linlythgw, vpoun Tyisday nixt,--- pricket wiche, presentlie in your waird, that scho may be reddy thair that nycht at evin attending our cuming for hir tryell in that depositioun scho has maid aganis Capitane Herring and his wyffe and for our better resolution of the treuth thairof." (2)

Further action was soon taken by the Kirk. On 1 September 1597 the Presbytery of St. Andrews, shocked at the prevalent method of witch detection, supplicated the king "for the repressing of the horrible abuse of/

(1) R.P.C. V.pp.409, 410.

(2) Renwick "Records of the Burgh of Stirling" p.86.

of carrying a witch about." (1) The matter was taken up by the General Assembly which in its "grieves" drawn up for presentation to James VI on 9 March 1597-98 decided "To advyce with his Majeftie, if the carieing of profest witches from towne to towne, to try witchcraft in vthers, be lawfull ordinar tryall of witchcraft, or nocht." (2) The king's reply on the same day was to the effect "that be ane act of the laft Parliament, it is remittit to certaine of his Hienes Counfell, certaine Minifters (3) and Advocates, to conclude upon (a solid order) anent tryall of witches, and to advyce whither the forfaid carieing of witches is permiffive, (or not)" (4)

The joint committee was undoubtedly another stage in the king's efforts to place trial for witchcraft on a sound legal basis. Nevertheless the likelihood is that it never met for no reference to its work occurs in the official records of Parliament, Privy Council or the Kirk. The probable explanation is that James changed his mind and instead of using the joint committee decided to rely, as he had already been doing, on the Privy Council if further action was required (5) This is borne out by the significant fact that Parliament did not again consider witchcraft for forty four years.

The next phase in witchcraft legislation opened quietly in 1641 with the presentation to Parliament of the overtures and desires of the commissioners/

- (1) Fleming. St. Andrews Kirk Session Register II p.801
- (2) B.U.K. III p.937.
- (3) Calderwood. Kirk of Scotland V. p.687 omits the ministers.
- (4) B.U.K. III p.937.
- (5) As he did in 1609 of R.P.C. VIII pp.328, 329; XIV 612; infra,p.93-96.

commissioners of the Kirk. Section 13 demanded that the acts against charmers, sorcerers and consulters be renewed and put in execution (1) In laying this overture before parliament the Kirk could not claim the justification of any increase in witchcraft, for there had actually been a very marked decline in the number of prosecutions since the peak years of 1629-30 (2) But the new brooms of the Presbyterians, first turned against the dust of Episcopacy in the Glasgow Assembly in 1638 were searching out fresh corners to be swept by 1641. Parliament was content to enter the overtures in the appendix to its legislation, but in the interval between the 1641 Parliament and the succeeding one which by law was due to meet in 1644, the General Assembly devoted more time than ever before to witchcraft. In August 1642 the General Assembly accepted overtures that being confident of the zeal of the "Judge Ordinair," presbyteries should delate to them persons guilty of gross sins, including witchcraft and sorcery. (3) The 1643 General Assembly followed up this instruction to Presbyteries by approving the first complete exposition of the ecclesiastical standpoint regarding the heresy of witchcraft. The causes of witchcraft, reasons for its increase, methods of ensuring confession, grounds of apprehension and treatment of accused while in custody were all detailed for the guidance of presbyteries, ministers and elders who, in the same/

- (1) A.P.S. V. p.646.
Acts of Gen. Assembly 1640 p.19.; *infra* p. 65
- (2) Compare the number of witchcraft entries in the R.P.C. during 1628-29 (2nd Ser. II and III) with the complete lack of entries during 1638, 1639, 1640, 1641, (2nd Ser. VII of also Black"Calender of Cases of Witchcraft for the years under discussion.
- (3) A.G.A. 1642 Seff XI p.21; *infra* p.66

same overtures, were enlightened as to their duties when faced with witchcraft. That all this machinery might work smoothly the General Assembly at the same time put forward a demand "That a standing Commission for a certain time be had from the Lords of Secret Council, or Justice Generall." (1)

With such a drive against witchcraft, backed by the whole organisation of the Kirk the number of cases of witchcraft showed an enormous increase in 1643 (2) When Parliament met in 1644 it was consequently presented with what amounted to a "fait accompli". To their credit the M^r's refused to be stampeded into a blind acceptance of the Kirk's demands. They approved "the order tane be the Commissioners of the Generall Assembly for the apprehending trying and executing of witches and punifing of Charmers and confulteres", but then took refuge in that favourite parliamentary device for gaining time, a committee of lawyers, physicians and divines which was to report in the first place to the next Assembly, which in turn was to report to parliament. On the crucial demand for standing commissions parliament was adamant, laying down "in the interim the estates ordeanes the Lordes of secret Counfell To grant Commissiones for trying and executing of witches According to ther former custome and Justice/

(1) Acts of Gen Assembly 1643. Seff Ult. p.27.; infra pp.66

(2) Black. Calendar of Cases of Witchcraft pp 51-53.
R.P.C. VII 2nd Ser. pp.595, 596, 599, 600, 643.
R.P.C. 2nd Ser VIII XIV, 12, 18, 19.

Stevenson. History of the Church of Scotland p.1084 re 1643.

"Witchcraft abounding, fo such at this time, no less than thirty persons having, in a few months, been burnt in Fife alone, the General Assembly named a Committee to examine into the nature and cure of that dreadful fin."

Justice." (1)

The Scottish Parliament has so frequently been contrasted to its disadvantage, with that of England that such a decisive stand against a Kirk then near the zenith of its power is worthy of special notice and praise.

The cautious attitude of the 1644 Parliament, despite the energetic action of the Kirk, found its justification in the following years when witchcraft prosecutions almost ceased (2) This sudden decline in witch hunting coincided with a period of comparative inactivity on the part of the General Assembly which showed so little interest in the joint committee proposed by Parliament that five years elapsed before it made any serious efforts to make the committee function by nominating the necessary representatives in August 1649. (3) The suspicion is unavoidable that the General Assembly was stung into action by the prior decisions of Parliament, which meeting in January 1649 proceeded to emphasise its conservative outlook on the subject of witchcraft. Ignoring such "modern" devices as standing commissions and joint committees Parliament concentrated on perfecting the Witchcraft Act of 1563, which, in the eyes of successive generations/

(1) A.P.S. VI Pt.1 p.197

(2) R.P.C. 2nd Ser VIII covering 1644-49 has no witchcraft cases of Black. "Calendar of Cases of Witchcraft pp 55,56.

(3) A.G.A. 1649 p.26. ; infra p. 68

generations, had not explicitly laid down the death penalty for consultants. (1)
 All ambiguity on the fate of such sinners having been removed, parliament
 ratified and approved "all former acts made aganst witches Sorcerers
 Necromancers and Confulters wt pame." (2)

Thus after a struggle which had lasted from 1641 to 1649 Parliament
 had successfully resisted the demands of the Kirk for more energetic
 prosecution of witchcraft cases by first fighting a delaying action in
 1644 and then taking advantage of the slackening of its opponents offensive
 to consolidate itself in its old position.

Parliament's handling of the serious outbreak of witchcraft at
 Inverkeithing in the spring of 1649 give further proof of its belief that
 the well tried methods of witchcraft prosecution were sufficiently effective
 in themselves provided they were enforced without fear or favour.

In Inverkeithing the magistrates found such opposition to their
 witch hunting that "defyrous for help in examining and bringing witches to
 confeffioun" they appealed to the Synod of Fife which referred the problem
 to the Presbytery of Dunfermline (3) Having deligated certain of its
 number to bring suspects to a confession of their crime, the Presbytery
 found its endeavours blocked by various members of the Kirk Session
 "having interest in the persons presentlie delated." (4) The Presbytery
 of Dunfermline therefore laid down, that nine elders "shall forbeire to
 sitt in Sessione till this business be tryed concerning those persons
 delated/

- (1) Supra pp.17,26,30 The death penalty was not enforced of
 infra pp.129,130,245 250
 (2) A.P.S. VI Pt. 2 p.152
 (3) Minutes of the Synod of Fife p.166
 (4) Stephen Inverkeithing and Rosyth p.441.

delated." (1)

Even that drastic prohibition failed to make the wheels of justice run more smoothly for on 12 July the Presbytery, evidently at its wits' end turned to Parliament and supplicated "That yee will be pleafit ather to command ane of the juftice deputs to "attend in the forfd prefbrie and parifhes abovewrin ffor holding of Juftice Cowrts and putting to the tryell of ane affyfe fuch as, or fhall be found gwiltie of the finne of witchcraft as they fhall be defyrit or to grannt ane ftanding commiffione." This latter suggestion was obviously the solution favoured by the Presbytery for the supplication backed up this request with a reference to the advocacy of standing commissions in the 1643 General Assembly.

True to its recently expressed opinions to adhere to the old and well-tried methods of trial Parliament ignored the supplication. But within three weeks developments of a character so unusual in Scottish witch hunting had taken place that a solution of the problem could no longer be delayed. The magistrates, in April all too ready to stir the Kirk into action against the suspects now found their own wives accused of witchcraft. Their enthusiasm suddenly evaporating, like that of the nine members of the Kirk Session, they refused to apprehend their wives. The Presbytery hurried to Inverkeithing and made them see the folly of their ways, but as soon as they were once again left to themselves "the magiftrates/

(1) Ibid p.441.

magistrates and town council flights that work." (1) On the 31 July the Presbytery therefore presented a supplication to Parliament detailing all the circumstances and demanding that a commission be granted to certain honest men of the burgh "to apprehend put in firmance and fair waird such perfours within the said burgh as the said prefbitrie of Dumfermling fall put to tryell for the cryme of witchcraft with power to them to Doe the Dewtie of the magistrats to the effect abone speit" (2) With a request so obviously in accord with the normal practice Parliament could have no quarrel, consequently the desired commission was granted on 7 August. (3)

The following year witnessed an abortive attempt to place witchcraft business in the hands of a committee of Parliament specially appointed for such duties. That attempt was the natural outcome of the increasing reliance placed by Parliament after the revival of a Committee of Estates in 1639. By an act passed in June 1640 the Committee of Estates was empowered to do everything necessary for the successful prosecution of the war, for the ordering of the country and "for menteanance and prefervatioune of the religioune and liberties of this kingdome" while Parliament was not in session (4) In the same year Parliament further extended the committee system by delegating to small committees of its members specific business, for/

(1) A.P.S. VI Pt. 2. p.510. One of the women accused was Marjorie Durie, wife of Robert Browne, and daughter of George Durie, town clerk of Inverkeithing. Stephen, Inverkeithing and Rosyth p.444.

(2) A.P.S. VI Pt. 2. p.301.

(3) Ibid p.371.

(4) Ibid V pp.282-4,

for attention during the session. With the appointment of a "Committee for the Billis" to consider "all billis and fupplicationes and to report in audience of the whole eftates of Parliament" (1) the machinery necessary for the effective use of parliamentary committees, either during or between sessions of Parliament was complete.

It is corroborative of what has already been said of the conservative outlook of Parliament towards the witchcraft problem that for some years no use was made of a system so obviously adapted for dealing with requests for witchcraft commissions. But with the growing interest of Parliament in witchcraft in 1649 it is not surprising to find that for the first time Presbyteries desirous of obtaining commissions applied, in some instances, not to the Privy Council, but to the Committee of Estates. (2) This increase in witchcraft business evidently made Parliament realise the possibilities of using the committee system it had now built up for in May 1650 "The Eftaittis of parliament Ordanes a Comittee to be eftablifhed of 3 of evrie eftait to be named be the bodyes wt the kingis advocat F juftice depattp any fyve to be the quorum to confidder of the depositions and otherf paperf to be given in concerneing witchis, and give power upoun pr report to the L Chanclar to fubferryve warrandp to putt to tryell or execuone." (3) Four days later the committee was instructed "to think upoun/

(1) A.P.S. V. p.318

(2) A.P.S. VI Pt 2 p.563.
Paterson. Count~~y~~ of Ayr II p.93.

(3) A.P.S. V Pt. 2. pp. 563, 564.

upon a constant way of proceeding in the proceeding of witches in time coming." (1)

There was much to commend such a course. The country was faced not only with isolated cases of witchcraft in such widely scattered centres as Dunfermline (2) Strathbogie, (3) Inch, (4) Eyemouth, (5) Aberdour (6) Renfrew (7) Glendevon, (8) and Lilliesleaf (9) but with an unprecedented series of outbreaks involving numerous suspects in the counties of Renfrew (10) Ayr (11) Bute (12) Lanark (13) Peebles (14) Selkirk (15) Lothian/

- (1) Ibid p.566.
- (2) Henderson. Kirk Session Records of Dunfermline p.31
- (3) Stuart. Presbytery Book of Strathbogie p.124, 134.
- (4) Davidson. Inverurie and the earldom of Garioch pp.306, 307
- (5) Webster. Tracts on Witchcraft. pp.107, 108.
- (6) Ross. Aberdour and Incheolme pp. 325-8.
- (7) R.P.C. 2nd Ser. VIII pp.211-220
- (8) Marshall Historic Scenes in Perthshire p.277.
- (9) Craig-Brown - History of Selkirkshire I p.201
- (10) Fraser - Maxwell of Pollok I pp.350-352.
Murray - Kilmacolm pp.56,57.
- (11) Paterson - County of Ayr II pp. 91-93,
- (12) Paton - Kingarth Parish Records pp. 7-28.
Hewison - Bute in the Olden Times II pp.261-263.
- (13) Robertson - Presbytery of Lanark pp. 74-82.
Hunter Biggar and the House of Glening p.386.
- (14) Gunn. Cross Kirk Peebles pp.137, 138; Linton Church p.21.
- (15) Craig-Brown - History of Selkirkshire I p.451.

Lothian (1) Fife (2) and Angus (3) Presbyteries had begun to show a not unnatural alarm which had spread to the Commission of the General Assembly (4)

The whole situation was rendered more complicated than ever before by a political situation in which Parliament found itself at once conducting delicate negotiations with Charles at Breda, and preparing to meet the best army in Europe which Cromwell was about to lead across the Border. The Kirk might focus its attention on witchcraft but Parliament had other and more important matters to engage its attention. With delegation of duties to committees commoner than ever before between 1647 and 1651, one more committee was the obvious method of relieving the harassed estates of the work involved in the examination of applications for witchcraft commissions. Such a step must have appeared doubly attractive to busy members of Parliament as the striking similarity of evidence advanced against the suspects rendered the whole business little more than a matter of routine in most cases.

There is no evidence that the Kirk took any objection to the committee set/

- (1) Waddell - And Old Kirk Chronicle pp. 99-102.
Scottish Notes and Queries III pp. 122, 123; IV pp.27, 28.
- (2) Henderson - Kirk Session Records of Dunfermline pp.31, 33, 36.
Kinloch - Presbyteries of St. Andrews and Cupar pp. 130-158.
Minutes of the Synod of Fife pp. 165-170.
Stevenson - Presbytrie Booke of Kirkcaldie pp.339, 340, 350-353, 361.
- (3) Black- History of Brechin p.75
Records of the Presbytery of Brechin pp.35-38, 38-43, 44-51.
- (4) Mitchell - Commissions of the General Assemblies II pp.393, 413, 414.

set up to deal with "depositiones and otherf paperf to be given in concerneing witchis." (1), but its reaction to the proposal that the powers of the committee be extended "to think upoun a conftant way of procedine in the proceffing of witches in tyme to coming." (2) was instantaneous. Within twenty four hours the Commission of the General Assembly had passed a humble desire and overture "That some course were taken for a generall Comission for tryall and punishment of witches." They backed up this revival of their favourite request by stressing "the great charges, besyde the losse of tyme, that people from all corners of the countrey have in attending here vpon particular Comissions." (3)

From its incoption the committee seems to have been in difficulties for on 31 May it was actually reporting to Parliament on the case of Isobel Alexander (4) - a totally unnecessary procedure according to the terms of its creation. By the 26 November the witchcraft committee had ceased to function for on that date Parliament "Ordanes the Comittee of bill to tak in confideraone paperf given in concerning witches." (5) and on 2nd December/

- (1) A.P.S. VI Pt2 p.564.
- (2) Ibid p.566.
- (3) Mitchell - Commissions of the General Assembly II p.414; of Irving Dumbartonshire pp.62-64 for the trouble getting witnesses to go to Edinburgh.
- (4) A.P.S. VI Pt.2 p.576.
- (5) Ibid p.608.

December Parliament was once more dealing with witchcraft cases (1)

With the records of Parliament and General Assembly alike coming to an abrupt termination consequent upon the Cromwellian conquest of Scotland (2) there is small profit in indulging in elaborate speculation why the committee was such a sudden and disastrous failure except to suggest that following upon the defeat of the Scottish army at Dunbar on 3 September 1650 the flood of supplications for witchcraft commissions which

Parliament seemed, with reason, to have anticipated did not materialise (3) In the changed circumstances the conservatism of Parliament reasserted itself to such an extent that it fell back on the old and well tried methods of dealing with the small amount of witchcraft business brought before it. It is ironical to reflect that on the only occasion upon which Parliament threw aside its policy of cautious conservatism its excellent administrative proposal should have died almost as soon as it was born.

With the Restoration the ten years hiatus in the activities of the Scottish Parliament came to an end. Meeting for the first time on 1 January 1661 Parliament immediately turned its attention to the demolition of the Presbyterian legislation which ran counter to the political and religious beliefs of the monarchy.

By the 3 April witchcraft business was once more obtruded upon its deliberations/

(1) Ibid p. 614.

(2) The Committee of Estates was captured by the English at Alyth on 28 August 1651. Lang. History of Scotland III p.256. The General Assembly, torn by internal dissensions, was finally suppressed in July 1653. Ibid p.265, Baillie 'Letters and Journals III p.225.

(3) Infra p. 336

deliberations with the demand for and granting of a commission to try certain witches at Samuelston. (1) Within three months fourteen more commissions had been granted. Such a heavy demand for commissions, equalled only by that of 1649 was the inevitable result of the Cromwellian interregnum during which events had conspired to bring about a new low level in the number of witchcraft cases.

Rent from top to bottom by the embittered strife of Resolutioners and Protestors, the Kirk had been in no position to wield its customary authority in the sphere of witch hunting. But even united the Kirk could have achieved little, for the tramp of Roundhead soldiers had sounded the knell of its domination. Well might the Presbytery of Aberdeen lament "Excommunicats are goeing avowedlie in our streets now in Aberdene, are playing openlie at goulfe in our linkes, whilk before December 14 (1650) they durst not have done." (2) Presbytery and Kirk Session records furnish ample proof of the disorganisation brought upon the work of the Kirk by the arrival of the English (3).

Where the church courts did succeed in functioning they immediately came into contact with the English Commissioners of Justice. By refusing/

(1) A.P.S. VII p.31.

(2) Mitchell Commissions of General Assemblies III p.250.

(3) "Those twelve months bypast the brethren could not meet by reasone of the garisones of the enemie within everie corner of the boundes of the Presbyterie and thair dailie motions to and from all these parts" Murray - Records of a Falkirk Parish I p.179. of also Renwick Records of the Royal Burgh of Lanark p.146; infra pp.178,179,

refusing to accept the type of evidence advanced for so long by Kirk Sessions and local busybodies that use and wont had made it sufficient to gain convictions, the commissioners had put an effective check on wholesale convictions. (1) More subtle, but equally effective, was the Commissioners' habit of summoning accused persons and their accusers to Edinburgh. When faced with a journey to Edinburgh many a parsimonious Scotsman suddenly lost all enthusiasm for witch hunting. (2)

While all those factors combined to dam up witchcraft prosecutions during the interregnum, they did not alter in one iota the prevailing belief in the power of the devil and his emissaries. Scotsmen only lamented the louder at the freedom accorded to the inhabitants of "Satans Invisible World." Robert Baillie correctly summed up the popular feeling when he wrote to his cousins Spang "There is much witcherie up and downe our land; though the English be but too spareing to try it, yet fome they execute." (3) No great perspicuity was required to foretell that once the restraining hand of the Roundheads was withdrawn the floodgates of prosecution/

- (1) "Ther was a jurie of Englifhes, that patt att Stirling, (called the Juftice Ayre) and they cited before them witches, adulterres, bouggerres, inceftous perfons, and fuch as had leyen with beafts. As for the witches, they had libertie to goe home againe, vpon caution, till Apr. 1653" Lamont ^{Diary} September 1652 p.45.
4 October 1652 "Letters that sixty persons, men and women were accused before the commissioners for administration of justice in Scotland at the last circuit for witches; but they found so much malice, and so little proof against them, that none were condemned" Whitelock Memorials III p.458.
- (2) Irving - Dumbartonshire I pp.61-64.
- (3) Baillie Letters and Journals III p.436.

prosecution would be opened wider than ever before (1) Old wives who had successfully evaded the flames during the Cromwellian interregnum were now hailed to justice and speedily condemned (2) It was small wonder that between/

(1) Cromwell was hardly in his grave when the Scottish trials for witchcraft began to increase of McDowall "Dumfries p.430; Nicoll- Diary pp.228, 233; Spottiswoode Miscellany II p.68. Black Calendar of Cases of Witchcraft. p.64.

Legge. Witchcraft in Scotland p.267 declares "After the death of Cromwell in 1658 38 women and 2 men were executed in Edinburgh and the neighbouring counties. As is frequently the case with this writer he gives no references to justify his figures.

(2) Margaret McWilliam, a native of Bute, was first delated by confessing witches in 1639. She was again accused in 1645 but the Kirk Session simply "took the same to ther advisement." In 1649 she was imprisoned and the devils' mark found on her body. "But throw the confusion of the tymes then she was lett out upon Candes." In 1662, along with many others, she was at last brought to justice." (Macphail "Highland Papers III p.14) One of the many commissions issued by the Privy Council on 7 May 1662 was for a commission to try and judge her (R.P.C. 3rd Ser I. p.208)

Katharine Key of Newburgh was charged with witchcraft in 1653. She was again before the Kirk Session and Presbytery in 1655. Four times the beadle called in vain at the church door for witnesses and she escaped by doing public repentance (Simpkins County Folklore VII pp.98, 99) But in November 1661 the Privy Council issued a commission for her trial (R.P.C. 3rd Ser I p.78.)

In July 1661 the Kirk Session Records of Aberdour state "Finding that, in all parts, they are doing something for the dinging down of the kingdom of Sathan, the Session thought that they likewise would do something for Gods glory --- Seeing there are severalls in this toune, that long ago should have been apprehended for witchcraft, and never hands yet laid upon them, wherefore the Session desires the Bailzie to cause apprehended for witchcraft, and never hands yet laid upon them, wherefore the Session desires the Bailzie to cause apprehend and incarcerate presently; Margaret Currie and Catherine Robertson" (Ross - Aberdour and Inchcolme p.329) Comment on such an entry is superfluous!

The above examples are worthy of special note as they prove that the opinion common among certain students of witchcraft that times of trouble lead to outbreaks of witchcraft is at best no more than one half of the story.

e.g. Hutchinson - Historical Essay on Witchcraft p.38.

Notestein - History of Witchcraft p.196.

Lecky - History of Rationalism I p.68.

Kitterdige - Witchcraft in Old and New England p.331.

An old wife was just as likely to be left unmolested in the general religious and political confusion of infra pp.177-179 and pp.

between April and July 1661 Parliament was deluged with demands for commissions. (1)

Noone would have been more incredulous than the members of Parliament if they had been told that the commissions they issued on 12 July 1661 Mr. Johne Prestoun and other to judge eight accused in Gilmerton were the last witchcraft business ever to be transacted by the Scottish Parliament. (2) There is a simple explanation of this, at first sight, surprising fact. The Restoration was not only of the royal line of Stuart/

- (1) The view has repeatedly been advanced since the 17th century that witchcraft was treated with special severity by Puritans and Presbyterians e.g. .

Hutchinson. Historical Essay on Witchcraft p.49.

Kittredge. Witchcraft in Old and New England p.368, quoting Ady's Candle in the Dark and his own remarks thereon.

Scott. Demonology and Witchcraft pp.224, 225.

Lecky. History of Rationalism p.116.

Chambers. Domestic Annals III p.135.

Notestein. History of Witchcraft. pp.195, 196, 197.

Without exception those writers quietly ignore the fact that the most intense of all witchcraft persecutions in 1661-62 fell within the period of Episcopalian domination. P.H. Brown seems aware of the problem but avoids any definite explanation of the great outbreak of 1661-62. He is content to write "For this there may have been a double reason. The Cromwellian Courts of Justice had discountenanced accusations of witchcraft, so that a long arrears of suspected persons remained to be dealt with, and the clergy of the Restoration church had to give proof that they were as zealous against the powers of darkness as their predecessors under the Covenants (R.P.C. 3rd Ser I, introd Iv) His first tentative reason agrees with the conclusions stated above; his second is open to the serious objection that the Episcopalian clergy were never given to attempts to win over Presbyterians by their religious zeal. Theirs was the way of force culminating in the "Killing Times." For the violent outburst in 1661-62 there is another simple explanation ~~as given above~~. Infra p.337n.

- (2) A.P.S. VII p.336.

Stuarts but of their method of governing Scotland. That meant the restoration in all its pristine glory of the Privy Council which had been the recognised authority for dealing with applications for witchcraft commissions. Not till 1649 had Parliament issued its first witchcraft commission (1) Now there was a return to the ~~old~~ system. A chronological examination of dates tells the whole story. Parliament met on 1 January 1661 and dealt with witchcraft commissions till it issued its last on the 12 July. The Privy Council met for the first time on the 13 July, for the second on the 18 July, and for the third time on the 25 July when it dealt with the first of the greatest spate of requests for witchcraft commissions in the history of Scottish witchcraft.

In the legislative sphere Parliament never again found it necessary to tamper with the Witchcraft Act of 1563. The re-enacting of the witchcraft legislation in 1649, and its extension to consultants gave to the Privy Council in which there rapidly developed a distinctly sceptical outlook on witchcraft, more than all the power that body required to deal with the devil's followers. Moreover Parliament was blessed beyond the dreams of its predecessors in the absence of a General Assembly to rally the forces of the Kirk against the powers of darkness. The days of articles, overtures and "humble" petitions from the ~~General~~ Assembly to Parliament were over before the Assembly again met in 1690.

With the Kirk then prepared to accept the status quo, as it demonstrated when/

(1) A.P.S. VI, ii, P.420. ~~end-supra~~

when it decided "it is fit, that former Acts of General Affsemblies concerning Witch-craft were revived, and Recommended to the care of all Presbyteries." (1) there was no likelihood of the Parliament being urged to introduce new, or amend the old witchcraft legislation. Any such attempt would doubtless have been foredoomed to failure for had not Sir James Ogilvie, Secretary of State for Scotland written to Sir John Maxwell of Pollok during the serious outbreak of witchcraft in Renfrewshire: "Whitehall, 17th Aprile 1697----- if you doe proceed against the witches, let it be upon good and sure grounds, or vtherwayes you will not escape the sensure of many of the English, who doe scarcely beleive that ther is any such thing as ane witch." (2)

In 1736 the Parliament of Great Britain repealed the English and Scottish acts against witchcraft. It was further enacted that after 24 June 1736 no person was to "pretend to exercife or ufe any King of Witchcraft, Sorcery, Inchantment or Conjurat[i]on, or undertake to tell Fortunes, or pretend from his or her Skill or Knowledge in any occult or crafty Science to difcover where or in what Manner any Goods or Chattles, fupposed to have been ftolen of loft, may be found." Conviction under this section of the act was to be punished by a year in prison, without/

- (1) Acts of Gen Assembly 1699 p. 26.
- (2) Fraser "Maxwells of Pollok II p.106.

without option of bail, and a sixty minute appearance in the pillory once a quarter on market day.

Certain broad conclusions can be drawn from the above discussion on the Scottish Parliament and Witchcraft. In the first place no widespread demand either by Scotsmen in general or by the Kirk in particular led to the Scottish witchcraft act of 1563. The act was essentially a peace offering thrown to an angry and disgruntled Kirk in quite the best 20th century parliamentary tradition.

In the second place Parliament seems to have rushed through an act which was unnecessarily harsh. Death for witches in the country accepted; death for consultants it refused to consider. No better example of the fact that the ultimate power behind all witchcraft persecution is the people could be found than the quietly effective cold shouldering of this provision of the act.

In the third place attention must be directed to the rather remarkable fact that almost a hundred years were to elapse before the legal interpretation to be placed on the act and the method of its enforcement were established. Parliament, Crown and Kirk each in its turn, when it felt sufficiently strong, attempted to impose its particular solution.

Parliament was first to recognise the necessity for some guidance to the courts which had no experience in the handling of witchcraft cases. But by remitting the matter to the Lords of the Articles, who took no action, Parliament missed a golden opportunity of stabilising witchcraft procedure before its great rival, the General Assembly, had developed/

developed definite ideas upon the subject. Matters were allowed to drift along until, as has been shown, James VI became personally interested in the enforcement of the 1563 Witchcraft Act. That much maligned monarch is due great credit for the energy with which he tackled the problem, by Privy Council decrees. His solution^{of} the problem endured unaltered except for certain advances in judicial practice in the courts until the Kirk in its overweening power tried to overthrow it between 1641 and 1649.

Contrary to the commonly accepted view the Kirk as has been abundantly demonstrated made no appeals to Parliament regarding witchcraft for long after the act was passed in 1563, and Parliament in turn did not at first trouble to consult the ministry on witchcraft matters. In fact for many years the Kirk did not seem at all certain how to deal with witchcraft problems; but between 1641 and 1649 a church militant and rampant attempted to browbeat Parliament into acceding to its views. Tribute has already been paid to the triumphant resistance of Parliament to what were rightly held to be exorbitant demands for changes in the application of the acts against witchcraft. But when Parliament, flushed with its successful resistance to the Kirks demands, tackled the old problem which it had shirked 83 years earlier it was only to see its tentative plans brought to nought by the Cromwellian invasion.

All the difficulties associated with the interpretation and enforcement of the act could very well have been left, as in truth they were for long periods, in the hands of the Privy Council and judges.

When/

When Parliament was invoked it was as a means of furthering the ends of Crown and Kirk. With the Crown supreme throughout most of the years during which the act was in force it was only natural Privy Council and judges should have adopted the Crown's interpretation of the act. That Parliament should have been prepared not only to acquiesce in the Crown's solution of the witchcraft problems but also to support the status quo, even to the extent of defying the Kirk suggests that it accepted in its essentials the system of trial elaborated by the Crown and its officials. With Parliament little more than a court of record throughout the greater part of its existence all the more credit is therefore due to the members for their energetic action during the eclipse of the royal power in the Civil War when they stepped into the shoes of the Crown as a conservative force willing to carry on the old system.

By so doing Parliament prevented the initiation of any awkward changes in witchcraft procedure, rendered all the easier the return of the old methods of trial in 1660, and prevented the Kirk from harbouring any fantastic ideas as to witchcraft procedure when General Assemblies again met in 1690.

C H A P T E R III

THE GENERAL ASSEMBLY AND WITCHCRAFT.

While responsibility for the witchcraft legislation of 1563 rested primarily on the shoulders of a parliament desirous of placating a Kirk taunted almost beyond endurance, the inevitable result of the act was to bring into prominence the very crime it was designed to combat (1) Within a few months the Kirk which had evinced no interest in witchcraft in its brief existence was faced with the problem of its position relative to the new act. Founding its teaching very largely on the Old Testament the Kirk could not be unaware of the Scriptural injunction "Thou shalt not suffer a witch to live." Its effective application of the new act was to occupy the attentions of successive General Assemblies from 1563 to 1707. Naturally the degree of interest exhibited and the methods considered best adapted to rid Scotland of the sin of witchcraft were ever varying. They can best be studied from the dual viewpoints of the General Assembly's relations with such temporal authorities as the king, parliament, privy council and judges, and its internal relations with the presbyteries kirk Sessions and ministers.

The General Assembly and the Temporal Authorities.

From the earliest Christian times there had been a certain confusion as to the authorities ultimately responsible for the punishment of/

(1) Notestein. History of Witchcraft p.5.
Ewen Witchcraft and Demonianism pp.39-41.

of witchcraft. Rulers converted to Christianity frequently turned the forces of the law against their subjects who persisted in worshipping the heathen gods of their ancestors. (1) The employment for witchcraft in treasonable attempts on rulers also provoked violent punishment at the hands of the royal courts (2) At first the Roman Catholic Church had shown no great alarm at the isolated cases of witchcraft cropping up throughout western Europe, (3) but as the passing years saw the old beliefs in charms, spells and necromancy gradually merge into the witchcraft of the later Middle Ages the spiritual guardians found new occasion for alarm. As the evidence of a sect of devil worshippers entering into compact with Satan began to accumulate the attitude of the Roman Catholic Church underwent a change (4) The first papal bull dealing directly with witchcraft was issued in 1258, but in it inquisitors were warned to intervene in cases of witchcraft only if there was clear evidence of heresy (5) In the following two hundred years the church became convinced that it had to deal with a new heretical sect - the witches.

Papal/

- (1) Murray Witch Cult in Western Europe pp.22, 23.
- (2) Supra p.9 text; and note No. 4,p.10
- (3) Summers "Geography of Witchcraft." 524.
- (4) Lecky "History of Rationalism" 51,52 G.L. Kittredge - "Witchcraft in Old and New England" 246.
- (5) Summers. "Geography of Witchcraft" 524.

Papal bulls in increasing numbers poured forth to culminate in the famous bull of 1484 (1)

Generally speaking it may be said that where the interests of the state had not been threatened the mediaeval church had been left to deal with those guilty of witchcraft (2)

With few cases of witchcraft and no act of parliament on the subject pre-Reformation Scotland had also been content to leave the execution of justice on those guilty of witchcraft to church or state as the individual circumstances might decide (3) The act of 1563 was at once a challenge and an incentive to lay and ecclesiastical courts alike. Strange to relate the Kirk did not at first carry on the mediaeval tradition of the direct interest of the spiritual courts in the detection and punishment of ordinary cases of witchcraft in which the crown had not interest. The first mention of witchcraft in the records of the General Assembly was on the 31st December 1563 when the superintendents of Fife and Galloway delated four women for witchcraft. The minutes record that "The Lord of Privie Counfell was requeifted to take order therein." (4) The almost casual/

(1) The consensus of opinion is that this bull gave a great impetus to witchcraft prosecution, though Summers takes the contrary view that it was no more than one of a long series of papal condemnations.

e.g. Lecky - History of Rationalism p.7.

Summers - History of Witchcraft 12,13 gives a list of authorities who disagree with his interpretation.

(2) Notestein. History of Witchcraft pp.5-10.

(3) Supra pp 8 and 11 for cases of priest of Inverkeithing and Lady Glamis.

(4) B.U.K. I. 144.

casual dismissal of the matters bears out what has already been said concerning the attitude of the Kirk towards witchcraft in the early years of its existence (1) The quiet acceptance of the Privy Council as the body best able to deal with the crime was a precedent which a more powerful and aggressive Kirk was doubtless to regret in later years.

On the 25th June 1565 there was presented to the Crown the forerunner of many "articles" in which the General Assembly included for the first time witchcraft, sorcery and necromancy in the long list of "horrible crymes" which it requested "be feverlie punifhed; and judges appointit in every province or dyocie for the execution thereof, with power to doe the fame, and that be Act of Parliament." (2) The article is of interest not so much for the first official ecclesiastical condemnation of witchcraft as for the light which it throws upon the judicial position. The First Book of Discipline had been explicit that "Blasphemye, adulterie, murthour, perjurie, and uthir crymes capitall, worthie of death, aucht not properlie to fall under censure of the Chrche; becaus all suche oppin transgressouris of Goddis lawis aucht to be tackin away be the civill swearde." (3) Going on to lament the weakness brought upon the civil sword by the struggles against papacy, the First Book of Discipline laid down/

(1) Supra pp.16-19

(2) B.U.K. I.60

(3) B.U.K. II p.227.

down that the Kirk should however deal with all crimes. It will be obvious that in presenting this article for the queen's attention the Assembly not only made no attempt to differentiate between the crimes to be dealt with by the Church or state courts, but was willing to abrogate the judicial powers it had claimed five years earlier. Clearly the Kirk's views upon the authority responsible for punishment of crimes, including witchcraft, now explicitly condemned for the first time, were in a state of flux.

Ample proof that the inclusion of witchcraft in the articles implied no special alarm at, or claim to deal with the crime, was furnished two years later when fourteen barons and burgesses dealt with the method of inquisition and trial of witchcraft without the assistance of the four ministers specially selected to assist them in dealing with matters concerning "the eftait of pe Kirk" (1) The efforts of the infant church to establish itself in the face of the crippling greed of the nobility and the machinations of Queen Mary and her friends probably account for the scant attention devoted to the punishment of crime. But with Mary a prisoner in England, and Moray, a good friend of Knox and the Kirk acting as regent the quieter state of the country quite naturally led to the first attempts to clarify the judicial position between Church and State. The relative indifference of the Kirk to the problem may be gauged from the fact that the first move came from the Regent Moray. In a letter to the General/

(1) Supra p. 25, 26

General Assembly written five days before it met he pointed out, "and
 fenfyne we have bein verie willing to doe justice on all perfons suspectit
 of witchcraft, as also upon adulterers, inceftuous perfons, and abusers
 of the sacrament, wherin we could not have fick expeditioun, as we would
 have wifchit, becaufe we had no uther probabilitie, wherby to try and
 convict them, bot ane generall delation of names; the perfons suspect not
 being for the moft part tryit, and convict be ordour of the Kirk of
 befoir; this hindrit many things, quhilk utherwayes might have bein done;
 and therfor we pray you appoint and prefcryve, how the judgement of the
 Kirk may proceid and be execute againft all fick trespaffors, befor
 complaint be made to us that when we come to the countrey, we may caufe
 execute the law, and be releivit of the tryall of inquifition heiranent." (1)

This pointed request that the Kirk should set its house in order was
 reinforced by articles, proponed in the regent's name, inquiring what
 actions "be inquired of be the miniftry; and that the delations be fo
 amply taine as ane dittay may be fufficiently formed, that the civil
 fword may follow." (2) The Kirk's reply was to refer the question to the
 Convention Parliament then sitting at Perth. The quiet acceptance of the
 Convention as the body qualified to deal with the question reinforces all
 that has been said of the relative indifference of the Kirk to its
 judicial claims in general, and to witchcraft in particular.

Not/

(1) B.U.K. I. 153.

(2) B.U.K. I 155.

Not till March 1571 did the General Assembly show any interest in the problem. At its first session the Assembly ordered several ministers, including John Knox, to convene at 7 a.m. each morning and draw up heads pertaining to ecclesiastical jurisdiction (1) The fruits of their labours were the usual vague articles to the regent claiming the right to judge "true and false religion, or doctrine, heresies, and fickle." (2) coupled with the demand that crimes provoking God's wrath be punished (3) No attempt was made to eliminate the weaknesses in the judicial machine so clearly stated by Regent Moray; no notice was taken of his pointed reference to witchcraft.

To the General Assembly which met on the 6th August 1572 John Knox, then near his end wrote, "I could not nor cannot cease to admonish you of things, which I know to be most prejudicial to the Kirk of Christ Jesus within this realm." (4) He also submitted for the special consideration articles of which the 8th was "Anent the Jurisdiction of the Kirk. That the same be determined in this Assembly, because this article hath been long postponed." (5) The Assembly must have appreciated the justice of the complaint for the articles presented to the regent/

(1) B.U.K. I.185.

(2) B.U.K. I. 187

(3) B.U.K. I 188.

(4) B.U.K. I.247.

(5) B.U.K. I. 249.

regent, nobility and Privy Council were much more detailed than before, and, what was more important, suggestions were made as to the best means of rectifying the sins of both ministers and laymen. Among other shortcomings the nobility were urged "that thair may amend thair great negligence in tymes past in puneyffing of vyces, throchout this hail realme, ficlyk as inceft, adulterie, bloodfcheding, and forcevie. (1) So three years after the Regent Moray had complained of his inability to proceed against witches because of the lack of evidence supplied by the ministers, the General Assembly had at last deigned to mention sorcery in its list of the more serious crimes. The following years were to prove that the inclusion of sorcery was due to something more than chance.

Meeting in August 1573 the General Assembly laid down that those who consulted with witches should make public repentance upon pain of excommunication (2) The decision was doubly important because on this, the first occasion upon which the General Assembly took legislative action against witchcraft, it came to a decision contrary to, and more liberal than the act of Parliament on the subject.

Meeting in August 1574 the General Assembly presented to the regent an article, "That his Grace will give commiffion to certaine gentlemen in every countrey, that inceft, adulterie, witchcraft and fick odious crymes, guherwith/

(1) B.U.K. I. 253.

(2) supra p. 26 where quoted in full

quherwith the countrey is replenifhit, may be punifhit." (1) The Kirk was more than usually alarmed at the state of the country at that time along with the articles it addressed a supplication, by the hand of six ministers, expressing the hope that they would receive " a reaonable and godly anfwer thereto." (2)

Meeting in August 1575 the General Assembly considered various problems, among them, "Queftio. Whither if the Kirk be the law of God hath power to cognofce and decern upon herefies, witchcraft, blafphemation of the name of God and violation of the Sabbath day, efppecially upon the quidditie thereof; or whither if the Criminal Judge fhall give fentence of death for fuch crimes, before the Spiritual Judge decerne upon the quidditie thereof.

"A. The Kirk has power to difcerne and cognofce vpon herefies, blafphemation of Gods name, witchcraft, and violation of the Sabboth day, not prejudge and the punifhment of the civill magiftrate." (3)

The very fact that the pronouncement was considered necessary bears out all that has been said on the indefiniteness that had characterised the Kirk's attitude to the problem of the relative spheres of ecclesiastical and civil jurisdiction. At last the ever varying lists of sins and vague references to "other horrible crimes" had given place to four specified crimes/

(1) B.U.K. I. 305; *infra* pp. 282, 391

(2) B.U.K. I. 307.

(3) B.U.K. I. 343-4.

crimes. The ranking of witchcraft alongside the other three serious sins was the culmination of the growing interest evinced by the General Assembly in each of its four summer meetings from 1572 to 1575. Whether Regent Moray's ghost approved of the Kirk's claim to "discerne and cognofce" is another question. This declaration of 1575, coupled with the further delineation of the spheres of ecclesiastical and civil jurisdiction in the Second Book of Discipline (1) was sufficiently effective in clearing away the confusions of the previous years that it was but rarely in the ensuing 60 years that the Kirk found it necessary to bring the sin of witchcraft to the notice of the temporal authorities. In each case some special circumstances forced the General Assembly to take such action. The first of those occasions arose in 1579 when the young king, James VI, was assuming the reigns of office. Addressing a long epistle to the monarch the General Assembly drew his attention to "things pertaining to the advancement of God's glory, and weale of his Kirk, wherewith is joynd the prefervation of your eftate, and whole body of this common wealth"(2) Of the obstacles to the achievement of this end the final were "forceries, and many fuch like enormities." (3)

The General Assembly which met in October 1583 felt itself compelled to address to the King a series of strongly worded articles, the ninth being/

(1) Infra p. 74, 75

(2) B.U.K. II 441

(3) B.U.K. II 447.

being, "That there is no punifchment for incefts, adulteries, witchcrafts, murthers, abominable oathes, and vther horrible oathes." (1) The King's reply had a familiar ring. "The default of punifhment of vyces mentionat in the nynt heid, and of the act of provifioun of the poore, and punifhing of vagabounds, man not be juftlie impute to his Hienes, quho hes ever bein willing and ready to grant commiffioun to fuch as the Minifters thoght meiteft to execute the fame, quher inhabilitie was in the Judges ordinar." (2) There was probably some truther in the Kings' retort, for others of the articles confirm that the administration of justice was not running smoothly. The old problem of the spheres of ecclesiastical and civil jurisdiction was again to the fore with charges of interference by the General Assembly and refutations by King James. So interlocked were the church and lay courts that the efficient administration of justice was impossible in the atmosphere of intrigue and suspicion following upon the escape of James from the Ruthven Raiders, and his contacts with foreign Catholic powers. From 1583 to 1598 only the briefest references to witchcraft and superstition are found in the records of the General Assembly (3) This is the more remarkable when/

- id of h 11
- (1) B.U.K. II 632.
 - (2) B.U.K. II 644.
 - (3)
 - (a) In 1587 the brethren of St. Andrews were ordered to subscribe the process against a witch and one minister was to travel to obtain a dittay against her. B.U.K. II p.725.
 - (b) In November 1592 a convention of ministers at Edinburgh decided upon a General fast because the country was "overflowing with all kind of impietie." including witchcraft. Calderwood V 179-180.
 - (c) In May 1594 the General Assembly found a new cause for alarm "anent the horrible fuperftition vfed in Garioch and diverfe parts of the countrey, in not labouring ane parcell of ground dedicate to the Devill, vnder the name of Goodman's Croft." Parliament was asked to pass an act ordering all such lands to be tilled upon penalty of their forfeiture - B.U.K. III 834.

when it is remembered that the famous attempts of the North Berwick witches to remove James VI fell within that period. Clearly the king's handling of that alarming episode must have given satisfaction to the Kirk.

When the General Assembly again considered witchcraft in March 1598 it was as the result of the excessive zeal of certain persons, including the Rev. John Cowper of Glasgow, who had been carrying about confessed witches so that one servant of the devil might denounce others of the same fraternity. Unlike the Presbytery of St. Andrews, which was shocked into supplicating that the king should stop the disgraceful practice, the General Assembly, with more native caution, decided "to advyce with his Majesftie" whether the carrying of professed witches from town to town was a lawful means of trial. (1) The immediate reference of the problem to the king, without any expression of opinion by the General Assembly is easily understood when considered in conjunction with Calderwood's words in 1596, "Here end all the sincere Assembleis. Generall of the Kirk of Scotland, injoying the libertie of the Gospell under the free government of Christ" (2) Without a doubt the 'insincere' Assembly of 1598 was chary of running counter to the wishes of King James VI who, for almost a year, had been striving at once to limit the number of cases, and to devise an effective method of procedure in trials for witchcraft.

The/

- (1) *Supra* pp. 31 for detailed quotations and authorities. At the same session of the General Assembly it was reported that civil magistrates not only refused to punish persons accused of witchcraft, but set them at liberty. The Assembly decided to proceed with all severity against magistrates guilty of such dereliction of duty. In view of the king's persistent endeavours to check witchcraft persecutions the cautious attitude of the magistrates is readily understood.
- (2) Calderwood *Kirk of Scotland* V p.420.
 Note:- Magistrates were also cautiously refusing to convict. CH II p.39.

The best criterion of the king's successful handling not only of the immediate difficulty of persons carrying about professed witches, but of "a solid order anent tryall of witches" (1) was that between 1598 and 1640 the General Assembly made only one brief reference to witchcraft (2) and the Parliament none.

The greatest attack on witchcraft in the history of the General Assembly opened without any preliminary flourish of trumpets in 1640. The Assembly ordered all ministers "carefully to take notice of Charmers, Witches, and all such abusers of the people and to urge the Acts of Parliament, to be execute againft them: And that the Commiffioners from the Affembly to the Parliament fhall recommend to the said fupreme judicatory, the care of the execution of the Lawes againft fuch perfons in the moft behoovefull way." (3) There was an ominous ring in the final phrase of this act of the rejuvenated General Assembly, as it demanded that laws which had functioned satisfactorily for over 40 years should now be administered in the "most behoovefull way."

While Parliament did no more than record the overture in the appendix to its legislation (4) the General Assembly, for the first time in its history/

(1) Supra p. 31.

(2) B.U.K. III 993 in instructions issued in 1602 that ministers when visiting the kirks shall ask "if ther by any witches excommunicate--"

(3) A.G.A. 1640 p.19

(4) A.P.S. V. 645 of date August 1641; for more details supra p.32.

history made a real effort to tackle the problem of the part to be played by the church courts in the extermination of witches. Thus an appeal to Presbyteries to dilate suspects to the "Judge Ordinair." (1) was followed by overtures giving in detail the Kirk's views on the causes increase and best methods of dealing with witchcraft. Most of the overtures took the form of instructions calculated to render more efficient than ever before the internal organisation and co-ordination of the Kirk courts against witchcraft (2) In its earlier days the Kirk had lagged behind the civil powers in the fight against witchcraft - twice so far behind that it had earned a reproof (3) Now the positions were reversed - the Kirk having made the greatest preparations in its history was afraid its efforts might be ruined "for many Paroches want the concurrence of civill Magiftrates (4) To prevent such an unhappy anti-climax the General Assembly decided to ask for a standing commission. The reply of the Three Estates was a masterpiece of parliamentary procedure. While welcoming the efforts of the General Assembly to bring witches to justice, they decided upon a joint committee of lawyers, physicians and ministers to consider the whole question, and in the interim ordered the Privy Council to issue commissions "according to ther formar cuftome and Juftice." (5)

Tribute/

- (1) A.G.A. 1642 p.21 ; suprap.32.
- (2) A.G.A. 1643 pp.27, 28.
- (3) 1569 and 1597 supra pp. 29,30, 58.
- (4) A.G.A. 1643 p.27.
- (5) Supra pp.33

Tribute has already been paid to Parliament's refusal to be stamped into changing the legal procedure which had demonstrated its worth for over 40 years. (1) Witchhunting had to give way to other and more vital matters as the civil war reached its climax. (2) Proof that the same outlook pervaded all sections of the Kirk is furnished by the failure of the Presbyteries to return to the next Assembly (3) their observations on the witchcraft overtures of 1643. Naturally with such a spirit abroad 1645 was a period of quiescence in the Kirk's attack (4) The General Assembly made no attempt either to renew the struggle for the demands Parliament had rejected, or - what was perhaps more significant - took no steps to appoint members to the proposed joint committee. While the Assembly which met in June 1646 also made no move to revive the witchcraft attack, the Commission appointed to continue its work presented to Parliament an overture "that the Act of the 9 parliament Queen Marie made against witches and consulters be enlarged and extended to charmers, or that such other course be taken as that offence may be restrained and punished" (5) This demand marked the faint reawakening of the Kirk's interest in superstition. Not till August 1647, however, did the General Assembly/

(1) Supra pp.33,34

(2) Supra pp. 45 note; infra pp.331,335

(3) May 1644.

(4) Infra pp.340-2 for disturbing effects of the plague on Kirk affairs in 1645-1647.

(5) Mitchell - Commissions of the General Assemblies 1646-47 p.123. Scottish History Society 1892.

Assembly pass an act for the joint conference on witchcraft, proposed by Parliament three years before (1) There could have been no great enthusiasm for the conference as the matter was carried no further, either at that time or in the following year. It was not till August 1649 that the General Assembly at length passed a commission nominating lawyers, physicians and ministers to the joint conference (2) By such procrastination the General Assembly lost its chance of influencing Parliament through any decisions the joint conference might have taken, for seven months earlier Parliament had taken the initiative, passed an act against consultants, and ratified all former acts against witches, sorcerers and necromancers (3) Superior parliamentary tactics had thus ensured the continuance of the status quo. For the Presbyteries of St. Andrews and Cupar to meet in June 1649 and resolve that its Commissioners to the General Assembly should press for "the meeting of that Committee of lawyers, physicians, and divines, for the Tryall of Witches." (4) was barring the door after the horse was stolen. The fact was that being in more immediate contact with the great witchcraft holocausts of 1648-49 the Presbyteries were daily growing more impatient at the dilatory methods of the General Assembly. The Presbytery of Dunfermline went even further than that of St. Andrews and Cupar, and ignoring the Assembly addressed/

(1) A.G.A. 1647; index of unprinted acts session 26.

(2) Supra p.34

(3) Supra p.34, 35

(4) Kinloch. Presbyteries of St. Andrews and Cupar p.145.

addressed its appeal for a standing commission direct to Parliament (in July 1649) (1) Throughout the Kirk as a whole there was the same realisation that in 1649-50 Parliament, not the General Assembly, was the power behind witchcraft prosecutions. (2)

After July 1649 it was left to a Commission of the General Assembly to uphold the views of the Kirk as best it could. Its last despairing effort before the Cromwellian interregnum was to meet Parliaments decision empowering the witchcraft committee "to think upoun a conftant way of procedine in the proceffing of witches." (3) with its favourite device of a generall Comission (4)

The collapse of the Kirk's witchcraft campaign which had opened in such favourable times was due to a variety of causes. Chief among these was the fact that the General Assembly suffered from a weakness common to such reprentitive bodies. Its interest in any subject once aroused it would concentrate on it - but not for long. That was the position from 1640 to 1643. But the religous negotiations arising out of the Solemn League and Covenant and the "annus mirabilis" of Montrose gave the Assembly matters/

- (1) A.P.S. VI II 735. 12th July 1649.
- (2) A.P.S. VI II pp.420, 453, 463, 479, 484, 490, 497, 498, 506, 510, 516, 518, 538, 732, 735 for instances of Parliament granting witchcraft commissions.
- (3) A.P.S. VI II 566.
- (4) Commissions of the General Assemblies, II 414. Supra p. 41

matters of greater moment to discuss (1) These matters were hardly disposed of when the quarrels of Resolutioners and Protestors took their place. The weakness of the Kirk was naturally the strength of Parliament hence the successful resistance of the latter body to the General Assembly. No doubt the Kirk, with Time apparently upon its side, hoped to continue the struggle, for churches be they Catholic or Protestant are notoriously tenacious in the pursuit of their aims. But the Kirk had not reckoned with Oliver Cromwell. Contemptuous words in 1650 (2) were followed by the prohibition of Assemblies in 1653 (3) The "Babylonish Captivity" had begun.

The Restoration saw the resurrection of the Scottish Parliament and the re-enforcement of the laws against witchcraft; it saw no restoration of the Presbyterian Kirk. Though the General Assembly did not meet for another thirty years the concentrated fury of the burnings of 1661-62 and the continual executions in the succeeding years were there to prove that the country could get rid of its witches without any assistance from the highest Presbyterian court. Those thirty years from 1660 to 1690 thereby demonstrated the efficacy of the witchcraft legislation administered by temporal authorities relying on local courts for delations.

A new generation of ministers, who knew not the witch hunting fury of old, had come into power when the meetings of the General Assembly were/

(1) *Infra* pp.333,334

(2) Carlyle. Cromwell's Letters and Speeches II pp. 77-80.

(3) Lang. History of Scotland III p.265.
Baillie. Letters and Journals III p.225.

were resumed in October 1690. Fasts were held, acts against profaners were passed with never a mention of witchcraft. When the General Assembly again dealt with the trilogy, witchcraft, sorcery and charming in January 1698 it was in a most hesitant spirit. The Commission of the Assembly was to give advice to Presbyteries and Ministers when the latter made application to it (1) Truly the glory had departed out of Israel.

The same timidity of approach to the problem was in evidence in 1699 when the Committee of Overtures gave in to the General Assembly a "Representation anent diverse Lamentable accounts of effects of Witch-craft charged upon several persons, and the said Committee gave it as their Opinion, that it is fit, that former Acts of General Affsemblies concerning Witch-craft were revived, and Recommended to the care of all Presbyteries, particularly Act Affembly 1640. July 29 Seff. 2 Affembly 1643 August 19, Seff ult and Affembly 1649. August 6 Seff ult." (2) Considered by itself this overture suggests that after fifty years the Kirk was resuming the battle against witchcraft with the weapons it had forged for its use between 1640 and 1649. In reality the overture was very largely "sound and fury signifying nothing." for a second overture stated "that it were worthy of the Affsemblies confideration to think upon, and prescribe some uniform method, for confuring Ecclesiastically such as shall be convict of Witch-craft or Charming and their Confulters who escape the civil punishment." (3) The Commission might recommend the revival of the old acts/

(1) A.G.A. 1698 Index Session 15

(2) A.G.A. 1699. Overture against Witchcraft (no page no.)
 For A.G.A. 1640 supra pp. 32, 65
 1643 supra pp. 32, 33, 60, 67
 1649 supra p. 34

(3) A.G.A. 1699 Overture against Witchcraft.

acts, the General Assembly might recommend the proposed revival to the consideration of the Presbyteries but both bodies must have had few illusions about the fact that the prevailing feeling of the country was not favourable disposed to the proposals, otherwise there was no point in considering a method of "censuring Ecclesiastically" those who were not dealt with by the temporal authorities (1) Were certain wily ministers remembering that there had been no replies to the overtures sent to the Presbyteries in 1698 and hoping, correctly as it turned out, that there would be none to those on witchcraft.

1700 gave another demonstration of the hesitant attitude of the General Assembly which appointed a committee of ministers to attend the Lords of Council and Judicatory "when called thereunto by their Lordships." (2)

In 1707 the General Assembly, by giving its approval to "The Form of Process in the Judicatories of the Church of Scotland, with relation to Scandals and Censures." (3) voluntarily admitted the impossibility of the Kirk's maintaining its old views on witchcraft. The crime now became one fit for censure by the ecclesiastical courts, followed by public repentance before the congregation. The abandonment of the demands pressed for so earnestly between 1640 and 1649, only six years after their tentative revival in 1699 goes far to explain the cautious approach to the witchcraft/

(1) Supra p.49 where letter from Secretary of State warned Sir John Maxwell of Pollok to be careful how he proceeded against the Bargarran witches.

(2) A.G.A. 1700; index of unprinted acts, session 20.

(3) A.G.A. 1707 p.17.

witchcraft problem after the revival of the Presbyterian Kirk in 1690.

(2) The General Assembly and the Ecclesiastical Courts.

From its foundation discipline was one of the pillars upholding the Kirk of Scotland. Did not the fathers of the Kirk make the compilation of the First Book of Discipline one of their first tasks; did not their successors reinforce and strengthen the bonds in the Second Book of Discipline. With surprising rapidity there was built up a system of disciplinary courts ranging downwards from General Assembly through Synod and Presbytery to Kirk Session. Ever searching round for grist to the mills of ecclesiastical justice were ministers, elders and humble members of the Kirk. No more perfect system could ever have been devised to pick up the slightest whisper of witchcraft, sorcery and necromancy.

It was at once the task and the duty of the General Assembly to give guidance to the inferior ecclesiastical courts whenever it became necessary. In the case of witchcraft that situation could not arise until the General Assembly itself began to take a sufficiently active interest in the crime to realise that action on its part was called for. It was left to the Regent Moray to draw the attention of the General Assembly to the difficulties he was experiencing in bringing witches to justice through the failure of the local courts of the Kirk to carry out the preliminary examination of persons delated for witchcraft. (1)

While/

(1) Supra p.58

While there was no immediate reaction to Moray's letter, there was a gradual quickening of interest in the judicial position of the Kirk in the following years (1) The inclusion of sorcerers, witches, conjurers and charmers in the Order of Excommunication and Public Repentance in 1571 (2) was a further clear admission of the Kirk's increasing interest in the punishment of witchcraft. This interest was sustained in articles presented to the Regent in 1572 (3) and 1574 (4) and culminated in the declaration of 1575 that the Kirk had power to ~~decerne~~ and cognosce on witchcraft (5) Such a declaration demanded for its success that efficient functioning of the local Kirk courts which Moray had found lacking in 1569 (6)

Without mentioning witchcraft, the Second Book of Discipline gave a much clearer exposition than ever before of the powers and duties of the ministers, elders and christian magistrates upon whom the successful administration of local justice depended. "The Minifteries exerce not the civilljurisdiction, bot teacheis the magiftrat whow it fhuld be exercfit/

(1) Supra pp.58-60

(2) Supra p. 20

(3) Supra p. 60

(4) Supra p. 60

(5) Supra p. 60, 61.

(6) It was true that in 1573 the General Assembly, for the first time since its inception, had ordained that bishops, superintendents, and commissioners should punish consulters with public repentance in sackcloth but in the eyes of the civil authorities such instructions to the ecclesiastical officials must have been considered not as a step in the right, but in the wrong direction, for the law of the land actually demanded death as the punishment for consulting.
Supra pp. 60, 61.

exercifit according to the Worde." (1) Christian magistrates were "to affift and fortifie the godlie proceeding of the Kirk in all behalfis --- to affift and mantene the difcipline of the Kirk, and punifhe thame civilie that will not obey the cenfare of the fame." (2) Of elders it was laid down "Thair office is, alfweill feueralie as coniunctlie, to watche diligentlie vpon the flok committet onto thair charge, baith publictlie and privatlie, that no corruptioun of religioun or maneris enter thairin." (3) In bringing the internal organisation of the Kirk to such a high state of efficiency, the General Assembly had at the same time created the machinery necessary for enforcing its policy against witchcraft, as laid down by it in 1575. The General Assembly which met in 1586 carried its work a stage further than any of its predecessors when it presented to King James VI and had accepted by him, articles declaring that Provincial Assemblies and Presbyteries were to be responsible for censuring "witchcraft, confulters with witches." (4)

From the lack of references to witchcraft in the records of the General Assembly the Kirks proposals for dealing with witchcraft must have stood the test of the serious outbreak of 1590-91, but when King James began to put a check on witchcraft prosecutions in 1597 the Kirk soon found cause for alarm in the not unnatural caution shown by the magistrates. "Albeit fundrie/

(1) B.U.K. II 490

(2) Ibid 503.

(3) B.U.K. II 496.

(4) B.U.K. II 666

fundrie perfons were convict of witchcraft, nevertheles, the civill Magiftrat not only refufit to punifh them, conforme to the lawes of the countrey, bot alfo, in contempt of the famein, fetts the perfons at libertie, quhilk were convict of witchcraft: Therfor the Affemblie ordaines that, in all tyme coming, the Prefbytrie proceid in all feveritie with their censures aganis (all) such "magiftrats as fall fet at libertie any perfon convict of witchcraft heirafter." (1) That was an eminently suitable decision for the Presbytery, as the local body responsible for censuring witches, was bound to be in close touch with the magistrates and their work. The severity of the Kirk's anger would not be lightly disregarded by many a local official, far from the king in Edinburgh, but close to the thunders of excommunication.

In 1602 the General Assembly approved of a form of visitation of presbyteries. When trying each congregation one of the questions to be put to the minister by the visitors was whether there were any witches (2) While witchcraft had always been a heresy and therefore demanded the attention of the ministers this decision gave official impetus to witch hunting as a duty which was to occupy the attention of so many ministers in the next hundred years.

Having given presbyteries and ministers their marching orders the General Assembly found no cause to interfere with the workings of the ecclesiastical courts against witchcraft for the next thirty-eight years. (3) Those years taught the Assembly that the foundation of all witch-hunting lay in the effective co-operation of the local minister, elders and congregation.

With/

- (1) B.U.K. III 939.
- (2) B.U.K. III 993.
- (3) Parliament did not consider witchcraft from 1597 to 1641 Supra p. 31

With that lesson in their minds the first step of the members of the Assembly of 1640, when they opened the most sustained attack on witchcraft in the history of the Kirk was to order all ministers to take careful notice of ch=rmers, witches and all such abusers of the people, and "to urge the Acts of Parliament to be execute againft them." (1) The General Assembly's intention was undoubtedly to launch this offensive against witches through the minister in his dual role of witch detector and instructor of civil magistrates.

In 1642 the most effective method of dealing with various gross sins, including witchcraft, was again brought before the General Assembly by the Committee of Overtures which urged "that the Affembly would, ferioufly ftudie by all means and wayes how to procure the Magiftrates concurrence to curb and punifh thefe notorious vices which abound in the land." (2) In approving the overtures the General Assembly approached the problem in a more diplomatic manner, for conscious that flattery would achieve more than threats, it announced its confidence in "the readiniffe of the Judge Ordinair to refrain and punifh thefe faults." (3) To ensure that the judges would not be idle the General Assembly at the same time ordered the presbyteries to give in to them the names of witches, sorcerers, and other gross sinners, upon pain of answering to the Assembly (4) Up to that point the General Assembly was merely repeating in more precise terms what it had already said in/

(1) Acts of Gen Assembly 1640 p.19.

(2) A.G.A. 1642 p.21.

(3) Ibid p.21.

(4) Ibid p. 21.

in 1640. There then followed an order which marked the dawn of a new era. "Because that witch-craft, charming, and such like, proceeds many times from ignorance: Therefore the Assembly ordains all Ministers, especially in these parts where these sins are frequent, to be diligently preaching, catechizing, and conference, to informe their people thereintill." (1) At last the Kirk was abandoning the fatalistic standpoint that all that could be done was to search out witches and see them successfully out of this world into the next by cord and fire. Behind the dry official minutes must have lain an interesting discussion in which the ministers showed sufficient enlightenment to admit that witchcraft was not an inevitable phenomenon but proceeded from definite causes from among which they singled out ignorance. For that unhealthy spiritual condition they were not afraid to blame some of their number.

Another twelve months were a sufficient lapse of time for the Assembly's views on this matter to crystallise into definite form. The occasions of witchcraft were declared to be "those especially extremity of grief, malice, passion, and desire of revenge, pinching povertie, solicitation of other Witches and Charmers." (2) while Satan's prevailing was attributed to "grosse ignorance, great infidelitie, want of the love of the truth (which God hath made for long and clearly to shine in our hand) and profaneness of life." (3) Having given this remarkably enlightened resume of the causes for the "abundance and increase of the sin of witchcraft." (4) the Assembly proceeded/

(1) Ibid p.21

(2) A.G.A. 1643 p.27.

(3) Ibid p.27.

(4) Ibid p.27.

proceeded to adopt concrete proposals calculated to remedy such a sorry state of affairs. In the Assembly's favour it must be emphasised that it was prepared to do more than present the civil authorities with a demand for standing commissions (1) and presume to instruct them both upon the legal value of evidence against witches and the best method of keeping them safely under lock and key (2) Such measures would certainly render more effective the judicial processes against witches, but the General Assembly had the insight to realise and the courage to admit that the crux of the problem lay in the battle of rival faiths. For this task the obvious persons were the ministers, hence the Assembly's instructions that they should "be every way carefull and painfull in warning people of the danger thereof, and of Satans temptations, both privately and publickly, and to instruct them in the knowledge of the Gospell, and grounds of Religion by plain catechifing, to urge lively faith in Chrif, which faith Witches beftow otherwife: Also to preffe holineffe of life, and fervent prayers in private and in Families, and in publick, that they be not led into temptation, And to use the cenfures of the Kirk againft profane perfons, fuch as Curfers, Whoores, Drunkards and fuch like, for over fuch like he gets great advantage"(3) The Assembly did not stop there for charming being "a fort and degree of Witchcraft,/"

(1) Supra pp. 33, 66

(2) A.G.A. 1643 p. 27.

(3) A.G.A. 1643 pp. 27, 28.

craft, and too ordinary in the land." (1) the ministers were further ordered to search them out. At the same time the elders were ordered "carefully to concur in such search." (2)

The overtures were approved and each Presbytery was ordered to consider them with a view to its suggesting other ways and means of punishing witchcraft, charming and consulting. It was one thing for the General Assembly to direct the attention of the Presbyteries to the only effective method of dealing with witchcraft it was another to free the local minister from the parochial outlook which found a good pricking and burning more congenial than a crusade for a spiritual revival.

Only a concerted drive by successive General Assemblies could have forced the ministers to follow their new marching orders, but events of greater moment played on a wider stage diverted attention from witchcraft and allowed the call for an enlightened crusading spirit to be forgotten (3) When witch hunting again assumed serious proportions in 1649 the General Assembly issued no reminder of the overtures which had been adopted in 1643 as the guiding principles of the Kirk. Naturally ministers simply fell back on the well tried methods reducing the number of witches plaguing the country. What guidance proved necessary was supplied by the Commission of the General Assembly which showed a lively appreciation of the necessity for Presbyteries to act with a mixture of firmness and caution. Thus all Presbyteries were urged to search for fugitive witches from Lothian (4) On the other hand Presbyteries were advised with such urgency that the warning was repeated twice/

(1) Ibid p.28.

(2) Ibid p.28

(3) Supra p.69,70

(4) Mitchell Commissions of Gen Assemblies II 307 15th November 1649.

twice in five weeks that when "they send to seek Commissions for trying and punishing witches, they withall send their opinions of the ablest and most conscientious men for judging therein." (1) The truth was that the Commission of the General Assembly found itself in a rather delicate position. Procrastination by successive General Assemblies had allowed Parliament to take the lead against witchcraft (2) with the result that those Presbyteries of the east coast where witch-hunting was again on the increase by 1649 turned towards Parliament for witchcraft commissions (3) and ignored, or what was worse, complained to the General Assembly of its complacent attitude in the face of the rising danger (4). The Records of the Commissions of the General Assembly give the impression that its members were making feverish attempts at once to remove the impression that the General Assembly had no interest in witchcraft and also to prevent the Presbyteries from compromising the Kirk's position in their dealings with Parliament (5)

After the Cromwellian conquest of Scotland the General Assembly disappeared and Presbyteries, Kirk Sessions and ministers were left to do what little they could against witchcraft in the face of the pronounced Roundhead displeasure at/

- (1) Ibid Commissions of Gen Assemblies II 329. 23rd November 1649 and II 337, 27th December 1649 where the same warning was repeated.
- (2) Supra pp. 34, 68
- (3) A.P.S. VI ii 420, 463, 479, 484, 490, 497, 498, 506, 510, 516, 518, 538.
- (4) Supra p. 68, 69
- (5) Mitchell - Commissions of General Assembly II p. 393, 414.

at the whole system of witch-hunting so prevalent in Scotland at their arrival.

Cromwell was hardly in his grave before the local Kirk courts resumed operations on a scale more in keeping with their former practice, but it was the great holocausts of 1661/2 which proved that the absence of a General Assembly was no hindrance. Eager local courts received all the co-operation they required from the Privy Council which broke all its previous records for the number of commissions issued in one day.

A system of witch hunting which worked smoothly for the next thirty years, and a more rational outlook towards witchcraft combined to render any further orders to Presbyteries unnecessary when the General Assembly was revived in 1690.

The last great Scottish witch hunt at Bargarran in 1696-97 offered conclusive proof to all the world that given a minister or two of the right old type, the local forces of the Kirk could be mobilised against the Devil's friends with all the powerful effect of bygone days (1) The civil authorities were admittedly not too happy about the whole affair (2) Was the/

(1) Arnot in his Collection and Abridgment of Celebrated Criminal Trials (ed. 1775 p.363-4) makes some scathing comments on the part played by the ministers. Rev. Mr. Bell states the outbreak "was occasioned mostly by the forwardness and absurd credulity of diverse otherwise worthy ministers of the gospel, and some topping professors in and about the City of Glasgow. M.S. Treatise on Witchcraft quoted in Law's Memorials, xciii. Wm. Metcalfe, "History of the County of Renfrew p.329-33 gives a useful outline of the part played by various ministers. James Murray "Kilmacolm, a Parish History." p.110-115 also deals with the part played by the Kirk. "The History of the Witches of Renfrewshire" (ed 1877) gives the fullest account of the whole affair. The introduction p.xviii-xxxiv stresses the part played by the ministers.

(2) Supra p. 49

the General Assembly also uneasy? As guardian of the law of the Kirk it could not condemn what was being done but its own actions showed no enthusiasm for witch hunting. A silence of 50 years was broken in January 1698 by nothing more serious than instructions authorising the Commission "to give Advice to Presbyteries upon Application against Witchcraft, Sorcery and Charming." (1) Advice, upon application! Those were words of unwonted meekness from a General Assembly. Even more suggestive of the real attitude of the Assembly to witchcraft was the excessive caution with which it dealt with the overtures on the subject presented to it in 1699 (2) They were transmitted by the General Assembly "to the several Presbyteries within this National Church, that they may consider the same, and send their Opinion thereunto to the next General Assembly, who may pass the same in Acts, if the more general Opinion of this Church agree thereunto." (3) The careful wording suggests that the General Assembly, having been presented with overtures for which it had no great liking was afraid to reject them out of hand. Rather did it avoid the issue by referring them to the Presbyteries. Its statement that it "may" pass them if the general opinion of the Kirk so thought fit looks like an attempt to guard against the unhappy eventuality that Presbyteries might decide in favour of the old acts. The General Assembly had nothing to fear for not a single Presbytery made any comment on the overtures (4) Serious in itself, the outbreak at Bargarran was thus demonstrated/

(1) A.G.A. 1698 Index. Session 15.

(2) Supra pp. 71,72 for details of the overtures

(3) A.G.A. 1699 Overtures (no page number)

(4) Supra. 72

to be a local phenomenon which did not reflect the true temper of the country by the end of the 17th century.

With the General Assembly and Presbyteries equally disinterested in the revival of the old stringent Acts against witchcraft the days of witch hunting on the grand style were numbered.

From the above detailed investigation of "The General Assembly and Witchcraft" certain conclusions can be drawn as to the relative importance of the General Assembly in the history of Scottish witchcraft.

In the first place neither the act of the Scottish Parliament introducing legislation against witchcraft in 1563, nor the act of the united Parliament of Great Britain repealing the statutes against witchcraft in 1736 were in any way due to the General Assembly.

In the second place the General Assembly was slow to show any interest in the act of 1563. The first witchcraft business it dealt with was brought to its notice by the Superintendents of Fife and Galloway and was quickly referred to the Privy Council (1) it allowed Parliament to decide about methods of trial for witchcraft without being consulted (2) its local courts, left without guidance, earned a reproof from Regent Moray for their laxity in investigating witchcraft cases (3) It was only gradually that an increasing concentration on witchcraft resulted in a definite declaration of the Kirk's powers regarding witchcraft in 1575 (4) instructions/

(1) Supra p.55

(2) Supra p.57

(3) Supra p.58

(4) Supra p. 68

instructions to Presbyteries in 1586 (1) and finally to ministers in 1602 (2) The importance of this slow development was that neither the civil authorities on one side, nor the lesser Kirk courts on the other were prepared to let matters drift in such a leisurely manner. Local outbreaks provoked local counter measures which James VI developed into a concrete system backed by Privy Council and judges relying on delations by local Kirk courts (3) before the General Assembly measures reached completion in 1602.

In the third place the General Assembly found that even at the height of its power, when for the only time in its existence it took a great interest in witchcraft, it could not alter the system of justice which had grown up with so little guidance from itself (4) It took Cromwell to do that, and even he could not destroy the system, for it was in operation again as soon as he was buried (5) The system of justice was based on something greater than the General Assembly - the inherent beliefs and fears of the people of Scotland, and consequently could flourish even in Episcopalian times when there was no General Assembly. For the same reason the restoration of Presbyterianism and consequently the General Assembly in 1690 brought no revival of witch-hunting for by that time the temper of the people was changing with the advance of the Age of Reason.

The explanation of those somewhat surprising conclusions is to be found in/

- (1) Supra p. 75
- (2) Supra p. 76
- (3) Supra pp. 28-31
- (4) Supra pp. 53-55
- (5) Supra p. 45 note 1

in the inherent weakness of the General Assembly in the struggle against witchcraft.

(a) Witchcraft was at once a matter of interest to both temporal and spiritual authorities, and consequently the General Assembly was not in a position to take an independent line of action, even if it had wanted, without coming into conflict with the temporal authorities, as it did in 1642-43 (1) Furthermore throughout long periods during which witchcraft flourished the General Assembly was actually subservient to the civil authorities, or was non-existent. (2) It was the realisation of its won weakness which prompted the reference to the Crown on Parliament of witchcraft problems brought to its notice (3)

(b) The General Assembly, by its constitution, was subject to certain internal weaknesses which militated against the effective employment of the spiritual forces against witchcraft.

As a meeting of ministers from all parts of the country only a few of the total number of representatives could ever be coming from places in the throes of a witchcraft outbreak, for one of the outstanding characteristics of Scottish witchcraft is the localised nature of even the worst series of burnings. When, in addition, it is remembered that in the interval between one Assembly and the next an outbreak in all probability would have died/

(1) e.g. pp.66,67

(2) 1596-1638 in varying degrees of subservience 1649-1690 no General Assemblies.

(3) Supra pp. 31,64

died down or been replaced by another in a different locality, it is easy to see how with the few ministers directly interested in witchcraft at any one time continually varying the Assembly was almost incapable of carrying on a sustained drive against witchcraft for year after year (1)

To sum up, as the supreme ecclesiastical court the General Assembly was far from occupying the commanding position in the development of Scottish witchcraft hunting that its name suggests. Its dealings both with the civil authorities on the onehand, the lesser Kirk courts on the other show too much hesitancy and weakness for it to be shouldered with much of the responsibility for the witch trials. Unfortunately its very hesitancy and weakress make it stand accused for failing to use its influence to stem the tide of local persecution. What is more galling than to have an Assembly see to the heart of the problem in 1643 with its forth-right condemnation of the occasions of witchcraft, and then for lack of driving power to do nothing to enforde its views. Unpropitious times may offer some excuse in 1644 - they offer none to Assemblies which after 1690 lacked the courage to denounce the witch hunting for which they so obviously had no enthusiasm. A certain need of admiration is due a body which fired with the courage of its convictions, be they right or wrong, takes the lead in somes question, but neither at the beginning did the General Assembly take the lead against witchcraft, nor at the end did it lead a crusdae against the outworn witchcraft shibboleths of a past age.

(1) Nothing could better illustrate that fact than the failure of Assemblies to take measures against Presbyterics which repeatedly did not trouble to reply to important witchcraft overtufes sent to them.

C H A P T E R I V

THE PRESBYTERY AND WITCHCRAFT.

Created by Andrew Melville and his fellow ministers as the necessary intermediate link bridging the national outlook of the General Assembly and the narrower parochialism of the Kirk Session, the Presbytery was early recognised as a body eminently suited for dealing with the witchcraft legislation of the highest spiritual and temporal authorities in the land, and where necessary passing it on to the individual kirks. But such legislative and executive decisions were never more than a small fraction of the witchcraft business of the Presbytery - it was the information from ministers elders, Kirk Sessions, and a variety of lay sources that swelled to such enormous proportions the stream of witchcraft cases which flowed into the Presbyteries of Scotland.

Any investigation of presbyterial work in the sphere of witchcraft must of necessity commence with the legislative and executive decisions which were binding upon Presbyteries throughout all Scotland. The second part of the investigation involves the sifting of a mass of material gleaned from Presbyteries throughout the length and breadth of Scotland over a period of well nigh 200 years. This can best be done by considering:-

- (a) how witchcraft was brought to the notice of Presbyteries.
- (b) how witchcraft was then dealt with by the Presbyteries.

Decisions, lay and spiritual binding upon Presbyteries.

The efforts of certain ministers to set up a Presbyterian form of Church government in Scotland brought to both Crown and Kirk a new series of/

of problems. One of the most important was the part to be played by Presbyteries.

Although concluding that the times were not propitious for setting up Presbyteries the General Assembly which met at Dundee in July 1580 nevertheless "confidderit and thocht meitt, that my Lord Clark of Regifter fould be requesit to concurre with the Laird of Dun, Mrs. Robert Pont, James Lowfone, David Lindefay, Johne Craig, and Johne Duncanfone, or any thrie of four of them, to lay (down) and devyfe a Platt of the Prefbytries and Conftitutiouns therof as beft appeirit be thair judgement to be reportit be them againe the nixt Generall Affemblic." (1)

When the General Assembly next met in April 1581 the ministers were consequently in a position to give immediate attention to the King's request, presented to them through his High Commissioner, that it be declared "what every Prefbitery fall cognofce vpoun." (2) The "Headis and Conclusions of the Policie of the Kirk." devote a whole chapter to "Eldarfchippis and Affembleis, and of Difcipline." (3) It was laid down that "it belangis to this kynd of Affembleis to caus the ordinances made be the Affembleis, Prouincialis, Nationalis and Generalis, to be keipit and put in execution." (4) Taken in conjunction with the decisions of the General Assembly of 1573, 1574, and especially that of 1575 (5) categorically stating the Kirk's power to deal with witchcraft, a natural assumption would have been that Presbyteries/

(1) B.U.K. I^I pp.469-70.

(2) B.U.K. II p.477.

(3) B.U.K. II pp.497-500.

(4) B.U.K. II p.498.

(5) B.U.K. II p.47. Supra p.61.

Presbyteries were to deal with witchcraft. That such did not prove to be the case was doubtless due to that usual lack of positive action against witchcraft so apparent in the Kirk in those early days, and once more manifested by the failure to include witchcraft in the wide list of crimes specifically detailed for attention by Presbyteries. (1)

At intervals during the following years the General Assembly considered the constitution and powers of Presbyteries but it was not till 1586 that the matter was gone into in detail. Not only was a comprehensive division of kirks into Presbyteries drawn up for all Scotland, but the "matters to be intreated in Presbyteries." (2) were placed before King James VI and approved by him. For the first time the faults to be censured included witchcraft and consulters ~~and~~ witches. (3)

Strange to relate this section detailing the faults to be censured by the Presbyteries was omitted from the Act of Parliament of 1592 confirming the liberties, freedoms and immunities of the Kirk, although the powers of the Presbyteries, as drawn up by the General Assembly in 1586, wer otherwise repeated almost verbatim in this, the "Golden Act" of the Kirk of Scotland (4) Only in the case of witchcraft and consulters was the omission likely to have serious consequences for all the other faults omitted were "hardy annuals" which had been included within the sphere of presbyterial censure as early as 1581. But to make no mention of witchcraft in 1581, include it in 1586 and again ignore it in 1592 before its punishment had time to become a regular feature/

- (1) B.U.K. II p.499
- (2) B.U.K. II p.665
- (3) B.U.K. I, p.666.
- (4) B.U.K. III pp.807, 808.

feature of the duties of Presbyteries was bound to influence many of those Kirk authorities never having dealt with such a crime now found no mention of it in the universally welcomed Golden Act.

But whatever the doubts which existed in certain Presbyteries as to their duties in the face of witchcraft they were soon to be put at rest by a chain of events extending over the years 1596 to 1598. Faced with a growing number of witchcraft cases which he was the more able to examine in a rational frame of mind now that his arch boyey, Bothwell, had fled the country, King James VI set in motion a series of Privy Council decrees and Acts of Parliament to regulate trial for witchcraft (1) Quick to sense the change in the king's attitude towards witchcraft, magistrates not only refused to punish but even set free persons accused of the crime (2) The consequent order of the General Assembly that Presbyteries should censure magistrates guilty of such gross dereliction of duty meant that, even if only indirectly, witchcraft was being brought within the sphere of presbyterial business. That such was the belief of the Presbyteries is made all too evident from their extant records which from 1597 onwards begin to show an ever increasing interest in witchcraft. By 1609 such widely scattered Presbyteries as those of Aberdeen (3) Perth (4) Stirling (5) Glasgow (6) Peebles (7) and Selkirk/

- (1) Supra pp.28-31
- (2) Supra p. 76
- (3) Stuart. Records of the Kirk Session, Presbytery and Synod of Aberdeen pp. 184, 188, 189-91 and 199.
- (4) R.F.C. VI 241-2
- (5) Miscellany of the Maitland Club VOL I Pt. 2 p.413
- (6) (a) " " " " " " " " p.40
(b) MacGeorge "Old Glasgow" p.209-210.
- (7) Gunn "The Book of Stobo Church (Peebles 1907) p.25.

Selkirk (1) had all devoted attention to the crime.

As in the case of the General Assembly, intensified action by Presbyteries soon brought in its wake that inevitable conflict between ecclesiastical and temporal justice. The first of a series of "cases celebres" gave the Privy Council the opportunity of making a pronouncement on the extent of the Presbyteries powers in the sphere of witchcraft. A certain Geillis Johnstoun, widow of John Duncan of Musselburgh complained to the Privy Council, "That quhair fome malitious perfonis, hir vnfreindis, haveing dilaitit her to the Presbiterie of Dalkeith, as a perfon fufpect of witchcraft, the faid Prifbiterie has thairvpone convenit hir before thame, and hes haldin hir in proces before them, this fevin oulkis bigane," although she had lived as an honest woman in the town for thirty years and always presented herself when called before them. At that point her complaint took a new and significant turn when she declared that "althocht the cryme of Witchcraft be one of the heich pointis of the Crowne, proper to be tryit before his Maiefties Juftice and his deputis, and quhairin the faid Prifbiterie can have no warrand, auctoritie, nor jurifdictioun to cognofce or determine," yet they repeatedly served her with summonses to appear before them in order to lay the slander of witchcraft upon her. (2) In itself that was a sufficiently remarkable denial of the Kirks claims as laid down by the General Assembly in 1575 (3) but more was to follow for she declared that, "gif thay had any prefumptionis aganis the complenair of hir guiltynes of the faid cryme, they fould have given informatioun thairof, outhir to the Lord/

- (1) T. Craig-Brown "The History of Selkirkshire p.180.
- (2) Pitcairn, "Criminal Trials" III pt. 2 p.600.
- (3) Supra pp. 61,62

Lord of Regalitie quhair feho duellis before quhome the faid complenair hes fund cautioun to be anfuerable for this farne deid, quhanevir fcho fable callit; or then, to his heynes Juftice Generall and his deputis; and fould have concurrit, be thair informatioun, to the perfute of hir, and fould not haue vfit a prepofterous forme of proceeding before thame felffis, quich can produce na kynd of fentence nor determinatioun. In refpect quhair of, the Ministeris of the faid Prisbiterie aucht and fould be defchargit of all proceeding aganis the faid complenair, in the mater above written, for the cauffis foirfaidis." (1) The Privy Council must have welcomed a complaint which gave admirable expression to its own views on the matter. Ministerial representatives of the Presbytery of Dalkeith having been summoned to attend before the Privy Council both parties were heard. Geillis had every reason to congratulate herself upon the result for the Privy Council laid down that she should be tried "outher before the Juftice-Generall and his deputis, or before the Lord of the Regalitie of Dunfermling, as accordis of the Law." (2) As for the Presbytery, it was informed in no measured terms that its sole function was to collect evidence concerning Geillis and present it to whichever temporal authority tried the case (3) To the Presbytery of Dalkeith that must have been a sufficiently disconcerting decision but worse was to follow as the Privy Council went on to stress the underlying principles/

(1) Pitcairn "Criminal Trials" III pt. 2 p.600.

(2) Pitcairn "Criminal Trials" III pt. 2. p.601.

(3) Ibid III pt. 2. p.601.

principles inherent in those decisions when the representatives of the Presbytery of Dalkeith appeared before it. They were injudicious enough to urge "that (as) witchcraft was idolatrie, be wourschipping the divill, and apostasie and defection in these, wha wer baptisit and professit Christianitie, and thairefter renuncit God and gave thame self over to the devill, the tryell of these crymes wer most proper to the Kirk, lyke as not onlie the Sessions and Presbiteries had bene in continuall possession sen the Reformation." (1) This was the old Kirk claim to decerne and judge in its acutest form - a claim which James VI, through Privy Council, had set out to check in 1597, and which he was now strong enough to reject out of hand. The Presbytery representatives were therefore told "the tryell what is heresie, apostasie, or witchcraft, or idolatrie is verie proper to be judged be the Kirk, and gif any pairtie dilaited of these crymes be callit before thame, confes and menteane any sik errour, atheisme or idoltarie thair opinion may be justlie condemned be thame; bot gif thay deny it, the Kirk hes no power to tak tryell or to judge of the fact and of the guiltines of the pairtie, because they have onlie power to try to what is idolatrie or heresie, and the tryell wha is ane idolater or heretik is onlie competent to the criminall juge and to the assyse. And thairfoir the Lords dischairgit thame to proceid any farder in this cause or ony uther of the lyke nature, farder nor in caice of dilation and sclander to call the pairtie and demande thame selffs, and gif thay deny it to remit thame to the juge ordinar, to whome/

(1) R.P.C. XIV 612.

whome they may give any information that thay ressave be dilation or examination of witnessis to warck as accords of the law." (1) Comment is superfluous further than to remark that what had begun as a complaint against one Presbytery had ended in an act of Privy Council rejecting the Kirk's claim to try witchcraft.

A further check upon the powers of Presbyteries was in process of formation at that very date. From the creation of constant moderators in 1606 bishops had been the natural choice for the post within their own Presbyteries (2) By 1610 the Kirk had to resign itself to the inevitable presence of a rapidly growing number of bishops, all royal nominees, independent of control by the General Assembly and yet presiding over Synods and Presbyteries (3) In such circumstances it was not surprising to find bishops assisting Presbyteries to examine witches and sitting on commissions to try them from 1611 onwards. Neither was it surprising to find bishops urging the necessity for granting certain witchcraft commissions with more vehemence than pleased their more liberally minded lay co-members of the Privy Council. After all, though bishops they were churchmen. Nevertheless they/

- (1) R.P.C. XIV 612
- (2) B.U.K. III 1035-1038
- (3) B.U.K. III 1095-1098.
- (4) (a) R.P.C. XIV pp. 613, 614 of date 12.12.1609 "the bischopes being verie instant that sic commissions sould be granted".
- (b) R.P.C. IX 191. On 11th June 1611 the Bishop of Moray and the Presbytery having examined an accused a commission to try was granted to the bishop and others.
- (c) R.P.C. X 76. On 10th June 1613 a commission was granted to the Bishop of Aberdeen and others to try a woman suspected of witchcraft, the Bishop always being one of the quorum of three.
- (d) R.P.C. X. 231. On the 6th April 1614 a commission was issued to the Bishop of Galloway and others to try sundry persons suspected of witchcraft.
- (e) R.P.C. X. 329 On the 17th May 1615 the Bishop of Dunblane and others were granted a commission to try certain accused persons who had already confessed before them. The Bishop had to be one of the quorum.

they did act as a definite check upon the witch hunting proclivities of Presbyteries which upon occasion presented dittays to them before they were submitted to the Privy Council. (1) The knowledge that they might have to justify in person their decision upon the dittay before the critical lay members of the Privy Council would have its inevitable effect (2)

That the man in the street did recognise them as of more liberal inclinations than the Presbyteries seems to be borne out by the action of John Gentilman in Logie. When ordered to do public repentance and pay a fine for consulting a warlock he denied the accusation "and appealit fra ye said decretit and Judicatorie of this pbrrie to ye bishop of Dunblane for six causis as he sall produce." Claiming he had already confessed to the accusation which had been made eight months before, the Presbytery refused to countenance his appeal. (3) They were no longer free to punish him as they liked, however, for by a decision of the General Assembly the sentence of excommunication which they then pronounced against Gentilman was subject to the approval of the bishop (4)

The/

- (1) Minutes of the Synod of Fife p.61. "The brethren of the Exerceis of Kirkaldie ordanit to prefent to my Lord Archbiffope ane dittay againft Agnes Anfstruther, fufpect of witchcraft, that being of weght fho may be perfewed be the King's advocate." infra p. 147 for Privy Councils letter to the Bishop of Aberdeen regarding the information submitted through him by the Presbytery of Turriff.
- (2) In 1631 as the result of a request by the Privy Council for information about some witchcraft depositions given to him against Bessie Mursell "the Archbishop (of St. Andrews) had reported that the depositions were not relevant for proceeding against her on such a charge, but were meere fantaseis." R.P.C. 2nd Ser, IV pp. 111, 112.
- (3) B.U.K. III 1096.
- (4) R.P.C. XIII p.620.

The increasing tendency for the bishops to act as a check upon the Presbyteries was regularised by an act of Privy Council in 1624. Troubled by the importunity of those who gave in dittays alleged to be true "quhairas monie of thir dittees and informationis in sindrie of the speciall poynts and heids thairof seemed to be verie obscure and dark unto the saidis Lordis." the privy Council decided that in future, "all depositionis, dittees, and informationis to be given in unto thame quhairupoun commissionis salbe soght aganis witches salbe first praesentit to the bishop of the deyocie, to be sene and considerit be him and suche of the ministrie as he sall call unto him." (1) Upon the nature of the bishops report was to depend whether the Privy Council granted or refused the commission. For some years the act of Privy Council was obeyed, especially by Archbishop Spottiswood (2) but long before bishops were swept out of office by the General Assembly of 1638 there had been a gradual return to the older method of direct approach to the Privy Council by Presbyteries and other bodies desirous of obtaining witchcraft commissions. (3)

The concerted drive against witchcraft begun by the General Assembly in 1640 made comparatively little difference to the Presbyteries. They were certainly ordered to delate to the "judge ordinar" persons guilty of witchcraft, sorcery and other gross sins (4) but there was a decision which/

(1) R.P.C. 2nd Ser. I p.606 infra p.399

(2) (a) R.P.C. 2nd Series I 293, 309, 337, 425, 448, 453, 596, 500, 607.
(b) "Collection of Rare and Curious Tracts on Witchcraft p.122.

(3) Although bishops came in again with the Restoration there was no attempt to push them into a key position in witchcraft cases. One of the very few instances of an appeal to the bishop was in Renfrewshire in 1672. Metcalfe. County of Renfrew p.327.

(4) Supra pp.32, 66, 78.

which did no more than regularise and strengthen a method of procedure which had grown out of the Privy Council decision of 1609 (1) and the disappearance of bishops in 1638. Similarly when the Commission of the General Assembly found it necessary to "appoint advertisement to be sent to Presbyteries." (2) in 1649, regarding the choice of the ablest men as witchcraft commissioners it was doing no more than reminding Presbyteries of what had long been recognised as an essential part of their duties.

The truth was that as far as Presbyteries were concerned they had already received from the General Assembly and Privy Council all the instructions that were necessary for them to deal with witchcraft. Consequently the abolition of the General Assembly for almost forty years did not prevent the Presbyteries from taking active measures against suspects provided the lay authorities were prepared to play their part as they did in the years 1661-62, 1678 and 1696-97.

How Witchcraft was brought to the notice of the Presbyteries.

A. The Minister. By virtue of his dual position as head of his flock and member of the Presbytery it was but natural that the minister should have been one of the principal channels through which there flowed to that body a continual stream of matter upon witchcraft, sorcery and charming. The great/

(1) Supra pp. 94, 95.

(2) Supra p. 81.

great majority of such cases were brought to the notice of the Presbyteries by the ministers for one of three reasons - to ask for advice how to proceed in some unusual case, to ask for active assistance in some case presenting unexpected difficulties, and to lay before the brethren the stereotyped depositions, dittays and confessions of the time.

To those three there fall to be added a small modicum of interesting, but quite exceptional cases.

1. Advice The thorny question of consulters was one that ministers upon occasion felt the necessity to approach the Presbytery for advice. The position was admittedly confused. The Act of 1563 had prescribed death (1) in 1567 the committee appointed by Parliament to give further consideration to the question had come to no decision (2) in 1573 the General Assembly had decided that repentance in sackcloth should be the punishment (3) in 1597 the Privy Council at the king's behest decided consulters were equally guilty with the consulted ⁽⁴⁾ and finally in 1629 the Privy Council had laid down that fines and a caution for good behaviour were to be a sufficient punishment (5) Such an obvious divergence between the civil and ecclesiastical/

(1) Supra p. 17.

(2) Supra pp. 26, 27.

(3) Supra p. 27.6

(4) R.P.C. V pp.409,10; supra p.30.

(5) R.P.C. 2nd Ser III pp.257-259.

ecclesiastical punishments for the same crime was to render ministers all the more willing to throw the responsibility upon the Presbytery. An entry in the Presbytery Book of Kirkcaldy on the 18th May 1637 illustrated this attitude to perfection "Question being proponit be the ministers of Kirkaldie what sal be done with some women who had consulted with one Janet Layng ane wyse wyff, Anser: mak their repentance." (1)

Charming, like consulting, was a subject which brought unsought for difficulties in its train. At what stage did charming meriting sackcloth become witchcraft justifying the stake? Therein lay the problem - and many a minister was only too glad to turn to the Presbytery for advice. No more interesting and typically Scottish case could be found than that of Mary McNarin, servant of William Dalrymple in Threave. According to the story as told by William's wife to the Kirk Session of Penninghame Mary went into the barn on Hallow'een night to winnow corn in the hope that she might catch a glimpse of her future husband. There, continued Elizabeth, she had seen "the waff of a man coming in at one door and going owt at the other door of the barn." Mary at first tried to explain her conduct by claiming that she only told Elizabeth the story "in sport and jesting," but in the end was prevailed upon to confess. Having been brought to a realisation that her sin was sorcery she expressed her grief at what had been done in all innocence. "She is appointed to be rebuked before the congregation Sabbath next and dismiss, which is all the Session thinks fit on this occasion, the/

(1) Stevenson. "The Presbytrie Booke of Kirkcaldie" p.114. For a similar request of Porteous History of Crieff pp.316, 317.

the minister informing that he asked the Presbyteries advice but get no distinct answer as to their opinion of it." (1) Such vacillation in the face of a charge of sorcery reflects the conflict which was making itself between the dichard ministers and their more enlightened confreres in the Kirk by 1705, the date of Mary's "consulting wicked arts for revealing of secret things." (2)

From time to time witchcraft cases presenting some peculiar difficulty came within the cognisance of ministers who finding themselves at a loss promptly appealed to the Presbytery for advice. On the 21st June 1660 the Rev. Alexander Balfour of Lindores parish craved the advice of the Presbytery of Cupar concerning a stranger who having "lived in his parish 6 or 7 yeiris unblameably" had expressed the desire to communicate, as was but natural he was asked to "bring a teftimoniall from the place of his former abode, which they did receive bearing in it that a warlaw condemned had delated him as being als guilty as himfelffe." (3) Minister and Kirk Session must have felt themselves placed in a very awkward situation as they read that letter. A stranger had arrived in their midst, and albeit living "unblameably" for years on end, had never once communicated. That in itself should have led to an investigation of his antecedents, but nothing had ever been done. Now the lamb looked like turning into a wolf in sheeps clothing. Small wonder the minister craved the advice of the Presbytery.

In/

- (1) Paton "The Session Book of Penninghame 1696-1724 I pp.161, 162, 163.
- (2) Ibid p.163.
- (3) Kinloch Presbyteries of St. Andrews and Cupar p.185.

In a few instances the Presbyteries' advice was sought upon cases which seem to offer no valid reason for such a course. Why should the Rev. Walter Greig of Balmerino crave the advice of the Presbytery of Cupar "anent a woman who had confessed hir felffe to be a witch." ? (1) Why should the Rev. John Alexander ask "the advice of the brethren what he fhall doe with one Ifobell Key, in the parifh of Forgon, fufpect of witchcraft and malefices don by hir." ? (2) Behind the cryptic words of the ancient records must lie some difficulties now lost in the passing centuries for, as they stand, both cases are apparently of the type for which there had long been a stereotyped method of procedure.

2. Assistance Once embarked upon a witch hunt many a minister found that his authority was not sufficiently powerful to obtain the incriminating evidence. Sometimes the suspect was stubborn and not all the prayers and blandishments of the local ministers could extract a confession from her lips. Dr. Edward of Crail found himself in this predicament when dealing with Geilles Robertson in July 1675. He therefore "defyred, that fome of the brethren might be appointed to affift him in conferring with her." (3) He was granted the able assistance of five other members of the Presbtery, with it must be admitted, most unsatisfactory results from their point of view for the prisoner died four months later without their united efforts having wrung a confession from her (4)

Failing/

- (1) Ibid p.129
- (2) Ibid p.85
- (3) Kinloch. Presbyteries of St. Andrews and Cupar p.90.
- (4) Ibid p.91.

Failing a confession by a suspect the Minister had to rely upon information collected from his parishioners. Where the usual tittle-tattle of the locality did not come up to the desired standard the minister invariably appealed to the Presbytery. The Rev. Murdoch McKenzie of Elgin adopted this course in 1661 with results which may be taken as typical of the usual practice when "the presbytery thought it fitte that intimation should be made by all the brethren from their several pulpits that if any person could clear any thinge of charmeing and witchcraft against the forsaid persons may be pleased to acquaint the minister or session or repair to Elgin upon Wednesday wher they will have a full hearing." (1) With the drag net cast thus wide by the Presbytery many a minister soon found the incriminating evidence rolling in to build up a perfect dittay.

Another problem which was liable to arise if a minister found himself overburdened with a large number of suspects was that of keeping them safely under lock and key. Under such circumstances the steeple, as the only place under his direct jurisdiction frequently proved inadequate and he was forced to appeal to the bail/ies for permission to have the surplus suspects locked up in the local jail - as often as not part of the tolbooth (2) There seldom was any difficulty in t/at respect for it was a strange Kirk Session which had not at least one baillie lending the weight of his civil authority to its deliberations (3) From time to time however things did not run so smoothly for the minister who found the usual co-operation lacking. Almost invariably that was then the number to be imprisoned reached considerable/

- (1) Grammond "The Records of Elgin II p.369, 370.
- (2) Infra pp.213-6 for details of Scottish prisons
- (3) Black - History of Brechin pp.74, 75.

considerable dimensions and the long headed baillies with their thoughts on the town's purse strings wanted to know who paid for the prison expenses (1) At that stage the minister as a rule bethought himself of appealing to the Presbytery for assistance. The Rev. George Haliburton of Perth found himself faced by that situation in 1650. "Regretting to the Presbytery the paucity of Magistrates in Perth for restraining of those who are apprehended for the scandal of witchcraft," he went on to stress the fact, "that there was like there would be a great discovery of more whereby the burden would be exceeding great." The Presbytery promptly sent for Henry Pollok, baillie "who undertook and promised to do what in him lay for that effect, and to seek advice from the ministers for best securing of them: as also to employ the garrison, who also have promised their ready concurrence with him." (2)

What better example could there be of an effective reply to a ministers appeal for assistance?

In justice to the Ministry it has to be placed on record that an appeal for assistance did not always find its origin with them. When the Hon. Patrick Sandilands, third son of Lord Torpichen showed all the common symptoms of a person bewitched it was at the express desire of the family which desired "the help of the brethrens' prayers both in public and private" that the Rev. John Lookup of Mid-Calder raised the matter in the Presbytery of Linlithgow. (3)

3./

- (1) Robertson Presbytery of Lanark p.74.
- (2) Hunter "The Diocese and Presbytery of Dunkeld." p.101.
- (3) McCall "The History and Antiquities of the Parish of Mid-Calder" p.236.

3. "Depositionis, Dittaes, Informationis." (1)

As a rule, when a minister brought witchcraft to the notice of the Presbytery it was neither to seek advice nor assistance but merely to lay "depositionis, dittaes, informationis" before its members. Theirs was then the responsibility for deciding what further action was called for.

It was but rarely that the minister felt justified in delating the suspect, though sometimes the evidence seemed sufficiently strong to justify his taking such a decisive step. The Rev. John Currie, of Coulter felt that to be the case when he "gave in ane accusatione againft Marion Maquate, in Nifbite of charming and other pointes of witchcraft confeffed of her." (2) As a matter of interest this apparently cast-iron delation marked the commencement of one of the most prolonged cases in the history of all Scottish witchcraft (3)

Mr. Leslie, curate of Inverkip, was luckier when in 1676 he delated John Macgregor as a charmer concerning whom there was a "fama clamosa" in the country as the result of his restoring the power of speech to a young woman. The accused was forbidden to practice any further cures on pain of delation to the civil magistrate as a charmer. (4)

In most cases the minister was in no position to make the definite accusation inherent in a delation. Rather was he passing on information, which/

(1) R.P.C. XIII p.620.

(2) Robertson "Presbytery of Lanark p.20. The accused had confessed before Sir David Murray of Stenhope knight, the laird of Haddine, and diverse of the brethren of the presbiterie of Pebbles." *Ibid.* pp. 20

(3) *Ibid* pp.20-32.

(4) Metcalfe "County of Renfrew" p.327.

which from previous experience, he must have known would require presbyterial action of some kind. Whenever possible he seems to have been quick to stress the fact that the report was made not as a piece of personal information gleaned by his own exertions, but by him as moderator of the Kirk Session where the suspect had usually been examined. The tone adopted by the minister when laying the information before the Presbytery gives a fair indication of the measure of success which had attended the joint efforts of minister and elders. The Rev. John Hamilton of Kilmacolm obviously had every reason to congratulate himself on the result of the local enquiry when he could report "that he had found pregnant presumption of witchcraft, tryed in his Session, in Jean Scott, Janet Paterson, and Janet Loudon parochiners' of Inverkyp; and that Mr. James Taylor had found pregnant presumption of witchcraft, tryed in his Session in Janet Galbraith in Greenock." (1) When reporting to the Presbytery of Greenock that several persons had been accused of witchcraft, Mr. Brisbane, minister of Kilmacolm was careful to point out that his action followed upon proceedings which had previously occupied the attention of his Kirk Session. (2) Similarly in December 1703 the Rev. Archibald Borthwick of Greenlaw made it clear that he was merely conveying a reference from his Session when he laid information before the Presbytery of/

- (1) Murray "Kilmacolm" pp.56, 57 of Fraser "Memoirs of the Maxwells of Pollok" I p.354 for more details regarding Janet Galbraith.
- (2) Metcalfe "County of Renfrew" p.329. The date was 5th February 1696.

of Duns "anent one Christian Wilkie, living in Angebraw, who was accused as being a charmer." (1)

The more zealously inclined among the witch-hunting clergy frequently exhibited less innate caution and were not above laying information without any special backing by their Kirk Session. Among such ministers the Rev. Andrew Turner of Erskine must take a high place for his graphic report to the Presbytery of Paisley of "a deplorable case of Christine Shaw, daughter to the laird of Bargarran." (2) The Rev. James Brisbane of Kilmacolm, to whose work mention has already been made, came to enjoy such a reputation as a witch hunter after his work first against Janes Wodrow (3) and then in the Christian Shaw affair (4) that, on his own responsibility, he had no hesitation in laying information before the Presbytery of Paisley regarding "a deplorable case of one Margaret Laird in Kilmacolme." (5) When a minister laid information before the Presbytery it did not necessarily follow that it would be accepted as justifying action, as Mr. George Gilespie, minister at Weyms found to his cause when "the brethren desyres him first to try the saids presumptions befoir his sessioun, and thairafter to bring thm to the Presbytrie"(6)

B. The Kirk Session.

As/

- (1) Gibson "An Old Berwickshire Town." p.67.
- (2) "A History of the Witches of Renfrewshire." p.XXVII
- (3) Ibid p.112.
- (4) Ibid p.75.
- (5) Murray "Kilmacolm" p.113.
- (6) Stevenson "The Presbytrie Booke of Kirkcaldie p.136.

As a source of Witchcraft information for the Presbyteries the Kirk Session occupied a position second only to that of the minister. What slight diminution there was in the flow of information from the Kirk Session was readily accounted for by the personal contact which the minister exercised through his attendance at the regular meetings of the Presbytery, and not through any weakness in the Kirk Session. As the local Kirk court empowered to ferret out the delinquencies among a congregation, the latter was in fact a remarkably efficient body. Working, as it did, in the same local sphere as the minister, and usually in the closest collaboration with him, the Kirk Session had to deal with the same types of witchcraft cases, and found very similar reasons for appealing for advice, and laying information before the Presbytery. Appeals for assistance, such as ministers did find it necessary to make, are conspicuous by their absence. To conclude that they were never made would be an unwarranted assumption, but the drag net has been cast at least sufficiently wide over all Scotland to make it certain that they must have been of the greatest rarity, otherwise some cases would have been brought to light.

1. Advice All the difficult cases which had sent ministers hurrying to Presbyteries for advice are to be found in Kirk Session records. As pretty a problem on consulting as could be imagined gave the Kirk Session of Fintry some anxious moments in December 1697. One David Smith was questioned anent the scandal of "going to Edinburgh to ane David Howat, who is called ane sooth-sayer, for some hyds stollin." (1) David's defence was disconcertingly/

(1) Smith "Strathendrick" p.10.

disconcertingly strong, namely that the soothsayer in question was tolerated in Edinburgh, at least to the extent that the ministers there could say nothing against him when he was summoned before their Kirk Sessions, and further that "many others both in this parroch, Killearne and Campsie went to him and he told them of that which they wanted and they wer never challenged." (1)

Faced with the obvious results of the Kirk's general indecision regarding consulting, the Kirk Session of Fintry "refers the samen to the Presbitrie for a dvyce." (2)

Charming was a subject to which Kirk Sessions had to devote much time. Public repentance, with sackcloth and the stool as possible additions, and the threat of more drastic action if the offence was repeated - these were the usual methods of dealing with the crime (3) No less than the ministers, however, the Kirk Sessions were sometimes faced with that difficult case.

In 1716 the Kirk Session of Kilmorie cited Farquhar Ferguson to answer the charge of curing by charms "people that were Elf Shot." He denied using charms though admitting he used "a litle Black Soap" as a cure. He further admitted/

(1) Ibid p.10.

(2) Ibid p.10.

(3) The following references, covering Scotland from north to south may be taken as offering concrete evidence for this statement.

Munro "Records of Old Aberdeen II p.18.

Mackay Presbyteries of Inverness and Dingwall pp. 333, 334.

Crammond Records of the Kirk Session of Elgin pp. 183, 184, 220, 275.

Crammond "Annals of Banff" p.40.

Stevenson "Presbitrie Book of Kirkcaldie" pp. 92, 93, 178.

"Miscellany of the Spalding Club" I p.105.

Lorimer St. Cuthbert's Kirk Edinburgh pp. 144, 145.

Craig-Brown "The History of Selkirkshire." p.180.

R.P.C. 2nd Series Vol VIII p.345.

By way of contrast the following extract from Rothesay Kirk Session Records of date 13th February 1706 is offered. "In regard the forsaid Elspeth McTaylor alledged to be employed to performe the charme is notourlie known to be most intractable, incapable and infamous and irreclaimable the Session waves themselves with her." (Paton The Sessior Book of Rothesay" p.201.)

admitted using "herbs to make drinks for sick folk," for which service he claimed never to take more than 1/0 sterling - a not inconsiderable sum in these days. "The Session took his confession to consideration and being straitned what judgement to make of such a practise they unanimously agreed to refer same to the Presbytery." (1)

2. "Delations, Dittays, Informationis."

Certain broad and somewhat surprising conclusions become apparent immediately attention is concentrated upon the great mass of information laid before Presbyteries by Kirk Sessions.

In the first place delations, admittedly a varity with ministers, are as difficult to find as the proverbial needle in the hay-stack. While it is never safe to lay down hard and fast rules for Scottish witchcraft procedure, it is none the less true that a wide examination of records, lay and ecclesiastical alike, has failed to yield a single direct delation for witchcraft by a Kirk Session to a Presbytery. A certain native caution which upon occasion failed to restrain the more zealous minister, must have prevented many a Kirk Session from making the direct accusation, even in the face of strongly incriminating evidence.

As a matter of fact the great majority of cases about which Kirk Sessions laid information before the Presbyteries, were for the lesser sin of charming. All the commoner manifestations of that evil are found in Kirk Session records. Thus Margaret Monro, delated to the Kirk Session of Alness for turning the sieve and shears was referred - not delated be it noted - to the Presbytery of Dingwall in 1649. (2) Turning the key in the/

(1) Mackenzie "The Book of Arran" p.296.

(2) Mackay - Presbyteries of Inverness and Dingwall" p. 156.

the presence of two women was the charge to which Gavin Aikman pleaded guilty before the Kirk Session of St. Cuthbert's, Edinburgh, in 1691. Again that native caution came into play, for even such a common and straightforward case was referred to the Presbytery (1). Ill-health was another fertile source of charming, for with medicine an almost closed book in Scotland (2) people, in their desperation, made eager use of "wise" women, aye and men too, who for a suitable reward, concocted suitable drinks. When Isabell Davidstone confessed to the Kirk Session of Belhelvie that she had given "ane potion of ale and herbet" to seekers after health, her case was promptly referred to the Presbytery of Strathbogie (3). A more barbaric form of charming, to be found among the rural communities, came before the Kirk Session of Redgorton in November 1656 when four men "confessed to their using of a charm, to wit, the putting of an ox under the earth, and calling the cattle over him." (4) The immediate reference of the culprits to the Presbytery is understandable in the case of this unpleasant burying alive of the dumb ox./

- (1) Lorimer Cuthbert's Church Edinburgh pp. 150, 151.
- (2) The following are only a few of the books throwing light on this subject:-
 Lowe "A Discourse of the Whole Act of Chyrugery" p.A,Al and the next page which is unnumbered.
 Finlayson "Life and Works of Maister Peter Lowe" p.65.
 Duncan "Memorials of the Faculty of Physicians and Surgeons of Glasgow 1599-1850" pp. 5,6.
 Grant "Old and New Edinburgh " III p.18.
 Arnot "History of Edinburgh" p.307.
 c.f. Appendix III.
- (3) Stuart Presbytery Book of Strathbogie" p.XIV.
- (4) Hunter "The Diocese and Presbytery of Dunkeld" p.370. of Mackay.
 Presbyteries of Inverness and Dingwall" p.196, for another instance of burying an animal under the threshold as a preventative against the death of the remainder of the beasts.

ox. It is rather an unpleasant commentary on Scottish civilisation of that century that "discipline in sackcloth" was adjudged a sufficient punishment. Unfortunately Kirk Session records do not always give details as specific as the above examples of the exact brand of charming which had been referred to the Presbytery (1)

Bulking only slightly less in Kirk Session deliberations were cases of people complaining they had been "slandered" for witchcraft or charming. (2) Any self-respecting Kirk Session was much more interested in running witches to earth than in having some poor wife, more courageous than her neighbours take up cudgels against what was all too frequently a false accusation emanating from spleen. In the heat of local charge and counter-charge the truth was often so effectively concealed that the Kirk Session was glad to turn over the problem to the Presbytery. Tynninghame parish supplied a fine example in 1634 when "betriche Miltone compleint upon Alex Congiltoune Shepherd, that he had slanderit hir, affirming hir to be the caus of his dauchter's sickness, and lykwise that sho was the caus that his cow did cast calf." (3) What complicated the case was that Congiltoune having admitted that his daughter had recovered, then protested he had never blamed Beatrice. At/

(1) Mackay "Presbyteries of Inverness and Dingwall pp. 333, 334.

(2) Robertson "South Leith Records" p.95.
Kinloch "Presbyteries of St. Andrews and Cupar" p.169.

(3) Waddell "An Old Kirk Chronicle p.100.

At that stage the case was referred to the Presbytery. (1)

Confusion worse confounded sometimes arose when slander and consulting went hand in hand. A consulter naturally entailed a person consulted, and there was always the possibility that, when challenged, the latter would repudiate the charge. The Kirk Session of Falkirk had to face such a situation when Cristiane Watsoune gave in a bill of slander against John Dun, kirk officer, who, when examined, had the audacity to admit "that all he had formerly said and deponit anent the said maiter was a maniefest bye maid by him againes her." (2) Dun was suspended from office and further enquiries instituted concerning Cristian. Events moved so rapidly that within twenty-four hours Mrt. Davidson was accused before the Kirk Session of Falkirk of "going to Cristiane Watsone spous to James Packok yr, and consulting hir as ane witch by hir cuming secreitlie behind the said Cristiane upone ane mereat day in the Hie Streit, and tuching hir claithis, and seeking of hir helth of hir secreitlie for God's caus." (3) Margaret's faith, like that of a certain woman with an effusion of blood had its reward for "she was the better of hir helth/

- (1) The case was referred back to the Kirk Session which was then presided over by the Rev. John Lauder whose long ministry of over fifty years in Tynninghame was distinguished by that combination of godliness and wordly wisdom which has been the chief glory of the Kirk. Knowing the parties in the dispute he "thocht best, seeing they wer nighbours and gude friens ilk ane to other in tymes bygaine, that they suld be agreit, and referis it to God Till He give furder licht if thair be any mistery therein" (An Old Kirk Chronicll p.100)
- (2) Murray "Records of Falkirk Parish" I p.32.
- (3) Ibid p.34.

health yr after." (1) The subsequent developments were as surprising as they were embarrassing, to the Kirk Session, for Cristian fought back and charged her accus~~ing~~ing, to the Kirk Session, for Cristian fought back and charged Kirk Session which promptly referred the whole problem to the Presbytery (2)

By a decision of the General Assembly in 1586 consulting fell within the province of the Presbytery (3) Subsequent vacillation regarding that decision (4) probably went far to explain the fact that the act was not strictly adhered to, by far the greater number of cases of the crime being dealt with by the Kirk Sessions (5) A fair number of consulters did find themselves/

(1) Ibid p.34.

(2) Ibid p.37. While not strictly applicable to the present enquiry the subsequent developments are too interesting to be omitted. The Presbytery having referred the case back to the Kirk Session, Cristian brought such an overwhelming volume of evidence testifying to her honesty before that body that it was forced to suspend proceedings against her. It would not admit defeat however. Though the Presbytery had given it no assistance there was still the civil authorities, and to "my Lord's Court" Janet Buchanan, one of Cristian's accusers was ordered to go as pursuer so that the latter might be either condemned or absolved. Over Janet's head was held the double edged threat that if she shirked this task the Kirk Session would proceed against her as a slanderer, and most surprisingly inconsistent as a "consulter of witches"

(3) B.U.K. II p.665; supra p. 91

(4) Supra p.91. infra pp.245-250

(5) For typical examples c.f.

Fleming "St. Andrews Kirk Session Register pp. 799, 800.

Spottiswoode Miscellany II pp.304, 305.

Stuart Records of the Kirk Session, Presbytery and Synod of Aberdeen p.87.

Crammond "Records of the Kirk Session of Elgin 1584 -1779 pp. 2, 41, 86.

Johnston "Old Lore Miscellany of Orkney etc. III p.47.

Henderson Kirk Session Records of Dunfermline" p.12

Miscellany of the Maitland Club I Pt. 1. p.467.

Smith "Strathendrick" p.21.

Porteous "History of Grief" p.315, 316.

Robertson "South Leith Records" p. 17.

themselves before the Presbyteries but Margaret Bell and Catherine Haddow of Edinburgh (1) and Janet Barry of Perth (2) could claim an almost unique distinction when they found themselves in that unhappy position as the results of the efforts of a Kirk Session.

Of the variety of unusual cases in the field of the supernatural there was no end as the Kirk Session of Penninghame found in 1706 when Jean Brown admitted she "converses ordinarily with spirits." (3)

The Synod

While the Synod formed the third great channel through which witchcraft flowed to the Presbytery the volume of cases showed a marked diminution of almost 50 per cent when compared with those coming from ministers and Kirk Sessions. Two factors go far to explain the decline. Witchcraft was essentially a local phenomenon. Like certain epidemics well known to the medical practitioner of today it was frequently virulent in one locality at a time, but never over a wide area at once; even neighbouring shires could at the same time experience total immunity, and witch hunting on a grand scale. Semi-isolation in a land ill-provided with easy routes of communication had much to do with that condition of affairs, and not unnaturally left the local Kirk officials to deal with the criminals, as they were very well able to do in the great majority of cases. It was this very/

(1) Lorimer "St. Cuthbert's Edinburgh" pp.147, 148.

(2) Spottiswoode Miscellany II p.304.

(3) Paton "The Session Book of Renninghame."

local nature of so much Scottish witchcraft, which while reducing the number of cases dealt with by the Synod, yet made that body the third most important contributor of witchcraft business to the Presbytery. Exercising control over a wide area the Synod could correlate the efforts of localities which were finding difficulty with suspects who, as sometimes happened fled their native village; it could administer the most fatherly of rebukes to Presbyteries which were showing less than the expected amount of zeal, and finally it could issue instructions of a general nature to all Presbyteries within its bounds.

1. Correlation of Effort.

With witchcraft no respecter of presbyterial boundaries there were occasions when even a Presbytery in its turn had to appeal to the Synod in order that the witch-hunt might be carried beyond its boundaries. Such was the case when Bessie Cupar and Jean Buchan, natives of Creich in the Presbytery of Cupar fled their homes. The Presbytery first tried to ensure their trial by requesting the assistance of the neighbouring Presbytery of Kirkcaldy. Concurrence was promised and their names "intimate that they may be tryed and apprehended" (1) But Bessie and Jean must have gone further afield for three months later the Synod "recommends to the brethrene of the fveral Prefbyteries to intimate in their fveral kirkes, that Beffie Cupar and Jeane Buchane, fugitives from the difcipline of the Kirk fufpect for witchcraft within the paroche of Creiche, that thei may be found out if thei be in the province." (2)

But/

- (1) Stevenson Presbytrie Book of Kirkcaldie pp.264, 265.
 (2) Kinloch "Minutes of the Synod of Fife" p.142.

But when necessary the net was cast even wider, word of fugitives being passed from one Synod to another for distribution among Presbyteries, and ultimately, therefore, to every Kirk over a wide area. Thus the Synod of Aberdeen ordered the Presbytery of Strathbogie to search for "William Grant, suspect to be ane warlocke, fled out of Belly." (1)

The Synod also offered a natural means of effecting that co-operation between Presbyteries which was sometimes essential if witchcraft was to be dealt with. When a bad outbreak of witchcraft swept through Fife in 1643 the Presbytery of Dunfermline requested the Synod of Fife to "joyne fome of the Presbyterie of Kirkaldie to them, that when they fall have adoe in the matter concerning witchcraft, they might have there affittance." (2) For similar reasons the Synod of Fife authorised the brethren of the Diocese of St. Andrews to approach the Presbyteries of Meigle, Dundee and Dunfermline for information regarding Robert Small in Newtyll reputed to use "unlawfull means in healing of diseases, or finding out that which is lost or stollen." (3)

2. Instructions to Presbyteries. From their more elevated view-point Synods were sometimes able to direct the attention of Presbyteries to specific witchcraft cases requiring their attention. In 1616 the Synod of Fife ordered the Presbytery of Cupar "to tak tryell of the faid - Kynmeir, whois directiounes favoures of witchcraft." (4) The same Synod instructed the/

- (1) Stuart Presbytery Book of Strathbogie p.161. At the same time the Presbytery was ordered to search for John Gray of Ruthven in the Synod of Angus and Mearns, George Sutherland and Aunas Keyth of Duffus in the Synod of Moray and also to intimate the names of people excommunicated in the Synods of Angus and Mearns and Inverness.
- (2) Minutes of the Synod of Fife. p.137.
- (3) Hunter. The Diocese and Presbytery of Dunkeld" II p.61 c.f. also, Renfrewshire, A History of the Witches c.f. p. XXXI
- (4) Minutes of the Synod of Fife. p.83.

the Presbytery of St. Andrews "to raise a process against a woman in the Parish of St. Andrews, who is reputed to be a foothfayer." (1) In the case of Agnes Anstruther the Synod went much further, ordering the Presbytery of Kirkcaldy "to present to my Lord Archbifhope ane dittay against Agnes Anstruther, suspect of witchcraft, that being of weght fho may be perfewed be the Kings advocate." (2) Obviously, such instructions, by placing the onus for further action upon the Archbishop, definitely limited the power of the Presbytery. This case is admittedly exceptional, however, and was no doubt part of the policy instituted by James VI in his efforts to episcopalianise the Kirk. (3)

An intense outbreak of witch-hunting, which confined to a very circumscribed area could send waves of alarm dashing far across the surrounding countryside. Then it was that a Synod could most profitably issue general instructions of a precautionary nature. The notorious ongoings of Christian Shaw in 1697 created such an impression upon the Synod of Glasgow and Ayr that it issued a recommendation that a fast be kept "in regard to the great prevalencie of witchcraft, which abounds in feveral places at this tyme within the bounds of this Synod." (4) The Bishop and Synod of Galloway "being informed/

1697²

- (1), Kinloch Presbyteries of St. Andrews and Cupar" p.99.
- (2) Minutes of the Synod of Fife p.61.
- (3) Supra p. 96 et seq.
- (4) Robertson, Presbytery of Lanark p.130. Wodrow Analecta IV p. XXIX.

informed that there is much wickednesse committed by Charmers and Necromancers," took more positive measures, appointing "ye Presbyteries of Wigton and Stenrauer forsaide to use all dilligence for the punishing of the same." (1)

The Synod sometimes found it necessary to assume the role of mentor. This was especially true in the more isolated districts of the central and northern Highlands where the customary methods of witch-hunting naturally being less well established, there was a tendency for unorthodox methods of procedure to obtain a footing. Of those the most outstanding was a method reminiscent of the ancient right of compurgation by which persons suspected of witchcraft could clear themselves on their own oath. Evidence of such procedure is found in the Kirk Session Records of Elgin in both 1601 and 1604. (2) The identical method was employed at the district court held at Sumburgh, in Shetland, by John Dishington, depute of Patrick, Earl of Orkeny in 1602 (3) In 1644 a minister raised the question of the legality of such procedure before the Presbytery of Strathbogie which "thought not such courses lawfull," but playing for safety, referred the matter to the Synod. (4) As guardians of the law of the Kirk, the Synods frowned upon/

- (1) Register of the Synod of Galloway p.134. The order was repeated on two later occasions o.f. pp. 146, 181, 182.
- (2) Crammond "The Records of Elgin II p.89.
Crammond Records of the Kirk Session of Elgin pp.125, 126.
- (3) Diary of the Reverend John Mill pp.185, 187. (ed. Goudie)
- (4) Stuart Presbytery Book of Strathbogie p.60.

upon the practice and made it their business to issue instructions condemning proceedings so markedly in conflict with the established methods of ecclesiastical justice (1)

D. Noblemen.

From its earliest days when the Lords of the Congregation banded themselves together to work for the Reformation, the Kirk had always been able to rely on powerful support from the Scottish nobility. As is but natural history concentrates on the high lights of this support as demonstrated in the troubled days of the Glasgow Assembly, the National Covenant and the Bishops Wars, but tends to overlook the steady backing from successive generations of noblemen who were prepared to exert their authority for the furtherance of what they held to be Christ's Kingdom in Scotland.

Bearing those facts in mind it is easy to understand why Presbyteries should have been attentive to noblemen who brought witchcraft to their notice. In 1603 the Marquis of Huntly "conforme to the desyne of his lordships lettre" requested the Presbytery of Aberdeen "to tak tryell of the wiches and consultaris witht thame, and to send to his lordship the delatioun, with the names of sic as ar maist meitt to pas upoune the assyse and tryell of thame." (2) Precise instructions were issued to all ministers that they were/

- (1) Ibid p.174.
Johnston Old-Lore Miscellany of Orkney etc. II p.172 Macnaughton "Church Life in Ross and Sutherland pp.72, 73.
- (2) Stuart "Selections from the Records of the Kirk Session Presbytery and Synods of Aberdeen" p.190.

were to visit every kirk with two of their most zealous and God-fearing elders and there make diligent enquiry among the congregation. The information so garnered was to return to the Presbytery for transmission to his lordship who would then decide how to deal with the persons delated.

In 1649 the Marquis of Douglas behaved in quite a different manner. He sent ten women (1) "delated for the crime of witchcraft by Jonet Cowts, a confeffing witch, now in prifon in Peebles." (2) from the parish of Crawford Douglas to the Presbytery of Lanark. The subsequent investigations he was content to leave to the Kirk. (3)

The first shot in what developed into the last great witch-hunt in Scotland was fired by Sir Archibald Stewart of Ardgowan when he accused John Dougall before the Presbytery of Paisly of "maist scandalous carriage in using charmes and such like things." (4)

E. Bailies.

While even a Philadelphia lawyer would have been hard pressed to define the relative spheres of ecclesiastical and civil justice as Crown and Kirk manoeuvred to gain the dominating position, he would have been forced to admit that whatever the resultant compromise lacked in legal clarity was far more than made up for by its tremendous effectiveness. This was especially/

- (1) That is on the assumption that through a clerical error one name was included twice.
- (2) Robertson (Selections from the) Registers of the Presbytery of Lanark"p. 74
- (3) Infra pp. 346-7 for more details re Janet Coutts.
- (4) Murray "Kilmaccolm" p. 110.

especially true of the activities of the bailies of Scottish towns. As elders in the local Kirk Session - for the Kirk made it a recognised part of its policy to have them there - they formed an effective link between the two local courts of justice. The Second Book of Discipline had made it crystal clear what was expected of them as good elders (1) As diligent bailies, full of the importance and dignity of their office, they were, as a rule, all too willing to keep their own courts busy - and sometimes, let it be whispered, keep their pockets well lined. (2) In such circumstances the system of mutual co-operation worked so smoothly that bailies had seldom to assume the responsibility of directing attention to witchcraft. Where some untoward difficulty arose, however, it was different, and then the bailies were found making a direct approach to the Presbytery. In 1644 the bailies of Pittenweem found themselves in such an unenviable position for they despatched James Richiesone one of their number, and James Airth their Town Clerk, to the Presbytery of St. Andrews for advice "anent one Chrifstane, incarcerated there for a witch, vpon thrie feveral dilations of thrie confeffing witches, quho have all fuffered; as also a fama clamofa for the fpace of twentie yeirs, and fince her incarceration, they have found, by the fearch of thehangmen, two markes." (3) Such vacillation in the face of the damning evidence is explained when they go on to ask "~~whither~~ or not/

(1) B.U.K. II 496.

(2) Spalding Club Miscellany I p.84.

(3) Kinloch Presbyteries of St. Andrews and Cupar pp. 22, 23.

not they might enlarge her vpon the earnest dealing of her husband, who is vseing all means for obtaining heirof." (1) The conclusion is inescapable that her husband was a man of substance, for it has to be admitted that in the Scotland of those days there was too often one law for the rich and another for the poor. The Presbytery had no hesitation in advising the baillies "not to enlarge her till farther tryell." (2)

In 1704 the bailies of the town consulted the Presbytery concerning seven people accused of witchcraft before presenting a petition to the Privy Council. (3)

F. Presbyterial delations and visitations.

While attention has naturally been concentrated on the main streams of witchcraft flowing to the Presbyteries from external sources, it must not be overlooked that in the performance of their duties Presbyteries came into contact with a small proportion of further witchcraft cases.

Once an energetic Presbytery got their hands on a delated witch it was sometimes marvellous how with appropriate measures further delations could be extracted. When the Minister of Calder in the Presbytery of extracted from Helen Stewart a delation against Katherine Shaw in Carnwath he promptly informed the Rev. James Douglas of that parish "quherupon the said Mr. James gettis ordour to caus sumound the said Katheren to the next meiting of the presbitrie" (of Lanark) She was obstinate at first "bot being comitted in the tolbuith of Lanerk, efter some few dayes conferance with/

- (1) Ibid p.23.
- (2) Ibid p.23.
- (3) Conolly "Mifiana" p.217.

with the minister of Lanark and uther guid people, without ony tortour or hard useage" she confessed many points of witchcraft and blamed Margaret Reid as the chief instrument in making her acquainted with the devil (1) Margaret Reid in her turn was promptly hailed before the Presbytery of Lanark where "being confrontit with the forsaid Cathern Shaw in presson, who standing constantlie to hir former delatioun in the presence of many witnesses, the said Margaret flew maist barburslie upoun Cathren Shawis face and being restranit utered thir words "If I had gottin blood of the theiff, she sould had never had power to haiff told mair teales of me." (2) Helen Stewart also delated Margaret Watson and Jean Lachlane. (3) Margaret Watson in her turn delated Margaret Watson, her aunt, Janet Lockie and Malie Paterson, upon all of whom the Presbytery promptly concentrated its attention (4) When the Presbytery of Brechin found that Janet Couper in her confession had delated Catherine Skair and Catherine Walker (5) as those who had shown her the way to the devil it was not long till those two unfortunates in their turn/

(1) R.P.C. 2nd Series VIII pp. 156, 157.

(2) Ibid p.157.

(3) Ibid p.148.

(4) R.P.C. 2nd Series VIII p.150 c.f. also Robertson - Presbytery of Lanark p.37.

(5) Presbytery of Brechin" p.34.

turn found themselves before the Presbytery. (1) The snow-ball-like growth of delations made in the ordinary course of presbyterial duties is amply illustrated by those few typical instances.

By the law of the Kirk Presbyteries were expected to make periodic visitations to the various kirks within their bounds. Ministers, elders, schoolmasters - if any, were all subject to an examination, and questions were asked as to the condition of the kirk buildings, the manse and the glebe. On rare occasions the scope of the enquiry was widened to include the question whether there was any witchcraft or superstitious practices, almost invariably with negative results (2) The reason for this apparently unusual state of affairs is quite simple. With information pouring in from outside sources the Presbytery found so little necessity for relying on its own enquiries at visitations that the question actually seems to have dropped into disuse. (3) If there was witchcraft within its bounds someone would soon let the Presbytery know.

G. Appeals

The Presbytery formed such an important link in the witch-hunting organisation of the Kirk that it is with a feeling of surprise, not untinged with relief, that attention is finally directed to the witchcraft cases which came before it as a court of appeal for those labouring under the threat of witchcraft/

(1)Ibid pp. 35, and 44 at ~~supra~~
(2)Gunn "The Ministry of the Presbytery of Peebles pp.47, 71.
Presbytery of Brechin p.7.
(3)Mackay Presbyteries of Inverness and Dingwall has many visitations in which witchcraft is not mentioned c.f. pp. 28, 29, 52, 54, 56, 78, 105, 106, 107, 108, 109, 142, 148. Superstitious sacrificing of bulls was dealt with twice (pp. 279, 280, 282)

witchcraft prosecution.

In July 1663 "Kathrine, Spouse to Donald McAllister in the parioch of Wrgart, brought in her appeal to the Prebrie from the Session of Wrgart for appointing her to stand two Lords dayes in sacco and to mak profession of her rep (entance) for asserting that those things that, looked lyk sorcerie gch were found after she flitted in the hous out of gch she flitted were put there be Isobell, spouse to Andrew Fraser, Chamberlane of Ferintosh (1) While the north always looked on witchcraft with a kindlier eye it is nevertheless a pleasant change to read that "the prebrie considdering the slander and censure, she is remitted to satisfie accordinglie provyding that if she give sufficient evidence of her rep. the first day yt she shal be urged no more." (2)

Isobel Carmichael having complained to the Presbytery of Lanark that William Smyth had slandered her as a witch, she was ordered "to haw her bill in readines againft the next day, and the faid Wm. Smyth and his wyf to be funoned." (3)

In 1646 the Presbytery of Cupar had to deal with an appeal involving a principle of great importance "Jonet and Marie Mitchells, in the paroche of Kilmanie, fclandered of witchcraft by occasione of fomething fpoken by Briffel Thomfone, who was brunt for witchcraft, did supplicat the Prefbyterie to/

- (1) Mackay Presbyteries of Inverness and Dingwall" p.302.
- (2) Ibid p.302.
- (3) Robertson "Presbytery of Lanark" p.105.

to have the said slander tried." (1) The Presbytery called for the delations and at their next meeting they learned from the Rev. George Thomson that he had raised the case before the Commission of the Kirk "and that their opinion was, that it was verie hard to keep young weomen under slander, and to marre their fortune in the world and debar them from the benefite of the Kirk, quher there is nothing but the delatione of one witch, without any slander befor, or anye other pregnant prefumptions before or since." (2) With this important declaration as a guide the Presbytery instructed the Rev. George Thomson to call the accused before the congregation, intimate "how cruell a thing it was, upon so weake a ground, to keep them under so foul a slander." and therefore failing any further additions to the charge by the congregation the two accused should be declared free of the slander "and not anye more be debarred from the benefite of the Kirk." (3) Janet and Marie must certainly have blessed the right of the appeal which they had evoked with such success.

Isobell Ewart of Pumpherston had a totally different reason for her appeal in 1644. She was summoned before the Kirk Session of Mid-Calder "for scolding and railing against the Session," and was further charged with saying "there was four hundreth markis gott in fra the witches, and that the Session leived thairupon." These accusations she denied but went on to declare/

- (1) Kinloch Minutes Presbyteries of St. Andrews and Cupar p. 104.
- (2) Kinloch Presbyteries of St. Andrews and Cupar p. 106.
- (3) Ibid p.106.

declare "the minister had done many things behind folks backis which he durst not do befoir thair faces." Having stirred up a hornets nest she then appealed to the distant and presumably less excited Presbytery of Linlithgow (1)

How Presbyteries dealt with witchcraft.

A. Cases capable of immediate solution by Presbyteries.

Having received information upon a flood of cases of witchcraft, sorcery and necromancy it was incumbent upon the Presbyteries to take whatever steps were necessary to ensure the effective punishment of the culprits. Hedged in by Acts of Parliament, decisions of the Privy Council, and Acts of the General Assembly which frequently showed more than a trace of irreconcilability, this necessitated a nice assessment of the relative merits of the evidence submitted before the appropriate action could be taken.

While most of the evidence was of a nature sufficiently unsatisfactory to demand further preliminary enquiry before punishment could be meted out there were certain types of cases upon which Presbyteries did feel justified in taking immediate action. Secure in the knowledge that by a decision of the General Assembly of 1586. they were made responsible for censuring consulters (2) and knowing that in 1629 the Privy Council had tacitly approved of the Kirk's ignoring of the death penalty laid down for the offence in 1563 (3) the Presbyteries had no hesitation in dealing with the/

(1) McCall Parish of Mid Calder pp. 182, 183.

(2) B.U.K. II pt. 2. p.666.

(3) R.P.C. 2nd Ser. III p.259; infra p. 245,248

the great majority of straightforward cases of charming and consulting which came before them.

On rare occasions the Presbytery was content to deal with the culprit themselves. When Gavan Stewart, burgess of Paisley appeared before the Presbytery there in 1602 on a charge "of prostrating himself before Martha Pinkerton upon his kneis craving the helthe of Gavan Ralstoun, youngir of that ilk fra her as was allegit," the Presbytery having heard his admission of consulting, but denial of "any humiliation to have been made upon his kneis to her or lifting of his bonnett," they were content to make him satisfy before themselves, and even ordered his own minister, who was also interested in the matter, to take no further action against him (1) In 1727 Walter Balmer confessed to the Presbytery of Selkirk that he had consulted John Labon in the hope of recovering money he had lost. The crown and gill of brandy which the consultation cost him were well spent for a few days later "six pounds of sterling, bote a shilling" were left on his own dunghill. Balmer got off with no more than a caution by the Presbytery (2)

Both those cases are rather exceptional, however Gavan Stewart was a burgess of Paisley, a fact which was apt to weight with even Presbyteries in those days when there was one interpretation of the law for the rich and another for the rich; Balmer was lucky to be accused within nine years of the repeal of the witchcraft acts when such crimes were naturally being treated with less severity.

Equally/

(1) Metcalfe County of Renfrew" p.238.

(2) Craig-Brown "The History of Selkirkshire" p.227.

Equally infrequent were the occasions when Presbyteries pronouncing no decisions themselves, handed the case over to the Kirk Session for the necessary action against the persons accused. That was the course adopted by the Presbytery of Peebles in 1626, after long delays occasioned first by the illness, and then by the death of Helen Hay, when she and her husband had been accused of turning the riddle. (1)

In the great majority of cases Presbytery and Kirk Session worked in the closest harmony. The guilt of the delated person having been established in the higher court, the Kirk Session had then to play its part by enforcing suitable punishment in the place where it was likely to be most effective - the sinner's own local kirk. The nature of the punishment was almost invariably laid down by the Presbytery, (2) and while it varied in severity always necessitated the appearance of the culprit, full of humility and repentance before his or her local congregation. The Presbytery of Kirkcaldy was content to let William Hutchen off by publicly acknowledging his fault and ~~craving~~ ~~the~~ ~~congregations~~ ~~pardon~~ for charming folk ill of the falling sickness. (3) but four years later in 1640 the same Presbytery thought fit to order that in the matter of Bessie Walwd, also found guilty of charming "that their be a publik humiliatioun in Dysert." (4) As a rule persons found guilty of charming or consulting did not escape so lightly. John Dougall in Inverkip having been reported to the Presbytery of Paisley of "maist/

- (1) Chambers "History of Peeblesshire." p.146.
- (2) A unique exception was when the Presbytery of Brechin ordered Janet Lowie to mak satisfaction in Maritoune, as the Minister and Session sal enjoin in her (The Presbytery of Brechin p.5.)
- (3) Stevenson "The Presbytrie Booke of Kirkcaldy pp. 92, 93.
- (4) Ibid p. 178

"maist scandalous carriage in using charmes and such like things --- they judged his way of carrying to be exceedingly scandalous, and appoint him to be convened before the congregation of Inverkyp, and there to be publickly rebuked, and declared to be a scandalous person." (1) The Presbytery of Peebles was more severe on Janet Henderson, guilty of nothing more serious than turning the riddle, ordering her to stand six Sabbath days at the kirk door and place of public repentance at Linton in bare feet and sackcloth and to agree that if ever she used charms again "she should be held guilty of witchcraft and suffer accordingly." (2) The Presbytery of Dingwall went a stage further when it had a woman guilty of charming appear before them in sackcloth and then remitted her to her own Kirk Session of Urray there to give evidence of repentance and "not onlie undergoe Church discipline in Urray but also in other parishes adjacent, viz, to stand in sacco one Lords day before the congregatiione of Kilmoack, and 2d at Contane and a 3d at Urquhart" (3) Finally Thomas Humbill, cited before the Presbytery of Brechin for consulting a witch regarding his beests, was ordered to do public satisfaction in sackcloth both before the Presbytery and the Kirks of Navar and Lethnot. (4)

Another type of case with which presbyteries had no hesitation in dealing was that necessitating disciplinary action against their own colleagues.

When in 1664 Mr. John Hamilton, minister of Inverkyp was accused of taking

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- (1) Murray "Kilmacolm" pp 110-111.
- (2) Chambers "History of Peeblesshire" p.146.
- (3) Mackay Presbyteries of Inverness and Dingwall p.344. For a similar punishment of Macnaughton "Church Life in Ross and Sutherland" pp.50,51
- (4) "Extracts from the Records of the Presbytery of Brechin p.30 of date 11th April 1650.

a bribe of the not inconsiderable sum of 50 marks to protect from harm a wife accused of witchcraft the Presbytery of Paisley promptly deposed him (1) More satisfaction can be felt with the Presbytery of Penpont's handling of the case of the Rev. Peter Rae of Kilbride who, when he fell ill in 1706, called a woman a witch, said to her, "They say you have my health, so give it again if you have," and then so far forgot his position as to endeavour to bleed her on the forehead. Such non-ministerial conduct rightly earned a presbyterial rebuke. (2)

B. Ask for advice from, or remit to a higher court.

Presbyteries, like ministers and Kirk Sessions, came up against those cases presenting puzzling features. In an attempt to resolve their difficulties the Presbyteries in their turn naturally turned to the Synods, and even on occasion appealed directly to the General Assembly, or Committee of Estates.

As usual the inevitable difficulties arose with a small proportion of the cases of charming and consulting with which the Presbyteries did not feel justified in dealing themselves. Following upon its investigations into a case of consulting so bad that it verged upon witchcraft, the Presbytery of St. Andrew on the 27th March 1644 referred to the Synod the question "Quhat falbe the cenfure of confulters with witches and charmers?" (3) The answer/

- (1) Metcalfe "His tory of the County of Renfrew p. 327.
- (2) Wood "Witchcraft and Superstitious Records p. 131.
- (3) Kinloch "Presbyteries of St. Andrewx and Cupar pp. 19, 20.

answer, if any, must have been unsatisfactory for on the 25th December following the identical question was referred to the General Assembly (1) Why such a course should have been necessary passes comprehension as the same Presbytery had been dealing with similar cases within two years of that date (2) In 1652 John Gibson having consulted John Lyndsay regarding stolen money was rebuked and exhorted to repent by the Presbytery of Peebles. The Presbytery must have had some doubts as to the fitness of the punishment for it decided to consult the Synod. (3) The Synod's advice was that all such delinquents should stand three Sundays at the church door as the people were gathering and at the place of repentance during the service (4) So seriously did the Presbytery of Selkirk look upon the crimes of John Allan in 1693 that they found him "guilty of charming, attended by several aggravating circumstances and reported him to the General Assembly " (5) Considering that John had consulted James Mitchelson and following the latter's advice burned his own shoes and then blooded George Brown it is easy to understand why the Presbytery did not feel disposed to take the responsibility of pronouncing sentence in this case.

When the more serious charge of witchcraft was involved Presbyteries sometimes deemed it advisable to seek advice. In 1670 the Presbytery of Paisley consulted the Synod as to "what course if fittingest to be taken with those who go under the name of witches." (6) The peculiar wording almost/

- (1) Ibid p.23.
- (2) Ibid pp. 3,5.
- (3) Gunn "The Cross Kirk, Peebles" pp.157, 8.
- (4) Ibid p.160.
- (5) Craig-Brown "History of Selkirkshire I p.217.
- (6) Metcalfe - County of Renfrew p.327.

almost suggests the dawning of a doubt in the minds of the Presbytery. Unfortunately Renfrewshire, till then strangely quiescent in witchcraft matters, was about to gain a most unenviable notoriety. (1) The Cromwellian occupation of Scotland with its effective check on witch-hunting (2) suggests an obvious reason why on the 31st May 1652 the Presbytery of Dunbar appointed "a reference to be maid to the Synod anent advice concerning witches, what shall be done be the ministers concerning them." (3) An obstinate woman reduced the Presbytery of Cupar to impotence in 1647. Unable to extricate a confession of guilt it was glad to turn to the Provincial Assembly for advice (4) There was no rule that all difficult cases should necessarily be remitted to a higher ecclesiastical court for its consideration and advice. When Janet Bowis, a confessing witch imprisoned in Peebles in 1649, delated people dwelling within the bounds of the neighbouring Presbytery of Biggar, the latter Presbytery had her brought before it only to witness her collapse under cross-examination and final admission "in clamours and teares" that she had falsely accused about 48 persons "whose guyltiness before schoe had affirmed." The Presbytery of Biggar referred this signed confession of Janet to the Commissioners appointed for the trial with the request that they should advise what course should be followed. If necessary the Commissioners in/

- (1) Renfrewshire, A history of the witches of Metcalfe, County of Renfrew and History of Paisley.
- (2) Supra p. 43 infra p. 336
- (3) Ritchie - The Churches of St. Baldred p. 103.
- (4) Kinloch "Presbyteries of St. Andrews and Cupar pp. 108-110.

in their turn were requested to present the relative documents to the Committee of Estates for their advice. (1)

Instead of asking advice Presbyteries were sometimes glad to wash their hands of some knotty problem by remitting to a higher court for attention. Where all the efforts of the Kirk had failed to produce any evidence to substantiate vague delations of witchcraft it was but natural that friends and close relatives should importune the Presbytery for their release. Loathe to let their prisoners go the Presbytery of Kirkcaldy in 1645 met such a situation with the bland announcement that "knowing rem non esse integram in respect the Synod had meddled with that mater befoir remitts the said mater to the next Synod" (2) Faced by more importunate friends and a complete lack of evidence the same Presbytery in 1650 solved its immediate problem by remitting "the mater as a thing of great weight to the ensuing Provincial." (3)

C. Gather Information

Barred from trying witchcraft themselves (4) Presbyteries had to face the unpalatable fact that if they hoped to see the accused persons "wirreit and burned" (5) they had first to ensure that the evidence was sufficiently strong/

- (1) Hunter "Biggar and the House of Fleming" pp.384, 385 of Murray Kilmaccolm pp.113, 114 for a Presbytery appealing to the Privy Council for aid.
- (2) Stevenson Presbytrie Booke of Kirkcaldie p.286.
- (3) Ibid p.353 c.f. also pp.350, 351, 352.
- (4) Supra p.92 et seq.
- (5) The usual legal terminology of Pitcarin Criminal Trials.

strong to convince the civil authorities that a trial was justified. In no unmeasured terms the Privy Council had told them their function was to gather information and lay it before the judicial authorities. (1) In practice that came to involve the submission of all the relative dittays, backed if possible by a confession to the Privy Council with a request that a commission be granted for the trial of the accused. Seldom was that possible without a considerable amount of work on the part of the Presbyteries, for the mixture of fact and fiction which was sufficient to convince the ministers of the guilt of some local wife had an unfortunate habit of appearing nothing like so damning to a set of hard headed Privy Councillors far removed from the local mass hysteria of a witch hunt. (2)

Presbyteries were fortunate in the allies they could call to their assistance in the hunt for information which would justify their approaching the Privy Council. Ministers, Kirk Sessions, congregations, nobles, lairds and bailies made up a formidable array of collaborators behind whom there lurked the ubiquitous pricher and torturers "horrible and awefu", which even to name wad be unlawfu."

Working on the principle that the work in hand was likely to be best done by themselves Presbyteries usually made one or more of their number responsible for the necessary enquiries. The instructions they gave naturally varied in accordance with the information at their disposal. With nothing more than delations before them the Presbytery of Stirling took measures/

(1) Supra p.95,96

(2) Infra p.348-362 et seq.

measures typical of those times when in 1597 they ordered those of their number resident in Stirling "to try and examin thais women alreddie apprehendit and to be apprehendit heiraftir for witchcraft, and quhat thay find, To Report the samin to the presbyterie that thay may Judge thairon befoir any of thame thoill ane assyse." (1) Whether the ministers were "appointed to goe to Craill on Thurefday, and fpeake fome witches apprehended ther" (2) or "to examine the perfonnes that ar apprehenditt for fupficionne of witchcraft." (3) or take cognizance of the affair." (4) there was no doubt what was expected of them - a well-substantiated confession. That is made clear by the case of Geillies Robertfone suspected of witchcraft in Craill in 1675, for in reporting her case to the Presbytery of St. Andrews Dr. Edward "defyred, that fome of the brethren might be appointed to affift him in conferring with her." One month later they reported "they could gaine no confeffion from hir." (5) The customary procedure of remitting the matter to a few ministers was followed when Margaret Guthrie was delated to the Presbytery of St. Andrews in 1666 for "the Moderator, Mr. Alexander Edward, Mr. Androw Bruce at Carnbie and Mr. Alexander Leflie ar appointed to deal with hir at ther own conveniencie, for bringing hir to a confeffione, till the judge competent should difpofe of hir." (6) The Prefbytery of Irvine/

- (1) Ferguson "Alexander Hume; p.260.
- (2) Kinloch "Presbyteries of St. Andrews and Cupar p.12.
- (3) Robertson - Presbytery of Lanark p.37.
- (4) R.P.C. 2nd Ser II p.143.
- (5) Kinloch "Selections from the Minutes of the Presbyteries of St. Andrews and Cupar pp. 90, 91 c.f. also p.108 re failure extract a confession from Bessie Couper.
- (6) Ibid p.84.

Irvine adopted an identical course in 1650 when "being informed that there were several persons in Dalry, who partly upon presumption, partly upon delation and partly upon mala fama, were apprehended by the Judge Ordinary for witchcraft, who continued still impenitent, therefore it is appointed that Mr. Patrick Colville, and Mr. W.S. Russel, shall go to Dalry and deal with the said persons for bringing them to ane confession." (1) In 1649 the Presbytery of Greenock took the more unusual step of deciding that "all the brethren shall that night and the morrow deal with the persons apprehended for witchcraft to bring them to confession" This joint assault must have failed for the Presbytery soon after resorted to the more orthodox method of appointing various ministers to deal with the suspects at specified times (2)

Unless backed by most substantial evidence even confessions reported to the Presbyteries were not accepted until some of the brethren had spoken with the suspect and laid their findings before the parent body. The precaution was necessary for in 1649 the brethren appointed to deal with Helen Young a self-confessing witch reported "that still she confeffes hir selfe to be a witch; but that when she is pofed upon particulars she feems to them either to diffemble, or elfs to be diftracted." (3)

When the information laid before them was too tenuous to justify immediate action Presbyteries were ever ready to invoke the assistance of the Kirk Sessions. Such a situation sometimes followed upon the too precipitate action of a minister like the Rev. George Gillespie who in December 1638 reported/

- (1) Paterson "County of Ayr" II p. 92.
- (2) Murray "Kilmacollm" p. 57 c.f. infra pp. 371 for more re a whole Presbytery taking action.
- (3) Kinloch Presbyteries of St. Andrews and Cupar" p. 130. That fact did not prevent the Presbytery of Cupar from proceeding to examine Helen Small and Elpet Seith who were delated by such an unsatisfactory witness. c.f. also the report of Mr. James Wedderburne that Marjorie Winter seemed to him to diffemble and reinzie madherie p. 143.

reported to the Presbytery of Kirkcaldy "sundrie presumptious of witchcraft aganest ane Janet Durie in Weyms". Looking askance at such heresay evidence "the brethren desyres him first to try the saids presumptious befoir his session, and tharafter to bring them to the Presbytrie". (1) When John Macgregor delated to the Presbytery of Paisley for charming by the curate of Inverkip, denied the charge, the Presbytery promptly remitted the case to the Kirk Session of Greenock with instructions that they examine witnesses and then report back to the Presbytery. (2) In 1647 Marioun Crawford, a native of Lesmahagow had actually been brought before the Presbytery of Lanark under suspicion of witchcraft although "there is nothing confeffed be her, not attefted be witneffes againft her". Mr. John Hume, minister of Lesmahagow, was ordered "to use diligence for trieing her carriage befoir his awin feffioun". (3) Sometimes it was through no fault of either minister or Kirk Session that their carefully prepared evidence failed to carry conviction in the Presbytery. The vagaries of human nature were sometimes too much for them. Thus on the instructions of the Presbytery of Cupar the Rev. David Orme and his Kirk Session examined Helen Small, found she had been "for a long tyme malae famaee for witchcraft" and proceeded to build up an array of evidence sufficiently formidable to justify her appearance before the Presbytery. There she flatly denied this carefully prepared evidence, so the Presbytery had no option but to remit the whole matter back for further investigation by the Kirk Sessions of Balmerino and Monimail.

- (1) Stevenson "The Presbytrie Booke of Kirkcaldie" p.136.
- (2) Metcalfe "County of Renfrew" p.327.
- (3) Robertson "Presbytery of Lanark" p.56.
- (4) Kihloch, "Presbyteries of St. Andrews and Cupar" pp.130,-132.

(1) Even that second investigation by the Kirk Session failed to produce conclusive evidence for the proces "because it is found yet not to be cleared in ewerie particular, it is referred back againe to the faid Seffioun for further clearing". (2)

Another method of gathering information which Presbyteries were always ready to invoke was the public intimation and appeal from the pulpit that members of the congregation who knew anything savouring of witchcraft or charming should immediately lay their information before the ecclesiastical authorities. Where a Presbytery was alarmed at a sudden wave of witchcraft it would order all its members both to make reference from the pulpit to the seriousness of the crime, and to appeal to the congregation to collect evidence. (3) In most cases, however, an appeal to the congregation was only made when the names of the suspects about whom information was desired could be announced by the minister. Typical of the whole procedure was the action of the Presbytery of Elgin in 1661 after Mr. Murdoch McKenzie had desired their assistance "in searching after information against witches and charmers", four of whom he named in particular. "The presbytery thought it fitte that intimation should be made by all the brethren from their several pulpits that if any person could clear any thinge of charmeing and witchcraft against the forsaied persons may be pleased to acquaint the minister or session or repair to Elgin upon Wednesday wher they will have a full hearing". (4) As was but natural an appeal/

(1) Kinloch "Presbyteries of St. Andrews and Cupar" pp.130-132.

(2) Ibid p.134.

(3) McDowall "Dumfries" p.430.

(4) Cramond "Records of Elgin" I, pp.369-370.

of also Stevenson "The Presbytrie Booke of Kirkcaldie" p.113 Dysert April 6, 1657. John Patowne being wardit in the steppill of Dysert for suspiation of witchcraft: ordeanes all parties that hes any dittayes toto give in aganest him to be warnit out of the pulpett of Dysert to/

(4.) Cont'd.

to compeir befoir the sessioun and thair be hard".

appeal to the congregation was usually made only as a measure of desperation when additional evidence was required to bolster up a weak case. That was what happened at Corstorphine in 1649 when, by order of the Presbytery, John Kincaid "trys the women over again, bot at that time he gave not satisfaction either to Mr. Wm. Dalgleish, the Minister, Florence Gardner, Davd Clerk or sundry others then present for the woman cryed pitifully and the place gr the pins were putt in uped with blood a little". In an attempt to bring the case to a successful conclusion the Presbytery then ordered the ministers of the surrounding churches to appeal to their congregations to come forward with any relevant information against the suspect. (1)

A less pleasant means of extracting information was sometimes taken by Presbyteries who invoked the assistance of a pricker. This functionary owed his existence to the widespread belief that all witches, when they gave their souls into the devils keeping, made a contract with him. The specifically Scottish view of this ceremony has been best put by King James VI in his Daemonologie when he wrote "One word onely I omitted concerning the forme of making of this contract, which is either written with the Magicians owne blood: or elfe being agreed upon (in termes of his fchole mafter) touches him in fome part, though peradventure no marke remaine: as it doth with all Witches" (2)

(1) Scottish Notes and Queries IV p.28

(2) King James VI "Daemonologie" (London 1603) p.23.

Elaborating this statement James declared the devil "makes them to renounce their God and Baptisme directly, and gives them his marke upon some secreit place of their body, which remains foare unhealed, while his next meeting, with them, and thereafter ever infenfible, howfoever it be nipped or pricked by any" (1) The final chapter of the king's book is concerned with the trial and punishment of witches and othere in discussing how "judges out to beware to condemne any but such as they are fure are guiltie" he stresses " that there are two other good helpes that may bee ufed for their triall: the one is the finding of their marke, and the trying the infenfiblenes thereof. The other is their fleeting on the water" (2). The unfortunate incompatibility of the king's first statement that all witches had the mark and his second that it was no more than a good help was to persist throughout the history of Scottish Witchcraft. At first the Privy Council was prepared to admit the use of pricking provided the pricker had full knowledge of the art and trade (3), but in later years the legal profession had the gravest doubts of that method of trying a witch (4). One minister, more enlightened or probably more cautious than his fellows did admit in 1649 "that Alexander Boys came and found the Mark upon her (Bessie Graham), at that very nick of time, when there was an inclination to let her go free: which though it did not say much, yet it was a mean to keep her still in Prison"(5). To the Kirk, as a whole, however, nothing gave more/

(1) Ibid p.33.

(2) Ibid pp. 77, 79.

(3) R.P.C. 2nd Ser. IV p.433.

(4) Mackenzie "The Laws and Customes of Scotland pp. 91, 92.

Forbes The Institutes of the Law of Scotland p.39.

Lauder Historical Notices I p.146 & Decisions of the Lords of Council & Session I p.16.

(5) Sinclair "Satan's Invisible World Discovered" p.113.

more satisfaction than a successful pricking. That course was followed almost as a matter of routine by most ministers and their local abettors immediately a suspect fell into their clutches (1), so that it was but rarely that Presbyteries found it necessary to order them to search for the marks by pricking. When that infamous liar Janet Coutts of Peebles delated eleven women in Crawford Douglas in 1649 and the Marquis of Douglas sent them to the Presbytery of Lanark "the presbyterie defined the Magistrates (of Lanark) to incarcerat them; and ordained Mr. Robert Birnie to write for George Cathie the pricker, for helping to discover the marke". A fortnight later Mr. Birnie was able to report that before famous witnesses "himselfe also being present, and by consent of the forenamed suspected woman of witchcraft, the said George did prick pinnes in everie one of them, and in diferre of them without paine the pinne was put in, as the witneses can testifye, as the proceffe at more length bears". (2)

In December 1649 the Kirk Session of South Leith was informed that it was "ye Judgment of ye reverend brethren of ye presbyterie yat Janet Bennet who is suspect of witchcraft sould be sighted and tryall maid for ye witches marks"(3) When the Presbytery of Biggar found themselves faced by much witchcraft in 1650 they decided to call in the services of the same George Cathie of whose services the neighbouring Presbytery of Lanark had availed themselves six months earlier(4).

(1) Infra pp.226-229

(2) Robertson "Presbytery of Lanark" p.75.

(3) Robertson "South Leith Records" p. 90.

(4) Hunter "Biggar and the House of Fleming" p.386.

D. Approach the Privy Council.

Once a Presbytery had done what lay within its power to "gather information" the next step was to lay the evidence, be it confessions, dittays, or the usual crop of local tittle-tattle, before the Privy Council. While the aim in all cases was to have commissioners appointed to try the suspects that was a measure of perfection to which even the powerful Presbyteries could not always attain. Consequently the exact nature of their petition to the Privy Council varied with the individual cases, and as a natural corollary the action taken by the Privy Council also varied.

Little need be said on the question of standing commissions put forward by the General Assembly in 1643 and rejected by parliament in the following year (1). The Presbytery of Linlithgow did try to have the matter reopened in 1648 on the grounds that six witches on trial before commissioners appointed by the Privy Council had delated others in Carriden and the surrounding parishes. The Privy Council was adamant refusing "the desyre of this bill as unreasonabill and contrarie to the ordinarie course kept in the lyke caises, bot when any particulars salbe offered concerning anie parties guiltines, the committie will then tak such (course) as salbe agreeable to justice" (2) In the face of such an explicit statement of the Privy Council's stand-point and the equally deliberate ignoring by Parliament of a tentative request for a standing commission by the Presbytery of Dunfermline in 1649, (3) all Presbyteries had to resign themselves to/

(1) Supra pp. 33, 66

(2) Salmon Borrowstounness p. 183.

(3) Stephen - Inverkeithing and Rosyth pp. 441, 442.

Chalmers "Dunfermline" p. 558 quoting original in General Register House.

to the customary method of putting each case before the Privy Council on its individual merits.

Sometimes, as a result of the efforts of ministers, Kirk Sessions and their local coadjutors, the information laid before the Presbyteries, was already so complete that they had nothing further to do than find "the samin a sufficient ground to sut a commissione for trying and judging them according to law" (1) This was admittedly the exception, however, and it is probably significant that such cases are concentrated in the years 1649-50 when witchcraft being particularly virulent over wide areas of Scotland there was less difficulty than usual in extracting the necessary "information" (2).

The more usual course was for a Presbytery to complete its local investigations, put the evidence in proper form and then present it to the Privy Council with the request that a commission be granted. The whole procedure is well illustrated in the cases of Katherine Shaw and Margaret Reid (3) where the whole gamut of local investigations conducted by ministers and Kirk Sessions under orders of the Presbytery culminated in instructions by that body to the Rev. James Douglas to present the processes of the two accused to the Lords of Privy Council with a request that a commission be granted (4).

(1) R.P.C. 2nd Ser. VIII p.198 of also pp.190, 194, 200, 217.

(2) Supra pp.38, 39 of also Stevenson - The Presbytrie Booke of Kirkcaldie p. 267 of date 27/3/1644 and p.361 of date 26/6/1650 where having considered a process of witchcraft they decided to ask for commissions. Those may be similar cases although there is no further evidence either in the Presbytery or Privy Council records which would enable a definite pronouncement.

(3) Supra p.125

(4) Robertson Presbytery of Lanark p.36.

The Privy Council records in turn contain a complete record of the evidence laid before it, opening with the statement that it is "Informatioun from the Presbitrie of Lanark to the Lords of his Majesties honorable Privie Counsell of dittaes and presumptiouns of witchcraft proven and confessit aganest Kathern Shaw and Margaret Reid, induellaris in the parochin of Carnevath, that thair Lordships may be pleisit to tak the samen to thair consideratioun and if it sall seime expedient to grant ane commission for thair further tryall and conding punishment" (1). Typical of a host of similar requests for commissions are the applications by the Presbytery of Lanark in respect of Margaret Watfone and Jeane Lauchlane in 1644 (2), by the Presbytery of Paisley in the notorious Bargarran outbreak of 1697, (3) and by the Presbytery of Turriff against Alexander Mowat and Christiane Craig in 1627 (4). The last of those throws light upon the working of the Privy Council decision of 1624 that all depositions, dittays, and confirmations to be used to justify application for a commission had first to be considered by the bishop of the diocese (5). A commission was actually granted for their trial by the Privy Council on 25th April 1627 (6) but it is very questionable if it was despatched for on the 6th May the Privy Council wrote the Bishop of Aberdeen "we ressavved your lordshipis letter with the informatioun of the Presbyterie of Turreff aganis Alexander Mowatt, and Christeane Craig, his spous, parrochinnaris of Turreff and suspect of witchecraft. And, althocht/

(1) R.P.C. 2nd Ser. VIII pp. 155, 156.

(2) Robertson Presbytery of Lanark pp. 37,38; R.P.C. 2nd Ser.VIII pp.146-154.

(3) Metcalfe County of Renfrew p.330; Renfrewshire, a history of the Witches of p. XXIX.

(4) R.P.C. 2nd Ser. I p.586.

(5) cf pp.78-80. for a fuller discussion of the part played by bishops/

- (5) Cont'd.
 bishops. For other instances of a bishop and Presbytery jointly requesting a commission cf p.38, note, and the following :-
 R.P.C. IX p.191, Bishop of Moray and Presbytery of Elgin 1611.
 R.P.C., 2nd Ser. I p.596 Archbishop of St. Andrews and Presbytery of Dalkeith 1627.
- (6) R.P.C. 2nd Ser. I p.586.

althocht we doubt not of the trewth of that whilk the Presbyterie has sett down in thair reporte and note, yitt, becaus the same hes not bene so legallie and ordourlie done as the circumstanceis of the bussynes required, we will thairfoir requeist your goode lordship to write to the said Presbyterie, willing thame to examine, or caus the saidis personis be judiciallie and formalie examined, upoun the said point of witchecraft, and quhair thair salbe a necessitie, to produce witnessis aganis thame, and to sett down in write under thair handis the confessionis of the pairtyis and the depositionis of the witnessis to be produceit aganis thame, and to reporte the same to your lordship, to the intent that your lordship, finding ony just and probable ground whereby thir personis may be putt to the knoulege of ane assise that then your lordship delyver unto thame this commissioun whilk we haif heirwith send unto your lordship; requesting your lordship in the meantyme to keepe the commissioun besyde yow, and not to delyver it till the reporte of the Presbytery foirsaid be send unto your lordship, and that your lordship find by the confessionis and depositionis in the proces that the pairtyis deservis to be putt to thair tryall" (1).

Nothing could better illustrate the close scrutiny to which requests for commissions were subjected by the Privy Council.

Where /

(1) R.P.C. 2nd Ser. I p.600.

Where those doubts hardened into certainty the Privy Council had no hesitation in turning down an application. The famous case of Maly Macquhat shows how all the efforts of a Presbytery could founder on the rocks of Privy Council common sense. She was first examined by the Presbytery of Peebles at a visitation of Glenholm in 1640 (1), but being a member of the congregation of Mr. John Currie of Coulter he reported her to his own Presbytery of Lanark (2). After much local and presbyterial investigation the Commissary reported to the Presbytery on the 20th May 1640 that in his opinion she was guilty of no more than charming "and that this cannot be followed by death" (3). This opinion roused the Presbytery to new efforts extending over a period of eighteen months when they felt justified in approaching the Privy Council for a commission "and for the better effectuating heirof, ordains our brother Mr. John Currie, to recommend the fame to the Richt Noble Lord the Earle of Angus, and the Right Honorable the Laird of Lamington, Sir William Carmichell, and Sir John Dallel, now at Edinburgh, requyring their affittance for procuring ane commiffion to apprehend the faid Malie"(4). On the 27th January, 1642, Mr. John reported "that the fame is delayed, becaufe of fome pretended informality in it, that fhe is not directly challenged of witchcraft, and that fhe is not yet apprehended, till which tyme, no commiffion can be obtained". The Presbytery promptly had her handed over to the baillies of Lanark for imprisonment, and having had her process once more revised by some of their number sent Mr. John to Edinburgh once more (5). There he had an even cooler/

(1) Hunter "Biggar and the House of Fleming" pp.379,380.

Buchan History of Peeblesshire pp.337,338.

(2) Robertson Presbytery of Lanark p.20.

(3) Ibid p.25.

(4) Ibid p.27.

(5) Ibid pp.27,28.

cooler reception than on his first visit, for on the 20th July, he had to report his failure to the Presbytery, the Privy Council having decided "that the pointes contained in her procefs can no wayes demerit deathe"(1) In desperation the Presbytery then turned to the Synod and the Commissioners of the General Assembly (2), but without forcing the Privy Council to change its viewpoint that the Presbytery had failed to substantiate its demands for a commission.

Presbyteries had sometimes to face the unpalatable fact that they were unable to prepare the necessary dittays and delations. Such a situation usually arose when for some reason the suspects were not safely under lock and key suffering the day and night strain of examination. For the folk who with timely warning of their danger had fled their homes the Presbytery could do no more than ask the Privy Council to grant a commission "to search, imprison and examine". How wide the net had sometimes to be cast was demonstrated in June 1629 when at the request of the Presbytery of Peebles a commission was granted to such widely scattered commissioners as "the Sheffif of Peebles and his deputes, the bailies of the burgh of Peebles, the bailies of the regality of Dalkeith, and the bailies of the regality of Glasgow, or any two or three of them" (3). Even when the suspected persons had not fled Presbyteries sometimes found it difficult to have them imprisoned. There is little doubt that the root of the trouble was the question of the expense and inconvenience of watching and warding(4), though persons less zealously inclined to play the gaoler were apt/

(1) Ibid p.30.

(2) Ibid p.31.

(3) R.P.C. 2nd Ser.III p.170. Two of the suspects were certainly caught for a commission to try them was issued on the 22nd December 1629 of Ibid p.391

(4) Robertson - Presbytery of Lanark pp.74,75; R.P.C. 2nd Ser II pp.469-470.

apt to remember that failure to justify the imprisonment by clear evidence of guilt not infrequently resulted in an appeal to the Privy Council on the grounds of wrongous imprisonment.(1) Thus when the Earl of Morton, finding it necessary to reserve his prison for his own regality prisoners, had to refuse the Presbytery of Dalkeith its customary use for witchcraft suspects, the brethren promptly petitioned the Privy Council that noblemen and gentlemen of the locality be authorised to imprison suspects without putting themselves outwith the law. The Privy Council granted the request(2). What the powerful Earl of Morton would do as a "favour", the lesser fry of nobility would not do without authorisation. One thing was certain - scant success ever attended examinations as long as the suspects were free. As the Presbytery of Dalkeith so aptly put it "nothing so much facilitated their work herein" as prison bars. (3) In spite of an authorisation from the Privy Council to examine suspects delated by Alexander Hamilton and others the Presbytery of Haddington found themselves completely baulked as the suspects after they had been examined "have thair awin privat conventicles where eache of thame informe others how to stand to thair denyall, and they ar sworne for secrecie and that none of thame sall depone aganis another". The Presbytery therefore supplicated the Privy Council for authority to ward them in solitary confinement in Haddington tolbooth "it being constantlie affirmed be all these who hes beene upoun the examinatioun of witches that they will never come to a confessioun so long as they/

(1) R.P.C. 2nd Ser. VIII p.37.

(2) R.P.C. 2nd Ser. III p.142.

(3) Ibid p.142.

they ar free and out of ward". To this request the Privy Council agreed on the 1st April 1630, the depositions to be in their hands by the 20th April. (1)

Once a suspect was arrested the Presbytery were sometimes glad like Pilate, to wash their hands of the case, by supplicating that the prisoner be removed to Edinburgh where he could be dealt with by the Privy Council. That was the course adopted by the Presbytery of Muthil with Alexander Drummond, a native of Auchterarder, who as an abuser of the people with "inchantments and uther divellish and unlauffull meanes" over a period of years and been twice fugitive was at last locked up in Stirling in 1629. Claiming that this slippery customer's prison was so insecure that he visited his friends and would therefore confess nothing they requested the Privy Council to remove him to Edinburgh (2).

In spite of the fact that they had imprisoned Michael Areskine "in a little hous abone the end of Newbottle kirk" under nightly guard for six weeks till they got "ane full and cleere discoverie of all the crymes whairwith he was burdenned", the Presbytery of Dalkeith did not supplicate for a commission to try for the simple reason that the people were "so wearied with this guarding of the said Michael that they absolutely refuse to continue it, and this prison house is so insecure that the said Michael will then escape". It must have been galling /

(1) R.P.C. 2nd Ser. III pp.515, 516.

(2) R.P.C. 2nd Ser. VIII pp.454, 455. The Privy Council at once had him removed to the tolbooth of Edinburgh and issued a commission for his examination. The commissioners evidently made scant progress for two months later the Privy Council issued a further commission adding the Presbyteries of Dunfermline and Inthill to the commissioners, of R.P.C. 2nd Ser III pp. 2, 104.

galling in the extreme to the Presbytery with a perfect confession to be forced to ask not for a commission to try, but to petition for the prisoner's immediate removal to Edinburgh (1).

(1) R.P.C. 2nd Ser. III p.385.

E. Advise Commissioners and attend Trials.

Presbyteries did not consider that their work was completed once a commission had been granted for either examination and further presentation of evidence to the Privy Council, or for immediate trial. They felt that the ends of justice were likelier to be achieved if the lay commissioners, who as a rule had no previous intimate contact with the suspects, could have the benefit of the Kirk's knowledge of the case. The simplest way of achieving this end would have been to include ministers already acquainted with the preliminary investigations as commissioners, and to such a course there was no legal barrier for by a Privy Council decision of 12th August 1597 it was explicitly stated that commissions would be granted, not only to the usual noblemen, barons, sheriffs, stewards, baillies and provosts, but also to "ministers unsuspect" (1). Unfortunately for the Kirk this course was rarely followed. In 1613 two ministers were appointed with powers to try (2); in 1615 "Mr. Johnne Gibbiesoun minister at Dalmany" was twice appointed with similar powers (3), while the minister of Culross was among the commissioners appointed to search for certain suspects, examine them and report their depositions in writing to the Privy Council in 1624 (4). The practice, if such it could be called, fell into disuse, probably as James VI and Charles I, anxious for the spread of Episcopacy had bishops appointed on the admittedly rare occasions when the commissioners were not exclusively laymen. (5) But when the bishops were swept away by the Presbyteries in 1638, the Privy Council made a practice of never/

(1) R.P.C. V, p.409.

(2) R.P.C. X p.76.

(3) Ibid pp.335,388.

(4) R.P.C. XIII p.439

(5) R.P.C. X p.76. 2nd Ser. III pp. 2, 4.

never appointing any but laymen, and thereafter that became the accepted rule as long as witchcraft commissions were issued in Scotland.

However the Privy Council did recognise that the ministers might be of assistance to the Commissioners for in 1628 they issued a commission to "Sir John Charters of Amisfield and Robert Crichton of Ryhill, Sheriff of Dumfries, or either of them, with the provost and bailies of the burgh of Dumfries, as justices, with the concurrence of the minister of Dumfries," to try six suspects.(1) The admission of a minister in such an advisory capacity was a step which found favour with Presbyteries, who were quick to put their views before commissioners even although the Privy Council had given no authorisation for such action. The procedure is admirably illustrated in the trial of John Philpe. On the 8th September 1630 a commission was issued for his trial "to James, Lord Desfoord, and the Sheriff of Aberdein, and his deutes, or any two of them" (2) Philpe stood his trial in the courthouse of Banff before Lord Desfoord, the sheriff depute of Banff and an assize of fifteen men. "The said day compeirit the said James Wynchester, procurator fishall, assistit with the whole ministrie of the presbitrie of Fordyce, Mr. Thomas Mitchell minister at Turreff, Mr. Williame Steinsoune, minister at Gamerie, and Mr. James Melvill, minister at Alva". Assuredly the jackals were gathered from far and near to "assist". To many a Presbyterian brought up in the fear of hell fire such an array of clergy must have been as effective a means of packing a court as was ever adopted by turbulent followers of Scottish nobles.

(1) R.P.C. 2nd Ser. II p.328.

(2) R.P.C. 2nd Ser. IV p.39.

Everything passed off in due order with Philpe sentenced "to be band to ane staike, than wirreit, and thaireftir his bodie to be (burnt) to ashes".(1)

The Presbytery of St. Andrews repeatedly appointed some of their number to "give ther advyce to the Judges concerning the dilations againft others, if they may be apprehendit and tryed" (2). Such a course of action was at least understandable, for they were in reality acting as witnesses for the prosecution, but when they went on to send deputations "to fuch Judges as falbe prefent ther (Anstruther Wester) concerning Ifbell Dairfie, how fhee falbe ufed in meate, drinke, fleepe bed and the lyke" (3), they were undoubtedly transgressing upon the province of criminal justice, and not, it, must be confessed, for humanitarian reasons. Once commissioners were appointed by the Privy Council in the Bargarran case the Presbytery of Paisley were their faithful watchdogs, even to the extent of appointing ministers to preach before them (4). It has to be admitted, however, that the Commissioners, in their turn, reciprocated by requesting the presence of ministers. Quick to make the most of such a golden opportunity the Presbytery ordered those chosen for this duty to give some advice to the Commissioners on the best method of dealing "with the consciences of those on whom the insensible marks are found". (5).

- (1) Ibid pp. 637-639. For a similar example of a Presbytery ordering the brethern to "assist the commissioners in the trial and execution" of the suspects of Gunn "The Book of the Cross Kirk, Peebles p. 128.
- (2) Kinloch Presbyteries of St. Andrews and Cupar p.16.
- (3) Ibid p.15; cf also p.19.
- (4) Metcalfe County of Renfrew pp.331, 332.
Renfrewshire, History of the Witches of, pp. XXXI, 100.
- (5) Ibid p. XXXII.

F. Attend Executions.

Presbyteries still had one final part to play in the last grim scene which marked the culmination of their efforts. Theirs was the responsibility for ensuring that through their last hours which ended at the stake condemned witches were attended by ministers. Common curiosity would have taken many of them to one of the recognised public entertainments of the day, even without orders from the Presbytery, as the Presbytery of Lanark had demonstrated to them in January 1645 when "Mr. James Douglaffe excusing his neglect of goeing to Douglaffe, by reafon he was attending the condemning and burning the forenamed witches, but not accepted is fharplie rebooked". (1)

There were several reasons why the official attendance of ministers was considered necessary at witchcraft executions. As the King's Advocate explained in 1670 "it is a christian and usueal custome that the ministers and people doe joyne in prayers to God for the persones who are to suffer" (2).

In 1650 the Bailie of Cunningham put forward quite a different reason to the Presbytery of Irvine. In his view "it was fitting a minister should be appointed to wait upon every one of them that they might be brought to a farther acknowledgment of their guilt". Twelve ministers were promptly delegated to the work, one to each of the witches, who, be it noted, had already confessed. (3)

- (1) Robertson "Presbytery of Lanark p. 38. Mr. Douglas had been ordered to visit the Marquis of Douglas, whose wife's Episcopalian views were for many years a thorn in the Presbytery's flesh.
 (2) R.P.C. 3rd Ser. III p.212; of also Gunn "Cross Kirk, Peebles p.138.
 (3) Paterson "County of Ayr" II p.92.

A further reason for constant attendance upon the condemned persons was with the object of breaking down their amazingly staunch adherence to their heretical beliefs and eliciting suitable signs of repentance. That is the most charitable explanation of the conversing, lecturing, and preaching, culminating in the attendance of the whole Presbytery on their last night on earth and final journey to the stake to which the victims of the Bargarran case were subjected over a period of four weeks between the conclusion of the trial and the holocaust on 10th June 1697 (1).

As the Privy Council gradually tightened up the procedure governing witchcraft trials and executions after the Restoration they began to demand that a certified extract of the sentence and carrying out of the execution be forwarded to Edinburgh and recorded in the Books of Justiciary (2). As signatories of the "testificat" ministers would be able to find a further justification for their attendance if such seemed necessary to them (3).

Unfortunately that was unlikely for whole Presbyteries resorted to the place of execution (4) even when the interests of the Kirk were already in capable ministerial hands (5), or when it meant postponing their own regular meeting (6).

- (1) Renfrewshire, History of the Witches of p.XXV, of McDowall 'Dumfries p.430 for similar measures in 1659 against nine condemned witches who were visited in prison by eight ministers and later seen to the place of execution by all the brethren of Dumfries and Galloway.
- (2) Agnew, Hereditary Sheriffs of Galloway, appendix p. 39.
- (3) R.P.C. 3rd Ser. VI pp.627, 628.
- (4) Chambers & Renwick "Burgh of Peebles p. 416, "Item, to Alexander Dikisone and pair of schowis for wairning of the ministrie XXs (to attend the execution of three witches).
- (5) of Note 1 Dumfries.
- (6) Stephen 'Inverkeithing and Rosyth p.440 quoting 'Records of'. Presbytery /

(6) Cont'd.

Presbytery of Dalkeith, 10 May, 1627 "No exercise this day
be reason ye breithren waited on ye burning of Elet Brown
fugitive out of Inverkeithing convict of witchcraft".

CHAPTER V.The Kirk Session and Witchcraft.

Although the lowest of the Kirk courts its very position of inferiority allied to its overwhelmingly lay composition brought the Kirk Session into such close connection with all those local phenomena which were so readily classified as witchcraft, sorcery and charming that from the first it played an important role in the Kirk's battle against those apparently powerful manifestations of the devil's power.

The herculean labours of Kirk Sessions throughout the land can perhaps best be reduced to some semblance of reasoned order by first considering why Sessions dealt with witchcraft, the acts justifying action by Kirk Sessions against witchcraft; by next examining the factors governing the power of the Kirk Sessions, and finally by devoting attention to the actual methods by which witchcraft was brought to the notice of Kirk Sessions and dealt with by them.

Decisions, lay and Spiritual, binding upon Kirk Sessions.

While Jewels famous reference to witchcraft in the sermon which he preached in 1560 before Queen Elizabeth after his return from the Continent has started a typical historians battle as to the influence of those returned Marian exiles on the later course of witchcraft prosecutions in England not one of those same experts has ever thought fit to remember that Scotland, too, had its exiles on the Continent (1). What they saw of witchcraft there is impossible to say but one thing is certain, John Knox, the greatest of them all cannot have been alarmed for not once in

all /

(1) Appendix II.

all his voluminous writings does he inveigle against the crime. The importance of their sojourn on the Continent lay in the form of church government with which they were there associated as pastors, and which they brought back to Scotland. An essential feature of the Geneva church of which Knox was pastor was the appointment of elders "whose office standeth in governing with the rest of the ministers, in consulting and admonishing correcting and ordering all thynges appertayning to the state of the congregation" (1)

No sooner had the Lords of the Congregation taken active measures to set the Reformation afoot in Scotland in 1557 than in Knox's own words "this our weak begynnyng God did so bless, that within few monethis the hartes of many war so strenthned, that we sought to have the face of a Church amanges us, and open crymes to be punished without respect of persone. And for that purpose, by commoun electioun, was eldaris appointed, to whom the hole brethern promised obedience." (2) In words bearing striking similarity to those of the Geneva Church Knox's "First Book of Discipline" at once clarified and legalised the position of elders by declaring "The Elderis being elected, must be admonisheit of thair office, which is to assist the Minister in all publict effares of the Churche; to with, in judgeing ad decernyng causses; in geving of admonitioun to the lecentious lever; in having of respect to the manneris and conversatioun of all men within thair charge; for by gravitie of the Seniouris ought the licht/

(1) Knox "Works" IV p.176 quoting The Form of Prayers and Ministration of the Sacraments used in the English Congregation at Geneva MDLVI.

(2) Ibid I p.300.

licht and unbridillit life of the licentious be corrected and bridillit." (1) General Assemblies soon made it clear how they expected elders to help in the detection and punishment of crimes. In 1562 ministers and elders were instructed to inform visiting superintendents of "the offences and crymes that they know, to the end that the whole may dewyfe fome wholefome remeid." (2) At their next session that same Assembly "concludit that the minifter fall requyre his elders and every ane of them to affift him in all his lawfull affemblies." (3) Thus was born that close alliance of laymen elders sitting under the minister as moderator which formed the Kirk Session - the most powerful local body in Scotland for hundreds of years.

As the tempo of the Kirk's feeling against witchcraft slowly grew from what might almost be called the casual indifference of 1563 to the blatant arrogance of 1575 it was probably inevitable that Kirk Sessions should begin to realise how admirably their composition, local knowledge, and vaguely all-embracing powers could be stretched to ensnare all persons guilty of witchcraft in any of its diverse manifestations. In the very year 1575 when the General Assembly claimed the right to "difcerne and cognofce" (4) on witchcraft the Kirk Session of St. Andrews was blazoning the trail by conducting an enquiry into an accusation of witchcraft (5) The **times** were not propitious, however, for neither Crown, Kirk, nor people were as yet evincing any sustained interest in/

- (1) Ibid II p.234.
- (2) B.U.K. I p.14.
- (3) Ibid p.16.
- (4) Supra p.62
- (5) Fleming "St. Andrews Kirk Session Register" pp.414 - 416.

in witchcraft (1) so that the only other Kirk Session which devoted any time to witchcraft was that of Perth in 1580 and 1582 (2)

While establishing full Presbyterian church government the Second Book of Discipline neither made mention of witchcraft nor added anything to the duties which had already been laid upon elders. What it did do was to codify for the first time the rules governing the composition and procedure of Kirk Sessions and to state that like all "eldarfschippis" "they have power to execut ecclesiasticall discipline and punishment vpon all tranfgreffouris, and proud contempnaris of guid ordour and policie of the Kirk: and fua the hail discipline is in thair handis." (3) On those all embracing words any sessional action against witchcraft would have to be based.

The General Assembly articles of 1586 keep to the same vague formula: "Anent Particular Kirks. If they be lawfullie rulit be (sufficient) Ministers and Seffion, they have power and jurisdiction of their awin congregatioun in matters ecclesiasticall, to take ordour therwith; and things that they cannot decyde, to bring them to the Presbyterie." (4) Witchcraft would now fall into that latter category for the same articles laid down that both that crime and consulting were to be consured by the Presbyteries (5) In thus curtailing the wide and unspecified powers of the Kirk Sessions the General Assembly would doubtless be aware that much initial investigation would be expected of them. In actual practice that was what ultimately happened but/

- (1) Supra pp. 27, 91
- (2) Spottiswoode Miscellany II pp. 240, 242.
- (3) B.U.K. II p. 498.
- (4) B.U.K. II p. 666.
- (5) Supra p. 91

but with witchcraft cases still few and far between it was only the hard school of immediate contact with the crime that was going to prove the system. For that time the country had not long to wait for the first great outbreak of witchcraft began in 1590 and lasted till 1597. The Kirk Sessions of St. Andrews (1) Perth (2) Aberdeen (3), Dyce (4) Logie (5) Elgin (6) and South Leith (7) all investigated witchcraft and sometimes punished charmers and consultants, consequently the lack of any subsequent acts of the General Assembly affecting Kirk Sessions must be taken to mark the Kirk's general satisfaction with the working of the system set up in 1586 (8)

That did not prevent the Presbytery of Dalkeith from arguing before the Privy Council in 1609 that the trial of witchcraft "wer most proper to the Kirk, lyke as not onlie the Sessions and Presbiteries had bene in continuall possession sen the Reformation." (9) The Privy Council naturally rejected out of hand a plea which not only ran counter to all the tenets of royal justice as elaborated by James VI, (but also in the case of Kirk Sessions lacked the justification either of any positive and unequivocal act of General Assembly but also did not accord with the prevalent actions of Sessions which did/

- (1) Fleming "St. Andrews Kirk Session Register II pp. 799, 801.
- (2) Spottiswoode Miscellany II pp. 266, 267, 276.
- (3) Spalding Club Miscellany I pp. 105, 110, 114.
- (4) Ibid pp. 166, 179.
- (5) Ibid p. 188
- (6) Cramond "Extracts from the Records of the Kirk Session of Elgin" pp. 17, 29, 30-41.
- (7) Robertson "South Leith Records" p. 2.
- (8) Further elaboration of the procedure as a result of the outbreak of 1590-97 came, not from the Kirk but from the Crown c.f. supra pp. 28-31
- (9) Supra p. 95

did not try people for witchcraft (1)

Until 1643 the General Assembly found no cause to interfere with the work of Kirk Sessions as spiers out of witchcraft and examiners of delations, dittays and confessions prior to Presbyteries taking appropriate action. In all the hectic series of instructions beginning with the act ordering ministers to take notice of charmers and witches in 1640 (2) the overtures of 1642 (3) and the very detailed ones of the following year "anent Witchcraft and charming etc (4) the whole emphasis was placed upon the minister as the prime mover.

Although Kirk Session records furnish ample proof that in all his efforts he was ably assisted by his session (5) it is none the less true that for the first time the 1643 overtures definitely associate the elders with him. The appropriate passage states "because Charming is a fort and degree of ~~W~~itch-craft, and too ordinary in the land; It would be injoyned to all Minifters to take particular notice of them, to fearch them out, and fuch as confult with them, and/

(1) Kirk Sessions frequently punished people guilty of consulting and slandering c.f.:-

Fleming "St. Andrews Kirk Session Register p. 799.

Robertson "South Leith Records p.2.

Spottiswoode Miscellany II p.266.

Grammond "Records of the Kirk Session of Elgin p.41.

Kirk Session of Kinghorn p.15.

Sessions also dealt with charming c.f.:-

Lorimer "Early Days of St. Cuthberts p.144.

For full details on this subject c.f. infra pp.)

The nearest a Kirk Session got to trying a person was the rare occasion when some of the elders were appointed, along with others, as commissioners to try a suspected witch.

(2) Supra pp.31, 32.

(3) Supra pp.32, 66.

(4) Supra pp. 32, 66.

(5) Infra p.210.

and that the Elders carefully concur in such search" Nothing was being added to the duties of either ministers or elders who had for long performed those very functions, but always under the disability of no clear exposition of what the Kirk considered appropriate measures for dealing with the two crimes. That was what was really worrying the General Assembly, for the concluding words of the passage are that "this Assembly would think on an uniform way of censuring these Changers and such as employ them or consult with them." (1)

The Cromwellian period saw the disappearance of the General Assembly, but Kirk Sessions carried on as best they could in the face of an unsympathetic judicatory; the Restoration brought the re-establishment of Episcopacy and a long hiatus in meetings of the General Assembly, but again Kirk Sessions carried on with renewed vigour conscious that a sympathetic judicatory made it possible, at least for a time, to make up for the lean years.

When the "Babylonish Captivity" came to an end with the Revolution the Kirk must have felt the need for a clarification of the powers and functions of ecclesiastical courts, for in 1698 the General Assembly appointed a committee to revise overtures on a "Form of Process in the Judicatorius of the Church with relation to Scandals and Censures." (2) In April 1708 the fruits of its labours were approved by the General Assembly in a form of process which in its nine chapters gave in clear and concise wording a system of ecclesiastical discipline founded in all but minor details on the traditional/

(1) Acts of Gen. Assembly 1643. p.28.

(2) Acts of Gen. Assembly 1698 p.14.

traditional practices of the Kirk. At the same time it throws a flood of light on the working of Kirk Sessions.

Chapter I stated, "It is agreeable to, and founded on the Word of God, that some others, besides these who labour in the Word and Doctrine be Church Governors, to join with the Ministers of the Word in the Government of the Church and Exercise of Discipline and oversight of the manners of the People, which Officers are called Ruling Elders" (1) In subsequent chapters full details were given of the "entering of Processes, Citation of Parties and Witnesses, and anent Fugitives from Discipline" (2) of such crimes as swearing, cursing, drinking (3) and of the right of appeal to the Presbytery against decisions by the Kirk Session (4) Chapter VI is worthy of careful study for the light it throws on the Kirk Sessions and witchcraft. It commenced "There are some Processes, which natively begin at the Kirk Session, which, for the atrocity of the Scandal, or difficulty in the Affair, or general concern, the Session having the opportunity of frequent Meetings of the Presbytery to have recourse unto, do not determine of themselves, such as Scandals of Incest, Adultery, Trilaps in Fornication, Murder, Atheism, Idolatry, Witchcraft, Charming, and Heresie and Error (5) This list of crimes was manifestly based on those which the General Assembly, as long ago as 1586 had laid down were to be censured by Presbyteries (6)

The/

- (1) Acts of Gen. Assembly 1707 p.18.
- (2) A.G.A. 1708 p. 19.
- (3) Ibid pp.22-26.
- (4) Ibid pp. 27-28.
- (5) Ibid p.28. c.f. Stevenson "Presbytrie Booke of Kirkcaldie" p.138 also Robertson "Presbytery of Lanark p.25.
- (6) Supra p.163.

The Process went on to declare that "the Kirk Seffion having received Information of such grofs Scandals, they are to weigh the fame according to the Rules and Directions prefcribed them in Proceffes, which belong to their peculiar Province, and if they find good ground for a Procefs, they are to deal with the perfon accused to confeffs, that which now cannot be hid nor amended, till fatisfaction be made to the Church, which when done the Seffion is to refer the cafe, and fend an Extract of their procedure thereanent to the Presbytry." (1) This, too, was the procedure which had followed as the logical outcome of the decisions of the General Assembly in 1586 though it had never before been put in writing (2) Where there was no confession before it the Kirk Session was "not to proceed to lead probation by Witneffes or prefumptions till an account of the matter be brought by Reference to the Presbytry as aforefaid, and the Presbytery do thereupon appoint the Seffion to proceed and lead Probation, and after Probation is led, the fame is to be brought to the Peresbytry, who may inflict what Cenfure they fee caufe." (3) This was a definite limitation of the powers of Kirk Sessions for it can be said without hesitation that Sessions had never been in the habit of waiting for authorisation to examine witnesses when a straightforward confession was not forthcoming. (4)

The Process also laid down that only where the case was perfectly clear could the Kirk Session order the accused to appear before the Kirk Session "without/

- (1) Ibid pp.28, 29.
- (2) Supra p.163
- (3) A.G.A. 1708 p.29.
- (4) Infra pp.210-213

"without previous acquainting them thereof, but where there is any difficulty the Kirk Seffion should inform the Presbytry and take their Advice before a party be Summoned before them." (1) Kirk Sessions were seldom as circumspect as this (2)

Certain observations can fittingly be made of the Form of Process as a whole. Belatedly, but none the less effectively, the judicial functions of Kirk Sessions had been drawn up in detail. In the case of witchcraft the Procedure to be followed was in the main what had gradually found favour in the Kirk, although ironically enough, now that it was clearly condifed the days of witch hunting were almost over. Whether intentionally or otherwise the process by laying emphasis on the Kirk Session as the proper channel through which witchcraft was to be brought to the notice of the Presbytery, struck a blow at the power of the individual minister, who all too frequently pursued witchcraft on his own, and without consulting his Kirk Session took the matter straight to the Presbytery (3) A curious omission - one might almost say defect - of the arrangements for dealing with serious crimes such as witchcraft, is that nothing more than censure by the Presbytery is provided for. No mention is made of co-operation with the criminal authorities, or of the repeated requests by Presbyteries to the Privy Council for the appointment of commissioners to try persons suspected of witchcraft.

The Power of the Kirk Session.

To/

- (1) A.G.A. 1707 p.29.
- (2) Infra pp.261-264
- (3) Supra pp.100-108 ; infra p.377

To set up Kirk Sessions was relatively easy; to give them certain duties not difficult, but only the fires of time could test their worth. That they survived the ordeal is the best proof that their inevitable weaknesses and defects were far outweighed by their strength and efficiency. Only by an examination of those contending factors will it be clear why they played such an important role in witch-hunting.

A. Factors Strengthening the Kirk Sessions.

(1) Composition.

In a Kirk where all ministers were equal it is easy to understand the dangers which beset the minister as he presided over his Kirk Session. For once he was in a meeting where he must have felt himself, both by virtue of his education and his calling the intellectual and moral superior of all, or almost all his elders. Without his presence there could be no meeting of Session (1) For many a man the temptations were too great and he succumbed to become a local tyrant whose very whims were pressed upon the Session. Hence the devastating effect which one witch-hunting minister could have upon a locality. It was no coincidence that just as long as the Rev. Thomas Blackwell was minister of Paisley, and the Rev. James Brisbane of Kilmacollm, the whole Presbytery of Paisley was convulsed by a succession of witchcraft cases/

(1) Another minister could have presided but that was not the custom for from 30th November 1686 to 30th July 1691 the Kirk Session of Kingarth did not meet because the minister was ill Paton "Kingarth Parish Records p.154.

cases of which that of Christian Shaw was only the most notorious. (1) On their departure to woods and pastures new even a case already brought before the Presbytery quietly passed into oblivion (2) The Rev. Epharim Melvill inducted to South Queensferry in 1641 promptly instituted a reign of terror in his parish with the assistance of his Session (3) as did the Rev. Hew Kennedie, a young man appointed to Mid Calder in 1643 (4) Of this man it has been written "The sessional acts of discipline during Mr. Kennedy's ministry are fully four times as numerous as in any other like period of our history ; and the measures resorted to for the detection of offenders strike one as being of a very questionable nature ---- In short, the one object seems to have been to establish and exercise an administrative power which should vie with that of the civil courts." (5) While the Rev. Alexander Logan was minister of Torryburn that place gained an unenviable notoriety for witch hunting. (6) Of this minister Margaret Humble declared before the Kirk Session "that Helen Key said, that when she heard Mr. Logan speak against witches, she thought that he was daft, and she had up her stool to go out of the/

- (1) Metcalfe County of Renfrew pp.328-333.
Murray "Kilmacolm" pp.110 - 117.
Speaking of this case the Rev. J. Bell in his Treatise on Witchcraft declared it "was occasioned mostly by the forwardness and absurd credulity of diverse otherwise worthy ministers of the gospel, and some topping professors and in about the city of Glasgow (Law - Memorials XCiii)
- (2) Metcalfe - County of Renfrew p.333.
(3) Ferguson "Ecclesia Antiqua" p.174.
(4) McCall Parish of Mid Calder pp. 225, 226.
(5) Ibid p.229.
(6) Webster Tracts on Witchcraft" pp.134-144. Infra p.345

the Kirk." (1) The best proof of the Rev. A. Logan's unfortunate influence on a locality is that when he was translated to Culross in 1717 witch hunting began there, although fortunately with no serious results. (2)

The blame for such outbreaks of witchcraft can never be laid wholly at the door of the minister, however, for there is much to be said for the view that witchcraft was essentially a local phenomenon flourishing on the fears of the community whose safety it endangered (3) Unless where voluntary confession was made by a suspect the local community had to supply the evidence without which effective action was impossible. Here the elders played a double part. As individuals set over the congregation, and frequently with definite districts for which they were responsible, and which they had to visit at stated intervals they were ideally placed to act as the ears of the Session (4) As a Kirk Session they sat as a corporate body endowed with wide/

- (1) Ibid p.145.
- (2) Beveridge "Culross and Tulliallan" pp.109-111.
For similar instances of ministerial activity c.f. Spottiswoode "History of Church of Scotland III pp.66, 67; Stevenson 'Presbytrie Book of Kirkcaldie p. XVI.
- (3) Kittredge 'Witchcraft in Old and New England pp. 3, 359 and 360 quoting Spee 'Cautio Criminalis' (published 1631) "Incredible are the superstition, the envy, the slanders and backbitings, the whisperings, and gossip of the common people in Germany, which are neither punished by magistrates nor reproved by preachers. There are the causes that first rouse suspicion of witchcraft. All the punishments of divine justice with which God has threatened men in the Holy Scriptures are held to come from witches. God and nature no longer do anything - witches everything. Hence it is that all demand, with violent outcry, that the magistracy shall proceed against the witches, whom only their own tongues have made so numerous." c.f. also infra pp.343-5
- (4) A.G.A. 1646 p.7. Ferguson 'Logie, A Parish History' p.134 gives details of the division of Stirling into elders' districts in 1597.
Wodrow (Biographical Collections II pt. 2 p.57 "The Session (Glasgow) appoints each family to be visited carefully by the Elders once every month.
Robertson 'South Leith Records p.48 'Ordains everie elder and deacone in yr/

wide powers which they were never slow to exercise. Full of the sense of their own importance as ruling elders they welcomed tale bearers, ostensibly on the grounds that sin had to be rooted out at all costs, but all too frequently from a desire to magnify their office.

To lend even greater weight to their influence Kirk Sessions made a practice of including in their number influential persons occupying positions of authority in civil life. In towns this was achieved by appointing bailies as elders in the knowledge that they would enforce penalties against culprits in the civil courts. In country districts the same object was attained by having as an elder the chief hâretor who as the principal landowner was bound to be a man of substance and authority, frequently having the rights of trial peculiar to a baron or lord of regality (1)

In 1684 Kingarth Kirk Session adopted a different but equally effective procedure. "Finding discipline neglected and vice growing rife for want of due punishment by reason of the want of a justice of peace in the Session therfor the whol Session unamously vote John Stewart in Galachan to be ther justice of peace, and that an supplication be presented to the Sheriff of Bute to comissione him to exerce the said office in the Session of Kingarth." (2)

(2) Meetings

Much/

(4) yr several quarters to geive up ane certane number of honest men who should watch with them ye witches who for ye pny are in 'prison' Henderson 'Extracts from the Kirk Session Records of Dunfermline' p.39. 'This day the elders and deacons being enquired of the visitation of yr quartrs, and what sandalous persons an delinquents they knew, did report yr diligence."

(1) Martin 'A Description of the Western Islands of Scotland' p.126.

(2) Paton 'Kingarth Parish Redords' pp.145,146.

Much of the power of Kirk Sessions was due to the regular meetings which they held at frequent intervals. As early as 1559 St. Andrews Kirk Session was meeting several times per month. (1) by 1562 Aberdeen Kirk Session had weekly meetings (2) as had the Session of Inverness in the following year (3) In 1584 the General Assembly laid down that Sessions should meet weekly and this became the accepted procedure (4) although a zealous minister like the Rev. John Lauder of Tynninghame met his Session not only each Sunday but on most Tuesdays and Fridays as well from 1610 till 1662 (5) Strangely enough Glasgow ministers only met their sessions monthly in 1646 (6) Martin (7) and Morer (8) both writing in the 18th century state that the Session met weekly. It is impossible to overestimate the steady disciplinary pressure which could be exercised by a Session which met regularly to exercise its powers on the local community.

To lend weight to their deliberations Kirk Sessions often welcomed persons of influence to their meetings, and decisions were taken in the name of all those present. Thus when John Rind and others fell under suspicion of witchcraft at Elgin in 1661 "The ministers and the provest and balies and the whole elders conveyed in the Session house. John Rind in Elgine being inquired give ewer he charmed man, chylled ore beast denyes simpliciter." (9)

The/

- (1) Fleming 'St. Andrews Kirk Session Register' pp. 18-25.
- (2) Stuart Records of the Kirk Session, Presbytery and Synod of Aberdeen p.4.
- (3) Mackay & Boyd 'Records of Inverness I p.44.
- (4) Melvill 'Diary' p.126.
- (5) Waddell 'An Old Kirk Chronicle' p.72.
- (6) Wodrow 'Biographical Collections' II pt. 2. p.57.
- (7) Martin 'A Description of the Western Island of Scotland
- (8) Morer 'A Short Account of Scotland' p.47.
- (9) Cramond 'The Records of Elgin' I p.293.

The same collaboration of town and kirk took place at Inveresk in 1661 when "the Session and baillies desyred the minister to mak intimation out of the pulpitt anent Janet Stoddart, who was imprisoned upon suspicion of witchcraft, that if any people has any thing to lay to her charge they was considerably to come w'n ten or twelve dayes, other ways they would Dimitt her, in regard she was a great expense to the Magistratts" (1) Obviously the bailies were there by right of their playing the necessary, albeit expensive role of gaolers. The Kirk Session of South Leith ordered that people giving information against a wife accused of witchcraft should lay it before a joint meeting of the Session and bailies (2) while the Kirk Session of Queensferry actually decided that when a person was to be arrested on a charge of witchcraft "there sall, at fewest seven sessioners convene and associate unto them, so many of the towne as they sall think fit." (3)

3. Support for Kirk Session decisions

The close cooperation between Kirk Sessions and the lay authorities reached its logical conclusion in the latter upholding Kirk Session decisions and threatening with diverse pains and penalties those who disobeyed. As early as 1562 the Town Council of Dundee enacted "that qua blasphemously speaks of the ministers, elders, or deacons of the congregation, against their precepts and counsels, or of the order of discipline, sall incur the pain contenit in the act made against them that blasphemes the Provost Bailies and/

- (1) Stirling (Inveresk Parish Lore' p.142.
- (2) Robertson 'South Leith Records' p.48.
- (3) Morison Royal Burgh of Queensferry I pp. 11, 12.

and Council." The Council went on to ratify "the acts made of before concerning obedience to ecclesiastical magistrates and their discipline," stating the penalties both for failure to appear before the Kirk Session, when summoned and when convicted, (1) The same procedure was followed in the far north for the acts and statutes of the Lawting Sheriff and Justice Courts of Orkney have under the date 30th July 1612 "The quhilk day. It is statut and ordanit that the saids Magistrattis and Counsell sall assist and fortifie the minister and sessioun of Kirk for putting to execution of all actis and statutis made be thame for pwnisching of vyce within thair jurisdiction." (2) Appearing before the provost and two bailies in January 1640 Agnes Mureson in Elgin "becam willinglie actit in the borrowes court buiks of Elgin to enter and present herselff before the sessione of Elgin the secund day of Februar next within St. Gelis kirk and if she convene nocht but beis fugitive she salbe heirefter be her awin consent haldin and reput as ane notorius witch." (3)

There was also a close working arrangement between Kirk Sessions and Courts of Barony which used their power to enforce obedience to the Sessions (4) Bailies of Regality also worked in close cooperation with Sessions. In 1643 when Virgil Hunter slandered James Fergusone as a warlock she was hailed first before the Bailie of the Regality of Restalrig and then before the Kirk Session of South Leith which ordered her to crave God's mercy and acknowledge her fault before the Session and then in the Bailie's court (5)

In/

- (1) Maxwell 'History of Old Dundee' p.72.
- (2) Miscellany of the Whitland Club II Pt. 1. pp. 157, 158 c.f. also pp. 169,-170; c.f. Black History of Brechin p.74 for similar action.
- (3) Cramond 'The Records of Elgin I p.178.
- (4) Gunn 'Baron Court of Stitchill' p.216.

In 1661 the same Session "ordained their clerck to draw up Jean Duncan her processe (for witchcraft) in forme and in order and to be given to William Purves of Widdeslie balie of the Barrony of Restalrig." (1)

It must never be forgotten that in addition to the assistance and backing which the Sessions received from the lay authorities they were always able to call upon the Presbyteries for help when they found themselves in difficulty (2)

B. Factors weakening the Kirk Sessions

1. Interference with regular meetings of Kirk Sessions.

Nothing interfered so much with the ordinary day to day work of Sessions as what was so vividly described with equal aptness by contemporary records as "the troubillis of the kingdom" (3) and "the confusion of the tymes." (4) By those phrases were meant the years of religious and civil strife stretching from the Bishops' Wars to the Restoration.

Thinking more of their personal safety than of ecclesiastical discipline ministers fled their parishes. In 1645 the minister of Navar pleaded that he was constrained because of the frequent incursions of the broken and barbarous Highlanders (of Montrose) to retire himself and his whole family to the toon of Brechin." (5) Trouble over Engagers and Protestors threw the work/

(1) Ibid p.117.

(2) Supra pp.109-116; infra pp. 331-340

(3) Irving 'The Book of Dumbartonshire' I p.54 quoting Town Council records 1639.

(4) Macphail "Highland Papers" III p.14 quoting Rothesay Kirk Session 1649.

(5) Warden 'Angus or Ferfarshire' III p.169 c.f. Hunter 'Diocese and Presbytery of Dunkeld' Appendix I pp.346-349 for evidence of the complete dislocation of the work of the Presbytery of Perth as a result of the Montrose wars; infra pp.

work of the Presbytery of Lanark out of gear 'in respect of the troubles of the time, the moft part of all the minifters leaving their houfes for the infolencie of the trowpers' (1) Where Sessions did carry on they found themselves unable to bring the more serious cases to a satisfactory conclusion. Thus the Session of Rothesay had Margrat McWilliam before them upon suspècion of witchcraft on two occasions in 1645 and decided on formal accusation should be drawn up against her. Nothing happened, however, till she was again apprehended on the same charge in 1649 and in spite of the devil's mark being found in several parts of her body "throw the confusion of the tymes then she was lottt out upon bands." (2)

The Cromwellian invasion created still more confusion. The Kirk Session of Aberdour had 'no time for discipline' being too busy taking vows from men engaged for the armed forces (3) After the English victory at Inverkeithing in July 1651 the same kirk was closed for public worship and the Kirk Session did not meet for four months (4) Even in the far north the arrival of Cromwellian soldiers had similar results for on the 29th March 1652 the Canisbay Kirk Session Records state "no collection nor any session holdin by reasone of the Englishes being quattered in the bounds, the congregation wes few in number and yr was not a sederant of elders. Nethâr was ther any delinquents charged." (5) Such widely scattered places as Falkirk, Lanark, Dunkeld/

(1) Robertson 'Presbytery of Lanark' p.60.

(2) Macphail 'Highland Papers III p.14.

(3) Ross 'Aberdour and Inchcolme' p.261.

(4) Ibid pp.262, 263.

(5) Beaton 'Ecclesiastical History of Caithness' p.128. The same reasons precluded the Session meeting on the following May p.128.

Dunkeld and Brechin all felt the shock of invasion and saw the wheels of discipline slow to a stop (1) Even where Sessions continued to function they had to face the opposition and obstruction of the incredulous English judges who frowned on the usual methods of torture which proved so effective with recalcitrant suspects. Katharine Key of Newburgh must have blessed the English for the Kirk Session had her before them charged with witchcraft and cursing the minister - in normal circumstances a fatal combination.

Two years later both Kirk Session and Presbytery again turned their attention to her but four appeals by the beadle at the kirk door for witnesses against her failed to elicit a response so she escaped with nothing worse than an admission of public repentance. (2) The Kirk had a long memory, however, and once the Cromwellians were gone a commission for her trial was got from the Privy Council in 1661 (3)

Plague, the universal scourge of mankind in these days, brought dislocation of all normal activity, including the work of the Kirk in its train. It could no be otherwise when those who were able, fled, and those who were not tried their best to avoid all unnecessary communication with their neighbours. There was an especially severe outbreak from 1586 to 1588 when James Melvill recounts that coming through the Canongate, and in at the Nether Bow through the great street of Edinburgh to the West Port, in all whilk/

- (1) Supra p.43 note; infra p.336
 (1) (2) Simpkins 'County Folklore VII (Fife) pp.98, 99.
 (2) (3) R.P.C. 3rd Ser. I. p.90.

whilk way we saw not three persons, sae that I miskenned Edinburgh and almost forgot that I had ever seen sic a town" (1) Was it surprising to find a blank in the Kirk Session records of St. Andrews and a note of the "tyme of plaig, quhen all gude ordour cessit in this citee." (2) During another severe visitation in 1606-7 the Kirk Session of Logie did not meet from the 14th August 1606 till the 29th January 1607 (3) Stirling suffered severely and "there was na meiting of the brethrein of the Eldership of this Kirk fra the xiiij day of August 1606 to the xxix day of Januar 1607, in respect of the Plaig of Pestilence that was in this toun the tyme foirsaid." (4) Perhaps the worst of all outbreaks struck Scotland from 1645 to 1647. All southern and central Scotland as far north as Brechin was so seriously ravaged that the Commission of the General Assembly ordered a fast for 25th July 1647 "that the Lords hand is still streatched out against us in the judgment of the pestilence which spreads not only in severall places of the country but continueth and increaseth in many of the most eminent cities in the kingdomes." (6) Once again the work of Kirk Sessions was disorganised. At St. Cuthbert's, Edinburgh "from the day foresaid the 6th June/

- (1) Melvill 'Diary' p.162.
- (2) Fleming 'St. Andrews Kirk Session Register' p.561.
- (3) Fergusson 'Alexander Hume' p.98.
- (4) Miscellany of the Maitland Club I pt. 1. p.448.
- (5) Douglas 'A History of the Border Counties' p.422.
Renwick 'The Burgh of Peebles' p.332.
Paterson County of Ayr pp.297, 298.
Metcalf Burgh of Paisley p.xcv.
Marwick Records of the Burgh of Glasgow 1631-62 p.74.
Ferguson 'Ecclesia Antiqua' p.63.
Renwick Burgh of Stirling p.187.
Murray 'Records of Falkirk' p.132.
Porteous 'History of Crieff' p.311.
Butler 'Ancient Church and Parish of Abernethy p.308.
Ayrshire/

June 1645 the now (26th December) no process kept partly because the clerk to the session was under visitation the space of three months, and after that till now little meeting of sessional business, being so taken up with the intersueing visitation, and the meetings were on the fields gr few sessioners did conveine, sundry being under visitation, and some dead." (1)

On the 19th October 1645 the Session records of Dunfermline state 'at this tyme meetings were not frequent, because of the plague of the pestilence, wch then was in this parochie, and increasit in the same, so that many died." (2)

from the 10th August 1645 to the 7th January 1646 the Session records of Culross are blank except for the one significant entry "During this intermissione the plaige was havie upon our toune." (3) in Brechin 'there was no session, neither collection, from the 4th April (1647) by reason the Lord inflicted the burgh of Brechin with the infecting sickness until the 7th November when collections were resumed but not meetings of the Session "be reason the moderator and remanent sessions (significate remark!) feared to convene under one roof." (4) All this widespread disturbance of normal home life/

- (5) Ayrshire Galloway Archaeological Association xviii p. 69.
Beveridge 'The Churchyard Memorials of Craill'.
- (6) Mitchell 'Commissions of the General Assemblies' 1646-47 p. 286.
- (1) Lorimer St. Guthbert's Church Edinburgh" pp. 113, 114.
- (2) Chalmers 'Dunfermline' p. 274.
- (3) Beveridge 'Culross and Tulliallan' p. 211.
- (4) Black 'History of Brechin p. 70.

life at a time when the country's energies were already strained to keep large armies in the field goes far to account for the marked decline in witch hunting which is apparent not only in the comparatively small numbers who suffered at that time (1) but also in the distinct slackening in the crusade against witchcraft begun by the General Assembly in 1640 and continued in the three subsequent years (2).

The inevitable brief interruptions in the normal meetings of individual sessions for such typical reasons as inclement weather or the absence of the minister on Kirk business in some other district may be dismissed as of small consequence upon the functioning of the Session as a court of discipline. Grave misgivings are engendered, however, about the conditions existing in the parish of Kingarth from November 1686 to July 1691 when 'there were no Sessions holden all that time by reason the minister was under the afflicting hand of God, being taken with a grivous flux, the pain of the gravell and hemeroids (with pardon) for the space of five years and a half, so that he was not able to sitt in Session all that time.' (3)

2. Obstruction of the work of the Kirk Session.

It did not necessarily follow that once a person was delated for witchcraft a Session would exert all its efforts to ensure a conviction. At rare intervals the cooperation of the elders was not forthcoming. The simplest method of showing their disapproval of the charge brought against the suspect was to absent themselves as happened at Biggar in 1659 when the minister/

- (1) Black's Calendar of Cases of Witchcraft in Scotland" pp.53-60 gives a rough idea of the number of cases in each of the following years. 1644-28; 1645--4; 1646---2; 1647---0 1648--3, 1649----60.
- (2) Supra pp. 31, 33, 67
- (3) Paton "Kingarth Parish Records" p.11.

minister told Hay of Cragneithan "that none call to our appointed committee at Biggar this day, which we should have kept ancient Mary Robisons suspect of witchcraft." (1) In 1644 when three women and a man were bruted as charmers the Kirk Session of Shotts decided to hold an inquest on them, but on the appointed day most of the elders and deacons absented themselves and all the witnesses who did appear declared they knew of no evidence against the four accused. (2) When in 1670 Robert Glass in Kingarth had to admit scandalising his brother in law James McPhie by 'saying he sould frequent the company of a lemman among the furies commonly called Fairfolks, quwhich was a base and unchristian scandal --- the session delays to passe any censure on this till a more frequent meeting of the elders." (3) Evidently, like many another committee the few elders present felt they would rather shelter behind the safety of greater numbers. To the Kirk such instances of passive obstruction were doubtless sufficiently annoying but an isolated but much more serious case of active obstruction by elders took place at Inverkeithing in 1648 (4) So powerful was the opposition that, admitting defeat, the bailies appealed to the Synod which placed the matter in the hands of the Presbytery of Dunfermline. In consultation with the Magistrates a committee of the Presbytery accepted the advice of the Rev. Walter Bruce, the minister of Inverkeithing and an ardent witch hunter, 'to name foure honest men who shall have the power by act of thair counsell to sett on the watch and off, and keep the keyes off the prisoners." (5) v This was

clearly/

- (1) Reid 'Diary of Andrew Hay of Cragneithan' p.145
- (2) Grossart 'History of the Parish of Shotts' pp.48, 49.
- (3) Paton 'Kingarth Parish Records' pp.57, 58.
- (4) Supra pp. 35 37 for the full story.
- (5) Stephen 'History of Inverkeithing and Rosyth' p.441.

clearly to prevent access to the prisoners by persons who had been attempting to get the suspects to deny what they had confessed. The same committee took the farther unique step of redomending "that those who are members of the Session having interest in the persons delated viz. Spencerfield, Balgougie, Mr. Wm. Oliphant of Innerkething, Andro Dickson, Robert Browne, Alex Hendersone, William Hodge elder, Robert Drysdail, James Browne, shall forbeire, to sitt in Sessione till this business shall be tryed concerning those persons delated." (1)

Where for one reason or another the usual close cooperation between Kirk Session and magistrates was not in operation the effective discipline of the Kirk Session immediately suffered. As early as 1598 the General Assembly had to order Presbyteries to 'proceid in all feveritie with thair cenfures aganis (all) fuch Magiftrats as fall fet at libertie any perfon convict of witchcraft heirafter.' (2) In 1643 the General Assembly based its demand for a standing commission with power 'to apprehend try, and execute justice againft fuch perfons as are guilty of Witch-craft.' on the grounds that "many Paroches want (lack) the concurrence of cwill Magiftrates." (3) Kirk Session records bear witness to the disturbing effects which followed from the absence of magisterial backing. In 1662 the Kirk Session of Brechin did not even trouble to meet 'by reason the magistrates went immediately after sermon to bring in the Trinity fair.' (4) On the 9th November 1646 the/

- (1) Stephen 'History of Inverkeithing and Rosyth' p.441.
- (2) B.U.K. III p.939; supra p.92
- (3) A.G.A. 1643 p.27.
- (4) Black 'The History of Brechin to 1864' p.75.

the Town Council of Aberdeen were informed "that Mr. Johne Row, one of the ministeris of this burgh, did yesternight regrait and expone to such persones of the kirk sessione as were then present, that the discipline of the kirk was much weakned and almost castin loose for lack of magistratis sitting in the said sessione." (1)

3. Decrease in the power of Kirk Sessions after 1660.

Although the Restoration brought the re-establishment of Episcopacy Kirk Sessions carried on very much as usual (2) In fact the years 1661-62 probably saw them busier than ever before as they strove to make up for the lean years in an orgy of burnings, but with the passing years their powers began to wane. In the Covenanting parts of the country this was due in part to the unceasing conflice between the curates on one side and the people on the other. When it is borne in mind that the long drawn out conflict which culminated in the 'Killing Times' affected a comparatively small but admittedly vociferous area, and that throughout the rest of the country the greater part of the ordinary clergy conformed in 1662. (3) it is obvious that some other reasons must be sought.

The changes brought about by the passing years supply the answer. The days of the Kirk's tyrannical domination were over. First there had come the Cromwellian interregnum to sap the Sessions authoritative position; then there followed 25 years during which Sessions existed by the grace of a government whose criminal judges, and civil magistrates, as Episcopalian nominees of the king were less and less inclined to give the substantial backing/

- (1) Stuart 'Council Register of the Burgh of Aberdeen 1643-47 p.70.
- (2) Murray 'Kilmaccolm' p.72. Buchan 'A History of Peeblesshire II p.463.
Wilson 'Synod of Dunblane pp. X, XVII
- (3) Hunter 'The Diocese and Presbytery of Dunkeld' pp.57, 58.
Infra p. 337 note

backing without which Sessions could not exert their erstwhile overweening power. The records of St. Cuthbert's Edinburgh, bear ample witness to the steady decline in the Session's influence during the Restoration period. Hell fire had lost its terrors when the Session could summon 24 offenders and not have a single one attend upon their pleasure!(1)

Matters were no better after the Revolution. Presbyterianism had certainly become the legal religion but so bitterly hostile were many Scotsmen that there were numerous parishes in which a Presbyterian minister dared not set foot for many a long year (2)

Where the Kirk Sessions carried on they were but shadows of their former selves, slowly and unwillingly assimilating the lesson that theirs were now the affairs of God, not as of yore of God and Caesar. Like an unruly class of children the recalcitrant sinners were quick to sense the change and treat the Session with scant consideration. Session records bear witness to the change. When Bessie Nicol was delated to Rothesay Kirk Session in 1706 for "imploying Elspeth NcTaylor, spouse to James Stewart, thatcher, by charmaing to find and recover a gown that was lost she was promptly ordered to be publicly rebuked before the congregation, but "in regard the forsaid Elspeth NcTaylor alledged to be imployed to performe the charme is notourlie known to be most intractable, incapable and unfamous and irreclaimable the Session waves/

(1) Lorimer "St. Cuthbert's, Edinburgh" pp.204, 208, 209.

(2) Spalding Club Miscellany II pp.Ixxiii- Ixxiii. Ferguson "Logie Parish History" p.138. Macnaughton Church Life in Ross and Sutherland p.4, Craven Episcopal Church in the Diocese of Moray" pp.73, 77, 78, 79, 84, 85. Craven "Episcopalian Church in the Diocese of Caithness" pp.183, 185, 187, 189, 197, 202. Jervise "Memorials of Angus and Mearns" p.276. Ferguson "Ecclesia Antiqua" pp.239, 240.

waves troubling themselves with her." (1) The Kirk Session of Penninghame found itself in continual difficulty. In 1706 Jean Brown ~~was~~ admitted conversing with spirits, and what was far worse she admitted lying with them carnally. All the Session did was to exhort her to repentance, which she promptly refused to do. They then washed their hands of the matter by referring the case first to the sheriff and then to the Presbytery (2) In 1707 William Drew was before the same Session charged with beating his wife for threatening to "expose the report of his being blamed for a warlock." The Session tried to make him admit it was wrong to beat his wife but he refused, said he would treat her still more harshly and "with insolent carriage accused the minister with falsehood in saying that he went under the name of a notorious warlock elsewhere." Put on his metal the minister stated he could prove his assertion both by the testimony of other ministers and by a grandchild of Jonet McKeoner who had been burned as a witch and whose house William had frequented. William claimed he had been there on business. The Minister then recounted how when the accused first came to the parish he refused to baptise his child till he consulted the Session "who gave their opinion that the assertion of one witch seemed not sufficient to debar a person from the Church privileges especially in a matter so difficult to be cleared upon which the minister baptized his child." But William had stood enough and/

(1) Paton "The Session Book of Rothesay" pp.200, 201, 204.

(2) Paton "The Session Book of Penninghame" pp.164, 165.

and "he told the Session he would see them no more and was going. The Session charged him to stay but he would not." (1) How are the mighty fallen!

While the Scot has always exhibited his fair share of belief in superstitious practices, from about 1700 the Kirk had to face the fact that a change was coming over the generality of the people's outlook towards the more serious manifestations of the supernatural. The writing was upon the wall when in 1708 Isobell Lothian could go about the town of Clackmannan in a white sheet at night terrifying people as a ghost. Her defence was that "she did ignorantly upon a wager." (2) It was impossible for Scotland to remain unaffected by the growing doubts of the English whether there was such a thing as witchcraft. As Sir James Ogilvie, Secretary of State for Scotland so aptly put it in his letter from Whitehall to Maxwell of Pollok in 1696 "if yow doe proceed against the witches, let it be upon good and sure grounds, or vtherwayes you will not escape the sensure of many of the English, who doe scarcely beleive that ther is any such thing as ane witch." (3) The Union of the Parliaments in 1707 intensified Scotland's contact with the Age of Reason then sweeping over England, as ever increasing numbers of Scottish nobles and gentry, anxious to be in the fashion took their wives and daughters to the great metropolis, or took the cure at Bath. Another stream of minor English officials and their families moving north to Edinburgh/

- (1) Paton 'The Session Book of Penninghame' p.205. In 1725 the Kirk Session of Clackmannan had to invoke the united efforts of Brigadier Bruce Kennet and the local constable to bring culprits before them
- (2) Gordon 'History of Clackmannan' pp.141, 142.
- (3) Fraser 'Memoirs of the Maxwells of Pollok II' p.106.

Edinburgh intensified and quickened the change in outlook. (1)

The manuals of the Scottish lawyers furnished proof of the change. In 1678 Sir George Mackenzie wrote. "That there are Witches, Divines cannot doubt, since the word of God hath ordain'd that no Witch fall live; nor Lawyers in Scotland feing our Laws ordains it to be punished with death." (2), but Forbes, writing in 1730, while giving the law regarding witchcraft, adds an appendix where he states "the Being of Witches, and even the Possibility of Witchcraft, being called in Question by many, who do not seem to lay any great streifs upon Things which to our Forefathers appeared most convincing" is the reasons for his treating the crime in a different manner from Mr. Sergeant Hopkins. He goes on to speak of "this learned and inquisitive Age, when probably Things will come to be more accurately sifted, than some are ready to imagine was done by our Predecessors, as if they, following the Humour of the Time in which they lived, had been too credulous in this important matter." (3)

Elizabeth Mure of Caldwell possibly summed up the popular feeling better than anyone else when in "Some remarks on the change of manners in my own time 1700-1790" she wrote "The established belief in witchcraft (for which many suffer'd) prevailed much at this time; Ghosts too and apparitions of various kinds were credit'd-----These were the manners of the last century, and/

- (1) Mure "Selections from the Family Papers Preserved at Caldwell p.266.
- (2) Mackenzie "The Law and Customs of Scotland in Matters Criminal p.81.
- (3) Forbes "The Institutes of the Law of Scotland pp.371, 372.

and remained in part for 30 years of this. The change of manners in the new generation was very remarkable." By 1740 she says "For their Girls the outmost care was taken that fear of no kind should inslaye the mind; nurses was turned off who would tell the young of Witches and Ghosts. The old Ministers was ridiculed who preched up hell and damnation." (1)

To sum up it may be said that till the "troubles" began Kirk Sessions were a power in the land, wielding an authority which few were bold enough to challenge. Any slight weakening of their authority whether by plague, obstructive tactics or lack of co-operation from the civil authorities was of a temporary nature. But the middle years of the 17th century marked the commencement of a progressive decline which sapped their strength. Fifty difficult years when Sessions had to face in succession the "troubles" the incredulity and hostility of the Cromwellian judicatory, and the changing outlook brought about by the Age of Recision were more than even the fiery ardour of the Scottish elders could face undaunted. Working in favourable circumstances individual Sessions could recapture their old power for a brief season (2) but the steady sustained drive was gone, and with it went the dreaded efficiency of the Sessions in the field of witchcraft.

(1) Mure Family Papers preserved at Caldwell I pp. 266, 270.

(2) Pittenweem in 1704 c.f. Sinclair "Satans Invisible World Discovered pp. 257, 260: xlviii et. seq.

C. How Witchcraft was brought to the notice of Kirk Sessions.

Because the ancient records tend to concentrate on the methods commonly adopted for dealing with witchcraft once the evidence had been laid before the Session, and to exclude all unnecessary details as to the original instigators of sessional action, it is not always easy to trace the principal routes by which delations, confessions, dittays, and even common bruits were brought before the Session. Too often the records give nothing more than 'delated to the Session' Nevertheless the commoner sources of information can be traced.

a. Parishioners.

By far the largest number of witchcraft cases were brought to the notice of Kirk Sessions by the ordinary members of the Kirk. Further confirmation is thus given to the already noted fact that sustained and widespread witch hunting could flourish only when numbers of the people were prepared to assist the forces of justice by laying the necessary information before the Session. They were usually driven to that course either from fear of the dangerous machinations of some witch in their locality, or because they had been slandered as a witch by a neighbour and were anxious to clear themselves of the charge. But many a woman, and some men too, went about for years under a "flagrant bruit" of witchcraft simply because their charming while never a danger to life and limb, was of a kind especially useful to a superstition ridden people who were always looking for cures for themselves and their flocks, for the recovery of stolen goods, and for a peep behind the veil of the future

1. Accusations.

Delations/

Delations were invariably due to the efforts of the community to protect itself. No better example could be found than the "Dittay Giffin Vp To The Sessioun of Dyce, Be the Perochinaris Thairoff, Vpone Isobell Strauthaquin, Alias Scudder, And Hir Dochter The xxvj of January 1597" in which they were charged with causing the deaths of several people (1) The community sometimes had a certain justification for its actions as unscrupulous persons were always willing to risk using their ill-fame as a means of lining their pockets and their stomachs. When a man, more courageous than his fellows, refused their demands, was threatened and found himself assailed by illness or misfortune his natural reaction was to delate the blackmailer. Such a case came before the Kirk Session of Dunfermline in July 1648 when "David Lindsay of Cavill, Delated ane Wm. Crichtoun, a vagrant beggar, under ane ill report as a warlok who coming to Manse Huchons hous in Mylnburn and desyring lodgging of him, was refused yrof, in respect he had no more lodgging nor rowne nor served himself and his household, and scarce yt, The sd Wm. Crichtoun anserit him and said yt he should not rewit ones bot ever, and went away. Therefter ye st Mause hes contracted a heavie sickness with a continuall sweating." (2) One of the charges brought against Isobell Strauthaquin of Dyce was based on identical evidence. (3)

The/

- (1) Spalding Club Miscellany I p.179. The Dittay commences 'Imprimis The haill parochin, and in speciall brousteris, smythis, and mylwardis, deponics.
- (2) E. Henderson Kirk Session Records of Dunfermline" p.27.
- (3) Spalding Club Miscellany I p.178 "Scho cam to William Reid his wyff, and said, Giff me tua off thy chickinis, and I will giff the faid to the best and haiffing gottin ane and crawling the vther, quhilk was denyit, scho said to William Reid, becaus th~~y~~ wyff has nocht keptit hir promsiss I sall gar the forthink it from the hart quhe immediatlie tuik bed and deit and left his deyth on Scudder becaus his wyff wald nocht giff hir the vther obekin. "

The belief was universally held that witches could cast sickness on or take it off a person as they pleased. George Robb no doubt felt convinced of the strength of his case when in 1604 he accused Elspet Coult of putting "greatt seiknes" on him principally because he and his brother "hand hir say scho promeisit to them all ane iwill turne." (1)

With doctors almost unknown except for an odd practitioner in the larger towns, a household afflicted by illness was the more inclined to fall back on persons who were popularly credited with the power of healing by means of charms in spite of all the Kirk's fulminations against the practice (2) Peter Lowe, the most meritorious of the early Scottish surgeons had no hesitation in declaring that the art of surgery 'is feen daily abufed by a number of ignorant malicious people, who paffe away (but tryall, or punifhment) like as confoners, quack-falvers, charlitans, witches, charmers and divers other forts of abuffers." (3) Naturally those who consulted the charmer were not likely to say anything unless the charming had seriously miscarried and brought unlooked for death but prying neighbours were different. They sometimes had the misfortune to stumble into the actual mumbo jumbo of the charming with apparently disastrous results to themselves. They could not be blamed for delating the culprits to the Kirk Session. By the lights of his times John Russell in Pluscarden had every justification when he appeared before Elgin Kirk/

(1) Wm. Cramond Records of the Kirk Session of Elgin p.121.

(2) See Appendix III

(3) Lowe 'A Discourse of the Whole Art of Chyrurgery' p.A.

Kirk Session in September 1631 and "compleanit heavily wpoun Elspet Watsone (quha vas in ward) that the said Elspet being vseing a charme upon a seik bairne of Agnes Donaldsones there and his dochter being the first that cam in wpoun hir and met hir and that the said Elspet said to her that the bairns seikness would licht upoun hir, becaus scho was the first that cam in at the dore, the tre th wheroff he take him to proue be witnesses. His dochter thereafter taking bed died." (1)

Typical of the many cases where the old records afford no evidence of the circumstances prompting an accusation is the following extract from the Session book of South Leith of date November 1649 to the effect that 'Jonet Bennet being warnet compeared and because some persons gave in some depositions of witchcraft against hir she is referd to ye civil magistrat.' (2)

2. Complaints of slander with witchcraft.

Of all the many reasons for bringing witchcraft before Kirk Sessions slander held an unqualified preeminence throughout the days of witch hunting. In fact the number of complaints to Kirk Sessions by persons alleging they had been slandered as witches almost equals all the other sources of information together. An examination of the motives actuating the complainers will reveal the reasons for the large number of complaints.

As/

- (1) Cramond Records of the Kirk Session of Elgin p.219. Note while "quha vas in ward" might suggest that Russell was not the originator of the charge, the Session Records on 4th October state 'the matter betwixt Russell and Watsone is referred to the presbytery.'
- (2) Robertson 'South Leith Records' p.89. Ibid p.47. for a similarly vague accusation by Marion Aitkin of Margt. Thomsone.

As a rule no formalities hindered persons from coming to a Session and making complaints, though naturally they had to be prepared to substantiate the charges by producing witnesses when called upon to do so. Only in a very few instances did Sessions insist upon a financial payment which one would like to think was demanded from the complainer as a check upon charges of a trifling and frivolous nature. When Marion Cunnyngame to the Kirk Session of Dunfermline in May 1650 that Jonet Hutton had slandered her the "complaint was not acceptit nor heard, because she did not consigne her money for proving the same." (1) Dunfermline Kirk Session must have favoured the practice for when Andro Currie and his wife and daughter complained they had been slandered for witchcraft in December 1677 they consigned two marks to the Session. (2) Mary Glas had to consign 1/- sterling to Kingarth Session before lodging her complaint in May 1650 (3) but the financial payment was not the regular practice there for other people lodged similar complaints without having to deposit money (4)

With superstition rampant there was no limit to the foolish suspicions which were voiced and led to slander complaints. In 1628 Christian Stewart complained to Holyrudhouse Kirk Session that people alleged 'they had seen her fleing alone their headis cuming from Leyth (5) Another belief common in/

- (1) Henderson 'Kirk Session Records of Dunfermline' p.33.
- (2) Ibid p.70.
- (3) Paton 'Kingarth Parish Records' p.22.
- (4) Ibid pp.11, 57.
- (5) Dalzell 'The Darker Superstitions of Scotland' p.574.

in bygone days found expression in the complaint of James Mathie to Kingarth Session in January 1670 'agaist Robert Glas for scandalizing his good name in saying that he sould frequent the company of a lemman among the furies commonly called Fairfolks." (1) But perhaps the wildest of all accusations came to light when (in October 1719) Janet Morison and her husband Charles Rid complained to Culross Kirk Session that she had been slandered as a charmer by James Mathie. An examination of witnesses revealed the gravamen of the charge to be that when she "gave any person a drink of milk she always put salt in it." (2)

Mutual bickering and flyting were prolific sources of slander charges. Carried away by their anger people frequently gave expression to witchcraft charges which in their quieter moments they would never have uttered. Katherine Kanyyeaucht was evidently such a woman who was too quick with her tongue for when Margaret Robertson brought a bill of slander before the Session of Aberdeen in 1605 alleging she had been called "ane common vitcher", Katherine was found guilty and declared to be "a common sklanderer of hir nichtbouris and a common banner and swearer." (3) Exactly a year later Katherine was up before the Session on a similar charge when she was handed over to the magistrates to be put in the "joggis" as "a commoun flyter and jniurer of hir nichtbouris." (4) Elgin Kirk Session was plagued by some inveterate/

- (1) Paton 'Kingarth Parish Records p.57.
- (2) Beveridge "Culross and Tulliallan" p.113.
- (3) Stuart 'Records of the Kirk Session, Presbytery and Synod of Aberdeen" pp. 48, 49.
- (4) Ibid p.56.

inveterate flyters whose tongues were for ever wagging. One of the worst was Espet Cuming, spouse to James Petrie, who in September 1613 complained she had been slandered by being accused of witching Androw Wanes. Evidence was led that Androw on his part had threatened to burn Elspet if he knew she had bewitched him. The Session evidently summed up the case correctly when it ordered "Androw Wanes and Espet Cuming to desist from all outrageous speitches ather privatlie or publictly importing sklander" upon pain of a fine of one hundred pounds. (1) Six years later to the day they were at it again Androw having said to Elspit "scho was als lyk a witche cairling as he was lyk a grandgorie loun and choppit on his teithe and said thair was lytill good in hir face." (2) In 1622 Gressal Urral alleged that Majorie Bonyman called her a "witch and that hir mother was a witche and rowit in a riddell." Several witnesses, including a bailie, spoke to the truth of the complaint and declared she had stated "sheo houpit in God to cary peitis to the bak of the Lodie hill to burne hir as hir mother suld haive bein brunt". Things must have looked black for Marjorie but once again Elspet Cuming, always in the thick of such bickerings, appeared to declare "scho hard Grissell Urrall say in the bear hous, scho wald nocht committ hir caus to God bot to the Devill." (3)

People frequently had every justification for complaining that they had been slandered. Ill-health for which there was apparently no satisfactory explanation sometimes led to the wildest charges of bewitching. In 1603 Johne Ferguson/

(1) Cramond 'Records of the Kirk Session of Elgin p.135.
 (2) Ibid p.161
 (3) Cramond 'Records of the Kirk Session of Elgin' p.171.

Fergusson a burgess of Aberdeen came to Jelis Traill's house "and thaire injured and slanderit hir maist injustlie and vngodlie, affirming that scho had bevitched him with hir sorcerie and witchecraft, in sic sort, that scho had wrackit him and consumit his haill guidis and geir." Jelis won her action before the Session which ordered John to go down on his knees before the pulpit, confess his fault and crave her pardon (1) In 1705 Jonnet McCaish complained to the Session of Crieff that John McCara, long afflicted with illness had sent for her and blamed her for laying sickness upon him, and had demanded she should take off the sickness. Her reply was crushing "I wonder that you who are a scholar thinks that any but God can take off sickness." The outcome must have given satisfaction to all concerned for the Minister after praying with John persuaded him to send for Jonnet and beg her pardon after which "they in token of reconciliation shaking hands promised to live peaceably and as becometh Christian neighbours." (2) It is easy to sympathise with Janet Henryson when in 1653 she complained to the Kirk Session of South Leith that Andro Drysdail not only called her a witch but had the audacity to dabble in the black arts himself by turning the riddle to see if she had laid sickness on his wife. For such conduct he was rightly punished. (3)

Of the many who complained they had been slandered with witchcraft, a few were unable to convince the Session of the justice of their plaint, with unfortunate results for themselves. William Campbell in Restalrig must have regretted/

- (1) Stuart 'Records of the Kirk Session, Presbytery and Synod of Aberdeen pp. 28, 29.
- (2) Porteous 'The History of Crieff' pp.315, 316.
- (3) Robertson 'South Leith Records' p.95.

regretted giving in to the Kirk Session of Leith "a bill of complaint upon Jon Foulton and Marion Anderson his wife in calling his wife Jean Duncan witch who being called compeared and being interrogat confessit that they had called her witch because (said they) many had called her witch. Also they promised to give in some accusations against the said Jean within a short tyn, after the communione" They were evidently able to satisfy the Session that there were prima facie grounds for further action for the session ordered their clerk to draw up a process against Jean and send it to the bailie of the Barony of Restalrig. (1) Margaret Bell's husband must have cursed the day when in 1649 he complained to the Kirk Session of Corstorphine that his wife had been called a witch. A shoal of witnesses having given evidence against her, and depositions having been submitted from neighbouring parishes "sha was put fast and appointed to be straightly watched. Thereafter Margaret Bell came to a confession." It can only be surmised what cruelties are concealed in the bald records for "going to the place of execution danyed all by the way and dyed denying." (2) James Kempt, baxter of Aberdeen was surely due a meed of sympathy when he found himself before the Session of Aberdeen in December 1609 to answer a charge of slander preferred against him by four women who according to his story "danced in ane pool, having ane cleir glancing plaitt with thame, full, as apperit/

(1) Ibid p.117.

(2) Scottish Notes and Queries IV p.27 c.f. also Scottish Notes and Queries III p.122 for the case of Beatrix Watson who in the 27th May 1649 complained to the same Kirk Session that she had been slandered as a witch by the schoolmaster. Sundry witnesses deponed aginast her with such effect that she was imprisoned "bot through the carelessness of the officer and watchers, James Hadden, Betic being being left her lone hanged herself."

apperit to the said James, with quhyttingis or sandeillis sehyning and glittering thairintill, and ane blak dog besyde thame." Their story that the had been out all night and met there "and paired thair hearine and fisches quhilk thay had gottin at thair Tug fisching, and past thair tyme thair a litle quhyll" seems 'fishy' at the best (1) They were very lucky to win their case when it is borne in mind that only thirteen years before "Wpoun Hallowein last bypast, att tuelff houris at ewin or thairby, thow the said Thomas Leyis, accompaneit withe vmquhill Jonett Wischert, Issobell Coky, Issobell Manteithe, Kathren Mitchell, relict of vmquhill Charles Dwn, litster, sorceraris and witches, with ane gryit nûmber of vtheris witches, come to the mercat and fische croce of Aberdene wnder the conduct and gyding of the Dewill present withe yow, all in company, playing befoir yow on his kynd of instrumentis-----in the quhilk Dewillis dans, thow the said Thomas was formest and led the ring." (2)

B. Minister.

As spiritual guardian of his flock the minister formed an obvious channel through which witchcraft business could be brought before the Kirk Session. There were three principal reasons prompting him to take such a course.

1. Appeals to the Kirk Session for assistance.

Upon occasion a minister apparently ^{! almost} charmed at the superstitious customs of the time, but with no definite information before him, would raise the matter/

- (1) Stuart 'Records of the Kirk Session' Presbytery and Synod of Aberdeen pp. 70-73.
- (2) Spalding Club Miscellany I p. 97.

matter in his own Session. Typical of that state of uneasiness is the entry in the Session records of Auchterhouse in January 1650: "On that day the Minifter defired the Seffion to make fearch every ane in their own Quarter gave they knew of any Witches or Charmers in the Paroch, and delate them to the next Seffion." (1) In November 1649 the Rev. John Lauder of Tynninghame, uneasy at the prevalence of witchcraft in neighbouring parishes raised the matter in his own Session which promised diligence (2) At exactly the same the minister of Slains "requirit of the Elders if they knew aney peices of land within the parochie that was callit the good nane's land or fauld or dedicated to Satane, or lattine by unlabourit." (3)

It must be more than a coincidence that the few instances of a minister, unable to name any suspects yet appealing to his Session for delations should be within the short space of two months. The obviously simple explanation lies in the widespread wave of witch-hunting which was sweeping the country at the time and arousing in ministerial breasts the urge either to deal with the menace in their own small domains or have the satisfaction of knowing that their congregations, at least, were free from the taint of witchcraft.

Less surprising is the fact that a minister seldom found it necessary to appeal to his Session for information against a definite suspect in his parish. In the usual course of events delation or common bruit set the wheels of ecclesiastical justice turning without his intervention but when necessary/

- (1) Hazlitt 'Brands Popular Antiquities of Great Britain' VIII p. 94.
- (2) Waddell 'An Old Kirk Chronicle' pp. 100, 101.
- (3) Grant 'The Mysteries of all Nations' p. 266.

necessary he was always ready to bring the information in his possession to the notice of his elders. While other instances will doubtless exist widespread investigation has revealed only two cases of such action on the Minister's sole initiative. In January 1650 the Minister of Tynninghame 'demandit the elders if they knew of any suspect of witchcraft, and shew them they were to search diligentlie such as are delated be the witches at Prestonkirk parish, when the searches cam." (1) The other similar case occurred at Queensferry in 1643 when 'the session being met and every one of them then present, being particularly questioned by the minister, if ever they heard a ringing bruite of witchcraft going upon Janet Mowbray and Margorie, alias Madge Dauling." (2)

In a very few instances parishioners, instead of laying their information before the Kirk Session, approached the minister in the first instance and let him bring their suspicions to the notice of the elders. In July 1707 the Minister of Penninghame reported to his Session that Barbara McKie, spouse to John Hannay in Upper Barr complained to him against Patrick Hannay in Upper-barr with his wife and children for calling her a witch, with outer abusive expressions." (3) Without naming the source of his information the minister of Linton informed his Session in June 1723 'that it/

- (1) Ritchie 'The Churches of Saint Baldred" p. 99.
- (2) Morison 'Royal Burgh of Queensferry I p. 75.
- (3) Paton 'The Session Book of Penninghame." p. 197.

it is reported that Margaret Drummond hath used a charm upon a sick woman, wife of James Blair." (1) Eight months later the minister of Canisbay in the far north of Scotland adopting the same policy, reported to his Session "that he is credibly informed that Margaret Bain, spouse to James Donaldson, in Nybster, professes to cure diseases, and has lately practiced her skill in this parish." (2) The changing outlook of the 18th century doubtless accounts for people approaching the minister in confidence rather than appearing before the Session, which by that time was sometimes apt to look askance at cases involving superstitious customs. (3)

2. Conveys information to another Kirk Session.

When witch hunting in one parish threw suspicion upon the inhabitant of a neighbouring parish the minister of the first parish took steps to convey the information to the interested Session. Mr. Wm. Smith minister of Watten wrote direct to the Session of Canisbay in July 1652 "desyreing yt the business concerning Marion Mackbeath, who was slandered be Margaret Groat of witchcraft, theft, and murder, suld be tryed." (4) When in 1649 the Rev. Hew Peebles of Lochwinnoch received a letter from his colleague the Rev. Hew Blair of Glasgow requesting him to make enquiry into the case of Mauld Galt, suspected of witchcraft, he promptly raised the matter in his own session of Lochwinnoch. (5)

In/

- (1) Gurn 'The Book of Linton Church p.109.
- (2) Johnson 'Old Lore Miscellany of Orkney etc. IX Pt. 1. p.17.
- (3) Su ra pp. 185-190 c.f. Paton "The Session Book of Penninghame" p.198
- (4) Craven 'Episcopal Church in the Diocese of Caithness" p.101.
- (5) R.P.C. 2nd Ser. VIII p.198.

In April 1650 Robert Cousing was delated to the Kirk Session of Culross for going "to the man of Kilbuck - Drummound for ane Johe Aitkine in Torriburne, for seeking helth to his wyf, whom he allaidged was witched." The accused having denied the charge it was decided that the minister of Culross should acquaint Mr. James Sibbald, minister of Torryburn, with the particulars of the case "that befor his session it may be tryed, and that they report to them (Culross) accordingly." (1)

3. Delates people to his own Kirk Session.

Where suspicion had hardened into certainty public opinion almost always saw to it that the suspect was delated to the Kirk Session, either by an elder or parishioner. Only a most unusual combination of local circumstances could therefore force a minister to take upon himself the duty of delating a person to his Kirk Session. The conditions were fulfilled at Kirknaiden in 1697 when the Rev. Archibald Marshall brought a woman famed for detecting witches to his church, made his congregation pass before her and wrote down the names of witches whom she indicated to him by stamping on his toes as each suspect filed past. Naturally he alone was in a position to present the names to his Kirk Session (2)

While ministers have rightly to bear much of the odium which rises from the Kirk's excessive zeal against witchcraft, the foregoing examination will have/

(1) Beveridge 'Culross and Tulliallan' p.237.

(2) Wood 'Witchcraft and Superstitious Record' p.97 c.f. also infra p. 366

have made it clear that at least on the score of initiating proceedings in the Kirk Session, the very poverty of the evidence against them is the strongest plea which can be advanced in their favour. This fact must not be taken as evidence of slackness or lack of interest on their part but was rather the measure of the ordinary Scotsman's zealous terror which sent him hurrying to the local Session.

C. Elders.

With elders ensconced as crime detectors whose efficiency was apt to be judged by the numbers they delated (1) a certain element of surprise is engendered by the almost complete lack of witchcraft cases brought before the Sessions by them. The relative rarity of ministerial action, and the probably reasons behind it have just been commented on but while the same reasons did apply in a certain measure to the elders the large decrease was not to be expected from a class of men who were in more immediate personal contact with the people than the overweening Presbyterian ministers of those days.

In May 1658 Margaret Duchill was cited before the Kirk Session of Alloa "for syndrie delationis agaynst her to the minister be severall elders, of her scandalous carriage in the sinne of witchcraft" (2) Quite a different reason lay behind the other instance recorded in the Session records of Dunfermline/

- (1) Canisby 15th June 1652 "The elders present asked if they had any new delations, ansured they had none. But ye minister said if they had beine vigilant ther might have found some." Craven Episcopal Church in the Diocese of Caithness p.101.
- (2) Simpkins. County Folklore VII p.322.

Dunfermline on the 10th March 1644 when "Mr. Wm. Ged ruling elder Declairit at the last meeting of the presbiterie Mr. James Sibbald minister of Torrieburn shewd that one Margtt Donald in this paroch was delaitit for a witch be the witches of Torrieburn, and yrfore requyerit ye sd Mr. Wm. to notifie ye same to the eders of this kirk session that order myt be taine with hir." (1) v While there will doubtless be other instances of elders initiating action before Sessions, widespread search has revealed only those two - a number offering conclusive proof of the insignificant role played by elders in this sphere of activity against witchcraft.

D. Presbyteries.

With so much witch-hunting finding its inspiration and strength among the inhabitants of a locality it is easy to see why the Session as a rule, heard of the matter before the more powerful, albeit more distant Presbytery. In almost every instance where the usual course of events was reversed and the Session was first acquainted with some matter of witchcraft by the Presbytery, the explanation is to be found in the untoward action of some minister who preferred to rush direct to the Presbytery instead of seeing the preliminary stages of a witchcraft case safely through his own Session before approaching the higher Kirk court. When the minister of Weyms took that course in 1638 the Presbytery of Kirkcaldy was quick to desire him "first to try the saids presumptions befoir his sessioun and thairafter to bring them to the Presbytrie." (2) The Rev. John Hume, minister of Lesmahagow, and one of the most influential members of the Presbytery,

(1) Henderson 'High Session Records of Dunfermline' p. 11.

(2) v Stevenson 'The Presbyterial Books of Kirkcaldy' p. 11.

Presbytery of Lanark in the middle years of the 17th century, actually took it upon himself to report that Malie Lithgow had been seen charming in Skirling parish, at the other end of the Country from where he laboured among his own flock. Very properly the Presbytery ordered the minister of Skirling "to make fearch for her where fhee refortis, and fend her to the forfaid feffion thair to be tryed." (1) When John Macgregor was delated to the Presbytery of Greenock by the minister of Inverkip, and upon examination denied the charge, the Präsbytery promptly remitted the case to the Session of Greenock for examination. (2)

E. Delations and confessions of witches.

One of the unfortunate aspects of witch trials was that under examination suspects were very liable to delate other people. Margaret Murray, sponsoring the coven of thirteen, finds one explanation which certainly supplies a logical explanation for some of the cases where numerous people were implicated. (3) but all too frequently the delating of isolated persons leaves the uneasy feeling that spite, anger and a variety of the less charitable emotions might equally well supply a reason. Kirk Sessions could certainly look to them as a field of supply for suspects.

In 1644 one Margaret Ramsay of Leith in her examination as a suspected witch incriminated others whereupon the 'session concludit that all those who are delatit be margt Ramsay of witchcraft should be aprehendit and put in prisone this day efter noone and be confronted with ye said Margt.'" (4)

Witches/

- (1) Robertson Presbytery of Lanark p.25.
- (2) Metcalfe 'County of Renfrew p.327.
- (3) Murray Witch Cult in Western Europe pp.191,-193, 249-254,
- (4) Robertson 'South Leith Records' p.49.

Witches in Inverkeithing having delated Isabell Peacock and Bessie Wilson, living under the jurisdiction of the Kirk Session of Dunfermline, a testimonial was sent to the latter body which "thot fitt that a warrand be gottin fra the land baillie for apprehending and incarcerating them (May 1649) (1) The same Session arrested Johne Murdoche "delated by a warlok in Dalgatie for a warlocke" in April 1649 (2)

F. Temporal Authorities.

With the Kirk courtz working in the closest co-operation with the temporal authorities (3) it was only natural that when town councils, baron bailies, and commissioners stumbled upon witchcraft they should inform the Sessions directly concerned. The Burgh Court Book of Elgin records in January 1644 that Agnes Mureson "becam willinglie actit-----to enter and present herself before the sessione of Elgin-----and if she convene nocht bot beis fugitive she salbe heirefter be her awain consent haldin and reput as ane notorious witch." (4) During the serious outbreak of witch-hunting at Aberdeen in 1597 the sheriff, provost and bailies were appointed commissioners for the trial and sent "to all and sindrie ministeris of Godis word, elderis, and deaconis of the parochine quhair the personsis efter specifeit awellis," requesting they meet and "tak vp dittay, be the maist honest persounes, and sict as hes best knowledge of the lyiff and behaviour of the persounes delaittit and gevin vp as witchis and soceraris, be the personis/

- (1) Henderson Kirk Session Records of Dunfermline" p.31.
- (2) Ibid p.31.
- (3) Supra pp.121-124
- (4) Cramond 'Records of the Kirk Session of Elgin' p.246.

personis laillie executit heir for the said cryme of witchcraft." (1) In actual practice while deacons were mentioned in the original precept Kirk Sessions dealt with the matter. The minute of the meeting at Coldstane Kirk records that all those present were elders (2) At the Kirk of Logie-in-Mar while the matter was dealt with "in the assemblie of the eldaris within the said kirk, with advyss and concurrance of dyuerse vtheris honest and agit personis." the conclusions arrived at were subscribed in the name of the elders only. (3)

D. How Kirk Sessions dealt with Witchcraft.

(a) Gather information for probation.

The Kirk might take as its precept 'Thou shalt not suffer a witch to live' but it had to face the fact that even such despised creatures, and their associates, were due the benefits of a trial - for what it was worth in those bygone days. Even so that involved an approach to the Privy Council and the criminal judges, both of whom could show an exasperating obtuseness upon occasion, if the evidence laid before them did not satisfy their legal consciences. Preparation of the dittays was essential, and for that the Kirk Sessions were the obvious bodies. As early as 1586 the General Assembly made it clear that nothing more was expected of them, for censure of supernatural crimes was specifically reserved for Presbyteries (4) When in 1609 the Privy Council refused to countenance the view that the trial of witchcraft was most proper to Kirk Sessions and Presbyteries and had been in/

- (1) Spalding Club Miscellany I pp.134, 135.
- (2) Ibid p.137.
- (3) Ibid pp.138, 139.
- (4) B.U.K. II p.666 supra pp.75, 81.

in their possession since the Reformation - a statement manifestly not in accordance with the customs of the times -- and declared that the Kirk's function was to give information, the part to be played by Kirk Sessions was made manifest." (1)

Knowing what was expected of them, and untrammelled by thoughts of greater power they set to with a will to fulfil their allotted task. In their compendiums the legal luminaries of those days throw light on the actual methods employed by Kirk Sessions. Sir George Mackenzie declared that "Witchcraft was crimen utriusque fori, by the Canon Law; and with us the Kirk-cessions use to inquire into it, in order to the Scandal; and to take the confession of the Parties, to receive Witneffes against them, as is clear by the Process of Janet Barker and Margaret Lawder, Decemb 9 1643. But since so much weight is laid upon the depositions there emitted, Kirk-cessions should be very cautious in their procedors." (2) Forbes, going into the question in lesser detail than his predecessor, declared "Ordinary Proof is by Confession of the Person accused, or by Witneffes." (3)

1. Confession

Mackenzie laid down that "Probation by confession is the most secure of all others." (4) As he went on to point out, however, the matter was complicated in the case of witchcraft by a certain element of doubt "whether a confession emitted before a Judge who was not competent to punish corporally, be sufficient for a Judge to proceed who is competent, and this is oft contraverted with us, if a Confession, or Probation led before a Kirk-Session, be sufficient, if it be repeated before the Justices, and the Council being consulted/

(1) Supra pp. 93-96 (2) Mackenzie The Laws and Customs of Scotland in Matters Criminal p. 89. (3) Forbes 'The Institutes of the Law of Scotland' p. 39. (4) Mackenzie 'The Laws and Customs of Scotland in Matters Criminal' p. 511.

consulted lately by the Sheriff of the Herse concerning a man who had
confest witch-craft, before the meshytric, they would not decide it, albeit
Lawyers who were members of the Council: And others were of opinion that he
should dy, except he could alledge a sufficient position amongst Lawyers." (1)
He relates how in another instance "The Lords of Seffion would not sustaine
a confession omitted by a man before the Kirk Seffion, ad exonerationem
conscientiae, to operate against him in any other Court." (2) He did admit
that in spite of the doubtful legal position persons had been convicted and
burned upon their own confession emitted before Kirk Session in earlier
times. (3) What worried the legal fraternity was undoubtedly the fact that
confessions were elicited by ministers 'oft-times indiscreet in their zeal."
from creatures 'fo confounded with fear, and the cloff Prifon in which they are
kept, and fo starved for want of meat and fleep (either of which wants is
enought to disorder the strongest reason) that hardly wiser and more serious
people then they would escape distraction. And when men are confounded
with fear and apprehension they will imagine things very ridiculous and absurd." (4)
He relates the poignant story of the poor wife who 'told me under sectrefie
that she had not confest because she was guilty, but being a poor, who wrought
for her meat, and being defam'd for a Witch she knew she would ftarge for no person
thereafter/

- (1) Mackenzie 'The Law and Customs of Scotland in Matters Criminal p. 518.
- (2) Ibid pp. 518, 519.
- (3) Ibid p. 104.
- (4) Ibid pp. 86, 87.

thereafter would either give her meat or lodging, and that all men would beat her, and hound Dogs at her; and that therefore she desired to be out of the World." (1), As Forbes put it "Many Persons have been convicted of Witchcraft upon their own Confession. But such Confession ought, 1. To be free and voluntary, and no ways extorted. Nor should it contain any Thing impossible or improbably. 2. Care must be taken to notice, that the Confessor is not oppressed with Melancholy, or hath taken guilt upon him or her purely from being weary of Life." (2)

The lawyers, writing late in the history of Scottish witchcraft might have doubts about the value of confessions emitted before local bodies with no legal training, but Kirk Sessions were seldom, if ever disturbed by any qualms of conscience. To them much time, trouble, and - important consideration expense, were saved by a prompt confession freely volunteered before them. Their usual practice was therefore to cite the accused to their next meeting but in not a single instance did a person accused of witchcraft then make a voluntary confession.

Only a few persons charged with the lesser crimes of consulting and charming made voluntary confession immediately they appeared before a Kirk Session. Thus Janet Barry, cited before the Kirk Session of Perth on the 24th July 1623 'for consultation with witches in seeking health at them, as at the devil and his instruments to her bairn,' while denying she knew the women to be witches acknowledged her fault and submitted to the Sessions will (3) The Kirk Session records of Belhelvie for the 29th September 1676 record/

(1) Ibid p. 87.

(2) Forbes 'The Institutes of the Law of Scotland' p. 40.

(3) Spottiswoode Miscellany II p. 304.

record, "Compeared Isabell Davidsons, and being enquired if she had kept tryst with anie parochiners here, on the Sabbath, anent the curing their diseases; answered negative." So far so good but "being enquired if she had given at any tyme one cure to diverse persons for different diseases, she confessed she had done it, and that she gave all those who came to her ane potion made of ale and herbet." In addition she confessed that having asked her patrons when they were born she could foretell their fortune by the use of books in her possession. Naturally such damning admissions offered sufficient justification for the Kirk Session to refer her to the Presbytery. (1) In 1649 the Kirk Session of Kingarth was inundated with cases of charming. Issobell McKaw, Lachlan McKirdy, Margret Moore and Geillis Frissell, delated for turning the riddle, all freely confessed to the charge when brought before the Kirk Session (2)

2. Imprisonment.

No Kirk Session was ever daunted by its failure to extract a voluntary confession. It had other and less pleasant methods of persuasion ready to hand. Of these the first was imprisonment. In this matter Kirk Sessions openly and persistently flouted the law until they almost always considered it their prescriptive right to ward, suspects, even without first/

- (1) Stuart Presbytery Book of Strathbogie p.XIV.
- (2) Paton 'Kingarth Parish Records' pp.12, 13, 15 For other similar instances of confession of charming c.f. Lorimer "The Early days of St. Guthberts, Edinburgh p.144. Crammond Records of the Kirk Session of Elgin pp.183, 184, 300.

first trying to extract a voluntary confession. Sir George Mackenzie did not mince his words about the customary procedure when he wrote 'I know it is ordinary in Scotland not only that Magistrates do apprehend Witches almost upon any dilation, but even Gentlemen, and such as are Masters of the Ground, do likewise mak them prisoners, and keep them fo till they tranfmit them at their pleafure to Juftices of Peace, Magiftrats, or to fome open Prifons. But all this procedor is moft unwarrantable, for Gentlemen, and such as are refted with no authority, fhould upon no account without a fpecial warrand apprehend any upon fufpicion that they are Witches, fince to apprehend is an act of jurisdiction and therefore I think no prifon fhould receive any fufpect of witchcraft." (1)

That the law was more honoured in the breach than the obfervance was not surprising when most Kirk Sessions had a ready made prison in their own steeple. As early as 1560 Edinburgh Town Council sanctioned the building of a prison house in the kirk (2) in 1516 the Kirk Session of St. Andrews transgressors to "be imprefoned in the steple of the parroche kirk of this citie." (3) in 1588 Dundee Town Council "finding the place of imprisonment devysit for fornicatoris and adulteraris to be very incommodious, it is concludit that there sall be ane new priffoun biggit above the volt of S. Androis Iyle, in the eist end of the Kirk." (4) and in 1604 the Kirk Session of Blackfriars, Glasgow caused a ward house to be/

- (1) Mackenzie "The Laws and Customs of Scotland in Matters Criminal pp. 88, 89.
- (2) Extracts from the Records of the Burgh of Edinburgh 1557-71 p.66.
- (3) Fleming St. Andrews Kirk Session Records I p.417.
- (4) James Thomson "The History of Dundee" p.202.

be constructed in the steeple. (1).

It was well for the Kirk that a steeple formed an integral part of most kirks for secure prison accommodation frequently presented no small problem. Scottish architecture, disdainful of a sufficiency of expensive mortar, left much to be desired so that escapes from the ordinary civil prisons, tolbooths, council premises and the like were of frequent occurrence. The Council Records of Dundee record that John Lyon having first escaped by means of a rope, on a second occasion "maist contemptuously did brek the side wall of the tolbuith and past furth of ward at ane holl quhilk he made within the said side wall." (2) When the Town Council of Perth appointed George Lumsdail as gaoler in 1610, he made it a condition that "if any of the persons committed shall break through the walls, roof, or windows of the Tolbooth, and shall burn or by violence break the door thereof, it shall not be put to my default or negligence." (3) Even the Tolbooth of Edinburgh was not a secure prison for in 1687 sixteen prisoners escaped 'by a digging out a wholle in the wall, and lifting out the ftones, and coming down on ropes." (4) Persons of rank and influence frequently found it quite unnecessary to stoop to such manual labour to gain their freedom. (5)

Even/

- (1) Macgeorge 'Old Glasgow' p.201.
- (2) Maxwell 'The History of Old Dundee'
- (3) Cowan 'The Ancient Capital of Scotland' II p.104 c.f. also T. Craig-Brown 'The History of Selkirkshire' II p.56 for a prisoners' plot, luckily discovered in time, to escape by knocking a hole in the prison wall, in January 1625.
- (4) Lauder 'Historical Notices of Scottish Affairs' II p.782.
- (5) Grant 'Old and New Edinburgh' I p.127.
Renwick 'Royal Burgh of Stirling 1667-1752.'
Burt 'Letters from a Gentleman in the North of Scotland to his Friend in London' p.48.

Even for those who did not contrive to escape, the rigours of prison life could be mitigated if they were neither accused of serious crimes nor devoid of worldly wealth. Ayr Tolbooth must have had few terrors in 1695 when the Town Council found it necessary to decree 'Prisoners within the Tolbuith dischargit from holding any feasting, treat or banquet within the prison, and that no person above the number of one shall be allowed to dine or sup with any such prisoners.' (1)

With those facts well know to them Kirk Sessions took appropriate measures when dealing with a crime so serious as witchcraft. Bribery and corruption, they did not need to consider for few witches boasted much worldly wealth, and what they had was seized to pay for their keep. Attempts to escape were countered by the use of the steeple (2) by no means the easiest of places from which a friendless wife could break out, but where they had any doubts either because of structural defects or because of the numbers imprisoned, they promptly instituted a rota of local watchers. The records of Tynninghame Kirk Session throw a flood of light on this precautionary system in operation. On the 3rd February 1649 the Kirk Session ordered the arrest of Agnes Kirkland and David Stewart on suspicion of witchcraft (3) One week later the Kirk Session 'sett down orders anent the watching of these that ar apprehendit for witchcraft richtlie, sex to watch everie night, and twa everie day-----and ane elder every nicht with them.' (4)

By/

(1) Paterson 'Counties of Ayr and Wigton' I p.105.

(2) Fleming 'St. Andrews Kirk Session Register' I p.417.

(3) Ritchie 'The Churches of Saint Baldred' p.99.

(4) Waddell 'An Old Kirk Chronicle' p.101.

By the 24th of the same month there was trouble brewing for the two men detailed to arrange the rota asked the Kirk Session 'that my Lord Hadingtoun would watch as it fell them by course.' (1) It was but natural that My Lord should be the first to show a sad lack of enthusiasm, but by the 3rd March the trouble must have spread for the Kirk Session repeated its orders that the suspects be strictly watched. (2) A commission was sought but the weeks passed until on the 31st March "the elders shew it was hard to get pepell to watch all the day, albeit the watch was preceisly keipit all the night; and thairfor it behoved them to tak something out of the box, or rather borrow it, to give to some wha had watched this eight days byegane." (3) A rota of watchers certainly precluded escapes but obviously was no sinecure (4) With thoughts of hours of labour lost in the Kirk's service it is not surprising that many a time a modicum of gentle persuasion of one sort or another suggested itself to the watchers as the obvious means/

(1) Ritchie "The Churches of Saint Baldred" p.99.

(2) Ibid p.100.

(3) Ibid p.100

(4) c/f. R.P.C. III 2nd Ser p.385. The following petition, presented to the Privy Council by the Presbytery of Dalkeith on the 17th December 1649 puts the matter in a nutshell "After many clear depositions against Michael Areskine within their bounds convicting him of witchcraft, and upon many evident presumptions of his guilt of some other "abominable and detestable crymes." they caused him to be apprehended and warded 'in a little hous alone the end of Newbottle kirk' where they have kept him under a nightly guard for six weeks past till they got 'ane full and cleere discoverie of all the crymes whairwith he was burdennd.' But the people of that parish are so wearied with this guarding of the said Michael that they absolutely refuse to continue it, and this prison house is so insecure that the said Michale will then escape." The Presbytery therefore craved leave to send him to Edinburgh, and to that the Privy Council agreed.

order for her to be warded. (1) Most suspects who did appear soon found themselves in prison for one of several reasons. Thus when Wm. Grichtain appeared before the Kirk Session of Dunfermline on the 6th August 1648 "and being posed upon the delata given in against him he denyit all, he was remittdd to the magistrates to be imprisoned which was done." (2) More common was the procedure followed by the Kirk Session of Elgin in February 1641 against Agnes Muircone who appeared before them and 'is ordained to be put in ward till they wee if there be any that hes delationes to give in aginast hir. This to be intimate on Sunday next." (3) Obviously, while strongly suspicious, the elders still lacked proof and till it was forthcoming preferred to have her in custody. The best proof that other Kirk Sessions frequently adopted a similar practice is to be found in the numerous occasions upon which public appeals for delations against persons were made (4) Suspects such as Magic Bell of Corstorphine (5) and Elspeth McEwen of Dalry (6) who, when they came before the Kirk Session were faced with an overwhelming volume of hostill evidence were promptly warded. But the strangest of all cases was surely that of Marion Fisher, who on the 16th November 1643 appeared before the Kirk Session of St. Guthbert's, Edinburgh, "given/

- (1) Maidment 'The Chronicle of Perth' p.89.
- (2) Henderson Kirk Session Records of Dunfermline' p.27.
- (3) ~~Com~~mond Records of the Kirk Session of Elgin' p.246.
- (4) Supra p. 141-142
- (5) Scottish Notes and Queries IV p.27.
- (6) Maxwell 'A History of Dumreis and Galloway' p.259.

"given up to be ane ordinaire chairmer." This she freely confessed but three months later she again appeared 'and non being there to accuse her, is ordained to be put in prisone and advertisement to be maid to any quho knows anything aginast her to compeir the next day and to be heard." (1)

Assuredly there is no accounting for the ways of the Scottish Kirk.

For the ordinary civil offender prison was doubtless a sufficient ordeal but hope was always sustained by the prospects of escape engineered from within or by friends without for the suspected witch the closing of the prison door must have sounded like the first stroke of doom. Even if their friends and relations had not already abandoned them they were at once cut off from all communication with each other. When witchcraft was first rearing its ugly head in what was to develop into the greatest witchcraft outbreak in the annals of Aberdeen, people daily resorted to John Gordone 'presentlie detencit in captivitis in the Kirk wolt, as a manifest and oppin wiche'. This practice the Town Council forbade under pain of public repentence in sackcloth as the visitors "speirs at the said Johne dȳvers and sindrie thingis werray preiudiciall to the commoun pepill, quha hes bene, and is yit, daylie seducit and deludit be him." (2) On the 26th August 1597 the Kirk Session of Elgin using almost identical words decreed 'that na persoune of quhat estait or degre soeuir they be within this parochie seik to have only conferans with thair that ar suspect of witchcraft and speciallie/

(1) Lorimer St. Cuthbert's Edinburgh pp.144, 145.

(2) Stuart Council Register of the Burgh of Aberdeen 1398-1570 II pp.144, 145.

speciallie with thais that ar apprehendit thairfoir." Once again the penalty was public repentance in sackcloth, and 'that nane pretend ignorance thairof the samyn is ordanit to be publeishit be the sound of the hand bell through this toun." (1) For even deigning to look out of their prison window two suspects in Forfar were ordered to be put in the stocks or have their window boarded up (2) Even though his wife was only imprisoned for slandering with witchcraft by the Kirk Session of St. Cuthbert's Edinburgh in 1646 one must admire the courage of Jon Parker who twice released his wife from prison, the second time with all those confined along with her, then got drunk and gave the Kirk Session a piece of his mind (3)

Coming as the majority of witchcraft suspects did from the poorer classes their lot was not made the easier once any small reasources they they might have had were exhausted and their jailors began to wrangle about the expense of keeping them in prison. Food cost money and was therefore an item upon which the minimum was going to be spent. In 1604 Glasgow Kirk Session ordered the beadle 'to let steeples get nothing but bread and water, or small drink, so long as they continue in the steeple." (4) That seems to have been the staple diet of those acoused of witchcraft. The Kirk Session of Elgin adopted one method of supplying food in May 1597 when 'sa mony of them that ar convenit promesis to giff the allegit vitche wyiff/

- (1) Cramond Records of the Kirk Session of Elgin' p.41.
- (2) Jervise Memorials of Angus and Hearn's' pp.69, 70.
- (3) Lorimer St. Cuthbert's Edinburgh pp.135, 136.
- (4) Macgeorge "Old Glasgow) p.201.

wyiff meat and drink the day about viz (eight of the elders) and the minister shall gif her ig plak and watter during her remanyeing in the steipill. (1) the Town Council of Tain took another when in 1663 "anent the petitione givin in to mainteine Jonat nein Giblie Gow wha is accusit of the odious cryme of sorcerie and imprissoned and now lyke to starv for want of maintenance-----ordanit the said Jonat be manteinit daylie be bread and watter be the severall inhabitantis of this brughe according to ther abilities." (2) Such a diet would not be likely to put heart into a prisoner.

But worst of all must have been the gnawing knowledge that the only quick way out of prison was to the stake. Where satisfactory evidence of guilt could not be found Kirk Sessions - like some higher judicial authorities who ought to have known better (3) were never in a hurry to set the prisoners free. Only after Lillies Barrie had been incarcerated for 36 weeks and all efforts by South Leith Kirk Session to obtain dittays against her had failed did they let her out upon sufficient caution." (4)

Katherine Oswald of Nidrie was lucky when as a result of being in process before the kirk session of Nidrie for ten weeks past' a commission was granted on the 2nd July 1629 for her arrest to John Wauchop, who having no wardhouse in his bounds was empowered to lodge her in Edinburgh Tolbooth and/

- (1) Cramond Records of the Kirk Session of Elgin' p.36.
- (2) Macgill 'Old Ross-shire (Supplementary Volume) p.76
- (3) In October 1684 Marion Purdie of Edinburgh was imprisoned on a charge of witchcraft "She dyes of cold and poverty in prifon about the Chrftnaffe; the King's Advocat (Sir George Mackenzie giving no great notice to such information is againft witches" Lauder - Historical Notices II p.561.
- (4) Robertson 'South Leith Records' pp.51, 52.

and report her depositions to the Privy Council on the 20th July (1) There her accusers left her thus giving Katherine the opportunity to complaining to the Privy Council on the 4th September that 'she has been in the said tolbooth for over eight weeks, during which time neither the said minister (Mr. Andrew Learmonth of Liberton) nor any others have come to question her about the said crime." Having summoned and heard both parties the Privy Council decided "it agrees not with reason and justice that the pursuer be further kept in ward without a lawful trial and fix the 11th September for her trial." They further ordered that her pursuers deliver a copy of the indictment to her 48 hours before her trial, but if they failed to pursue her she was to be liberated on caution. (2) There was another compelling reason for setting prisoners free. Marion Watson, who had spent six months in the steeple of Peebles was set free in April 1650 on caution of Thomas Williamsone and James Watson 'burgessis of Peblis' (3), apparently because Kirk Sessions were refusing to pay for any further watching of the prisoners. (4) In those three cases it must be noted, however, that the prisoners still had friends willing to speak for them, doubtless because their guilt was not likely to be established.

3. Torture.

All too frequently Kirk Sessions succumbed to the obvious use of torture upon the poor wretches confined in prison in an effort to extract confessions. Considerations/

- (1) R.P.C. 2nd Ser. III p.206.
- (2) R.P.C. 2nd Ser. III p.276.
- (3) Chambers and Renwick Burgh of Peebles p.339.
- (4) Renwick 'The Burgh of Peebles' p.329.

Considerations of haste to save expense, exasperation at long hours of watching, and the furtherance of God's glory alike conspired to this unfortunate end. (1) By almost imperceptible stages watching degenerated into torturing. In Forfar it was laid down that the watchers should visit the witches 'at evry three houres and night and day" (2) Dunfermline Kirk Session carried the system a stage further by having relays of watchers to keep the suspects awake and so prevent them from having conference with the devil (3) Thus it was that through watching was evolved a system of torture, easy of application, yet well able to produce that state of mind in which Sir George Mackenzie declared 'when men are confounded with fear and apprehension, they will imagine things very ridiculous and absurd." (4) One can only conjecture what unpleasant compulsion lay behind the bald announcement by the Kirk Session of Dunfermline in August 1648 that Wm. Crichton 'being straitlie posed and dealt with, be the ministers and watchers - he came to a confession of sundrie things." (5) The Kirk Session of South Leith adopted another subtle form of torture when in March 1644 it 'ordains to mak a sackcloth for Margt. Thomsone ye witch" (6) There is a strong possibility that/

- (1) Mackenzie 'The Laws and Customs of Scotland in Matters Criminal' pp.86, 87. 'Moft of thofe poor creatures are tortur'd by their keepers, who being perfwaded they do God good Fervice think it their duty to vex and torment poor Prifoners."
- (2) Jervise 'Memorials of Angus and Mearns' p.69.
- (3) Henderson Kirk Session Records of Dunfermline pp.27, 28.
- (4) Mackenzie 'The Laws and Customs of Scotland in Matters Criminal' p.86.
- (5) Henderson 'Kirk Session Records of Dunfermline' p.27.
- (6) Robertson 'South Leith Records' p.48 c.f. Sir John Lauder of Fountainhall 'Historical Notices of Scottish Affairs' II p.532 where he speaks of Mr. William Spence late servant of the Earl of Argyle who after torture by the Privy Council "was put in Generall Dalziell's hands: and it was reported that by a hair-shirt and pricking (as the witches are used) he was 5 nights kept from fleip, till he was turned fullie distracted-----"

that this is the same woman who, enjoying a reputation as a charmer and attender of witch meetings, was arrested in the neighbouring parish of Mid-Calder (1) for on the 20th August 1644 the Privy Council received letters of complaint requesting 'that your Lordships would interrogat the witnesses anent the crueltie usit aganes the said Margret be tormenting of hir in prisone as followis:- To wit, the said Margret has beene keipit in prisone thir sixteene oulkis, off the quhilk space scho wes compellit to stand on hir feit upoun ane stand only without removeall to any place, haiffing ane gown of sackcloth upon hir naiked bodie the hail space of twentie sex dayes togidder without anie leive to sit or ly down, and that scho wes ordanit to be haldin waiking all that space and men dailie and nightlie attending upoun hir for that effect, quhairby scho, wanting sleep and rest, did sindrie tymes stumbill and fell down to the ground quhair scho did braik hir face and heid to the affuising of hir blood sindrie tymes, quhairby scho wes in perrill of hir lyk by dining out of hir braines by falling so oft." (2) Naturally Kirk Sessions were not so brutally frank about their methods with suspects but with Margaret's ghastly complaint in mind it is easy to imagine what lay behind the order of the Kirk Session of Queensferry in 1644 that those arrested on suspicion were to be closely watched and 'all others things used and done unto them as had been done unto others before them in the like case, vizt., to keep them waking from too much sleep and from having any conference with/

- (1) When Margaret Ramsay, in prison in South Leith on a charge of witchcraft at the same time as Margt Thomsons, escaped, the Kirk Session of South Leith promptly wrote asking the Kirk Session of Mid-Calder 'to mak tryell and search for her c/f. South Leith Records pp. 38, 49 and McColl Parish of Mid Calder p. 33.
- (2) R.P.C. 2nd Ser VIII pp. 108, 109.

with any person, etc, under the pains of putting the keepers in the trones, losing all their wages, besides other censures if they should be negligent (1)

Pricking was another form of torture much in favour with Kirk Sessions. The practice was simplicity itself, and had the advantage that - in theory at least - it involved no pain for the guilty person for all followers of the devil, when the renounced their baptism and acknowledged his sovereignty received a mark which was insensible to pain and never bled (2) Hence one of the pricking trade armed with a pin would soon set at rest the innocence or guilt of a person. But long pins, sometimes the length of ones finger, pressed well home were his stock in trade (3) and Sir George Mackenzie pointed out even such an authority as Delrio admitted it was difficult to know the mark as the human body had many pieces of dead insensible flesh, consequently the pricker had unlimited opportunity to shave his victims and exercise his calling (4) The practice was no more than a blatant form of torture. After witnessing a particularly vicious pricking Fountainhall categorically declared 'their is no doubt but their methods of keeping them from fleep and pricking are a torture in fuo genere. (5)

Until the Restoration the practice was condoned by the Privy Council, but in 1661 it began to issue commissions to try and judge persons suspected of/

- (1) Morison Royal Burgh of Queensferry I p.76.
- (2) Supra pp.142-144
- (3) Lauder 'Historical Notices of Scottish Affairs' I p.146.
- (4) Mackenzie 'Laws and Customs of Scotland' p.91.
- (5) Lauder 'Historical Notices of Scottish Affairs' I p.146.

of witchcraft 'without useing any torture or indirect wayes' (1) The arrest of John Kincaid, the most notorious of all the Scottish prickers in 1662 'for alledged unwarrantable pricking of persons suspected of witchcraft' (2) gave the Privy Council the opportunity of demonstrating that they were in earnest in the matter by ordering his release on his finding caution not to prick or torture without warrant from them (3) But the customs of generations were not so readily eradicated for Sir John Lauder recounts how in 1678 the Privy Council found that no inferior judge 'might not use any torture by pricking, or by with-holding them from fleep, but referred all that to themselves, and the Justices, and these whp acted by commiffions from them (4)

Even when allowance is made for the native caution which would make many a Kirk Session careful to gloss over the unpleasant details of a procedure which the legal authorities were always liable to consider an unwarranted use of torture, it is nevertheless true that the cases of pricking carried out by order of Kirk Sessions are remarkably few in number. Equally noteworthy is the fact that with the exception of the trial of the notorious and long suspected William Coke and his wife Alison Dick by the Kirk Session of Kirkcaldy in 1633 (5) the authenticated prickings are confined to the heighday of/

(1) R.P.C. 3rd Ser. I p.48 18th September 1661.

(2) R.P.C. 3rd Ser I p.210.

(3) R.P.C. 3rd Ser. I p.224.

(4) Lauder 'The Decisions of the Lords of Council and Session' I p.16.

(5) Webster 'Tracts on Witchcraft' p.116. After examining many witnesses the Kirk Session on the 24th September 'ordaines Mr. James Miller to ride to Preston for the man that tries the witches."

For more re those two suspects c.f.

Stevenson 'Presbytrie Booke of Kirkcaldie' p.68.

Macbean 'Kirkcaldy Burgh Records' pp.39, 157, 343-5.

of witch-hunting between 1640 and 1650. It would be dangerous to assume that Kirk Sessions did not have suspects pricked at other times than these; rather is the explanation to be sought in the overweening sense of power which spread throughout the Kirk at that time and made even Kirk Sessions revel in an orgy of witch hunting in excelsis.

The following cases furnish ample proof of the frequent calls which Kirk Sessions made upon the prickers during their decade of popularity. Having ordered a sackcloth to be made for Margt. Thomsone (1) the Kirk Session of South Leith on the same day, the 14th March 1644, 'ordains to send for ye man in Musilbrough who tryes ye witches marks. (2) In January 1649, it having been reported to the Kirk Session of Tynninghame 'that the man was not yit come to Prestonekirk quha searches them that ar suspect of witchcraft---George Schortus promeisit to adverteis his sone in Tranent to caus ane of the searchers of Tranent to come eist heir, quhen they suld come from the southe.' (3) On the 20th February 'The searcher in Tranent cam and and the (Mark) on these that wer suspect of witchcraft and imprisoned; and schortlie thereafter they confessit.' (4) This is the only case where a confession is definitely stated to have followed upon the pricking.

Kincaid was in demand during the widespread outbreak of witch-hunting in 1649-50. On the 2nd September 1649 the Kirk Session records of Stow declare/

- (1) Supra p. 224
- (2) D. Robertson 'South Leith Records' p.48.
- (3) Waddell 'An Old Kirk Chronicle' p.101.
- (4) Ibid p.101 The date is given by A.I. Ritchie 'The Churches of Saint Baldred' p.100.

declare that 'John Kincaid, jobber or tryar of witches found the mark upon
 Herrison and his wife, and gave his oath before the session that they were
 great witches.' (1) At the same time the minister and elders of Stow gave
 him £6 Scotts for 'brodding' Margaret Dunholme with 'mair for meat and drink
 and wyne to him and his men iiii lib Scott's (2) During the summer of the
 same year a number of suspects having been apprehended by the Kirk Session of
 Corstorphine 'John Kinkade who searcheth the Divells mark being sent about
 to search and try the two Scottish and having fand marks upon them George
 Lord Forrester sent about Marion Inglis for tryal and John at that time fand
 two markis upon Marion Inglis qlk he upon oath averred to be the Divells marks
 qlk all that was there present rested content and satisfied." (3) But the
 matter having been reported to the Presbytery, they were less easily satisfied
 for they ordered the women to be pricked anew before ministers sent by
 themselves 'but at that time he gave not satisfaction either to Mr. Wm.
 Dalgleish, the Minister, Florence Gardner, David Clerk or sundry others
 then present for the women cryed pitifully and the place of the prins were
 putt in uped with blood a little." (4)

In June 1650 Kincaid had moved north to Brechin where he deponed before
 the Kirk Session that Catharin Walker had the devil's mark. (5) In the
 same year the Kirk Session of Elliesleaf sent two suspects to Selkirk for
 further trial by the minister and elders 'quhairupon markis of Satan was
 found/

(1) Craig-Brown 'The History of Selkirkshire' p.451.

(2) Arnot 'Criminal Trials' p.393 c.f. also Thomson 'Lauder and Lauderdale' p.20

(3) Scottish Notes and Queries IV p.28.

(4) Scottish Notes and Queries IV p.28.

(5) Extracts from the Records of the Presbytery of Brechin pp45, 46.

found upon them both" (1)

(4) Witnesses.

Faced with the natural reluctance of suspects to incriminate themselves by confession Kirk Sessions made full use of their traditional right to cite and examine witnesses. In words which are but a precis of Sir George Mackenzie's, Forbes gave a clear indication of the type of information which Kirk Sessions might hope to elicit, when he wrote 'Witchcraft may be proved by Witneffes, that have heard or feen the Perfon accused fpeak fuch Words, or do fuch Things, as none but thefe who have Familiarity with the Devil, ever did or can do. As invoking the Devil for Help; or entertaining a familiar Spirit, and holding Correpondence with or feeding it in any form or Likeneffs; ufing Enchantments and Charms, conjuring to raife Storms; fhewing in a Glafs, or Shewftone the Faces of Abfent Perfons: revealing Secrets or difcovering Things left, without any ordinary Means; or doing Things above human Strength: By which effects a fecret League with the Devil comes to light (2) As with probation by confession, however, the lawyers were quick to point out that in the case of witchcraft, the apparently simple process concealed a multiplicity of difficulties. As Sir George Mackenzie put it 'The probation by Witneffs in this Crime is very difficult (3) Chief among the difficulties was the secrecy which surrounded so much of the sorcery, charming and consulting (4) With persons implicated either as practisers, or/

(1) Craig-Brown 'The History of Selkirkshire' I p.201.

(2) Forbes 'The Institutes of the Law of Scotland' p.41.

(3) Mackenzie 'The Laws and Customs of Scotland in Matters Criminal' p.105.

(4) Forbes 'The Institutes of the Law of Scotland' p.40.

or suppliants, finding it politic to make no boast of their misdeeds both the lay and ecclesiastical courts found it necessary to waive the usual restrictions on witnesses and to admit 'focii criminis', 'the persons to whom the injuries are done by the Vitches,' minors, and women of course in a crime where so many of the culprits and their associates were of the weaker sex. (1) By such licence ample scope was given to prejudice, ignorance, anger, jealousy--- in fact all the evils which were lying in wait to undermine the veracity of witnesses. The more truthful witnesses whose scruples restrained their tongues had to face threats so that as Sir George Mackenzie admitted, "The Witneffes and Affyfers are afraid that if they efcape that they will die for it." (2) Hume was in no whit exaggerating when he wrote 'men utterly lost sight of reason, and the ordinary rules of justice, in dispensing a part of the law which was founded altogether upon ignorance and terrôr.' (3) Unfortunately as he went on to point out 'the taking of inquisition concerning witchcraft was not confined to Magistrates and Judges, who might be supposed somewhat more competent to such investigations; It was given, at least was permitted, almost to all persons in any sort of authority, and especially to clergymen and kirk-sessions." (4) - the very people least able to keep a cool and rational outlook in the face of crime.

The salient fact was that while Mackenzie and Forbes, living in the days of witch trials, could appreciate the legal difficulties and feel a certain uneasiness at the subterfuges by which they were overcome, public opinion/

- (1) Mackenzie 'The Laws and Customs of Scotland in Matters Criminal' pp. 105, 106.
- (2) Ibid p.88.
- (3) Hume 'Commentaries on the Law of Scotland' p.579
- (4) Ibid p.580

opinion was so overwhelmingly in favour of energetic action that once the barriers were removed a flood of witnesses descended upon Kirk Sessions. Human nature being what it is they ranged from the eager voluble gabbler, through the honest reporter to the frankly hostile witness fearful of the consequences and only present by force of citation.

The first class was mainly confined to the cases where a complaint was lodged with a Kirk Session by an aggrieved person whose case naturally looked better if it was backed by a number of willing witnesses prepared to substantiate it. When John Russell in Pluscarden complained to the Kirk Session of Elgin in September 1631 that Elspet Watsone took illness off a sick bairn and laid it on his daughter he produced witnesses to prove his allegation. (1) In January 1670 James McPhee complained to the Kirk Session of Kingarth that Robert Glas had scandalised his good name by saying he frequented "the company of a lenman among the furies commonly called Fairfolks," and "offered to prove against Robert by several witnesses" (2) Andro Currie, his wife and daughter "gave up henrie Smeton, Wm. Donaldson, rott ffyf and Jonet rotson yr witnes's," to the Kirk Session of Dunfermline on Christmas Day 1677, when they made a complaint that Isobel Cuper had called "the said andro a warlok and his sd wyf sa witch an yr dochter a theef." (3) Aberdeen Kirk Session gave proof of the weight attached to witnesses/

- (1) Cramond 'Records of the Kirk Session of Elgin' p.219.
- (2) Eaton 'Kingarth Parish Records' pp.57, 58.
- (3) Henderson 'Kirk Session Records of Dunfermline p.70.

witnesses when dealing with a bill of slander in 1604 for 'the said Helene Cassie being inquirit of the sessioun gif scho had ony witness to prewe hir affirmation aganis the said Helen Gib, that saw hir do the premiss, answerit scho had no witness-----and becaus the said Helen Cassie had no witness to prewe hir alledgeance, being plainlie denyit be the said Helene Gib, thairfoir the said Helen Cassie wes convict of sclander vtterit and awowit be hir aganis the said Helen Gibb." (1)

It would have been too much to expect that all complaints would be so amply backed by witnesses ready to depone to their validity. Many a person, smarting under some alleged insult, rushed before the Kirk Session with no more than their own words to back their plaint. Even the most superstition ridden Kirk Session had to have something more substantial than that to justify action, so inevitably it was driven to examine witnesses. One method, strongly reminiscent of the old fuedal trial by compurgation was adopted by the Kirk Session of Perth on the 2nd November 1589. "forasmeikle as this day was assigned to certain honest neighbours of Tirseppie to be present, and of their conscience to declare whether it was true that Guddal, spouse to Richard Watson, was ane witch, as John Watson then alleged, or what evil likelihood they saw in her-----altogether agreed in one, without contradiction, that they saw never such things into her whereby they might suspect her of the same, but that she was an honest poor woman, who wrought honestly for her living, without whose help her husband, Robert Watson, would have/

(1) Stuart Records of the Kirk Session Presbytery and Synod of Aberdeen' pp. 38 39.

have been dead, who was an old aged man: therefore the Minister and Elders ordain the act of slander to be put in execution against the said John Watson, and Helen Watson his daughter." (1) In September 1613 the Kirk Session of Elgin had to deal with a complaint by Elspet Cuming that she had been slandered with casting illness on Androw Wanes by Janet Nicoll, Janet having denied the accusation the Kirk Session cited witnesses whose evidence showed that a stern injunction to both women 'to desist from all outrageous speitches ather privatlie or publictly importing sklender." (2) would best suit the use. But suspicion once aroused was apt to grow with the result that on the 19th December "It was appoyntit that saxtein honest nichtbouris within the toun, out of ilk quarter four, be chargeit to cum befor the session and gig their aithes that they sall declair what they knave concerning witchcraft upoune Elspet Cuming. Upon ane inquisition of Elspet Cuming's lyff and conversation they as also the haill elderis of the session hes giffin ther aiths they knaw no thing but guid of the said Elspet." (3) Once again compurgation had saved a suspect.

All complainers were not so lucky. "Janet Couper, being under a reigneing brute of witchcraft, cam befor the session of Brechin on the 25th of November 1649, complaining that som had scandalized her by calling her witch" But numerous witnesses deponed to as fine a collection of disasters at churning and milking, ill turns and deaths as any Kirk Session could have wished for, so it is perhaps not surprising that Janet ultimately confessed to/

(1) Spottiswoode Miscellany II p. 266, 267.
 (2) Cramond Records of the Kirk Session of Elgin' p. 135.
 (3) Ibid p. 137.

to acquaintance with the devil extending over five years, that she had lain with him, renounced her baptism and received his mark. Her end was a forgone conclusion, which only makes one marvel at her foolhardiness in raising what she should have known would be a hornet's nest. (1)

More serious than the complaints of slander were the cases where a person came under direct suspicion of witchcraft, charming or consulting. When that happened Kirk Sessions usually adopted one of three courses.

The suspect was given the opportunity of confessing or denying the charge. In the lesser crimes of charming and consulting a voluntary confession sometimes allowed the Kirk Session to deal out immediate retribution without further investigation but with the heinous sin of witchcraft it was different. As has already been pointed out voluntary confessions were never made (2) so Kirk Sessions were faced with the necessity of devising other means of gaining their ends. To the cruder methods of the prison, torture and the pricker they added the immediate citation and examination of witnesses. A perfect example of the procedure is furnished by the Kirk Session records of Kirkliston for the 14th August 1659: "The which day Jenet Miller was brought in to the session to see if she wold confess the sine of witchcraft. And haveing ben severale tymes examined she confessed nothing. And the witnesses above specified being summoned to depose against her they gave in their deposition as followeth she haveing ben posed if she had any thing to object against she ansuered nothing. Isobel Thomsone the principal witness deponed that Janet had tried to make her become the devils/

(1) Brechin, Records of the Presbytery of pp. 31-35.

(2) Supra p. 212

devils servant; that Janet and others 'after that they had broke up the doore as if it had been blowne wth with ane blast of wind' tried to steal her infant; and finally that Janet had shot an 'elffe stone' through her thumb." William Gillespie, James Dundas and Jenet Samuell all added their quota of lesser import but James Ker 'depons upon oath that he did not see Jenet Millar but other two that were brount," and Robert Ker "being sworne dpon's nothing" (1)

The effective use of witnesses was amply demonstrated by the Kirk Session of Perth when it was bending all its energies to secure the conviction of Margaret Hormsclough, Isabell Haldane and Janet Traill. Charged with "skill of cureing men, women, bairns, that are diseased" they denied the charge, only to be confronted with a long list of their alleged misdeeds, suitably sworn to by witnesses. Inevitably they found themselves admitting first one thing, then another until they stood self-condemned as layers-on and takers-off of illness and as associates of the fairy folk, especially one variously described by Isabell Haldane as 'a man with a grey beard' and by Janet Triall as "a bonny white man riding upon a grey horse." Satisfied that they had extracted sufficiently damning evidence the Kirk Session sent George Robertson, a post, to Edinburgh with the depositions so that a commission might be purchased to put them to trial. At the same time they wrote/

(1) Scots Law Times 20th July 1935 p.169. The writer in this journal is evidently ignorant of what followed. The Justiciary Court Records for 5th July 1661 state "Janet Miller, Prisoner in the Tolbooth for Witchcraft appointed to be sent back to Kirkliston where she lived to be tried by such Commissioners as the Parliament or Conncell should nominate, and that for the ease of the witnesses and assizers and in regard none compeared to inform at Edinburgh" Apparently this was not done for the same court "cleansed" her on the 7th August 1661. (Records of the Proceedings of the Justiciary Court, Edinburgh 1661-78 p. 36.

wrote their M.P., a Perth bailie, and their minister Mr. John Guthrie, all of whom were then in Edinburgh, requesting them to exercise their influence to that end. (1) Whether as a result of such backing or not, the Privy Council certainly dealt more expeditiously than usual with the request for sixteen days later the Privy Council granted a commission, not be it noted to the Kirk Session, but to the Provost and Council to try Isabell and Margaret. The Privy Council, while admitting their examination by the Kirk Session where witnesses "have cleirly testifeit and provin the same to be of veritie" and the accused "in the conscience of thair unlawfull and divilische practizes" have confessed, nevertheless rejected the Session's precipitate charge of witchcraft, found the evidence imported nothing worse than suspicion of "useing o f charmes" and therefore laid down "that the punischement to be inflictit upoun thame extend not to Lyff nor member." (2) Nevertheless all three were burned (3) For brevity allied to lucidity nothing could better the description of the usual procedure given in the records of the Kirk Session of Culross on the 23rd June 1644 in those words:- "Adam Donaldson, cited, accused for charming of kine and horse - denied; the reporters of it - to wit, David Sandis of Birkenhead Johne Bird, and Johne Sands - to be heard the next day." (4)

In the majority of cases once persons came under suspicion the Kirk Session/

- (1) The above summary is based on:-
Stuart 'Extracts from the Presbytery Book of Strathbogie pp X-XIII
The Chronicle of Perth p.89.
Spottiswoode Miscellany II pp.302, 303.
- (2) R.P.C. XIII p.270.
- (3) Stuart Presbytery Book of Strathbogie p.XIII
- (4) Beveridge 'Culross and Tulliallan' p.208.
For/

Session did not first examine them but immediately proceeded to examine witnesses. The procedure was employed with conspicuous success in a host of cases ranging from the most trivial accusations of charming to the blackest of witchcraft.

Much time was spent by the Kirk Session of South Leith examining four witnesses regarding Margaret Ga's story 'yat she hard Margaret souter saye on she cam downe ye stair of Rot Patersone yet shee howped he sowld not mend a shoe shortlie again and yat she hard his wyf seik his heall thryse for Gods saik.' (1) When Agnes Wadell, Marrin Christein, Agnes Henderson and John Martine were bruted as charmers before the Kirk Session of

Shotts in 1644 and inquest was held several witnesses declared they knew nothing against the accused, but perseverance on the part of the elders had its reward a few weeks later when several prsons deponed against Agnes Henderson (2) The Kirk Session of Penninghame also took the customary

measures in November 1705 for "There being a report of charming committed by Mary McNarin servetrix to William Dalrymple in Threave, upon the night called Halloweven, she is to be cited to the next Sabbath, with William Dalrymple and Elizabeth McHarg, his wife, witnesses." They had the satisfaction of hearing Mary confess to her fault as a result of the evidence led (3)

Bulking/

- (4) For further examples of witnesses being summoned after suspects denied the charge c.f.
 Paton 'Kingham Parish Records' pp.12-14 for Kathrine McKaw.
 Paton 'Rothesay Parish Records' pp.42, 43 for Jonet Morisowne.
 Webster - Tracts on Witchcraft pp.113-120 for William Coke and Alison Dick.
- (1) Robertson 'South Leith Records' pp.16.
 (2) Grossart History of the Parish of Shotts' pp.48-50.
 (3) Henry Paton 'The Session Book of Penninghame' I pp.161-163 For the full story, supra pp. 101, 102.

Bulking larger in the eyes of Kirk Sessions were the more serious cases in which suspects had to face a charge of witchcraft. The same well-tryed method of citing and examining witnesses was followed, but as befitted the occasion the number of witnesses was frequently larger the evidence more luridly fantastic. As early as 1575 the Kirk Session of St. Andrews was putting the system to excellent use and extracting such damning evidence against "Mariorye Smytht, spous of Johne Pa," that the man and his wife both fled the town. "For hym self he durst byde," John Pa was alleged to have said, "bot yit his wyffe feared, and thairfoir they durst not byde." (1)

Naturally the value of the evidence varied. When Anna Wood was accused of Witchcraft before the Kirk Session of Borrowstounness in 1704 evidence was given by three seamen, one of whom, by name Rober Nimmo deponed "That upon Monday, the 29th January last, about 7 o'clock at night, as he was coming from Linlithgow to the waterside, he met with six cattis, who followed him homewards till he came to Sir Walter Seton's Park Dyke at Northbank, at which place they appeared to him as women; and that he knew one of them to be Anna Wood, and that he did speak to her, and that she did kill him; and that all of them convoyed him a considerable space, and then appeared as birds fleeing by him and about him, and after that appeared again as women and went alongst with him till he came to the Grange, where they left him, and that he knew the said Anna to be one of them this time also." (2) It is within/

- (1) Fleming 'St. Andrews Kirk Session Register' I pp.414-416.
 (2) Salmon 'Borrowstounness and District' p.119.

within the bounds of possibility that the swats sae ream'd in Roberts noddle that like Tam o' Shanter he too saw an unco sight for he went on to declare that once when the accused mysteriously appeared on their boat "Guffabouts", the half of ane hogshead of sack was drunk out that night, for it was wanting on the morrow, they knew not how." (1) Flimsy as the evidence may seem to modern eyes Anna Wood fled the neighbourhood, Janet McRobert of Milnburn was luckier when delated as a witch to the Kirk Session of Kirkcudbright in 1701 and ordered to be incarcerated. Three witnesses deponed to her doing ill turns to themselves or their livestock because they had not given her what she demanded, while Elizabeth Lauchlon actually reported that on two occasions the devil appeared to her while she was in Janet's house and tried to get her to yield herself from the top of her head to the soles of her feet. She refused and Janet begged her not to recount the happening to anyone. When the evidence was sent to Edinburgh with the request for a commission it was refused "in regard they judged delations not to be sufficient presumptions of guilt, so as to found a proces of that nature." But Edinburgh was far away and the Kirk Session very near so "the said Janet consented to an act of Banishment, and went hence to Ireland." (2)

In the autumn of 1649 the Rev. Hew Peibels of Lochwinnoch and his Kirk Session, turning their attention to Mauld Galt, suspected of witchcraft and charming, cited witnesses. Much of the evidence was taken up with typical accusations of illness, frequently fatal, which she laid upon neighbours with whom she was on bad terms. But her case was unique in one respect/

(1) Salmon "Borrowstouness and District" p.121.

(2) Agnew "The Hereditary Sheriffs of Galloway II pp.40-42.

respect, for the Kirk Session bent its energies to the question "Whither they knew or hard that schoe had comited any vyle act in abusing ane of hir servants with ane peis of clay formed lyk the secreit members of ane man or not." (1) Such a fine piece of scandal had evidently become common property among the gossiping wives of the village and several testified to having heard the story, but as Agnes Mitchel, the woman alleged to have been so outrageously abused had been unwilling to tell the Laird of Johnstoun at the time, the Kirk Session decided "This dittay relevant if it wer proven, but the testimonye is ex relatu." (2) Why Agnes was not strictly cross-examined must unfortunately remain a mystery. Were even the elders too shocked to pry any closer, especially as there was an abundance of evidence? (3)

Kirk Sessions were not always so fortunate as to have witnesses immediately available for examination. A variety of reasons could bring Kirk Sessions face to face with such a difficulty, but the remedy was found in an intimation from the pulpit that any person with delations should immediately make them known to the Kirk Session.

Not infrequently with the breath of suspicion outrunning concrete evidence

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- (1) R.P.C. 2nd Ser. VIII p.198.
- (2) Ibid p.198.
- (3) The story lends credence to Margaret Murray's view that intercourse between the devil and his numerous followers was frequently by an artificial phallus. (The Witch Cult in Western Europe pp.177-182) But had the practice been widespread in Scotland the Kirk Session would have known of it as one of the usual signs of witchcraft and therefore would never have given up the investigation so easily.

a suspect was under lock and key long before witnesses were examined. With flight a possibility to be guarded against the haste is understandable, and as a rule no harm was done for witnesses were only too plentiful but now and again Kirk Sessions found themselves running up a tidy prison bill as they waited the witnesses who did not appear. Having voted 36 shillings for the "interteyenment" of Alison Dick, wife of William Coke on the 22nd May 1633 the Kirk Session of Kirkcaldy "thinks it meet the intimation shall be made on Sunday next out of the pulpit that if any man or woman has anything to accuse William Coke and his wife of, concerning witchcraft, they may compare the next day before the Session and declare it." (1) In November 1661 the Kirk Session and bailies of Inveresk asked the minister to intimate "anent Janet Stoddart, who was imprisoned upon the suspicion of witchcraft, that if any people has any thing to lay to her charge they was considerably to come w'in ten or twelve dayes, other wayes they would Dimitt her, in regard she was great expense to the Magistratts." (2) Both in February 1644 and Juen 1657 the Kirk Session of Elgin had recourse to appeals from the pulpit for witnesses against suspects. (3) Alone among all the Kirk Sessions employing this method of discovering witnesses the Kirk Session of Dumfries seems to have realised the dangers inherent in the system for it laid down that any persons answering the appeal and bearing false witness would be severely punished. (4)

Public intimation by the minister was also employed when Kirk Sessions were/

- (1) L. Macbean 'Kirkcaldy Burgh Records' p. 344. He gives the year as 1623 but it should be 1633 c.f. Webster Tracts on Witchcraft p. 115.
- (2) Stirling 'Inveresk Parish Lore' p. 142.
- (3) Gramond 'Records of the Kirk Session of Elgin' pp. 246, 284, 285.
- (4) McDowell Dumfries' p. 430.

were finding difficulty in carrying an investigation to a successful conclusion. Reference has already been made to dissatisfaction expressed by ministerial representatives of the Presbytery when they attended the second pricking of Marion Inglis of Corstorphine in 1649. (1) Appeals for depositions had already been made from the local pulpit but in view of the unexpected hitch the Presbytery "for further tryal and hearing of the matter desired the Ministers of Crammond, Currie to make the like intimation qlk they did." (2) When the Kirk Session of Newburgh, and the Presbytery of Cupar found themselves unable to make progress against Katherine Key charged with witchcraft, charming, cursing the minister and "of an evil brutte and fame and so wes her mother befoir her" after her case had been to the fore from 1653 to 1655 the minister was instructed to make the usual appeal. This was done through the Kirk Session which ordered the beadle "to call at ye church door if yr wer ony yt had any thing to say against Kathrin Key they sould compeir." This he did three times without result (3)

(b) Deal with cases capable of immediate solution.

Masses of information in the form of confessions, dittays and depositions were but the necessary preliminaries upon which suitable retribution could be meted out to the culprits. How to achieve the laudable object was the problem which then confronted Kirk Sessions.

1. Witchcraft.

When/

(1) Supra p.229.

(2) Scottish Notes and Queries IV p.28.

(3) Simpkins 'County Folklore VII pp. 98, 99.

When the evidence justified a charge of witchcraft, Kirk Sessions had to face the fact that the satisfaction of inflicting punishment was not theirs, for struggle as the Kirk did against the inevitable result of the act of 1563 making witchcraft a criminal offence to be tried and punished by lay courts, the General Assembly nevertheless was at one with the Crown in laying down as early as 1586 that Kirk Sessions could not decide upon witchcraft but had to lay the information at their disposal before the Presbyteries. (1) Too often Scottish laws were only made to be broken, but with the highest lay and ecclesiastical authorities for once in agreement, at least to the extent that witchcraft was not a fitting crime for trial by the lowest of the Kirk courts, it was not surprising that ministers and elders bowed to the inevitable.

2. Consulting.

With regard to consulters a most involved situation developed. The 1563 Act of Parliament, running ahead of public opinion, treated consulting as no less serious a crime than witchcraft, and therefore laid down "the pane of deid alfweill to be execute aganes the vfar abufar as the feikar of the refponfe or confultation." (2) Before any persons were convicted under the act, however, first a parliamentary committee had considered the punishment of consulters in 1567 but came to no decision (3) and then what was far more important, the General Assembly had decided in 1573 that repentance in sackcloth would be a sufficient punishment. (4) In 1586 the General Assembly followed/

(1) Supra pp. 55-59, 75, 91

(2) Acts Parl. Scot II p. 539; supra p. 17

(3) Supra p. 25, 26

(4) Supra pp. 26

followed this up by laying down that consulting, like witchcraft, was to be decided, not by Kirk Sessions but by Presbyteries - all this be it noted before cases of consulting were actually coming before Kirk Sessions. But defying acts of Parliament and General Assembly alike, the Kirk Session of St. Andrews blazed the trail in 1595 by finding four persons guilty of consulting and sentencing them to make public humiliation (2) In June 1597 the Kirk Session of South Leith removed a deacon from his office and sentenced him to make "his publik repentance vponne ane sabbat befoir nown in presens of the whoille congregaoun." (3)

It must be more than a coincidence that the famous Privy Council decree of August 2 1597, which owed its passage to the king's determination to put witchcraft trials on a firm legal basis (4) should have included the important provision "considering heirwithall that the consultaris with the saidis wicked and divilishe abusaris and sutearis of helth and resposnis frome thame, or na lesse gilty, be the lawis of God and man, then thay actuall witcheis and wicked personis, and merit is with thame indiffirent and equall punishement, for the better purgeing of the land of that abhominable cryme, procureing the wraith of God without condigne punishment." (5) If that was the king's intention it failed to arrest the growing tendency of Kirk Sessions to deal with the increasing number of consulters brought before them. The flouting of the law was not confined to one locality for such/

(1) Supra pp.75,91

(2) Fleming 'St. Andrews Kirk Session Register II p.799.

(3) Robertson 'South Leith Records' p.2.

(4) Supra pp. 28
in 1597.

King James VI wrote his famous work 'Daemonologie'

(5) R.P.C. V p.409.

such widely separated Kirk Sessions as Ayr 1618, (1) Aberdeen in 1619 (2) Perth in 1623 (3) and Stirling in 1628 (4) all tried consulters and inflicted varying punishments. A king who could boast "Here I sit (in London) and govern Scotland with my pen: I write, and it is done." (5) was not going to allow his express decrees to be thus openly flouted without good cause. Two totally dissimilar reasons drove him to adopt a course so unlike his customary insistence on the semi-divine omniscience of all his decisions. First there was the undoubted change which worldly wisdom and the mellowing years brought to his early views on witchcraft as learned in the exotic experiences of the trials of the North Berwick witches. (6) Secondly there was the equally important fact, so clearly exemplified in his handling of the Five Articles of Perth, that in his younger days the hard school of experience had given him such an insight into, and understanding of the Scottish character that he knew that it was never safe to force upon his subjects north of the Tweed decrees with which, as a people, they were not in sympathy. For those reasons Kirk Sessions were not interfered with for breaking the law, but on the other hand, the laws against consulting, like the Five Articles were not amended but left in abeyance.

Change/

- (1) Pagen 'Annals of Ayr in the Olden Time' p.108.
- (2) Stuart 'Selections from the Records of the Kirk Session, Presbytery and Synod of Aberdeen' p.87.
- (3) Maidment 'The Chronicle of Perth' pp.92, 93.
Spottiswoode Miscellany II pp. 304, 305.
- (4) Miscellany of the Maitland Club I Pt 1 p.467.
- (5)
- (6) c.f. Appendix IV for the change in James VI outlook.

Change only came after his death when in 1629 a Privy Council decree instructed commissioners of the circuit courts that for certain crimes, including consulting, they were to punish "by imposing of pecuniall sowmes and fynes upon thame allanerlie, and taking sufficient caution of the persouns convict of charming and consulting." With criminal law thus brought into closer harmony with ecclesiastical discipline Kirk Sessions must have felt rather less hesitation in dealing with consulters now that the punishment was generally recognised as one they were inflicting on a variety of offenders day and daily.

Not till 1643 was anything further done about the legal position, and then the General Assembly having ordered ministers and Kirk Sessions to take particular notice of charmers and consulters, decided to think of a uniform method of censuring them. (1) With the General Assembly in the throes of a great drive against witchcraft it was but fitting that it should try to clear up what confusion still existed concerning consulters. Not only did Kirk Sessions sometimes refer cases of consulting to Presbyteries (2) but in others they decided them themselves --- and unfortunately imposed a diversity of sentences which conformed to no accepted principles. Three mothers living in Ayr, who "socht remeid by charming to yair bairns seik at the hands of Janet McAlister, witche," were luckier than all the others to escape with no more than a sessional reprimand in 1618 (3) The least that the majority of offenders escaped with was public repentance before the congregation (4)

Others/

- (1) R.P.C. 2nd Ser III p.259.
- (2) A.G.A. 1643 p.28; supra p. 111
- (3) Supra p.110
- (4) Pagan 'Annals of Ayr in the Olden Times' p.108.
- (5) Fleming/

249.

Others did penance after the manner of Patrick Bodie, tailor in Aberdeen, who had to 'sit down on his kneis befoirthe pulpitt, and confes his offence in presence of the congregatioun, and crave God and the congregatioun pardoun." (1) Rot Shortus had to sit in sackcloth on the place of public repentance for two Sundays before his public repentance was received. Even then the Kirk Session noted "he should have sittin beofre ye pulpitt bot he was pittied." (2) Uhtil 1643 the severest sentence inflicted by any Session was upon Janet Barry of Perth in 1623 when, in addition to standing in white sheets under the bell rope, confessing her offence, and declaring her repentance, she was ordered "to pay before Sunday next, twenty marks to the use of the poor." (3)

Unfortunately nothing came of the General Assembly's attempts to clarify the position for the reasons that the presbyteries, which were asked to consider the whole question of punishment of witchcraft, charming and consulting, and report their decisions to the next General Assembly, did not do so. (4) and that the General Assembly itself showed so little interest in the matter in the following years that it only made ineffectual efforts to raise the question after Parliament had passed an act imposing the death penalty for consulting in 1649 (5)

This/

- (5) Fleming 'St. Andrews Kirk Session Register' II pp.790, 800.
Robertson 'South Leith Records' in 1597, p.2.
Miscellany of the Maitland Club I Pt2 p.467.
Ferguson 'Alexander Hume'
- (1) Stuart Records of the Kirk Session, Presbytery and Synod of Aberdeen
p.87 - same p.
Robertson 'South Leith Records' p.27.
- (2) Henderson Kirk Session Records of Dunfermline' p.12.
- (3?) Spottiswoode Miscellany II p.304, 305 and Stuart Records of the Kirk
Session, presbytery and Synod of Aberdeen p.111 for a shiller fine.
- (4) A.G.A. 1643 p.21. (5) Stuart p.34, 67, 68.

This latest decision had no influence on Kirk Sessions which continued to enforce the habitual penalties in the very few cases of consulting with which they dealt during the period of enforced leniency embraced by the years of Cromwellian domination.

Although Kirk Sessions continued in existence more or less on sufferance during the years of episcopalian domination widespread investigation has revealed no instances of their dealing with the consulters, but with the restoration of the presbyterian form of church government consulters were once more hunted down and suffered the same penalties as their ancestors fifty years before (1)

The "Form of Procefs in the Judicatories of the Church," approved by the General Assembly in 1707 while declaring witchcraft and charming too serious for decision by Kirk Sessions, made no reference to consulting (2) This is on a par with all the conflicting legislation of the previous centuries what is certain is that the growing scepticism of the 18th century brought a very rapid diminution in the number of persons dealt with by Kirk Sessions as consulters. When an isolated instance did arise as at Culross in 1718 the Kirk Session certainly followed the old procedure and ordered George Micklejohn, found guilty of consulting dummy regarding stolen goods, to appear before/

- (1) Wood 'Witchcraft and Superstitious Record in 1691 p.121
Smith 'Strathendrick' in 1697 and 1700, pp.29,31.
Johnston 'Old Lore Miscellany' in 1701 II p.113.
Gordon 'History of Clackmannan' in 1702 p.128.
- (2) Supra p.167

before the congregations and be rebuked. (1)

3. Charming.

As cases involving the supernatural became more numerous in the closing years of the 16th century the Kirk courts were faced with the inevitable difficulty that the death penalty more than met the deserts of dabblers on the fringes of the black arts. The first step towards a solution of the problem was taken by classifying such crimes under the heading of charming. Only once did the early leaders of the Kirk mention the crime, and that was when they grouped charmers with sorcerers, witches and conjurers in the Order of Excommunication passed in 1571, but such official recognition of their existence threw no light on the fitting punishment to be meted out to them.

Untrammelled by laws, Kirk Sessions were therefore free to develop their own methods of punishment, once they began to take an interest in the crime in the opening years of the 17th century (2) Judging by the punishments inflicted Kirk Sessions then viewed charming in a much more lenient light than even consulting. Thus in 1606 Catharine Flint of Edinburgh, having confessed to charming before the Kirk Session of St. Guthbert's, was dismissed when she "promisit never to do ye lyk agane before the sessione or els be burnt as ane witch." (3) In 1617 the Kirk Session of Stirling had/

(1) Beveridge 'Gulross and Tulliallan' p.110.

(2) The earliest mention of charming before a Kirk Session was in the dittay against Helene Frasser, condemned for witchcraft at Aberdeen in 1597. The first clause was to the effect that "she was convict befor the presbeterie and sесиone of Foverne, and that be hir awin confessioun of publick and commond charming, for the quhilk sche satisfied the kirk of Foverne, be publick repentance in the golfe, and vpon the staille of repentance" Admittedly the case was exceptional/

had before it "Jonet Andirsonne, servitar to Johnne Andirsonne, sone-in-law to unquhill Andro Andirsonne, baxter and burges of Stirling quha being undir a great solandir of ane commone charmer is accusit thairof, she denyes it simpliciter, and thairfor she is now admonesit in the name of God and his kirk that she abstein fra all charming, witchecraft and abuseing of the pepill frathynefurth, with certificatione if she do in the contrar she salbe seveirllie punexit according to the lawis." (1) By 1623 the penalties were growing more severefor William Kerow who appeared before the Kirk Session of Elgin "acted himselff willinglie to stand on Sunday in sackclaith bairfuttit and bairleggit and confess his great offence and sin in charming the people as also his acted himselff never to do the lyk under the pain of deathe." (2) In 1636 the same Kirk Session sentenced persons guilty of turning the seive and shears to the unusually sever penalty of £4 to the poor, and six sabbaths at the pillar (3) Proof that this marked no permanent change of outlook came only eleven months later when Elgin Kirk Session reverted to the older formula and let off William Duncan and his wife with no more than a promise "that they sall vse no inchantmentis or charmeing at any tyme heirefter/

- (2) exceptional in that she was clearly no novice, dabbling in charms, but a persistent offender, hence the presence of the Presbytery and the later sentence of death.
(Spalding Club Miscellany) I p.105)
- (3) Lorimer St. Guthberts Church p.144.
- (1) R.P.C. 2nd Ser VIII p.345. Janet was still being consulted in 1622 (Murray 'Records of Falkirk Parish' p. 31)
- (2) Cramond Records of the Kirk Session of Elgin' pp.183, 184.
- (3) Ibid p.229.

hereafter under all hiest paine." (1)

Until 1640 the General Assembly had completely ignored the existence of charming in its legislative proceedings, but when it then opened its sustained attack on witchcraft in all its branches (2) the position was entirely reversed. With the net cast wider than ever before charming was coupled with witchcraft in all the overtures and decision of the General Assembly. In 1640 ministers were ordered "carefully to take notice of Charmers, Witches, and all such abusers of the people" (3) and acting on further instructions Commissioners of the General Assembly in 1640 "petitioned that the acts of parliament against charmers, forcerers confuters with witches be renewed and a solid way taken how the same acts may be put to execution" (4) Unfortunately the General Assembly omitted to point out that there were no acts against charming. Parliament on its side made no move. In 1642 the General Assembly, conscious that 'witch-craft charming and such like proceeds many times from ignorance," ordered ministers to be diligent in preaching, catechising and conference (5) A year later in "Overtures against Witchcraft, and Charming, "their concern at the increase in charming was amply demonstrated when they wrote "and because Charming is a sort and degree of Witch-craft and too ordinary in the Land; It would be enjoyed to all Ministers to take particular notice of them, and that the Elders carefully concurre/

(1) Ibid pp. 230, 231.

(2) Supra pp. 65 et seq, 77 et seq.

(3) A.G.A. 1640 p. 19

(4) v A.P.S. V p. 46.

(5) A.G.A. 1642 p. 21.

concurrere in such search; And this Assembly would think on an uniforme way of censuring these Charmers, and such as employ them, or consult with them, primo quoque tempore." (1) The General Assembly clearly differentiated between witchcraft on the one hand, and charming and consulting on the other for when the 1643 overtures, which had been approved came before the next parliament in 1644 reference was made to the Assembly's orders 'for apprehending trying and executing of witches," but only to "punishing of charmers and consultants." (2) In 1646 the Commission of the General Assembly, realising at long last that there were no laws directed against charming, sent an overture to Parliament requesting that the act of 1563 against witches and consultants "be enlarged and extended to charmers, or such other course be taken as that offence may be restrained and punished." (3)

Nothing came of this request so that Kirk Sessions, their enthusiasm whipped up by constant references to charming were left to deal with the culprits as they thought fit. There was a marked tendency for sentences to increase in severity - in fact they became practically indistinguishable from those for consulting. Janet Fife in Auchterhouse certainly got off lightly with no more than public repentance before the pulpit, but that was during the period of Cromwellian control in 1652 (4) Sackcloth was now the/

(1) A.G.A. 1642 p.28.

(2) A.P.S. VI Pt 1. p.197.

(3) Records of Commissions of the General Assemblies 1646-47 p.123 One of the reasons for a fast in the parish of Auchterhouse in July 1646 was "because of the pregnant scandal of Witches and Charmers, within this part of the Land" (Brand 'Popular Antiquities III p. 94.

(4) Hazlett Brands 'Popular Antiquities III p. 94.

the usual addition to public repentance, though judged by modern standards even that seems a light sentence for the five persons who in 1644 confessed before the Kirk Session of Carnwath that "they had given to unquhile - Denholme, being sick, a drink of fox-trie leaves, which shortly thereafter procured his death." Why the Kirk Session should call it "a damnable and devilishe cure" passes comprehension. (1) Combining the old sentence with the new some Kirk Sessions coupled public satisfaction in sackcloth with the threat that any repetition of charming would lead to punishment as a witch. (2)

Unlike consulting, a few cases of charming were dealt with by Kirk Sessions during the Restoration period. Dabblers in cures at Rothesay in 1660 and 1661 were warned to desist under pain of being esteemed witches (3). When Margret Tamsane confessed to charming in 1664, the Kirk Session of Elgin "ordained her to stand at the crose with ane paper on her head on Fryday and to stand in sakcloth the next Lords day at the pillar and thereafter to be put out of the toune." (4)

The steady elimination of the old brigade of Presbyterian ministers brought up in the halcyon days of witch hunting, the ever tightening grip on the Kirk courts of episcopalian bishops and curates, taking their cue from English public opinion, and the resultant preoccupation of both sides with the deadly struggles typified in Bothwell Brig and the Killing Times offer a sufficient/

(1) Irving and Murray 'The Upper Ward of Lanarkshire' II p.481.
 (2) McCall Parish of Mid Calder p.226
 Loximer St. Cuthbert's Church, Edinburgh p.145.
 (3) Hewison Bute in the Olden Times pp.264, 265.
 Paton 'Rothesay Parish Records pp.24-26.
 (4) Cramond Records of the Kirk Session of Elgin' p.300.

sufficient explanation for the disappearance of trials for charming between 1664 and 1688. It is more surprising to find that after the Revolution no cases of charming were dealt with by Kirk Sessions till 1700 when there was a sudden recrudescence of the crime. The explanation is to be found in the wide interest, illustrated in vigorous pamphleteering, in the outbreak of witchcraft at Bargarran, coupled with the General Assembly's first tentative approaches to the old problem of witchcraft and charming in 1698 and 1699 (1) The passing years had brought no alleviation of the punishments inflicted. For advising a man, giddy from chasing his horse and unable to find his friends, "to turne his bonnet the inside outmost and put it that way on his head." Jonnet Buttar had to appear before the congregation of Kinloch and confess her sin in charming in 1700 (2) In 1702 the Kirk Session of Minnigaff rebuked Molly Redmond and banished her from the parish for turning the riddle for her mistress, Lady Tonderghee. But her mistress, proving an apt pupil and performing the charm herself, got off with a rebuke before the Kirk Session and a declaration to be read before the congregation "abhorring and renouncing all spellles and charmes usual to wizards." (3) Too often the Scottish Kirk had one law for the rich and another for the poor. Charming with the name of Christ, the Virgin Mary and the Apostles did not save Mary Stewart from public confession in the kirk of/

(1) A.G.A. 1698 p.25; 1699 (no page number) supra pp. 70,71

(2) Hunter 'Presbytery of Dunkeld' pp.59,60.

(3) McKerlie 'History of the lands of Galloway I pp.487, 488.

of Kilbride in 1705 (1) Typical sentences were enforced at Penninghame in 1705 and 1706 (2) and at Kilmorie in 1709 (3)

But the hands of the clock could not be held back for ever. Even in 1706 the Kirk Session of Rothesay recorded that as Elspeth NcTaylor, who was found guilty of charming, "is notourlie known to be most intractable, incapable and infamous and irreclaimable the Session waves troubling themselves with her." (4) A plain case of charming at Linton in 1723 earned no more than exhortation and rebuke by the Kirk Session (5)

4. Slandering.

Flourishing on ignorance and fanned by superstitious fear, slandering with withcraft was one of the favourite weapons with which homo sapiens, jealous of his own good name besmirched his enemies. From the first, therefore complaints of slander outnumbered all other manifestations of the supernatural brought to the notice of Kirk Sessions (6) With neither acts of Parliament nor General Assembly throwing light on the appropriate measures applicable to the guilty persons, Kirk Sessions were left to deal with individual cases as best they saw fit. While a few of the more involved and dubious complaints were referred to Presbyteries (7) most Kirk Sessions meted out/

(1) Mackenzie 'The Book of Arran' pp.294, 295.
(2) Paton 'The Session Book of Penninghame' pp.163, 169.
(3) Mackenzie 'The Book of Arran' p.298.
(4) Paton 'Rothesay Parish Records' p.201 c/f. supra pp.
(5) Gunn 'The Book of Linton Church, Peeblesshire' p.109. ^
(6) Supra pp.194-200
(7) Supra p.113 infra p.261

out immediate justice themselves.

With a variety of motives driving people to prefer charges before widely scattered Kirk Sessions a certain diversity of sentences was only to be expected. But the chaotic differences in the penalties inflicted, even by Kirk Sessions which ignored their self-enacted regulations (1) almost baffle description. All that can be done is to point out the commoner types of sentences which were imposed.

Flytings in which charges of witchcraft were bandied about were a prolific source of charges of slander. Typical of the evidence led was the account before the Kirk Session of Tynninghame in 1615 that William Gaitgude was accused of calling Janet Utterson a witch, while she retaliated by calling him a thief. (2) In sentencing them to be rebuked the Kirk Sessions followed a course adopted in similar circumstances at Peebles in 1664 (3) and Glencairn in 1712. (4) All flyters did not escape so lightly for in spite of conflicting evidence John Fraser on the one hand, and William Hyndman and his wife on the other, who were accused of "calling him a witches get and son" among other things, were all not only rebuked by the Kirk Session of Kingarth in 1673, but admonished, ordered to shake hands and freely forgive each other, and warned that any repetition of the offence would cost them £20 Scots. (5) Other Kirk Sessions employed even more drastic measures/

- (1) Cramond Records of Elgin II p.29 when in 1593 act of General Assembly ordering stool of repentance "to be put in full execution" yet in 1597 they lit a slanderer off with asking mercy of the victim (Cramond Kirk Session of Elgin p.40)
- (2) Ritchie 'The Churches of Saint Baldred' pp. 136, 137
- (3) Gunn 'The Book of The Cross Kirk, Peebles' pp.189, 190.
- (4) Wood 'Witchcraft and Superstitious Records' p.130.
- (5) Paton 'Kingarth Parish Records' p.11.

measures against slanderous flyters. Marjory Gray and Jonet Hay, before the Kirk Session of Elgin in 1628 "for sclander twixt them selffis in calling others vitchis." were "ordeant to go presently to ward and ther to remane till the morne at nyne houris at quhilk tyme they shall go to the jogis and ther stay 2 houris for ther sclandering of otheris." (1) In 1609 the Kirk Session of Kinghorn heard evidence to the effect that Wam uewin and Patrik key being cummand out of Dysart, did fall out in ane wyld ryot be way of flytting in calling ewerie ane of yame ane ayr theifis lowms and witchis burd." and when Patrick had the audacity to repeat the epithet "witchis burd" before the Session they very properly gave him sufficient time for some quiet meditation by ordering "he suld stand twentie fowr howrs in the steipill." (2)

An even greater variety is found in the sentences imposed when without the extenuating circumstances of tempers frayed by flyting, one person was found guilty of deliberately slandering another. The penalties can be classified into two groups, the first involving more or less private punishment, and the second public satisfaction of some kind before the congregation. Into the former class fall cases like that of Andro Dik and Margot Spens, both of Elgin, who were simply ordered to ask pardon of the persons they had slandered with witchcraft. Probably to emphasise the relative lightness of the penalty the Kirk Session threatened Andro with public repentance and Margot with banishment for any repetition of the offences (3)

In/

- (1) Cramond Records of the Kirk Session of Elgin' p.206.
- (2) Kinghorn Kirk Session Records p.14.
- (3) Cramond Records of the Kirk Session of Elgin pp.40, 82.

In 1630 the Kirk Session of Dunfermline, although keeping to private censure, sent much further, for Jonet Burn, found guilty of calling Ceseill Drysdail a witchbird had not only to ask pardon of the complainer but to ask God's forgiveness and pay £20 Scots for the use of the poor. (1) A rather unusual course was followed by the Kirk Session of Falkirk when in 1622 it temporarily suspended the church officer who had been found guilty of slandering Cristiane Watson by saying she had used the devils name as she cast liquid into a tub of small drink (2)

But Kirk Sessions seem to have preferred some sort of public expiation for slander for the larger proportion of the culprits had to face such an ordeal. Wide variations in the severity of the sentences were again common. The mildest took the form of either public satisfaction or repentance----two terms which were to all intents synonymous (3) Expedients were frequently employed to intensify the effects of public repentance. One of the simplest was enforced by the Kirk Session of Elgin in 1599 when making use of the well-known aversion of people to sackcloth it ordered Isbell Gray to be so clothed when she performed public repentance for slandering Janet Winchester with witchcraft (4) The Kirk Session of Aberdeen achieved the twin objectives of lightening the culprit's pockets and replenishing the poor's box by imposing fines in addition public satisfaction (5) Sometimes sentences/

- (1) Henderson 'Kirk Session Records of Dunfermline' p.72.
- (2) Murray 'Records of Falkirk Parish' pp.31, 32.
- (3) Stuart Records of the Kirk Session, Presbytery and Synod of Aberdeen for 1610 p.74.
Macbean 'Kirkcaldy Burgh Records' for 1616 p.343.
Craig-Brown 'History of Selkirkshire' for 1673 I p.497.
- (4) Cramond Records of the Kirk Session of Elgin p.59.
- (5) Stuart Records of the Kirk Session, Presbytery and Synod of Aberdeen for 1613 and 1614 p.81.

sentences were much more severe. On the face of the evidence Mary McConochie had done no more than call Agnes Hyndman a reputed witch yet in 1674 the Kirk Session of Kingarth ordered her to stand two days in the pillar, or longer, till she showed repentance and craved pardon both of God and the complainer (1) The same Kirk Session justified the severity of a sentence, passed in 1699, by which Gabriel Walker had "to stand three Sabothes, and the last day to come doune of the stoole and sitt doune vpon his knees before the pulpit and tak the said Katherine be the hand and crave her mercy" on the grounds that they knew "the woeman to be honest and free of all suspition and brute." (2)

C. Pass on information to other authorities

While none of the Kirk courts excelled Sessions in their zealous attention to witchcraft and its attendant evils, the elders frequently found that only the simplest cases of charming, consulting, and slandering could be settled before them. Time after time a variety of reasons drove them either to the Presbytery, the magistrates, or the highest legal authorities in Edinburgh, so that suitable punishment could be meted out.

1. Presbytery.

In about a quarter of the cases laid before Presbyteries Kirk Sessions made a definite appeal for "advice". Enough has already been said of the difficulties associated with charming consulting and slandering to make it obvious why many a Kirk Session, uncertain of its legal position, or confronted/

(1) Paton 'Kingarth Parish Records' p. 97.

(2) Paton 'Kingarth Parish Records' p. 11.

confronted with somewhat tenuous evidence, was only too glad to take this course. On rare occasions advice was even sought regarding persons suspected of witchcraft. (1) The earliest instance was in 1583 about no less a person than Alison Peirsoun who, rumour declared, was a witch employed by Patrick Adamson, Archbishop of St. Andrews to cure his ills. (2) The predicament of the Kirk Session of St. Andrews is easily imagined when on the 28th August 1583 they received a "reassonabill requeist and desyre of the Bischop of St. Androus desyring thair counsall and advis quhat gude ordour thaire thoch (t) gude suld be taking for examinatioun of Al scoun Peirsoun, allegit (to) be ane wiche." (3) Post-haste, the worthy elders "requistit Mr. James Wilky, Rectous (and) George Black to pas to morn to the Prisbittrie, and desyre thair gude consa(11) and advis thairin." (4) In 1714 Caithness Presbytery received from the Kirk Session of Dunnet a report that Isobel Anderson was "under great presumption of witchcraft, and desireing the presbyterys advice anent her." (5) The above two requests for advice upon witchcraft stand in splendid isolation, the one at the beginning, and the other at the end of witchhunting, for the sufficient reason that those were the times when Kirk Sessions were most strongly assailed by doubts about the appropriate methods of dealing with witchcraft.

In the remaining threequarters of the cases referred to the Presbyteries the "delations, dittays, and informationis" were simply passed on without comment by the Kirk Sessions. Almost one half of the cases thus referred to Presbyteries were for charming (6) In a few instances unusual evidence
or/

(1) Supra pp. 102, 103

(2) Infra pp. 307-8 for more details re Alison Peirsoun

(3) Fleming 'St. Andrews Kirk Session Register II p. 508.

(4)/

or aggravating circumstances gave justification for such a step. Thus in 1680 the Kirk Session of Urray referred to the Presbytery of Dingwall "Alexr Meean vir gillireich, guiltie of adulterie with Ann ninWilliam vic yoke, qch Ann was guiltie also of using charmes and superstitious ceremonies such as witches are sd to use, to the end that she might render the sd Allxr impotent to his own wiffe." (1) In 1656 the Kirk Session of Redgorton sent to the Presbytery of Dunkeld four men who "confessed to their using of a charm, to wit, the putting of an ox under the earth, and calling the cattle over him" (2) in 1750 the Kirk Session of Rosskeen also referred to the Presbytery of Tain "diverse persons who lately assaulted several families in Obsdale on pretense of ill-will and witchcraft," by cutting their foreheads "above the breath" (3) But most of the cases of charming referred to Presbyteries were perfectly straightforward and closeley resembled in character the many with which Kirk Sessions had been dealing (4) A possible explanation of this peculiar phenomenon is suggested by/

- (4) Fleming 'St. Andrew's Kirk Session Register' II 508.
- (5) Johnston 'Old Lore Miscellany IV p.47. The Presbytery in turn, simply passed on the request to the Synod which suggested that the civil magistrate be asked to banish her.
- (6) Supra p.110,111
- (1) Mackay Presbyteries of Inverness and Din wall' p.344.
- (2) Hunter Presbytery of Dunkeld" p.370.
- (3) Macnaughton "Church Life in Ross and Sutherland" p.199.
- (4) For each of the following common crimes the first reference is to appropriate action by the Kirk Session, the second to reference of the matter to the Presbytery.
 - (a) Turning sieve and shears:- Cramond 'Extracts from the Kirk Session of Elgin p.229 and Mackay 'Records of the Presbyteries of Inverness and Dingwall p.156.
 - (b) Turning riddle McKerlie History of the Lands of Galloway pp.487, 488 and Paton 'Kingarth Parish Records pp.17, 18.
 - (c) Giving drinks:- Irving and Murray 'Upper Ward of Lanarkshire II p.481 and Stuart Presbytery Book of Strathbogie p. XIV.
 - (d) Denial/

by an examination of the names of the Kirk Sessions for with very few exceptions, they fall into two distinct groups - the Sessions which dealt with charming themselves and the others which referred all such culprits to Presbyteries.

Enough has already been said of the frequency with which Kirk Sessions, defying General Assembly and Crown alike, dealt with consulting (1) to make it plain that few cases were ever referred to Presbyteries (2) and even then they there were no apparently unusual circumstances justifying such a course.

A similar situation obtained with regard to slander for witchcraft. Untrammelled by legal decisions Kirk Sessions dealt with all but a mere handful of the complaints. (3) Only in one instance where accusations of consulting and slandering were inextricably mixed could a Kirk Session plead sufficient justification for laying the facts before the Presbytery (4)

2. Local Magistrates.

v While jealously guarding their own sphere of ecclesiastical discipline Kirk Sessions were sufficiently long-headed to realise that only by working in the closest harmony with the local magistrates could they sometimes achieve results commensurate with the deserts of the culprits (5) What with men/

(4) (d) Denial of charming:- R.P.C. 2nd Ser VIII p.345 and Crammond "Annals of Banff I p.40. Even the same Session adopted both courses for similar offenders. Crammond 'Extracts from the Records of the Kirk Session of Elgin p.184 and p.219.

(1) Supra pp.116, 245-250
(2) Supra pp.115-116 Johnston 'Old Lore Miscellany III p.47 Lorimer 'The Early Days of St. Guthberts pp.147, 148.
(3) Supra pp. 113, 257-261
(4) Supra p. 114
(5) Ritchie 'The Churches of St. Baldred p.139 October 25th 1615 'Item Maister/

men of substance frequently filling the twin roles of elder and baillic and joint meetings of Kirk Sessions and baillics (1) the system worked smoothly.

In a very few instances Kirk Sessions, when they received information against a person, simply passed it on to the civil magistrate without comment (2) But such procedure was sufficiently unusual to arouse speculation as to what untoward circumstances, concealed in apparently innocent Session minutes could have driven elders, usually so anxious to exert their authority, to quietly deprive themselves of the joys of witch hunting.

Kirk Sessions sometimes felt the inadequacy of the sentences they could impose, and therefore appealed to the magistrates to exercise their powers and add their quota to the afflictions of the culprits. In 1616 the Kirk Session of Kirkcaldy went so far as to order that "all those that be convict of witchcraft, charmeing, consultation with witches, and such lyke slander shall meak yair public repentance, and sall be punist in yair persons be ye civil magistrate." (3) The Kirk Session of Kilmorie made it even clearer just what was meant by such an enactment when having sentenced Janet Hunter to public repentance on three Sundays for turning the riddle they added that "for the terror of others that use such acts, they refer her to the civil magistrat, to be punished as shall be thought fit by him either corporally or pecunrially." (4)

Still/

(5) Maister Johne () regrattit that their war sae mony railers in the toune, especiallie women, and that they troublit the sessioun sae aft; earnestlie desyrit that the civill magistrat wad concur in punishing of them, and that jogis might be maid at the kirk door, qurin the delinquents might be put."

(1) Supra pp. 76, 173-175

(2) Henderson Kirk Session Records of Dunfermline' p. 14.

(3) Macbean 'Kirkcaldy Burgh Records' p. 343.

(4) Mackenzie 'The Book of Arran' p. 299.

Still another course was pursued by the Kirk Session of Ayr when information was laid that "one John Muir did give out himself for a palmister and a reader of fortunes, and also that there was a report going upon ye said John Muir that of doing wrong to people under the pretence of physick." This dabbler in the occult was got rid of by a sessional request to the Magistrates "that they wald remove him out of this burgh and Parish. (1)

3. Privy Council etc.

Where the evidence was sufficiently serious to justify a charge of witchcraft the highest legal authorities in Edinburgh had to be approached to grant a commission, authorising either a trial only, or both trial and execution. While the customary procedure was for Kirk Sessions to lay information before Presbyteries. (2) which in turn approached the highest legal luminaries, more direct methods were sometimes employed. In 1623 the Kirk Session of Perth concluded "that ane post be directed to my Lord Chancellor with the clerkes letter, to purchase a commission for holding of an inquest and assize upon Margaret Hornsclouch, indited for witchcraft (3) The Kirk Session records of Kinghorn for the 27th February 1644 give a pregnant resume of the usual course of events in the following words: "Katherine Wallenge being long before taken and imprisoned." (4) because of disposiones of withces and sundrie probaons brought against hir to convince hir of witchcraft the/

- (1) Pagan 'Annals of Ayr (in the Olden Times) p.106. In 1684 an identical course was taken with a similar offender. ¹bid p.106.
 (2) Supra pp.110-116
 (3) Spottiswoode Miscellany II 302.
 (4) She was imprisoned on the 31st October 1643 (Kinghorn Kirk Session Records p.50)

the procefssebeing now at a poynt John Boswell wt walter duncan clerk were appointed to goe over for advysing the procefsse in edr and bringing of ^{thes} to put her to afsifse." (1) The Kirk Sessions of Kirkcudbright in 1701, and Carriden in 1704 both sent processes to Edinburgh with requests for commissions (2)

Reference has already been made to the increasing tendency of presbyteries to appeal for commissions, not to the Privy Council but to Parliament during 1649, so it is not surprising to find that in the same year no less than seven commissions were issued by Parliament upon the depositions of Kirk Sessions. (3)

When unexpected difficulties arose Kirk Sessions made use of what they indiscriminately called either petitions or supplications to place their views before the Privy Council . A good instance is furnished by the case of Janet Cook. When she was tried before the Justiciary Court on the 10th September 1661 her counsel, Mr. Andrew Birnie put up such an able defence that the assize refused to bring in a verdict of guilty (4) Jant took their decision/

- (1) Ibid p.50.
- (2) Agnew 'Hereditary Sheriffs of Galloway II Appendix p.42. Salmon 'Borrowstounness and District p.121.
- (3) A.P.S. VI Pt.2. pp.484, 490, 497, 498, 506, 516, 518.
- (4) Scott-Moncrieff Records of the Justiciary Court pp. 14-19. Fourteen articles "were in her indictment, the court reduced them to ten, and the assize cleansed her of them all "except of being dilated be other persons who were called Witches, and of her extrajudicial Confession to the Minister and others, and because these Articles are not found relevant per se, the Assises referred the samen to the Justices consideration." Ibid p.19.

decision as the equivalent of a verdict of "not guilty" for on the 18th September she supplicated the Privy Council that having been acquitted she should be liberated from Edinburgh tolbooth. The minister and Kirk Session of Dalkeith promptly supplicated that she should not be released till further charges against her had been considered (1)

A similar determination not to be balked of their prey drove the Kirk Session of Dysart, in collaboration with the baillies, to petition the Privy Council in July 1630 for power to imprison "atharine Chrystie "where she sall be weill and honestlie used," on the grounds that new depositions had been given in against her. (2) The Privy Council granted the petition but evidently/

- (1) R.P.C. 3rd Ser. I. p.49. This time she was not so lucky c.f. Scott Moncrieff 'Records of the Justiciary Court p.21. Edinr 12 Novemr. Court holden be Mr. John Cunningham. The said Janet Cock condemned to be strangled and burnt at Dalkeith where she lived, and a Baillie of Dalkeith becomes enacted to see the sentence execute.
- (2) R.P.C. 2nd Ser III p.606. The case had begun in December 1627 with a complaint to the Privy Council by Katherine that some malicious and invyfull persouns, her 'unfreinds' had delated her to the baillies of Dysart as a witch in spite of the fact that she had already been cleared of the charge by a Kirk Session investigation ordered by the Presbytery at her own request. In 1630 her enemies resumed the attack and arrested her but another petition by Katherine secured her liberation and a pronouncement that the trial would be conducted by the Kings justices. Two months later she successfully supplicated against three of the six commissioners appointed for her trial namely David Clerk, who had first raised the charge aginast her in 1627, his kinsman James Clerk of Balbirnie, and Alex Simson cousin german to David Clerk. R.P.C. 2nd Ser III pp.142-143; III pp.489, 490, 543, 542.

evidently in this instance collaboration between Session and Town Council was more apparent than real for only nine days later, on the 22nd July, the Kirk Session petitioned the Privy Council that the bailies only pretended to enforce the order, for David Chrystie (a kinsman of Katharine?) one of the bailies went to her house "and conferred with her some space, and how soon he come out she closed the doores of her hous and held the same fast, so as the other baillie could have no accesse thairin, and both the twa bailleis made ane pretendit excuse that they had no warrand to breake up her doores, and so refused to deale anie farther thairin, quhilk is a plaine ludifeing and mocking of his Majesteis auctoritie." (1)

In 1629 the Kirk Session and Town Council successfully petitioned the Privy Council that John Colquhoun, Laird of Luss, near kinsman of Umphra Colquhoun's husband of one of the women accused of witchcraft, and the laird's friend John Boyle of Kilburne should be removed from the list of commissioners. (2)

d. Make financial arrangements.

Ever since the Protestant nobility anxious to line their pockets, had fobbed off the fledgling Kirk of Scotland with a moiety of the spoils of the Catholic church, finance had been a thorn in its side. (3) The records of the General Assembly bear ample testimony to the ceaseless struggles of the/

- (1) R.P.C. 2nd Ser. III p.619,
 (2) R.P.C. 2nd Ser III p.123, 124.
 (3) B.U.K. I p.96. "Forfameikle as Satan this long tyme in his members has forregeit and perturbit the good successe and proceeding of Chrystis religioun within this realme ----and that cheiflie through the extreame povertie of the ministers who fould preach the word of life to the people, who therethro are compellit some to leave the vocation alluterlie, and some others so abstractit be carefull povertie that they may not infilt so diligently in the exercise of the word as they wold doe." *infra* pp.327-9 for more re povertie of the ministers

the ministers to wring from hard-headed Scotsmen bred to generations of poverty, a sufficiency to build the Kirk on a firm foundation. Kirk Sessions, no less than General Assemblies found one of their chief anxieties in the parilous sparsity of funds with which to carry out a multitude of duties, often more secular than ecclesiastical, which more enlightened ages have now transferred to other shoulders-local councils. Consequetly, while anxious to do their utmost against witchcraft, Kirk Sessions were careful to count the cost. Warding entailed meat and drink (1) watching could sometimes be effected only by paying people (2) prickors had to be paid (3) commissions had to be obtained, frequently by wholesale bribery in Edinburgh (4) and a small army of tradesmen had to be paid for firewood, tar, ropes and other paraphernalia of the burning, not excluding meat and drink for the executioner. (5) In fact the whole sorry business was apt to run to a pretty figure.

Luckily for Kirk Sessions, Town Councils, baron-bailies and other local magistrates usually came good for most of those items. Nevertheless Kirk Sessions were sometimes forced to dip unwilling fingers into their meagre resources. Thus in March 1645 "Sussanna Young petitioned (the Kirk Session of/

(1) Supra pp. 221, 222
 (2) Supra p. 217
 (3) Supra p. 229
 (4) R.P.C. 3rd Ser VI pp. 628, 629 gives a detailed list of the expenses of obtaining a commission, including bribery, to all and sundry from the Kings Advocate down to the Clerk's servant; c.f. also Spottiswoode Miscellany II p. 303; and Stephen 'Inverkeithing & Rosyth pp. 441-442 where the Presbytery of Dalkeith in 1649 requested Parliament "that wee may have commissions gratis, list throw the want of none this worke which the Lord hes so miraculuslie begune, and so wiselie heirtafore carried on, perish in or hand."
 (5) Infra Appendix V

of South Leith) for 15 lib qlk was bestowit in meat and drink be hir upon Margt Froune ye witch ye tyme shee was in prisone qlk was grantit; never ye less it was dew to ye civil magistrate to have payit ye same." (1)

Watching also brought its financial worries as the Kirk Session of Tynninghame found David Stewart on the 3rd February 1650. Regulations for a rota of watchers were drawn up a week later but by the 29th March the Kirk Session found it necessary to appoint "the watch to be better keipit, qlk they promeisit to do" but token the minister had to report to the Kirk Sessions only two ays later that the expected commission for an assize had not arrived because the Privy Council had not sat on the previous Thursday the elders evidently realised that drastic measures were required to prevent the scheme for watching from collapsing "and thairfor it behoved them to take something out of the box, or rather borrow it to give some wha had watched this eight days byegine - viz Robert Nisbet and George Ker, given to them 3 lbs."

However, the Kirk Session were able to recoup themselves handsomely for the outlay because five days after the execution of the two accused on the 9th April George Shortus, who had arranged with his son to bring the pricker to them "intromits (2) with what belongs to Agnes Kirkland promeisit to the session 12 lbsout of Agnes Kirkland's readies, gudes and gear, and find the box bykwys if by any means he culd." (3) Equally fortunate were the elders of/

(1) (D) Robertson 'South Leith Records' p.54.

(2) Jamieson Intromit - to intermeddle with the goods that beloned to a deceased.

(3) Ritchie 'The Churches of Saint Baldred' pp.99-101.

of Perth in 1623 when trouble was experienced over the expense of keeping Margaret Hornsclough, a suspected witch in prison, for they ordered Janet Barry, found guilty of consulting to pay 20 marks for the use of the poor; but only 14 reached the Poor's Box for the frugal Kirk Session used 6 marks as part payment of the prison expenses of Margaret. (1) In fact the fines imposed for charming, consulting, and slandering must have formed a useful addition to the funds of many a Kirk Session (2)

There were other and less attractive methods of balancing expenditure. In July 1644 the Kirk Session of Queensferry ordered James Lowrie to pay for the burning of his wife - a gruesome yet comprehensible decision, but the limits of common decency were surely exceeded when in addition, he was compelled to pay for the burning of Margaret Stein, a beggar witch, and make up any difference between the price realised by the goods of Catherine Logie and the expense of her burning (3)

In exactly the same month and year "David Aikman spouse to umquhill Jonet Bruce quha was shortly execut for witchcraft, (and granted to the Sessioun ane hundred markis money, for defraying of the charges bestowit on hir the time of hir tryellis and impresonment.^{etc} (4) Both the fine round figure of 100 and the "etc" raise uneasy suspicions that the Kirk Session was making sure that it more than covered its expenses.

Suspicion verges on certainty when the detailed "debursements" of the Town Council and Kirk Session of Kirkcaldy for the joint execution of William Coke and his wife Alison Dick came to no more than £33.16.4. of which total "the/

- (1) Spottiswoode Miscellany II pp. 304, 305.
- (2) Supra p. 245. et seq. c.f. Appendix V.
- (3) Morison 'Royal Burgh of Queensferry' I p. 78.
- (4) McCall Parish of Mid Calder p. 226.

"the Kirkes part" came to £16.15.0. (1)

(1) Macbean 'Kirkcaldy Burgh Records' pp.344, 345. Infra Appendix V

CHAPTER VI

The Minister and Witchcraft.

By the very nature of their calling the few set apart as God's especial servants, be they priests or presbyters, have ever, and shall ever wield a power and influence whose bounds cannot be measured by their numbers, for shining by the reflected glory of their Master they earn the deference, albeit sometimes more unconsciously than consciously bestowed, of all true Christians.

The Minister of the Scottish Kirk was no exception, even though the ordinary members, debating and voting in the ecclesiastical courts had more say than in most Christian religions. As the messenger and herald between God and his people he was at once elevated to a pinnacle beyond the ken of ordinary mortals, but at the same time, as the shepherd his was the primary responsibility for keeping his flock from straying. In this task he received powerful backing from his elders but in the end, as moderator of the Kirk Session, member of the Presbytery and from time to time representative at the highest judicatory of the Kirk, he himself was going to answer for the weeds which grew unchecked in his small corner of the vineyard.

Witchcraft was such a rank weed which came to exercise a no less fatal attraction upon the Ministers in Scotland than upon the priests of other Christian religions. Students of the subject have even charged them with a zeal, unsurpassed in most lands, for witch hunting but that is a finding which is better left unanswered till their varied activities in the Scottish sphere/

sphere have been examined in detail. The obvious starting point of any such investigation of ministerial activity in the field of witchcraft lies in the acts which governed, or perhaps more accurately, were supposed to govern their actions.

Decisions, lay and spiritual, binding upon Ministers.

When the Protestants became increasingly active in Scotland those who had already made their mark among the reformed churches of the Continent began to drift back to their native land. (1) and in 1557 "some of the Nobilitie direct thare letteres to call Johne Knox from Geneva, for thare conforte and for the conforte of thare brethrein the preachearis, and others that then couragiouslye faught against the ennemyes of Goddis trewth." (2) Soon after the Lords of the Congregation decided upon certain "H^eads" based upon The Forme of Prayers and Ministration of the Sacraments used in the English congregation at Geneva (3) Having thus thrown down the gauntlet to Regent Mary of Lorraine the apponents of Catholicism "begane to seak some remeady in sa present a danger. And first, it was concluded "That the Brethren in everie toun at certane tymes should assemble togidder, to Commoun Prayeris, to Exercise and Reading of the Scripturis, till it should please God to give the sermone of Exhortatioun to some, for conforte and instructioun of the rest." And this our weak begynnyng God did so bless, that within few monethis the hartes of many war so strenthned, that we sought to have the face of a Church amanges us, and open crymes to be punished/

(1) Knox 'History' I p.245.
(2) Ibid I p.267 supra p. 161
(3) Knox 'History' I 275; Works IV 143.

punished without respect of persone. And for that purpose by common election, was elders appointed, to whome the hole brethren promised obedience: for at that tyme we had na public ministeris of the worde." (1)

Nothing could better illuminate the vital duties laid upon elders and ministers from the first. Elders were there to punish crimes but such was also the duty of ministers once the power to deliver "the sermone of holy calling (2)

Thus was born the close co-operation between Ministers and Elders which has ever been one of the pillars of the Kirk. Some may regret the insistence upon detection of delinquents but it was a factor that played an increasingly important part in the Kirk of Scotland as successive General Assemblies legislated. (3)

Neither as a corporate body in their General Assemblies nor as individuals in their own parishes did Ministers at first evince any special interest in witchcraft (4) The Booke of the Universall Kirk throws light upon some of the reasons for their indifference. Ministers were lamentably few in numbers (5) and were continually battling against the inadequate stipends (6) ruinous kirks (7) and manses which were the inevitable result of/

- (1) Knox, 'History' I pp.299, 300.
- (2) Knox History II p.194, Section III of the Buke of Discipline. "For we can nott juge him a dispensatour of Goddis mysteries, that in no wyse can breke the breid of lyif to the faynting and hungrie saulis; neather juge we that the Sacramentis can be rychtlie ministered by him in quhais mouth God hes put no sermon of exhortatioun."
- (3) Supra p.161 B.U.K. I p.111
- (4) Supra pp. 19,20,26,55,56
- (5) B.U.K. II pp. 479-481; infra pp. 329-331
- (6) Ibid I pp.16, 17, 22, 40, 47, 59, 70, 71 are but a few of the earlier referances to this vexed question; infra pp. 327-329
- (7) Ibid I pp.316-318.

of the pitifully inadequate financial resources placed at the disposal of the Kirk at the Reformation. The less conscientious among the Ministers solved their difficulties by non residence (1) and pluralities (2) two obvious enemies of any effective system of local discipline. The General Assembly must itself shoulder at least part of the responsibility for the unfortunate practice of denuding the country districts of able Ministers for the benefit of the larger towns (3) albeit the glamour of the latter exerted its fatal attraction even in the 16th century.

All credit to successive General Assemblies, however that in such inauspicious times they strove continuously to raise the standard of the ministry by doing their best to remove the weaknesses. Progress was slow, but as Ministers grew in number and spiritual stature they formed a host of nuclei round which witchcraft, an essentially local phenomenon could crystallise. For years they received no direct guidance from the General Assembly as to the attitude to be adopted by them. In fact the request to the Privy Council to take order with four women delated to the General Assembly as witches in 1563 (4) the articles presented to Queen Mary in 1565 appealing for judges with powers to punish witchcraft (5), the absence of ministers from the joint committee discussing witchcraft and consulting in 1567 (6) and Regent Moray's complaint to the General Assembly in 1569 of the Kirk's failure to make the necessary preliminary investigations into suspected/

- (1) Ibid I pp.43, 181, 258, 336.
- (2) Ibid II pp. 458, 467, 508 laid down the principle of one minister to one church.
- (3) Ibid II p.508
- (4) B.U.K. I p.44; supra pp. 24,25,55,56
- (5) B.U.K. I p.60 supra pp. 25,56
- (6) A.P.S. III p.44; supra pp. 25,26,57

suspected cases of witchcraft (1) all combine to show how little interest Ministers, either individually or in concert, took in witchcraft.

But the inclusion of sorcerers, witches, conjurers and charmers (and the Order of Excommunication and Public Repentance in 1571 (2) marked a change in the Kirk's attitude. From the first biblical condemnation should have ensured their inclusion in all embracing formula 'perforis guiltie of capitall crymes.' Now, however, specific mention of all aspects of goety must have made it less easy for ministers to shelter behind the secular authorities, for to them alone pertained the power of excommunication. Two factors concerning both of which John Knox, by then lacking 'abilitie of bodie' (3) wrote to the General Assembly, gave powerful impetus to the change. The initial pangs and tribulations of birth having been surmounted by the Kirk, Knox in August 1571 wrote an impassioned appeal to the General Assembly that "unfaithfull and traitours to the flock fall be ye before the Lord Jefus, if that, with your consent, directlie or indirectlie, ye fuffer unworthie men to be thruft in into the miniftrie of the Kirk, under quhat pretence that ever it be." (4) By 1574 a series of acts had laid down that none be admitted to the ministry unless 23 years of age (5) that Ministers be regularly examined as to their work by Superintendents and Commissioners (6) that Ministers guilty of non-residence be deposed (7) that/

(1) B.U.K. I p.153 supra p.57,58

(2) Supra pp. 74

(3) B.U.K. I p.199

(4) B.U.K. I p.199.

(5) Ibid p.211

(6) Ibid p.252.

(7) Ibid p.258.

that Ministers know Latin before being admitted and "that the mouths of the godless generation which are opened to blaspheme the godly calling of the Ministry, may be shut up from just accusation and flandering of the face; therefore be determination of the whole Assembly, it is flatut and ordained That all that ferve within the Kirk apparell themselves in a comely and decent cloathing, as becometh the gravity of their vocation, and that they conforme their wives and families thereto, that no flander nor offence arise to the Kirk of God therethrough." A concerted effort was obviously afoot to put the Ministry on a higher plane.

By themselves the decisions would probably have had a lesser effect on the rise of witch hunting if it had not been that those very Assemblies, again upon the urgent appeal of Knox in a letter which began: "Albeit I have tain my leave not only of you, dear brethren but also of the whole world and all worldly affairs; yet remaining in the flesh I could not nor cannot cease to admonish you of things." (1) at last made a real effort to grapple with the relative spheres of ecclesiastical and secular jurisdiction. Their efforts culminated in the famous declaration that the Kirk "hes power to difcerne and cognofce" upon witchcraft. (2) (15 15)

As was so often the case in the history of ecclesiastical legislation, the position of the individual Minister was by no means clear. For example an act of 1573 "ordaines all Bishops, Superintendants, and Commiffioners to plant kirks, to call al fick persons as falbe suspect to confult with witches/

(1) Ibid p. 247 supra p. 59

(2) B.U.K. I p. 344; supra pp. 61, 62

witches before them, at their awin particular vifitations or vtherwayes; and if they be found to have confulted with the faids witches, that they caufe them make publick repentance in fackcloath vpon ane Sunday in tyne of preaching, vnder the paine of excommunicatioun, dew admonitions preceeding." (1)

Taken literally, this act, by limiting excommunication to bishops, superintedents and commissioners was a definite check upon the powers of excommunication for witchcraft granted to all Ministers in 1571. But from the first the act must have suffered from the cloud overshadowing the "tulchan" bishops of the time, and the notorious slackness and inefficiency of superintendents who took up so much of the time of successive General Assemblies explaining why they had not carried out their duties. When such functionaries were swept away in 1581 the ordinary minister quite naturally and unobtrusively came to do the work himself with the assistance of his Kirk Session and Presbytery. (2)

While the Second Book of Discipline does not mention witchcraft it gave a new and sharper emphasis to the Ministers' duties. They were variously known as pastors because they fed their congregation, bishops because they watched, ministers because they served and presbyters "from the graitie in maneris, quilk they aucht to have in taking cair of the fpirituell governament, quhilk aucht to be moft dear vnto thame." (3)

Elaborating this last aspect of their duties the Second Book of Discipline laid down "He aucht alfo to watche above the maneris of his flok, that the better/

(1) Ibid p. 283.

(2) When James VI re-established bishops he adopted other means of using them as a check on ministers c.f. *Supra* pp. As a matter of fact the only instance discovered of the use of excommunication was against a "soothsayer" (fortune teller) in 1571 in 1523 (see *Annals of 1523-1566*)

(3) B.U.K. II pp. 493, 494.

better he may apply the doctrine to thame, in reprehending the diffolute perfonis, and exhorting the godlie to continew in the fear of the Lord." (1) To him also was granted "after lauchfull proceeding be the Eldersfchip, to pronounce the fentence of binding and lowfing vpoun ony perfoun." (2) and "generalie, all publict denunciationis that ar to be maid in the Kirk befoir the congregatioun, concerning ecclefiastical effearis, belanf vnto the office of the Minifter, for he is a meffinger and herauld betwene God and the peple, in all theis effearis." (3) The last clause is of paramount importance. . Messenger and herald - as such the Scottish Minister was clothing himself with a doctrine suspiciously like that of the papal infallibility he was so quick to condemn. In actual practice, of course, he was frequently doing no more than expounding to his congregation decisions taken by his Presbytery, which by an act of 1582 was to be composed of a majority of Ministers. (4) Nevertheless the doctrine as developed and practised by Ministers was ultimately no less damaging of the Divine Right of Kings was to their bitterest enemies the Stuarts.

The General Assembly's complaint in 1583 that crimes including witchcraft were not punished, is of importance not so much because it shows at best that the old lukewarm attitude had not disappeared as a result of the declaration of 1575, but for the reason that the king's reply made it clear that/

- (1) Ibid p.494.
- (2) Ibid p.494.
- (3) Ibid p.495.
- (4) Ibid p.567.

that he "hes ever bein willing and ready to grant commiffioun to such as the Minifters thoght meiteft to execute (the fame), quhar inhabilitie was (in) the Judges ordinar." (1) To give ministers the right to suggest the names of the commissioners was later to be a great addition to their influential position in witchcraft investigations, for in the 16th century such a choice meant, in effect, choice of the judges. James VI was really granting what the General Assembly had asked in 1574 (2) but it is questionable if at the time he was doing more than indulging in the prevarication to which he was so addicted. Less than six months earlier he had escaped from the Ruthven raiders and was now in the midst of intrigues with the Catholic powers (3) and therefore not on the best of terms with the justly suspicious Ministers. However, as is so often the case with churches, which unlike mortals go on for ever, it could afford to bide its time. (4)

When in 1586 the General Assembly ordered that witchcraft and consulting should be censured by Presbyteries it was only perpetuating in a guise in conformity with Presbyterianism the decision of 1573 by which censure was taken out of the hands of the individual Minister, doubtless because of the increasing seriousness with which goetic practices were coming to be regarded (5) What was coming to be expected of the individual Minister was made clear in the following year when "the brethren who deduced the proceffe/

(1) B.U.K. II p. 644.

(2) Supra p. 61

(3) Lang II pp. 292, 293.

(4) Infra pp. 285, 390-400

(5) The best proof of this statement is to be found in the fact that consulting which Scotsmen persistently refused to view with the same concern, was frequently dealt with by Minister and Kirk Session (Supra pp. 245-50)

proceffe in Sanct Andrews againft a witch prefentlie detained in prifon, were ordained to fubfcribe the fame authentically that it might be delivered to the Counfell of Edenburgh" and in addition "Mr. James Melvill was ordained to travell in the confit fide, for matter of dittay againft her." (1) In other words theirs was the task of gathering, collating, and when all was in order, certifying the evidence for the use of the secular courts - all as the Regent Moray had pointedly asked of them as long before as 1569.

The first great witchcraft holocaust, lasting from 1591 to 1597 put this system, then in process of evolution to the test, as the increasing activities of the Ministers showed their diverse practices. At Aberdeen a Minister testified to the suspect's confession in 1596 (2) at Foveran the Minister accused the suspect in 1597 (3) at Elgin the Minister and Kirk Session jointly accused the suspect in 1596 (4) at Aberdeen the suspect was "challengit---- in the kirk, befoir the prouest, ministrie, and session of this burght." in 1597 (5) at Stirling the local Ministers examined persons suspected of witchcraft at the request of the Presbytery in 1597 (6) and at Aberdeen in 1597 "the advyse of the haill ministerie, being convenit at the provincially assemblie, wes taking by the prouest, anent the dome to be pronuncit aganis Issobell Oge, quha ves convict in twa poyntis." (7) All such ministerial actions were/

(1) B.U.K. II p.725.

(2) Spalding Club Miscellany I p.98.

(3)(1) B.U.K. II p.725.

(4) (2) Spalding Club Miscellany I p.98.

(5) (3) Ibid I p.105.

(6) (4) Crammond Records of the Kirk Session of Elgin p.29.

(7) (5) Spalding Club Miscellany I p.166.

(6) Ferguson 'Alexander Hume' p.280.

(7) Spalding Club Miscellany I p.156.

were in accordance with the decisions already taken by Kirk and Crown, yet having tasted blood the Ministers were obviously being carried away by their enthusiasm. Among the worst examples of such unfortunate results was the burning of the above Issobell Oge. The assize had convicted her of no worse than hanging up a beetle to lay wind, and marking cloth with a thread from a winding sheet "and thir twa pointis only convictis hir, nocht finding the snae, be thair knowlege, merreiting deyth, bot referris the punishment of hir to the discretioun of the justice." (1) No more courageous than the assize he, in turn, consulted the ministers with the unfortunate result already mentioned (2). Another bad example was the carrying about the country of Margaret Atkin, a confessing witch so that she might detect others of her kind: Many were brought in question by her delations, especially at Glasgow where divers innocent women, through the credulity of the minister Mr. John Cowper, were condemned and put to death." (3) So many voices were raised in protest against the numerous burnings laid at the door of the town's ministers that the Presbytery of Glasgow had to take drastic action to protect the good name of its members (4)

Even/

(1) Ibid I p.155.

~~(2) Supra p.~~

(3) Spottiswoode III pp.66, 67. Spottiswoode's account as the work of a staunch Episcopalian, might have been suspect but for ample corroborative evidence. Glasgow Presbytery was sufficiently witchcraft conscious to ordain in April 1593 "anent the impietie of the witches and thair last conspiracie, the samin beproponit in the next Generall Assemblies to be set furth in print, that the samin may be divulgat and maid notorious to thehaill inhabitantis in this centrey." (Miscellany of the Maitland Club I Pt.1. p.59)

(4) "The presbiterie understanding that thair is diverse persones within the toun and citie of Glasgow quha traducis and sclanderis unjustlie the ministerie of the said citie, as the authoris of putting to deathe the/

Even the General Assembly must have recognised the dangers inherent in the growing absorption of the Ministers in the punishment of crimes in general, when in May 1597 it placed a certain check on them by ordering "that no pastour exercise any jurisdiction, either in making of constitutions or leading of proceffes, without the advyce and concurrence of Seffion, Presbytrie, Provinciall or Generall Affenblie." (1) But James VI went much further when in August 1597 he revoked the witchcraft commissions then in force, but announced that he was willing to issue new ones upon fresh application by persons previously appointed as commissioners "or uthiris his Heynes liegis, of gude rank --- and sum baronis and ministeris unsuspect." (2) The inclusion of Ministers was a double edged compliment. It admitted their eligibility to serve as commissioners, whereas in 1583 James VI had gone no further than grant them the right to nominate suitable commissioners where the ordinary judges had failed in their duty, but and it is a big but -- now "ministers unsuspect" could serve as commissioners. (3) The implication is too obvious to require detailed comment. Events at Glasgow and Aberdeen were enough to convince the now more sceptical James VI that Ministers, as a body, were at the stage of too ready belief in every story of witchcraft which he himself was at when he took such a keen personal interest in the trial/

(4) the persones lathie execut for witchcraft within the said citie, thairfore the said presbiterie, be the avise of the richt honorable Sir Methew Stewart of Mynto knight, proveist of Glasgow, ordonis and statutis, that quhosoever sall sclandir the ministerie foirsaid to be the authouris of putting to deathe the foirsaid persones in ony tymes tocum, salbe put in the brankis at the jugis will; and this to be intimat furth of pulpet within the kirks of the citie." (Miscellany of Maitland Club I Pt.1, p.89.)

- (1) B.U.K. II p.926.
- (2) R.P.C. V p.409 supra p.29,30
- (3) Infra pp.393 etseq.

trial of the North Berwick witches in 1590-91. (1)

Ruther power was granted to Ministers "in perfewing malefactours" when in 1601 at the request of the General Assembly "his Majeftie promift, that, in tyme comcing, no letters fould be direct from the Secreit Counfell, at the inftance of any perfon, oganis any Minifter in particular, or any Prefbitrie in generall, for quhatfoevir thing he or they fall doe in the executioun of their offices, before the perfon, requyrer (of the faid letters) produce ane teftimoniall under forme of ane inftrument de denegata iuftitia of the Minifter or Prefsbytrie judge ordinar." (2)

In 1602 the General Assembly emphasised once more the paramount duty of the individual Minister as searcher out of witchcraft by ordering visitors to enquire of him if there were any witches. In pursuance of its former policy the General Assembly also laid down that if any such persons had been discovered it fell to the visitors "to take ordour for reformatioun of the points foirfaids, or any part the of." (3)

Every/

- (1) To the credit of the Kirk it falls to be recorded that even in 1597 there were "ministers unsuspect" c/f. Notes by Mr. John Ros, Minister at Lumphanan, regarding certain persons accused of witchcraft." Their is thrie of ther persones, Elspet Strathauchine, James Og, and Agnes Frem, quhais ditta the Presbitrie of Kincardin, within quhais boundis thay dwell, cowntit not sufficient, haiffing dewlie considerit the haill circumstancies (Spalding Club Miscellany I p.192) c/f. Ibid p.193 for the Parson of Kincardine O'Neil's comment "Christiane Archy was takine raschlie, wpone report that scho was given wpe be Margret Beine, bot finding that neather was scho in your roll, neather could any dittay be gottin wpone hir, bot wes estenit be all men, being sworne, ane honest woman, we thocht nocht neit to truble ane innocent persones, and sua releivit hir, wpone cautions alwayis-----"
- (2) B.U.K. III pp.951, 952.
- (3) B.U.K. III p.993.

Every Minister was not prepared to accept this position as was demonstrated by the famous complaint of Celis Johnstoun to the Privy Council in 1609 that the Presbytery of Dalkeith, acting on delations of "fome malitious persons, hir vnfreindis" had dealt with her for seven weeks contrary to their powers, which she claimed were merely to give information either to the Lord of Regality or the king's justices. With this view the Privy Council naturally concurred but ministerial representatives of the Presbytery claimed "the tryell of these crymes wer most proper to the Kirk, lyke as not onlie the Sessions and Presbiteries had bene in continuall possession sen the Reformation, and the clergie had had lyke authoritie and jurisdiction in tyme of Papistrie." (1) The statement repays careful examination. It has already been shown that the first part was false (2) the second part seems to give away the whole case by advancing no better claim for trial by Ministers than - shades of John Knox - the practices of the Catholic priest! The Privy Council's answer to such specious arguments was a foregone conclusion and scotched for good any lingering doubts about the official duties of Ministers. (3) What they did unofficially is another story to be dealt with in its proper setting.

There was a sequel only five months later when "Commission was socht be the Erle Merschell to take certane wemen suspect and dilaitit of witchcraft and put thame to assyse, etc. The mater being advysed, and the bischopes being verie instant that sic commissionis sould be granted in diverse parttis of/

(1) R. & C. XIV. 612.

(2) Supra p. 95

(3) Supra pp. 93-96 for more details concerning this case.

of the countray, rather nor to suffer witches. Unpuneist, as they wald be gif pairties grevet wald get na justice in the cuntray, quhair they duelt, bot wer forced to cum to Edinburgh befoir the Justice Generall, thay being unhabill for laik of expenssis, and the drawing of the pairties and assysairis thair being so difficile that the persute wald rather be left of nor sic troubill undertane." While admitting all this "the haill Nobilmen and mony Counsallouris fand that no sic commissioun could be granted unles the pairtie ever fugitive, or els the particular dilatioun were schawin to the Counsall and fund sufficient to move thame to grant commissioun" because of "the gret mony inconvenientis and the exceeding great sclander quhich had rissin upoun the bypast tryell of witchces be ministeris, quho careit professed sorcereris with thame to the paroche kirkis, and maid thame judges of the honestie or inhonestie or guiltynes of men and wemen undefamed of befoir --- and maid to be dewlie convict and puneissit to the death." (1)

Two facts are clear. The lay members of the Privy Council were suspicious of the methods employed by Ministers in their witch-hunting; and more important were determined to enforce the principle laid down by them only five months earlier that neither by themselves nor through confessed witches were Ministers to be allowed to set themselves up as judges of the facts and therefore of the guilt of suspects.

Crown and Kirk must have found little to cavil about in what after all is the final test of any system - its efficiency - for from 1609 to 1640, except for one small detail which by all appearances was a dead letter ⁽²⁾ neither side/

(1) R.P.C. XIV pp. 613, 614.

(2) By a Privy Council decree of November 1624 "depositions, ditties, and informationis to be given in unto thame quhairupoun commissiounis will be sought aganis witches salbe first presentit to the bishop of the diocese to be sene and considerit be him and suchis of the consistorie as he shall call unto him." R.P.C. XIII p. 320, supra pp. 98, 147, 148

side found any necessity for additional decrees concerning the Ministers and witchcraft. By 1640, however, a new situation had arisen with the advent of militant Presbyterianism, which unfortunately for the reputation of the Kirk, lacked either the good sense, or the courage, to let well alone. Such a development was probably the inevitable concomitant of the Kirk's successful defiance of King Charles, for Ministers who had for long been the focal point of all local witch hunting now found their prestige standing higher than ever before. Having purged the land of Episcopacy and its attendant evils, and set its own house in order by ratifying the act of 1596 "Concerning the defections in the minifterie." (1) the General Assembly was ready to deal with other evils. Hence at the very time when events, political and spiritual alike, had conspired to give greater power and influence than ever before to the Ministers, the General Assembly was ready to turn its attention to witchcraft in 1640. It made no new pronouncement, contenting itself by ordering "all Minifters within the Kingdome, carefully to take notice of Charmers, Witches, and all fuch abufers of the people." (2) That was a broad enough hint to the most enthusiastic band of Ministers the Kirk had ever had at work in Scotland and that their efforts might not be frustrated it decided to recommend to Parliament "the care of the execution of the Lawes againft fuch perfons in the moft behoovefull way." (3) But the whole history of Scottish legislation shows that only a persistent and determined effort ever achieved results, and the order of 1640 was no exception for there was no increase in the number of witchcraft prosecutions. (4) However matters were/

(1) A.G.A. 1638 pp. 33, 34.
 (2) A.G.A. 1640 p. 19.
 (3) Ibid p. 19 supra pp. 32, 77
 (4) Black 'Calendar of Cases of Witchcraft' p. 50.

were not left there for in 1642 the General Assembly returned to the attack with overtures on a variety of subjects including witchcraft and other gross sins. In approving of the overtures the General Assembly saw fit to make special comment on witchcraft. The old order was followed in so far as Presbyteries were urged to give the names of witches and sorcerers to be proceeded against to the Judge Ordinair in whom the General Assembly expressed confidence (1) but a revolutionary idea crept in at the very end, when the General Assembly, showing an enlightenment as commendable as it is unexpected, announced "because that witchcraft, charming, and such like, proceeds many times from ignorance: Therefore the Affembly ordains all Minifters especially in these parts where these fins are frequent, to be diligently preaching, catechifing, and conference, to informe their people thereintill." (2) What some witch hunting Ministers must have thought of such a pronouncement, which in its essence amounted to a vote of censure on some of them, passes all comprehension. If they were honest with themselves they must have felt some qualms of conscience at the notoriety they had basked in as the tally of burnings had mounted with more than the accustomed rapidity in their parishes. However, the crucial fact was that for the first time Ministers were ordered to look beyond the punishment to the reasons for the necessity for the punishment.

The most detailed overtures anent witchcraft and charming approved by the/

(1) Supra p. 77
 (2) A.G.A. 1642 p.21.

the General Assembly exactly a year later demonstrated that the new outlook was no flash in the pan, for the opening paragraphs simply elaborated upon the subject by giving precise details of the "occasions of witchcraft and the reasons for Satan's prevailing, namely "groffe ignorance, great infidelitie, want of the love of truth (which God hath made so long and clearly to shine in our Land and profanendoffe of life." Except for a brief sentence that "people feek knowledge, studie to believe, walk in holinesse and continue constant and instant in prayer." the means of preventing the growth of witchcraft were once more very properly laid upon the Minister's shoulders in a more than usually detailed account of the best methods by which they could achieve that objective. (1) Unfortunately for the further march of witchcraft in Scotland the laudable endeavours of the General Assembly were brought to nought - partly it must be admitted through their own tactical blunders. In the first place, instead of concentrating exclusively on the new outlook the General Assembly mixed up with it a mass of detailed instructions as to the grounds for the apprehension of witches, the methods of watch and ward, and the "means and wayes to bring them to a confession and censur." (2) Here was something simple, practical and in conformity with custom, which would inevitably appeal to the ordinary Minister. The new and unorthodox part, casting reflections on his efficiency as a pastor, he simply ignored. Proof is to be found in the great increase in witchcraft prosecutions. (3) but the contemporaneous failure of a single Presbytery to report their judgments, as they were asked to do in 1643, "by what other wayes or means, the fins aforefaid ---- may be tried, refrained, and condignely censured and punished ecclesiastically and civilly. (4) They were in truth getting

on/

(1) A.G.A. 1643 no. 27, 28 supra no. 32, 78, 792) A.G.A. 1643 no. 27.
(3) Black "Calendar of Cases of Witchcraft" pp. 51, 52. (4) A.G.A. 1643 no. 23.

on very nicely with the burnings with the law as it stood. In the second place the General Assembly made the crowning blunder of demanding that "leste noir" of Parliament, standing commissions, and therefore received no backing from that quarter (1) Finally the dogs of war stalking behind Montrose and his Highland Amorites, and the hounds of Death ravaging wider still behind the plague wrought such a confusion in the ranks of the Kirk that the great witch hunt collapsed as suddenly as it had begun. (2) Hence a development full of fruitful promise relapsed into the limber of forgotten memories as the Kirk reverted to the old well-tried methods which once again proved their worth in the hands of Ministers throughout the length and breadth of Scotland.

The disappearance of the General Assembly for well nigh forty years stabilised conditions which were to persist till witch hunting was ended by Act of Parliament in 1736. True in 1699 the General Assembly had transmitted to Presbyteries for consideration by them a recommendation by the Committee for Overtures that the former acts of General Assembly dealing with witchcraft, and especially those of 1640, 1643 and 1649 (3) but not a single Presbytery condescended to reply. Moreover there is no suggestion that the recommendation implied any attempt to direct attention to the novel sections of the 1643 act. Proof that such was the case was furnished in 1707 by the "Form of Procefs in the Judicatories of the Church of Scotland (4) which/

(1) Supra p.33,66
 (2) Supra pp.34,69,180,181. Infra pp.333,334,341
 (3) A.G.A. 1699 Overture against Witchcraft (no page no) supra pp.
 (4) A.G.A. 1707 pp.17-37.

which for all practical purposes simply codified the recognised practices, except for minor alterations necessitated by the changing outlook of the 18th Century (1) Indirectly the Process, if obeyed, would have limited the power of independent action favoured by a few notorious ministers who on the strength of their reputation as super witch-hunters, ignored their own Kirk Sessions and went straight to Presbyteries (2) for the Process ordered that ruling elders be joined with Ministers in exercising discipline in general (3) and in particular insisted that witchcraft processes must begin in the Kirk Session and then because of their seriousness be referred to the Presbytery (4)

With the witch-hunting days as good as over, however, the Process remains little more than an interesting antiquarian codification of the ideal forms of procedure against witches gradually built up by the Kirk but all too frequently flouted by its own superstition ridden Ministers.

- (1) Supra p. 72
- (2) Supra p. 168
- (3) Supra p. 167
- (4) Supra p. 168

Ministerial views on superstition in general and witchcraft in particular.

The history of principalities and powers the world over bears witness to the unbridgeable gap that can open between an act and its enforcement. Scotland was no exception to the rule for the continual repetition of acts of Parliament and General Assembly bears more than ample witness to the difficulties facing both legislative bodies in bygone centuries. In the case of the General Assembly the legislature, in the person of ministers, became in a very large measure the executive, for upon them undoubtedly rested the responsibility for setting in motion the machinery which would enforce the laws they had themselves enacted. Hence in the case of any particular subject, such as witchcraft, the viewpoint of the individual minister became of cardinal importance.

There is no reason to suppose that Scotland had more than its fair share of the superstitious beliefs and customs which the Golden Bough has shown to be the common inheritance of mankind the world over, but a reasonable hope might have been that the ministers, as the most widely educated class in the country would have shown a less fervent willingness to swallow the tallest tales than the simplest rustics. Unfortunately a mass of evidence exists to show that there was nothing to choose between the minister and his flock. A few of the more extraordinary stories to which ministers gave credence will suffice to demonstrate their credulity. The Rev. John Logan believed that a Highland woman "oRoy fasted for seventeen years; the Rev. John Stewart believed the story of the tree at Dunoon which never bore leaves after men were hanged on it, (1) the Rev. A. Simson of Ayr

related/
(1) Mac, hail "Highland Legends" IV pp. 236, 237.

related how the hand of a child found buried in a yard pointed to the man who was its father. (1) the Rev. James Fraser of Wardlaw wrote how the corpse of a murdered man having been laid naked at the church door, the parishioners in turn touched the body and "at length the murtherer, John Mackeanvore, laid his hand most confidently uppon the bare beast, and I narrowly observed - (sitting at the head of the coffin) that the greatest wound opened, and a drop of blood guished out. (2) the same minister, as befitted one dwelling in the Highlands, was a confirmed believer in "prodigious signs, apparitions, spectræes, strange sights ---- which presaged warr and revolutions." (3) and in SecondSight, of which the Edinburgh publisher, doubtless withthoughts of his more sceptical Lowland purchasers in 1707 actually wrote "I shall not undertake to defend all the notions he has of it." (5) the Rev Alexander Telfair of Rerrick and five of his confreres attested to the apparition and its doings in the house of Andrew Mackie. (6)

All the more valuable because they were writing late in the progress of Scottish witchcraft are the works of the two ministers, Robert Kirk and the better known Robert Woodrow. In their diverse ways both evinced a profound interest in all matters which would now be classified under the headings of folk lore, hallucination psychial research and out and out trickery and roguery, but which to them were instances of apparitions and Second Sight, elves/

- (1) Woodrow Analecta I p.86.
- (2) Fraser 'Chronicle of the Frasers' p.518.
- (3) Ibid p.290.
- (4) Ibid p.235.
- (5) Webster Tracts on Witchcraft p.153.
- (6) Sinclair 'Satan's Invisible World' Supplement pp XIX, XX.

elves and elf shot, fauns and fairies, charming and witchcraft. Naturally they had little difficulty in collecting material, which in Kirk's case was accepted at its face value. Covering a much wider field which stretches to both Europe and America, Wodrow's "Remarkable Providences; mostly relating to Scotch Ministers and Christians" contain a diversity of material which Kirk, with a specialists interest in one corner of the field, passed by. But Wodrow, no less than Kirk, was prepared to accept the great mass of his material at its face value. Doubts and qualms he had at times about some particular story (1) but never did he challenge the underlying possibility of all the marvellous manifestations, whether of God or the devil, which he so assiduously chronicled (2)

To the ministers witchcraft was no more than the gravest of all the multifarious manifestations of the supernatural. Here their education was a positive disadvantage, for having absorbed superstitious lore from their earliest days, the Bible and all the commentaries thereon through which their professors had taken them combined in a variety of texts to drive home the lesson so succinctly summed up in Exodus XXII, 18. The modern views on the correct/

- (1) Wodrow 'Analecta' I p.313. Having visited John Murdoch's daughter who claimed to be bewitched Wodrow wrote: "She was asleep; but for anything I hear, thereis little in her case but what may be accounted for by natural causes, and a fall she gote by the wind on the street, in Brigend, which some alleget likewise to (be) witchcraft."
- (2) Wodrow "Correspondence" III p.277. In a letter to the Professor of Philosophy at Glasgow University he wrote: "My great difficulty if ever I come to publish anything this way (his proposed Lives of the Reformers) which I have no prospect of, will be to make a judgment how far it will be proper to publish some extraordinary vouchsafements towards them, which are as well vouched as orally we can expect things of that nature at this distance."

correct interpretation of the relevant passages in the ancient Hebrew were veiled in the mists of the future. For then the Bible as they found it was sacrosanct, and on that rock foundered all the earliest attempts, none of which unfortunately can be credited to Scottish divines, to throw doubts on the existence of witchcraft. Bailie Morisone of Dunblane correctly interpreted the prevailing attitude when, in 1605, appalled that some commissioners actually proposed to allow a man suspected of witchcraft to cross-examine his accusers, he roundly declared "that the great and ever blessed John Knox himself was a believer in the existence of witches, and that every godly minister of the true Reformed Kirk of Scotland at that day believed in the Bible and in witches." (1) In his "Letters from a Gentleman in the North of Scotland to His Friend in London" Burt sometimes found it easier to impress his friend in far distant London by a not too literal regard for the truth (2) but there is no reason to doubt his perspicuity when having unavailingly engaged in controversy with a minister who staunchly upheld in old views on witchcraft. He compared the Scottish clergy to Moliere's physicians "and these, like them, will not go a step out of the old road, and therefore have not been accustomed to hear any thing out of the ordinary way, especially upon subjects, which in their notion may have any relation even to their traditional tenets." (3) Burt, the Englishman, is assuredly much nearer the truth than Sir Walter Scott who held that the reformed ministers, assailed by poverty, were thrown among the people for support and money, and consequently/

- (1) Fergusson "Alexander Hume" pp. 270, 271. The accused was discharged.
- (2) Mackay "Letter Book of Bailie John Stewart of Inverness" p. XXXI
- (3) Burt "Letters from a Gentleman in the North of Scotland" p. 276

consequently came to adopt the tenets of those with whom they were associating (1)
 Like so much more in Scott's Letters on Demonology and Witchcraft the
 statement will not stand examination. Judged by no other criterion than
 their unending cries of poverty, the ministers must have found small monetary
 reward among the people to whom they were alleged to turn. R.B. Cunningham
 Graham shows a livelier appreciation of the facts when of Scotsmen he says
 "The fairy lore they sucked in with their mothers milk." (2)

On one point the evidence is conclusive - the ministers had a profound
 belief in the power of the devil and his emissaries. Mr. Robert Bruce, who
 was called to the ministry in 1587 recounted how the Lord "made the devil
 to accuse me so audible, that I heard his voice so vivelis as ever I heard
 thing, not being sleeping but awaking." (3) According to the story as
 recounted by Wodrow the Rev. Robert Blair actually got his sermon from a
 stranger who was the devil and when Blair's misdemeanour was discovered the
 Presbytery prayed for him, a great wind came and Blair's covenant with the
 stranger fell from the roof of the kirk. (4) Writing in 1649 the minister
 of Kilwinning recounted how he was uneasy about a suspected witch till he
 heard her conversing with the devil, a not untoward happening considering
 she had been locked up in the steeple for thirteen weeks and pricked into
 the bargain! (5) The Rev. Alex. Peden, a zealous witch hunter, entered
 into dire conflict with the devil in a Galloway cave (6) while as late as
 1755/

- (1) Scott "Letters of Demonology and Witchcraft" p. 221.
- (2) Kirk 'Secret Commonwealth' introduction p. 14.
- (3) Calderwood Kirk of Scotland' IV p. 636.
- (4) Wodrow 'Analecta' I pp. 103, 104.
- (5) Sinclair 'Satan's Invisible World Discovered' p. 111.
- (6) Kirkton History of the Church of Scotland' p. 204.

1755 the Rev. John Mill of Sandwick in the Shetlands conducted a wordy battle with Satan through the lips of a poor woman. (1)

While copious evidence is available of ministerial belief in the manifestations of the devil's power through his witches as ministers showed a prediliction for the spoken word it is found rather in their actions and preaching than in their literary efforts. Witchcraft was something they accepted as inevitably as day followed night so that for them there was no necessity to reiterate their belief in it. Actually it was only when doubt was beginning to spread northwards across the Cheviots that they thought it necessary to give expression to their views. Writing to a colleague in February 1677 the Rev. Robert Knox declared: "Yours of Feb 2 (which I received the 24) hath mightily convinced me (i say not that there are witches, for it is a good tyme since I was past doubting of yt truth) that these persones who are apprehended upon that score by the Laird of Pollock's friends, and who probably ere this have suffered upon earth for their crimes are really such." (2)

The furcne created by the alleged bewitching of Lord Torphichen's son in 1720 is doubly valuable because the widespread ministerial reactions it engendered came so near the end of organised witch-hunting. From the instant that the noble lord appealed to the local minister for assistance, not only the Presbytery of Linlithgow, within whose bounds the afflicted boy dwelt but ministers from neighbouring areas rushed to the scene (3)

Unfortunately/

(1) Goudie 'Diary of the Rev. John Mill' p.19.

(2) Law 'Memorials' preface p.1 XXIV.

(3) Sinclair 'Satan's Invisible World Discovered' pp.262-4. xcix-ccix McColl Parish of Mid Calder p.236.

Unfortunately for their standing with posterity pens were for once put to paper. In January 1720 Wodrow wrote: "The bussines of the Lord Torphichen his second or third^dson, about twelve or thirteen years of age, his trouble from witches, makes a great noice at present. There have been very strange things in that affair; great stones lifted that ten or twelve men could not move, and other praeternaturall things which seem well vouched; but what to make upon the whole, I knou not. (1)It is to be noted than in spite of that conclusion upon what was obviously no more than the garbled versions of the affair which had percolated from the east to his western parish Wodrow unhesitatingly accepts the presence and reality of witchcraft. To give him his due he wrote to the Rev. John Williamson, minister at his selburgh for further information, but before the latter replied on the 19th February, he had already written to a staunch believer in witchcraft, Dr. Cotton Mather in far distant Boston, U.S.A. on the 10th February: "Little offers from the country that I can yet write fully of. We are alarmed with the outbreaking of horrid witchcraft upon the family of a nobleman about twenty miles east from this, the Lord Torphichen. A son of his about twelve years, it seems has beenseduced into the devil's service some years ago, and strange things are done by him and about him. Several are taken up, and lawyers have taken a precognition, what the issue is, you shall hereafter know, if the Lord will." (2) Seven days later the Rev. Williamson replied to Wodrow: "I can only tell you now, that having been with Mr. Anderson of Falkirk, my sister at Abercorn, Mr. Kid of Queensferry, and some others in that bounds, anent the affair of Torphichen witches, I find there is truth as/

(1) Wodrow "Analecta" II p.339.

(2) Wodrow 'Correspondence' II p.505.

as to the substance of the report going though, by often telling some circumstances do vary." He went on to relate how it was certain that Torphichen's third son had been dreadfully tormented and endeavours made to get him away; that there had been a fast; that the Rev. James Brisbane was instrumental in finding an image of the child in the woman's house, and that two women who had confessed had died after saying the devil would kill them for doing so. He concluded: "The matter is not over; many are still delated by the child; but some who have been of very entire fame being named, it's suspected it may be one of Satan's stratagems to bring some innocent persons into suspicion among the guilty." (1) Witchcraft is most assuredly was to this divine, who was also running true to type when he unhesitatingly accepted the friendless as guilty on the word of a boy of twelve but shied from the logical conclusion when the breath of suspicion blew upon some "of very entire fame." Finally in a sermon which he preached at a special fast held at Mid Calder on the 14 January 1720, the Rev. John Wilkie of Uphall declared:- "I cannot but remark the Madnefs the extream affrighting Madnefs of those who renounce their Subjection and Obedience to God, and take on with the Devil, to ^{serve} perse and obey him: Tha their are such Persons is too plain, from the holy Scriptures to be denied." (2) From this wealth of ministerial comment the reality of witchcraft as a force to be reckoned with by them even as late as 1720 is too apparent to require elaboration.

With/

(1) Ibid II p.505.

(2) Wilkie's 'Sermon preached at Mid-Calder' p.28.

With the ministry playing the part of inveterate witch hunters it was not surprising that a few of them came to take a more personal interest in the hunt as the quarry struck, or was alleged to strike at its pursuers. An overwrought imagination may suffice to explain the Rev. Forbes' story to Brodie of Brodie "what work he had with witches, ther lifting him, and lowing his bodi together in his bedd; ther confessions and Sathan's own, that they could doe him no harm; made his image of wax, but could not hurt him." (1) No other ministers showed a similar faith in the power of God to protect them. Rather did they walk in fear and trembling till effective measures had been taken against the devil's assistants. Hence we find that in May 1672 "Mr. Dond Fraser, Modr. of the Prebrie of Dingwall, delated and regrated how Agnes mor nin vick ean glaish, now in the Parish of fottortie, hā publickly on the high way in the presence of ane brother, Mr. John Gordowne, scolded, lyed, menaced, cursed and used imprecations agt. him, and it being nottour that the said Agnes is malae famaie in the malae famaie in the matter of witchcraft, the presbyterie ordained to sumoned her to the next day. (2)

Convinced that his ill-health was due to a witch the Rev. Peter Rae of Kilbride found himself before the Presbytery of Penpont in 1706 for taking the law into his own hands and blooding the witch above the breath. (3)

The seventh article of the dittay against Margaret Wallace, accused of witchcraft in 1662, was that having been brought before the Kirk Session of Glasgow by Mr. Archibald Glen, minister of Carmunnock "in revenge thairof, fchortlie thairefter, be hir Sorcerie and Witchcraft, laid ane feirfull and vnknawin feiknes vpon the faid Mr. Archibald, quhairof be continuall fuettling,

he/

- (1) Mackay Presbyteries of Inverness and Dingwall p. 325.
- (2) Wood 'Witchcraft and Superstitious Record' p. 131.
- (3) Pitcairn 'Criminal Trials III' pt. 2. pp. 520, 521.

he deceiffit." While the dittay doubtless gave expression to the belief of the ministerial and other friends of the deceased, Margaret, whose defence was by far the most determined and skilful the courts had so far witnessed, claimed "thair is na thing qualifeit of Sorcerie, or Witchcraft, or Inchantment, done to the faid Mr. Archibald, for the treuth is that the man deceiffit of ane confumptioun of his lichtis." What was more pertinent, she very rightly stressed "nather is it lybellit that fcho inflictit any thing vpon him be fignes, croces, inchantit herbes, oyles, claithes or ony vther meinis." To their credit the assize though they found her guilty of witchcraft, cleansed her of this particular charge. (1)

Not unnaturally the credulous had little difficulty in associating the clay images found by the dumb girl Janet Douglas with Messrs. Jamieson of Govan, and Smith of Eastwood, who as neighbouring minister, were playing the roles expected of them in the notorious Maxwell of Pollok case. If Law is to be trusted Mr. Jamieson "suspected he was witched, though he knew not by whom for he had a great pain betwixt his navill and his back, which the physicians could not understand, and continued with him a long tyme and brought him very low, and at lenth ended his days. (2)

Ministers had certainly some justification for their fears for some witches actually made confession of the measures devised for their ruination. Elizabeth Anderson, one of those arrested in 1697 for bewitching Christian Shaw of Bargarran confessed that her father took her when a child of ten to a meeting where there "was concerted the tormenting of Mr. William Fleming/

(1) Pitcairn Criminal Trials III Pt 2 pp. 520, 521.
 (2) Law 'Memorialls' p. 111 c.f. also p. 127.

Fleming, minister at Innerkip, his child." (1) She also confessed that "one night her father raised her out of her bed, and they having gone to the water side, took her on his back, and carried her over the river in a flight from whence they went on foot to Dumbarton, and in Mr. John Hardy, minister his yard, the crew and their lord being met, they formed a picture of Mr. Hardy, and dabbled it full of pins, and having put it amongst water, and ale mixed, roasted it on a spit at fire. (2) The Rev. John Stewart, an inveterate witch hunter who found much to occupy his time in Bute heard Margaret McLevine confess that she and her friends met "to doe harme to Mr. John Stewart, minister," and that Mgt McCullen and her daughter "did put witchcraft about hallowday last under Mr. John Stewart minister his bed." (3) Mr. Stewart, by nature a superstitious man (4) cannot have slept any easier of nights when he reflected that several of his parishioners who had been attacked by the same witches were already dead. (5) To him it must have been a case of kill or be killed by the witches, who, on his own admission, had a "pick" at him. (6)

But perhaps the best proof of ministerial belief in witchcraft is to be found among the ministers who in varying degrees came to practice what the Kirk so assiduously condemned.

Sometimes/

- (1) Renfrewshire 'A History of the Witches of, p.132.
- (2) Ibid p.134.
- (3) Macphail 'Highland Papers III pp.7, 8.
- (4) Supra p.294
- (5) Macphail 'Highland Papers III pp.19, 24.
- (6) Ibid p.7.

Sometimes the accusation meant no more in the ecclesiastical than it did in the political sphere where it formed a convenient weapon with which to blacken rivals, enemies or persons dangerous to the safety of the rulers. Eminence was no protection for even of John Knox it is written in 1501 that he went for his second wife, the daughter of Lord Ochiltree and a mere child "rydand with ane gret court on ane trim gelding, nocht lyk ane propher or an auld decrepit priest, as he was bot lyk as he had bene ane of the blude royal, with his bendes of taffetic feschnit with golden ringis and precious stanes; and as is planelie reportit in the country, be soucerie and witchcraft did sua allure that pair gentlewoman that scho could not leve without him." (1) So did youth's marriage with old age set tongues a-wagging In the midst of the Douglas Wars when Knox was near his end the Catholics "spread a bruit that Mr. Knox was banished Sanct Andrewes, becaus in his yaird he had raised some sancts, among whom came up the devill with hornes." (2) Presbyterians were doubtless playing the same game when Archbishop Sharp was said "to be a demonaick and a witch ." (3) and when it was written of the Episcopalian curate of Anstruther that "some suspect he medled with the devil, and he was known to have a bother that was a diabolick man. (4) Doubts are also engendered by the charge of charming levelled against the Rev. Wm. Simson, an Episcopalian nominated to Broughton by the Archbishop as he was finally removed in 1691 for divers reasons which included the refusal to pray for William and Mary (5) Similar suspicions arise in the case of the petition presented/

- (1) Wilson 'Memorials of Edinburgh' II p.37.
- (2) Calderwood 'Kirk of Scotland' III p.167.
- (3) Kirkton History of the Church of Scotland p.31 c.f. Laws Memorials p.140
- (4) Kirkton, 'History of the Church of Scotland' p.189.
- (5) Buchan 'History of Peeblesshire' pp.333, 334. note

presented to the Privy Council in October 1689 by the parishioners of Mr. Wm. Easone of Auchtergaven for having complained that he too had neither prayed for William and Mary, nor opened the church to allow thanks to be rendered for the safe deliverance of the kingdom, they went on to assert that "when his wyfe was sick and desparing of her recoverie he actually consulted with a woman who is suspected by every on that knowes her to have a familiar spirit." (1) Probably because people found it difficult to comprehend so heinous a crime as wife-murder by a minister, The Rev. John Kello, minister of Spott, while confessing to the murder found it necessary to add "For as concerning the vther whair of I am sclanderit I tak God and his angellis to witnessis in the contrarie, that neather had I any ingres in the wickit practices of the Magicienis neather was foorder curious to understand then God had manifested in his word." (2)

A residuum of cases, however, cannot be explained away on any of the above ground. For them, the only explanation is that the ministers, for one reason or another had really become devotees of witchcraft, in its less serious manifestations, charming and consulting. In December 1610 Malcolm Toir, reader at Logie, confessed to the Presbytery of Stirling "that he supposing that he was witchit, he pas to the Egiptians, and consulted wt thame for remedie yrof, and gaive thame gair to that effect." Public repentance and removal from office was the punishment meted out to him. According to Fountainhall "Mr. John McQueen, one of the ministers of Edinburgh, in December 1683, haveing by trepane got a petycoat of Euphemia Scott (after Lady/

- (1) R.P.C. 3rd Ser. XIV p. 385.
- (2) Bannatyne 'Journal' p. 44.
- (3) Ferguson 'Alexander Hume' p. 108.

Lady Eymouth) and spouse to Wyniam Eymouth, who is now broken and dead, with whom he was deadly in love, though she hated him, he made thereof a waist-coat and drawers, for which he was suspended, but the bishop of Edinburgh, Paterson, reponed him in February 1684." (1) The Rev. John Mill, who ministered in Shetland, wrote in his diary in 1758 "When my wife took pains before the birth ~~the birth~~ of the second child, as I could not bear to hear her cries I went to Quendal and put up the Lady for her assistance." (2)

At the trial of Campbell of Ardkinglass for the murder of the Laird of Calder in 1592 one of the witnesses deponed that Campbell told her "that he had ane man callit Patrick MacQueine, a ministir, quhae wes a far better enshanter nor any of thame ---- that Patrick MacQueine was sae skillet in his craft that he could mak up and big ane coated betwix the son gang and to the contrair----- and farder that Ardkinglass tauld to the Deponer MacQueine had uther ministers companions with him in his craft." (3) While the uncorroborated story of a Highland wife is not the best of evidence, it is certain that Ardkinglass was sufficiently impressed by MacQueine's skill to dismiss the renowned Morven witches previously employed by him. (4)

Contemporary opinion was unanimous in declaring that Patrick Adamson, one time minister of Paisley, and when matters came to a head in 1583 Archbishop of St. Andrews, associated with witches. In his diary Mr. James Melvill gave the account, which was copied almost verbatim by Calderwood (5) and with appropriate embellishment in the lampeen "The Legend of the Bishop of/

- (1) Mackay 'History of the Barony of Broughton' pp.69. 70.
- (2) Goudie Mill's 'Diary' p.23.
- (3) Macphail 'Highland Papers' I p.167.
- (4) Ibid pp.165, 167
- (5) Calderwood 'Firk of Scotland' III p.176.

of St. Androis Lyfe (1) to the effect that "all this whyll, fen the Generall Affeaslie in Apryll, an 1582, and befor, vntill this Auguft, a lytle befor Bifchope Adamfone keipit his caftle, lyk a tod in his holl, feik of a difeafe of grait fetiditie, and oftymes vnder the cure of women fufpected of witchcraft, namlie on, wha confeffit hir to haiff lernit medecin of an callit Mr. Wilyearn Sinfone, that appeired divers tymes to hir efter his dead, and gaiff hir a buik,. This woman being examined be the Prefyteric, and fund a witche in thair judgment, was giffen to the Bifchope to be kept in his caftle for execution, bot he fufferit hir to flipe away; bot within thrie or four yeirs thereafter fche was taking and execut in Edinbruche for a witche." (2) Melvill further stated "Bot, verelie, about thefe witches we war plane and fcharper with him, bathe from the pulpit, in doctrine, and be cenfur if our Presbyterie." (3) Not only the Presbytery but the Kirk Session of St. Andrews and the General Assembly had the matter under consideration (4) and five years later it formed one of the charges brought against Alison Peirsoun at her trial in 1588 (5) Even the queen of England got to know of the matter for on the 31st October 1583 King James wrote to her requesting a safe conduct for Adamson who contemplated going to "the Plumbers" for his health (6) A week later Bowes, in a letter to Walsingham, reported "The departure of the Archbishop of St. Andrews to be hastened; he is suspended, and/

Plumbers

- (1) Dalzell 'Scotish Poems' pp.318-312.
- (2) Melvill 'Diary' p.97.
- (3) Ibid p.97
- (4) Fleming 'St. Andrews Kirk Session Register' II p.508 B.U.K. II p.640.
- (5) Pitcairn 'Criminal Trials I Pt. 2 p.164.
- (6) Thorpe Calendar I p.461.

and may, perhaps be excommunicated, as well on account of some errors noted in his sermons before the King, as also for his extraordinary favour towards a witch in saving her from that due punishment which should have been inflicted on her." (1) It almost looks as if the king hoped the storm against the bishop would blow by during his absence.

While Adamson's ill-health seems to have driven him to seek out witches all the evidence points to the conclusion that the Rev. George Sempie, minister of Killallan, took a much more practical interest in the black arts. Evidence was laid before the Presbytery of Glasgow in 1613 that he had "ane booke of Mr. Michaell Scotts, of unlawfull airtes," that he bought Albertus Magnus, that he could see into the future, that he took money to cure diseases, that he offered "to mak baren wemen to beir bairnes." (2) Knowledge of a kind he had for in this last instance while denying the charge he "grantis he said thair is naturall causes to helpe thame." (3) Anyhow the Presbytery, whether with thoughts of the Kirk's good name, ignored the blacker implications of the evidence before them and were content to suspend him in 1614 (4) He continued to reside in Paisley until in 1630 the old accusations were suddenly revived "as some informatiouns hes beene made to the Lords of Secreit Counsell that Mr. George Sempill, indweller in Paisley, hes beene ane bissie practizer and consulter in points of witchcraft whilk hes gevin occasioun of a foule and heavie scandall aganis him and aganis the holic ministrie whair of he wes sometyme a preacher, and thairfoir for cleering of his innocencie of that foule cryme necessar it is that he be examined in presence of his Majesteis Counsell." (5) When he appeared it transpired that

Agnes/

(1) Ibid p.461 I. (2) Maitland Club Miscellany I Pt. 2. pp.420, 421, 421.
 (3) Ibid p.424. (4) Fasti III p.441. (5) R. S. C. 2nd Ser IV p.24.

Agnes Boyd, then under arrest for witchcraft "gave all the delations aganis the said Mr. George and that she would verifie the same aganis him." (1) She evidently failed to convince the Privy Council for Semple died in Paisley two years later. (2) Thus both Kirk and State had refused to find him guilty. Nevertheless similar evidence was deemed sufficient to send old wives to the stake. Whether Semple was merely putting his knowledge to the practical task of money-making - successive witnesses lay emphasis on his greed - or was an actual follower of the devil is best answered by the appropriate Scottish verdict - "Not Proven".

While Gideon Perman's stormy career as a minister had been terminated by a charge of adultery in 1675 (3) he inevitably brought disgrace upon the ministry when only three years later he was accused of witchcraft and summoned before the Privy Council (4) for without exception all contemporary accounts stress his former position in the Kirk (5) Law's story was that "the devill had a great meeting of witches in Loudian "at which Gideon was present/

(1) Ibid p.50.

(2) Fasti III p.141.

(3) Fasti I p.312. Hay 'Diary' p.2.

(4) R.P.C. 3rd Ser V p.494.

(5) Ibid p.494 "The Lords being informed that Mr. Gideon Perman sometimes a minister is guilty of witchcraft.

Law 'Memorialls' p.145 "a warlock who formerly had been admitted to the ministrie."

Fountainhall 'Decisions' p.14 'Mr. Gideon Perman, who had been Minister of Creighton."

Kirkton 'History of the Church of Scotland' p.190 went further and made him still "curat at Creighton" but he was busily recording scandals against Episcopalians.

present as a warlock." (1) For once Scottish witchcraft seems to have approximated to the continental "sabbath" for Law's account was substantiated by the much more critical Fountainhall who related how the Lords of Council and Session having refused to accept witches delations of "~~fundy~~ gentlewomen and others of fashon" yet permitted them "to name Mr. Gideon Penman, who had been Minister of Crichton, and for fundry acts of uncleannesse and other crimes was deprived. Two or three of the witches constantly affirmed that he was present at their meetings with the Devil and that when the Devil called for him, he asked, where is Mr. Gideon, my Chaplain? and that ordinarily Mr. Gideon was in the rear in all their dances, and beat up these that were flow." (2) There seems to have been one law not only for gentlewomen of fashion but also for ex-ministers, and another, very different one, for "poor miserable women" (3) for Gideon "denied all, and was liberate upon caution." (4)

If any witches were given to moralising on their fate they must have been struck by the similarity between their actions and those of ministers of unsullied reputation. Let the Rev. Alexander Peden prophecy (5) let the Rev. Robert Blair touch his daughter and pray that she might be healed (6) and immediately they were hailed by their confreres as outstanding examples of the Divine power vouchsafed to them. Let an old wife do likewise and she was in imminent danger of being hurried to the nether regions. *he let the nether*

The Minister as a witch hunter.

As/

- (1) Law 'Memorialls' p.145.
- (2) Fountainhall 'Decisions' p.14.
- (3) Ibid p.14.
- (4) Ibid p.14. Kirkton pp.190/191 gives a similar account of the orgies and Penman's release.
- (5) Grant 'Mysteries of all Nations' p.257.

As the dust of the Reformation struggle slowly subsided the ministers of the Reformation struggle slowly subsided the ministers of the Protestant Kirk found themselves armed with biblical texts, an act of Parliament and an ever increasing flow of General Assembly decisions with which to begin the long drawn out struggle against witchcraft forming no more than a numerically small part of the host which, walking in fear of the devils followers, desired their overthrow, the ministers' influence can be assessed only by an examination of the use successive generations of divines made of the weapons forged for the witch hunt.

A. Factors Strengthening Ministers.

1. "Herald and Messenger." (1)

Entry into the ministry at once conferred upon a man a certain spiritual status which immeasurably strengthened his authority. In theory, at least, entrance implied much more than the completion of a period of training, as for the worldly callings, for in the earliest days of the Kirk divine providence was held to have marked out those fitted for the task by bestowing upon them the power to deliver "the sermons of Exhortationn." (2) The Second Book of Discipline widened the scope of the minister's spiritual functions by declaring him to be the "meffinger and herald betwene God and the peple." (3) When combined such views came dangerously near lifting the ministers out of the ranks of ordinary mortals and placing them somewhere near the level of the prophets of the Old Testament. Nor were they voices crying in the wilderness for their elders saw to it that Sunday after/

(1) *Supra* p. 281.

(2) *Knorr History I* pp. 299. 300.

(3) *P.U.F. II* p.455.

after Sunday they spoke to large congregations, who, with the lack of pews and the beadle with a prob, found it no easy task to ignore the words of wonder, if not of truth, which poured out by the hour. Demagogues with the authority almost of demi-gods, the preachers became a power in the land as the Stuarts found to their cost.

Such were the men whose interpretation of the Scriptures all true Presbyterians accepted unquestioningly: such were the men who thundered against witchcraft, secure in the knowledge that Assemblies, Synods and Presbyteries not only approved but urged them to greater frenzies of condemnation. Appeals for delations and for witnesses, public humiliations and fasts censures and excommunications all were thundered from the pulpit till even the densest among the congregation must have come to believe that from start to finish a witch-hunt revolved round the minister. That was one viewpoint, distorted, but readily tenable, when ultimate authority in the shape of the Privy Council and Court of Justiciary were far away while thunderings from the pulpit were very near.

Carrying the idea of herald and messenger to its penultimate spiritual goal, a few ministers believed that divine providence actually revealed to them the identity of previously unsuspected witches. The Rev. John Semple of Carsphairn was alleged to have exclaimed to a brother minister who was distributing communion tokens, "Hold your hand, she hath gotten too many tokens already; she is a witch, which though none suspected her then, she herself confessed to be true, and was deservedly put to death for the same." (1)
Even/

(1) Law 'Memorialls' p. 140, note.

Even more illuminating is the reputed experience of the Rev. Andrew Turner of Erskine, a man zealous as a hunter of Christian Shaw's tormentors. According to Wodrow's *Analecta* for 1711 Turner told him in 1694 or 1695 he went to preach in his native Port of Menteith, and while away became so worried about his family. On the way it was borne on him "What if the child be witched and what if Margaret Lang have witched the child?" He continued that Margaret was then "under good repute" and even when she came under suspicion more than a year later "this he endeavoured to divert, and within some time after it's born in upon his spirit, What if you shall be one person that shall lead Margaret Lang to be burnt for a witch?" He concluded by relating that matters fell out exactly as he had imagined for his child died within a few minutes of his return home, and that he subsequently took a prominent part in Margaret's trial and was on the scaffold at her burning. (1) Now, even if Wodrow is wrong about the date when he heard the story from his fellow minister, and Turner had in fact deliberately advanced the date of an apocryphal story to a time prior to Margaret's Accusation and ultimate execution in 1697 as one of the Bargarran witches the fact remains that the tale accurately reflects what Turner knew would be accepted as a perfectly feasible example of the workings of divine providence.

2. Powerful position in his own congregation.

Strong as it was the spiritual authority of the minister was no more than the foundation of his power. Upon this firm rock he was able to expand and/

(1) Wodrow 'Analecta' I pp. 363, 364.

and consolidate his authority very largely by virtue of certain material advantages he enjoyed as minister of his congregation.

In the first place the minister who conscientiously performed his duties as laid down by successive General Assemblies could not but acquire an unrivalled knowledge of the private lives and habits of his flock for a variety of reasons sent him into the homes of his flock. To the general instructions first laid down in the Second Book of Discipline that he should "watche aboue the maneris of his flock." (1) and amplified in 1646 by the order that, "Ufe would be made of the roll of the Parish, not onely for examination, but alfor for confidering the feveral conditions and depofitions of the people, that accordingly they may be admonifhed." (2) there was added the more particular duty of weekly catechising (3) In addition the minister had such customary duties as the visitation of the sick, aged and infirm. Such a plethora of family visitations must have brought to the minister's ears a mass of information from which it was incumbent upon him to extract and pursue all cases which seemed to involve any breach of the divine law. A typical instance is furnished by the Aberdeen minister who in 1681 reported to his Kirk Session "that ther is on Jean Nimbrie who uses to cure several deseases by charming qch is particularlie forbidden by the word of God, and the way he came to be enformed that she was a charmer was, being visiting a sick person in Sunysyd they told him there was on Helen Collie a servant in ther familie sick latlie of the fevers and the sd Jean Nimbre/

- Nimbre/
 (1) B.U.K. II p.494.
 (2) A.G.A. 1646 p.7.
 (3) B.U.K. II p.992. A.G.A. 1639 p.15.

Minre cured her by charming." (1)

But forbidden as he was by act of General Assembly from exercising discipline on his own responsibility (2) the minister would never have been able to make effective use of the information he gained had it not been for the position of unexampled prestige and authority which he occupied in his Kirk Session. The persistent emphasis placed by the Kirk on his spiritual authority was only one factor tending to such a result. Others of a more practical nature, and consequently more obvious to the people materially strengthened his position. First among them was the authority which automatically devolved upon him as moderator. As such his power was far greater than that of any ordinary chairman for not only could there be no meeting unless he presided (3) but the awe in which he was held, coupled to his undoubted claims to an education far superior to that of the great majority of elders made his wishes difficult to gainsay. Especially was this so as he could point to successive acts of General Assembly which, from the first had stressed that elders were there "to assist the Minister." (4) While every minister was charged to have a Kirk Session (5) and not to exercise jurisdiction without the concurrence either of it or a superior judicatory of the Kirk. (6) the General Assembly in 1638 clearly demonstrated its mind on the relative powers of the minister and his elders when it refused/

- (1) Munro Records of Old Aberdeen II pp. 74, 75. The best proof of the importance attached to visiting, catechising and conference is to be found in the stress laid upon them as factors in the battle against witchcraft which the General Assembly waged with hitherto unknown intensity in 1642 and 1643 c.f. supra p. 78
- (2) B.U.F. III p. 926.
- (3) Today the appointment of an interim moderator in cases of prolonged illness or change of ministers prevents any interruption of sessions of activity/

refused to allow the article proposing "It is thought expedient that no Minister moderating his Session, shall usurp a negative voice over the members of his Session." Too clever to reject the proposal outright the General Assembly availed itself of the euphemistical, but none the less fatal formula: "The Assembly referreth this Article to the care of the Presbyteries." (1) secure in the knowledge that there it would quickly join the limber of forgotten things.

Nothing could give a better composite picture of the multifarious minor details of Kirk Session procedure which went to strengthen the minister's position than the "form of Process in the Judicatories of the Church of Scotland" as approved in 1707. The date is admittedly late in the period under review, but for that very reason the decisions are especially valuable as they demonstrate the practices approved by a rejuvenated Presbyterian Kirk because they had stood the test of time.

Upon the appearance of a person cited by the Kirk Session it was the duty of "the Moderator to inform the person of the occasion of his being called, and to give him if desired, a short note in writing thereof, with the Names of the Witneses that are to be made use of." (2) When the accused desired to cross-examine witnesses he was not allowed to do so himself but/

(3) activity, but the practice must have been very rare in bygone times for only one instance has been noted c.f. R.P.C. 2nd Ser VIII p.198; c.f. supra 149 for a minister's illness resulting in no Session meetings for five years.

(4) Knox Works I p.300; B.U.K. I p.16 supra p. 161

(5) B.U.K. III p.365 and ratified A.G.A. 1636 p.34.

(6) B.U.K. III p.926.

(1) A.G.A. pp.37, 38.

(2) A.G.A. 1707 p.20.

but had to "define the Moderator to propofe fuch queftions or crofs queftions to the Witneffes." (1) All depositions of witnesses had to be subscribed by the Moderator (2) Finally when all the evidence had been heard and the parties removed the Kirk Session "are to advife the caufe, and there and then to reafon the Affair calmly, fpeaking always to the Moderator one after another." (3)

Even if any elders were still left in any doubt as to the key position occupied by the minister in their Kirk Session, the measure of protection afforded him by the Kirk must have been sufficient to convince them. The Form of Procefs was most explicit that processes against ministers were to "begin before the Presbytery towchich he belongeth, and not before the Kirk Session of his own Parifh." (4) No person was likely to follow such a course without pondering the odds against him for the act enjoined the Presbytery "that no ftain thereof ought lightly to be received" and laid down regulations to prevent any such unwelcome contingency (5) In addition the Procefs stressed that "All Chriftians ought to be fo prudent and wary in accusing Minifters of any confurable Fault, as that they ought neither to publifh nor fpread the fame, nor accufe the Minifter before the Presbytry without firft acquainting the Minifter himfelf if they can have accefs thereto." (6)

The/

- (1) Ibid p.21. In addition only questions which the Judicatory considered pertinent could be proposed.
- (2) Ibid p.21.
- (3) Ibid p.21.
- (4) Ibid p.30.
- (5) Ibid p.30.
- (6) A.G.A. 1707 p.30.

The same solicitous care for the minister ran through the regulations for his examination, for unlike the lay suspect he got a full copy of the libel and was himself allowed to cross-examine witnesses (1) People must have been very chary of bringing against a minister a libel made up of "a multitude of smaller things laid together" for they at once found themselves in the most invidious position of being forced to explain to a presbyterial visitation "if any of these things now laid to the Ministers Charge, were committed prior to the last presbyterial Visitation of the Parish, and whether they were then laid to his charge, and if they were not, it would be tryed, how they came to be laid to his Charge now." (2) If the members of the congregation were able to satisfy the Presbytery's representatives on this point they were at once faced with the enquiry "what diligence hath been used in acquainting the Minister with the Offence taken at these things when first committed by him." and "whether any of the Complainers did first in a prudent privat way inform any of the neighbour Ministers, of some of these things committed by their Minister, who is now challenged, before these offences came to be so many, as to merit a publick and solemn Trial." (3) By that time the complainer must have been in some doubt whether it was the minister or himself who was the person under suspicion. Whether intentionally or otherwise the Kirk certainly succeeded in strengthening/

- (1) Ibid pp. 30, 31.
- (2) Ibid p. 32.
- (3) Ibid p. 32.

strengthening the minister's position by so effectively discouraging attacks upon him.

The best proof of the power exercised by a minister over his Kirk Session is (ultimately) to be found, however, not so much in the acts from whence it sprang but in the practical evidence, found in many Session records, of the authority he so unquestioningly exercised. A request by a minister that his elders should search out witches or gather evidence against suspects was invariably sufficient to set them hunting through their districts with a zeal which seldom failed to produce results. (1) Even more conclusive were the devastating results which repeatedly followed upon the appointment of a perverid witch-hunting minister to a parish. The burnings rose with his coming and fell with his departure to pastures new, where the cycle was repeated afresh. (2)

3. His friends and allies.

It was a Roman centurion who so strikingly demonstrated the bond which links all who are placed in authority, be it spiritual or temporal (3) The lesson was not lost.

In its simplest manifestations this viewpoint found expression in the Kirk's consistent endeavours to uphold the authority of its ministers. (4)

The/

(1) Morison 'Royal Burgh of Queensferry I p.75; supra p.202
Grant 'Mysteries of all Nations' p.266.
Hazlitt 'Popular Antiquities' III p.94.
Ritchie 'Churches of St. Baldred pp.93, 99
R.F.C. 2nd Ser. VIII p.198.

(2) Supra p.171

(3) St. Luke Ch. 7.

(4) Maitland Club Miscellany I p.89, the decision of the Presbytery of Glasgow that persons slanderously alleging the ministers of Glasgow were responsible for the deaths of the persons burned for witchcraft there in 1527 should be put in the brands.
A.G.A. 16,2 p.34. Act against slanderers of ministers.

The natural corollary was the willing assistance granted by ministers to any of their colleagues who found themselves in difficulties. Thus in 1650 the Commission of the General Assembly appointed ministers to help the brethren of the west to obtain a witchcraft commission from Parliament. (1)

When the Presbytery of Paisley was in the throes of the prolonged investigations into the antecedents of the suspects implicated by Christian Shaw in 1697 it promptly delegated "their Moderator to apply to the Synod that they would appoint some of the grave and experienced brethren in the several Presbyteries to join with the Presbytery of Paisley during the time of the tryall for assisting and advising with them in anything incumbent upon them at this juncture!" (2)

The best proof that the individual minister recognised that his Presbytery was always ready to back him, is to be found in the repeated appeals addressed to the Presbytery by ministers who found that cases involving the supernatural were apt to bring unsought complications in their train (3)

In a few apposite words the General Assembly which met in 1646 summed up the principle involved in those various methods of ministerial cooperation when it declared: "It is very expedient that Minifters have more communion among themselves for their mutuall ftirring up, and ftrenghning of their hands in the Lords work." (4)

To the ordinary layman, however, the minister's authority probably seemed/.

- (1) Mitchell 'Commissions of the General Assemblies II p.393.
- (2) History of the Witches of Renfrewshire p. XXXI; c.f. also Ritchie 'The Churches of St. Baldred' p.216, how the minister of Tynninghame was sent to Edinburgh by the Presbytery "to assist Mr. Js. Home, ministe at Dunbar, anent the tryall of one woman suspect of witchcraft in the parish of Dunbar."
- (3) Supra pp. 99-105
- (4) A.G.A. 1647 pp. 7, 8.

seemed to reach its peak when he entered into alliance with nobles, baron bailies, sheriffs, provosts, town councillors and the like. Such a combination of spiritual and secular authority was all too frequently a law unto itself, paying heed to the law of the land when it suited its ends, ignoring it - and alas often successfully ignoring it - when it hampered the work on hand.

In this connection scant attention was ever paid to the legal necessity for a warrant to arrest a person suspected of witchcraft. (1) Thus at Banff in July 1630 "in presence of Thomas Scherund ane of the bailyeis of the said burghe, comperit personallie Mr. James Meluill, minister at Alwache and Mr. William Chalmer, minister at Innerboyndie for themselffes and in the name of Mr. Johne Logie, moderator of the presbiterie of Fordyce and presentit ane vavabund man callit Johne Philp, suspect of witchecraft be charming and wascheing of seik peopill and desyring the said Johne to be resauit in firmance within the wardhouse of the said burghe therin to remain till ane commissioun suld be send for, for administration of justice on him for the said cryme quhilk was presentlie done and the said John incarcerat within the stokes." (2)

In 1623 three ministers met along with the Burgh Court of Dumbarton when it summoned Janett Neill before it on suspicion of witchcraft. "Finding her to give no satisffactioun, Bot obstinate denyell, gik gevis the mair occasioun of suspicioun, Seeing sche denys thynges indifferent of themselffis and circustances clearly prouin, Thairfor They cocluid that the said Janet be ferder tryit and examinat and serchit gif sche hes the devillie mark"

When/

(1) Supra p. 214

(2) Cramond 'Annals of Banff' I. p. 65 c.f. p. 74 for a very similar case in 1636 when the bailie "at least gave way and license to the said Gilbert to put the said Margeret in firmance."

When her husband asked that Janet might be set free on caution the Council and ministers decided to keep her in prison and send for a commission, which they should have had before they either arrested, or worse still, punished her. (1) Admittedly the local authorities had little option but to adopt such a course for strict adherence to the letter of the law would have meant undue delay during which any suspect left at large would have had ample opportunity to escape.

It is no coincidence that in the above cases ministers and Town Councillors were working together for they formed the commonest, and by no means the least effective alliance against witchcraft. One of the best examples of their cooperation was furnished in Dundee in November 1669 when the town's three ministers "reprented to the Counsell, the Grissell Jaffray, witch, at her execution, did delate seall psons as being guiltie of witchcraft to ye, and therefore desyred yt for yr exoneraon some course might be taken wt those delated: The Counsell, in order therunto, therefore noliats the provost, the pnt baillzies, the old baillzies, deane of gild, t ther, to meet wt the minirs t comon wt ym on the sd matter, and to consider of ye best wayes may be takin wt the delated." (2) Sometimes the order was reversed as at Inverness in April 1662 when it was the Town Council which asked the minister to attend their meeting "that the Counsell and he may tack an effectual course with the witches that ar presentlie in hand." (3) The popular belief in the power of the collaboration of ministers and magistrates/

- (1) Irivng 'Book of Dumbartonshire' I p.37, c/f. R.P.C. 2nd Ser. I. p.456 for the issue of a commission in similar circumstances.
- (2) Thomson 'History of Dundee' p.102. Three months later "The Counsil consents the minirs send for a pruver." Ibid p.103.
- (3) Mackay 'Records of Inverness III' p.211.

magistrates was demonstrated by the Lauder wife, who wrongfully accused of witchcraft and consequently left to moulder in prison by husband and friends, made a false confession and earnestly entreated the magistrates and ministers that she might be burned as the only means of escape from her plight. Perhaps because she knew "intelligent persons began to be jealous of the truth of that confession" and would therefore blame the ministers and magistrates, she showed a magnanimity as great as it was rare by declaring at the stake: "Now all you that see me this day, know that I am now to die as a Witch by my own confession, and I free all men, especially the ministers and Magistrates of the guilt of my blood." (1) 'Especially' is the significant word.

While the commonest allies in witchhunting were ministers and Town Councils, either as corporate bodies or through their bailies, "even Gentlemen, and such as are Masters of the Ground"(2) could be relied upon to work in harmony with the ministers. Among such persons were to be found baron bailies. Helen Hamilton's complaint to the Privy Council in 1632 illustrated the length to which minister and baron bailie were prepared to go. According to her the baron bailie of Broughton "assisted in counsel, advice and directioun of Mr. David Forrester, minister at Leith," unwarrantably put her 'to the extremest tortour that they could devise, laying her fast in the stockes and in twa gades of yrne of 24 stone weight, putting chekellis of yrne upon her armes and binding her craig and legs togidder with yrne chaines till the flesh wes worne cleane aff the bones." (3) Having summoned and heard the minister and the baron bailie the Privy Council/

- (1) Sinclair 'Satan's Invisible World' pp.53, 54.
 (2) Mackenzie 'Law and Customes of Scotland' p.88.
 (3) R. P. C. 2nd Ser. IV p.436.

Council ordered her to be released from the irons and kept in free ward, but not to be daunted the two zealous witch-hunters kept her a close prisoner and refused to permit anyone to have access to her, which, as Helen declared, "is ane great inhumanitie in the persoun of a minister." (1)

Ministers were also quick to work in the closest harmony with the local nobility, who still enjoyed much of the prestige and authority which had been theirs in the Middle Ages. In 1634 Mr. John Home, minister of Eyemouth and Sir Patrick Home of Aittoun developed a close working arrangement as witch hunters. First they locked up Elizabeth Bathcat without a warrant (2) and then Sir Patrick at the express desire of Mr. John apprehended Isobel Sinclair "on bare suspicion of witchcraft." (3) Fortunately for the suspects they so far exceeded the customary licence extended to witch hunters that the Privy Council checked their career of persecution (4)

Nobility was not a necessary qualification, however, as was demonstrated by the close co-operation between Andrew Hay of Craignethan and the Rev. John Greg. In his diary, Hay recounted how while returning from the Presbytery the minister "told me of a probability to discover some witches in Skirling if I wold help him, which I promised to doe." (5) The minister's appeal which did not go unanswered, showed a certain astuteness for Hay was evidently a man of importance employed by the Presbytery on diverse tasks which ranged from "stenting" or more correctly attempting to stent Skirling for a school (6) to preparing and revising the process against a suspected witch, Maggie/

- (1) Ibid p.437. For the end of the story c/f. infra p. 2
- (2) R.P.C. 2nd Ser. V p.176.
- (3) Ibid p. 246.
- (4) Infra p. 357-358
- (5) Reid 'Diary of Andrew Hay p.163.
- (6) Ibid p.127.

Maggie Robison. (1)

But the most outstanding instance of the length to which a minister and a lay en could go was furnished by Mr. Hew Kennedy, a young man appointed to Mid Calder in 1643, and soon notorious as a witch hunter (2) when he joined forces with the Laird of Calder to deal with Margaret Thomsone in 1644. The whole sordid story came out when letters of complaint were put before the Privy Council requesting the Tutor and minister to produce Margaret. If the facts alleged were true - and one look at the prisoners body would have gone far to settle that question - the demand was more than justified. The allegations were that she had been imprisoned for sixteen weeks, for twenty six days of which time she had been compelled to stand on a "stand" in a sackcloth gown, while men kept her constantly awake. Naturally she fell and injured herself (3) The letters of complaint went on to demand: "Item, to interrogat the minister whither or not he did straik the supplicant with his wand and becaus the same wes not of greit force he did straik hir with ane rung and that at the last night when scho did stand with the gown of sackcloth." (4) Ultimately the defenders were charged to appear and undergo their punishment "for tormenting the compleanner without warrant." They were ordered to see her liberated on caution to appear before the Justice on lawful citation on penalty of 500 marks(5) Eight days, later, however, Mr. Hew and the Tutor, still acting in/

(1) Ibid pp. 145, 195, 243.

(2) Supra p. 171

(3) R.P.C. 2nd Ser VIII pp. 108, 109; supra p. 224, 225

(4) R.P.C. 2nd Ser VIII p. 109.

(5) R.P.C. 2nd Ser VIII p. 37.

in concert appeared before the Presbytery of Linlithgow, and carefully suppressing all mention of torture, reported they had been ordered to liberate her and therefore craved the brethrens' advice. "The breithrein thinks it most expedient that scho be keipit yit still in prisoun and that the said maters be representit to the commissionerars of the Generall Assemblie and thair advyis to be desyined quhat to doe thairintill; and in the meanetyme does earnestlie supplicat the Lords of his Majesties Privie Counsall to grant permission for detensioun of the said Margaret in prisoun untill the commissionerars adogis be obtenit thairintill." (1)

Ministerial authority had assuredly run riot when it dared to set the Commissioners of the General Assembly above the Privy Council.

B. Factors Weakening Ministers.

So powerful was the part played by the Kirk in the panorama of Scottish affairs in the two hundred years after the Reformation that history has tended to overlook the undoubted fact that a variety of factors combined to weaken the authority of many ministers. These fall naturally into two classes, the ones of a more personal nature originating in the character of the minister and the influences of environment to which he was subjected, and the others arising from the obstructive tactics of certain sections of the community.

(a) Worldly Distractions.

1. Poverty.

Ministers might be designated heralds and messengers of God, but unfortunately for the Kirk, and perhaps fortunately for Scotland, they were but human beings, subject to the usual human ills and faced with many of the daily/

(1) R. E. C. 2nd Ser VIII p.158.

daily problems which come to us mortals who are condemned to earn our bread by the sweat of our brows.

The miserable pittance with which many a minister had to struggle along in the early days of the Kirk was not conducive to sustained spiritual effort (Year after year the General Assembly appealed to the government and nobility who had done so well for themselves out of the Reformation, for more adequate stipends, but with scant success. (2) Even laymen of standing realised the deleterious effect upon the Kirk of any prolonged hand to mouth existence and therefore raised their voices in protest. As early as 1569 Regent Moray, shrewd politician and good churchman that he was, deemed it necessary to write to no less a person than Sir Patrick Waus, Baron of Wigton, and in his time First Almoner to the Queen, Senator of the College of Justice, Lord of Council and Ambassador to Denmark: "trust freindis, efter our hartlie commendations, It is nocht vnknawin to yow how the ministeris of your cuntrey hes this lang tyme bygane wantit thair stipendis, and drevin thairthrow to povertie the occasioun of thair grite trablis that hes laitlie bene, quairthrow thei ar nocht abill to serue thair cuir withoute remeid be provydit thairto."(3) In a memorial on the state of Scotland in 1590 Sir James Melville of Halhill urged ministers should "be prouydit with fufficient locald ftipendis, nother ouer wikle, till entyfe them till auarice, nor ouer litle, till mak them fa indigent as till cry out in all ther preachingis of ther pouertie, in fic fort as they may have na occafion yearly to leave ther flok, to com and mak fut for ther lyving, with gret pain and expenfis, as they do presently."(4)

While/

- (1) Metcalfe 'History of Paisley' p.123, how Patrick Adamson admitted he had not worked as hard as he should as Commissioner of Galloway because of inadequate stipend.
- (2) B.U.K. I p.96 and quoted supra p.269n. ; ibid p.135.
- (3) Waus 'Correspondence' I p.62 in Ayr and Galloway Archaeological Soc 1897.
- (4) Melville 'Memoirs' p.380.

While the problem gradually became less acute in the Lowlands it was otherwise in the Highlands where the records of the Presbyteries of Inverness and Dingwall furnish apposite evidence of its persistence throughout the 17th century (1) The maximum spiritual benefits could not be expected from the ministry of the Rev. Archibald Maclachlan, who, after forty three years demitted his charge at Arrochar in 1701 because of "infirmities of body and various secular discouragements," which were, in effect, the lack of church manse, glebe and Kirk Session. (2)

2. Paucity of Ministers.

The number of ministers was lamentably inadequate for long after the Reformation with the result that all too frequently one man was saddled with the impossible task of looking after not one, but all too frequently three (3) four (4) five (5) and even six or more parishes (6) With travelling a problem/

- (1) Mackay 'Records of the Presbyteries of Inverness and Dingwall' pp.XV, XVI, 5, 309, 326.
- (2) Fraser 'Chiefs of the Colquhoun' II p.83. His successor was compelled to accept a call which he had refused, but on proving the lack of all the facilities mentioned, plus a school the Synod bowed to the inevitable and declared him transportable. He escaped to Pintry c.f. Irving 'Dumbartonshire' I p.276.
- (3) Jervise 'Angus and Learns' p.48.
Houston 'Achterderran' pp.146, 147.
Wilson 'Cambuslang' p.62.
Naismith 'Stonehouse' p.113.
Gunn 'Book of Linton Church' pp.5,6.
- (4) Inglis 'Annals of an Angus Parish' p.70.
Ferguson 'Alexander Hume' p.19.
Laing Letters of John Colville p.XIV
Frew 'Parish of Urr' p.214.
Grossart 'History of the Parish of Shotts' p.68.
Gunn 'Presbytery of Peebles' p.122.
Craig Brown 'History of Selkirkshire' I p.268.
- (5) Warden 'Angus' IV p.260.
Conolly 'Fifiana' p.214.
Gunn 'Book of Stobo Church' p.14.
Dickson 'Cranston' p.76.
Smith 'Strathendrick' p.21.
- (6) B.U.R. II p.722. Baird 'Annals of A Tweedale parish' p.262.

problem at the best of times, and often a physical impossibility in winter, religious duties, not to mention the search for and punishment of individuals must have been a task before which the staunchest ministers quailed (1)

Once again the richer and more staunchly Presbyterian Lowlands were the sooner able to cope with the difficulty though there were isolated instances of the trouble persisting well into the 17th century as at Aberdour in 1641 when the Synod of Fife "Recommend to Parliament the Parish of Aberdour. The deplorable estate of a great multitude of people, living in the mids of such a Reformed shyre as verie paganes, because of the want of the benefit of the Word, there being three kirkis far distant under the cure of ane minister, to wit: Aberdour, Dagetie, and Beatt; the remeid whereof the Synod humble and earnestlie recommendis to the Parliament (2)

In the Highlands and Islands, on the other hand, the problem of an adequate supply of ministers persisted all through the 17th century (3) and far into the 18th century (4) Kirk and Crown were equally alive to the necessity for remedial measures. The first article of the Statutes of Icolmkill, drawn up in 1609 laid doion: "The ruinous kirks to be repaired, and a regular parochial ministry to be established and maintained, with the same discipline as in other parts of the realm, the same observance of the Sabbath and of other moralities." (5) There is no ignoring the final words with/

- (1) c.f. Appendix VI
- (2) Ross 'Aberdour and Inchcolme' p.255.
- (3) Mackenzie 'History of the Outer Hebrides pp.523, 524.
Craven 'Dioceses of Argyll and the Isles' p.46.
Monteith 'Description of Isles of Orkney and Letland pp.4, 21, 28, 42.
Fraser 'Red Book of Monteith' I pp. 320, 321.
Mitchell 'Commissions of General Assembly 1646-47 p.252.
- (4) Brand 'Description of Orkney etc' p.97.
Roswell 'Life of John V' p.245.
Pennant 'A Tour in Scotland' I v.245.
- (5) Craven 'Dioceses of Argyll and the Isles p.40 R.S.C. IX pp.211-212.

with their implication that even in 1609 the Kirk courts were less effective north than south of the Highland line. What with the weakness of the royal authority the continual interneerine strife of the clans, the difficulty of travel, the prevalence of Catholicism and the language difficulty the problem was not an easy one, but at the root of the Kirk's weakness lay the scarcity of minister - or perhaps more appropriately, missionaries- willing to take their live, and the Bible, into the mountain fastnesses. (1)

3. Religious and Civil Strife.

Throughout the greater part of the 17th century the task of the ministers was not rendered any easier by the religious and civil strife, so/

- (1) In 1643 the General Assembly gave expression to the vicious circle in which it found itself when it brought to the notice of Presbyteries and Universities "the lamentable condition of the people of the Highlands, where there are many that gets not the benefite of the Word, in respect there are few Preachers that can speak the Irish language, Do for remeid thereof think good, that young students who have the Irish tongue, be trained up at the Colledges in Letters, especially in the ftudies of Divinitie." The Assembly therefore recommended the Presbyteries and Universities to prefer "any hopefull Students to bursaries" (A.G.A. 1643 p.13) In 1648 all congregations were wordered to pay 40/- Scots for the maintenance of Highland boys at school (A.G.A. 1648 p.40) In the same year the Presbytery of St. Andrews "Being certaineleie informed of the good hopes of Lacharias McAllum ----- and that his father is not able to traine up his children that way (i.e. at schools and colleges) doe appoint Mr. James Wood to find for the said Lacharias McAllum to come heir for that effect, and the Prefbyterie are willing to take the burden of his intertainment till the Provinciaall Affeblie." (Kinloch 'Presbyteries of St. Andrews and Cupar pp.38, 39)

When General Assembly meetings were resumed in 1690 one of the first acts arranged for the distribution of "Irish" Bibles (A.G.A. 1690 pp.13, 14) But the main problem was still the lack of ministers "on the north side of Tay" (A.G.A. 1694 pp.13, 15, 1695 pp.10, 16; 1696 pp.25, 26; 1697 pp. 9-12, 17, 18, 21-26; 1698 pp.11-12, 24-26) With ministers in the more settled south doing their utmost to avoid serving in the inhospitable north each General Assembly for many years after 1693 covered the same ground with acts and threats backed by quarterly committees in attempts to plant the north.

so appositely dubbed "the troubles" which convulsed the country. As early as 1606 the efforts of James VI to force Episcopacy upon the Kirk were having a deliterious effect. The Synod of Aberdeen found it necessary to point out to the king that the inevitable result of his warding recalcitrant ministers was to leave a great number of the Kirks within its bounds "altogidder defolat" and "be this occasiōne the maift part of the reft of the Miniftrie ar contemnit and raylit vpon, and their doctrine not hard, and difcipline mocked." (1) In the following year the ministers of Edinburgh wrote to James urging that he should refrain from putting ministers to the horn for "we perceave a great mifcontentment growing and breaking out euerye day more and more, in all fortis of people here and no leffe encreffe of enimyēs of the Gofple." (2) Matters did not improve, however and in 16 James VI was ordering "that the chief burrow touns be planted with fufficient wife, learned, and peaceable men, eſpecially fuch places as are now vacant, as Aberdeen, Perth Edinburgh, and Bamfe ." To James "peaciablen" men undoubtedly meant Episcopalian. (3)

But it was when matters came to a head between Charles I and the Covenanters in 1639 that "the troubles began to make their effect really felt upon the ministry. The normal processes of government having been thrown into confusion the Town Council of Dumbarton found themselves "be reassoun of the troubills of the kingdom unable to procure a commission for the trial of Margaret Cowper under arrest as a suspected witch and therefore "wt advyſe/

- (1) Laing - "Original Letters relating to Ecclesiastical Affairs I p.42.
- (2) Ibid I p.120.
- (3) Ibid II p.481.

advise of the minister put hir to libertie" upon caution (1)

With a united Kirk riding on the crest of its successful defiance of Charles I the next four years saw the ministers at the zenith of their power, and be it noted waging their greatest campaign against witchcraft (2) but Montrose shattered many of them out of their security into troubles so violent that they were no longer able to carry out their normal pastoral duties. As "heralds and Messengers" the Presbytery of Perth showed but small faith in the strength of the Covenanting forces for the news that Montrose was marching on Perth was sufficient to paralyse their work and make them glad to flee the town with the curt minute: "No Exercise, by reason, when they were about to have Exercise, present report was brought of the invasion of the Irish rebels ----- All other matters were continued because of the present troubles and fears." (3) When "the Lord's work" did not prosper on "the Lord's day" on which the Covenanters elected to fight at Tippermuir (4) confusion worse confounded reigned in the ranks of the ministers of the Presbytery of Perth for all through September, October and November not an exercise was held because of the troubles. By December 11 their fears had evidently sufficiently evaporated to let them meet (5) But Montrose came down from the hills with the spring (6) and once/

(1) Irving 'Dumbartonshire' I p. 54.

(2) Supra pp. 31-34, 65-67, 77-80

(3) Hunter 'Diocese and Presbytery of Dunkeld' I p. 346.

(4) Lang 'History of Scotland' III p. 122.

(5) Hunter 'Diocese and Presbytery of Dunkeld' I p. 346.

(6) Sixteen ministers took refuge in Dunnottar Castle and watched Montrose burn the outer buildings (Buchan Montrose p. 234). He reached Brechin at the end of March (Black 'History of Brechin' p. 67) and Dundee was pillaged on April 4th (Buchan Montrose pp. 236, 237).

once more presbyterial and synodical meetings were postponed (1) By April 30 even weekly catechising and visiting by ministers had stopped. (2) Two days before the Battle of Kilsyth on August 15 there was once again no exercise (3) With the country in a turmoil the march of Montrose to the Borders did not bring much ease to the sorely tried ministers, four of whom announced to the Presbytery on September 10 that they could not minister in their parishes because of the troubles (4).

Brechin, then commanding the only bridge over the South Esk was similarly thrown into confusion by the arrival of Montrose at the end of March 1645, so that there was "no preaching, neither collection, by reason of the enemies being in the town." (5) On July 20 Auchterhouse, in the same county, had to do without a sermon "because of the enemy being so near the town." (6) but Navar had to do without a minister for he was "constrained because of the frequent incursions of the broken and barbarous Highlanders, to retire himself with his whole family to the town of Brechin, they having before his removal plundered his house taken away and destroyed his whole corns, and victual and books." (7)

The departure of Montrose from Scotland in the autumn of 1646 (8) while/

- (1) Hunter 'Diocese and Presbytery of Dunkeld I p.347.
- (2) Ibid I p.347.
- (3) Ibid I p.347
- (4) Ibid I pp. 347, 348. Few ministers attended the Synods held in October 1644, and May and November 1645 and in each case none attended from the Presbytery of Dunkeld across whose confines Montrose repeatedly marched during the "annus mirabilis (Ibid p.345)
- (5) Black 'History of Brechin' p.67.
- (6) Warden 'Angus' II p.297.
- (7) Ibid IV p.169.
- (8) Buchan 'Montrose' p.314.

while it brought what Lang has tersely labelled 'Kirk's Triumph National Ruin' (1) was in reality a period of disciplinary weakness. Over such preoccupation first with Malignants, then with Enjoyers and the Act of Classes had the inevitable result of diverting the preachers' attention from all but such sinners (2) Certainly the many who dabbled on the fringes of the supernatural and the few who practised the geotic arts enjoyed a licence unknown to them in the years 1643-44 (3)

Characteristic of all that has been said of this whole period of the troubles was the case of Margrat McWilliam, a member of the virile band of witches who flourished in Bute at that time (4) Long considered as mala fama she was delated by confessing witches in 1631 yet lived on. In 1645 she was delated to the Kirk Session of Rothesay who "concluded nothing but took the same to ther advisment." Six months later the Session declared "ane accusation should have beine drawne up against her." In 1649 she "was apprehended for a witch and imprisoned and being tryed the devills mark was found upon her in severall paires of her body.. But through the confusion of the tymes then she was lett out upon bonds." Not till the Restoration had brought a temporary lull in "the troubles" and given the witch hunting Rev. John Stewart his chance was she at last brought to trial/

(1) Lang 'History of Scotland' III p.195.

(2) Mackay 'Presbyteries of Inverness and Dingwall' p.150 'No elders in capacitie be reason of Malignancie'.
 Selections from the Presbytery of Lanark' p.60 In respect of the troubles of the time, the moft part of all the minifters leaving their houfes for the infolencie of the trowpers many of them in the meantime being quartered in Lanarke, the former appointed day could not be kept be the brethren."

(3) *Supra* pp. 32,33,78-79 Black 'Calendar of Witchcraft Cases' pp.32-4 shows the striking fall in accusations.

(4) *Supra* p. 304

trial in 1662 for the many crimes to which she brazenly confessed. (1)

The tramp of Roundhead soldiers spread further confusion amongst the ministers. The East, which lay in the path of the invaders was the first to suffer. From July 20 to November 4 1651, the minister of Aberdour neither conducted public worship nor met his Kirk Session (2) On July 30 the Presbytery of Perth thought "fit not to fall on in discipline in regard of the paucity of their number, and swift march of the enemy." and held no meetings from that day till November 4 'in regard the prevalent trouble in the land." (3) For more than two months in the autumn of the same year Brechin had to pay for its strategic position by "no sermon, collection, nor session, by reason both the ministers were absent, the English forces lying in garison round about this town and a garison in the Castle of Brechin. (4)

The cessation of hostilities while removing the threat to life and limb did not bring any increase in the ministers' strength in the field of witchcraft for they found themselves no more than so many units struggling along without the moral backing of the General Assembly in an atmosphere rendered uncongenial by the blatant incredulity of the dominant Puritans, from General Monk down to the meanest official (5) The General Assembly/

- (1) Macphail 'Highland Papers' III p.21, 22; also numerous references to her by other accused pp. 3-30.
- (2) Ross 'Aberdour and Inchcolm' pp.262, 263.
- (3) Hunter 'Diocese and Presbytery of Dunkeld' I p.103.
- (4) Black 'History of Brechin' p.69.
- (5) In 1656 the minister of Culross was informed by the Clerk of the Criminal Court that in spite of Elspeth Craiche having made a voluntary confession of witchcraft "except murder or malison could be provin against such persons thair was no putting of thame to deathe? At the suggestion of the minister one of the bailies was sent to Edinburgh with a petition for a comission to put the accused to the knowledge/

Assembly they could certainly do without, as the holocaust of 1661-62 proved but the support of the criminal authorities was essential for the punishment of serious crimes such as witchcraft, and for that they had to await the overthrow of the Puritan rule. Robert Baillie, with his usual perspicuity accurately summed up the position when he wrote to Spang "There is much witcherie up and down our land, though the English be but too sparing, to try it, yet some they execute." (1)

But while the Restoration brought a brief renewal of strength to the great majority of the ministers who quietly conformed (2) it was otherwise in/

(5) knowledge of an assize. "Being unsatisfied with the clerk of the criminall court his answer to him anent the procuring of the said sommission, he thereafter went to the right Honorable Generall George Monk But even this step was unavailing and in the end the Town Council set her free on caution in view of the trouble the town had in watching, not to mention the expense of feeding Elspethe (Beveridge 'Gulross and Tulliallan' pp. 288-290) When the Kirk was able to renew its witch hunting she was rearrested in March 1662 (Ibid p. 318)

(1) Baillie 'Letters and Journals III p. 436 The letter is dated January 31, 1661, but obviously the allusion to witchcraft applies to the years of Puritan rule before the Restoration.

(2) Hunter 'Diocese and Presbytery of Dunkeld p. XVI Baillie Letters and Journals III p. 448. January 31, 1661 "Many of our people are hankering after Bishops, having forgot the evill they have done, and the nature of their office. An exceeding great profanitie; and contempt both of the miniftrie and religion itself is every where prevalent: a young fry of ministers in Lothian and Fife, and elfowhere, looks as if they intended some change, without any fear or reverence to the elder minifters, who lately put them in their places" The concluding clause is worthy of special note.

The following references give but a few of the places which openly espoused episcopacy:-

Jenvisse 'Memorials of Angus and Mearns I p. 298.

Beveridge 'Gulross and Tulliallan I p. 314.

Hunter 'Diocese and Presbytery of Dunkeld I p. 402.

Hardy 'Session Book of Bunkle and Weston p. iii.

Black 'History of Brechin' p. 93.

Murray 'Records of a Follink Parish I p. 206.

Wilson 'Synod of Dunblane pp. I, III

c/f. also Supra p. 47 (note)

in the Covenanting south west. There the bitterest of religious strifes ending in rebellion and the "killing times" saw the Kirk run by curates, many of whom seem to have been by no means the godliest of men. (1) In any case their main interests were centred not on the usual disciplinary measures but on the suppression of the covenanting movement, though lacking the cooperation of the people they found it difficult to achieve anything either in that sphere. (2) or in any other. Thus while the whole period of turmoil showed a marked diminution in the numbers accused of witchcraft the decline was most noticeable in the south west where the struggles was most bitter. (3)

The next religious change which followed the Bloodless Revolution, while it brought a speedy restoration of power to the ministers of the Covenanting south, resulted in a long drawn out struggle to force Presbyterian ministers on much of the north which remained faithful to its old Episcopalian incumbents (4) Attempts to force ministers on unwilling congregations led to open opposition. There were riots when one tried to preach in Dingwall in 1704 (5) When two ministers went to Rothes to supplant the Episcopalian incumbent/

- (1) Baillie 'Letters and Journals III p.448.
Kirkton 'History of the Church of Scotland' pp.179, 180.
Airy 'Lauderdale Papers II p.225.
Burnet 'History I p.262, 416, 417.
- (2) Davies Miscellany of Scottish History Society III pp.92, 93.
Hetcalf 'History of Paisley' pp.284, 285.
- (3) Black Calendar of Cases of Witchcraft pp.74-79.
- (4) Macnaughton 'Church Life in Ross and Sutherland' p.4.
Craven Episcopal Church in Diocese of Ross' pp.65, 66.
Craven " " " " " Caithness pp.183, 185, 188, 189,
197, 202.
- (5) Craven Episcopal Church in Diocese of Ross p.67.

incumbent "a numerous Rabble did assault and pursue them, whereby they were obliged abruptly to leave off the worship of God." (1) In Brechin the Rev. John Skinner who refused to conform was deposed, but continued to preach and the rival Presbyterian minister reported to the Presbytery in 1705 that if he attempted to exclude Skinner from the pulpit he would be rabbled by the mob "to which they were not a little encouraged by the magistrates, who refused all concurrence or assistance to him, Mr. William, on this matter." (2)

It was not surprising that the Presbyterian brethren of the Lowlands showed no desire to follow the General Assembly's orders for transplanting them to the inhospitable north (3) where their less fortunate colleagues could do little more than lament the "paucity of their numbers", the difficulty of their work" and "the lamentable desolation (by want of Presbyterian ministers) of several Highland parishes in the bounds." (4)

The Kirk was enabled to bring the impasse to an end and strengthen its influence in the north through the general adherence of its opponents to the Jacobite cause and the consequent disabilities they brought upon themselves at the hands of the government (5)

Brechin, which had been noted for its adherence to Episcopacy, illustrates the gradual change in Kirk's power for by 1720 discipline was being tightened/

- (1) Craven Episcopal Church in Diocese of Moray p.84.
- (2) Black 'History of Brechin' p.117; c/f. Chalmers Dunfermline p.427 for Presbyterians using the church in the morning and Episcopalians in the afternoon from 1701-1705.
- (3) Supra p. 330
- (4) Craven 'Episcopal Church in Diocese of Moray pp.79, 325 c/f. also Porteous History of Griefff p.116 where church vacant 1690 to 1699.
- (5) Craven 'Episcopaliana Church in the Diocese of Moray p.94.

tightened up, and sinners found they had to answer for crimes which had but lately gone unchecked. (1) But one fact cannot be ignored. At the very time when the ministers of the south were once again able to set the machinery of witch hunting in frenzied motion (2) there were only a few isolated cases of witch-hunting in the strife-torn north (3)

4. Plague.

With no respect for persons plague had a devastating effect on the work of the ministers. Disciplinary measures became impossible in a land where, contrary to their normal behaviour, people showed a rooted aversion to the daily contacts with their neighbours (4) Balfours comment on the serious outbreak in 1606 that "all the judicatures of the land were deserted." (5) while perhaps an exaggeration nevertheless illustrates one usual result. Judges in Edinburgh (6) elders in Stirling (7) it was the same story of blank records telling of meetings suspended. The departure of the plague left many a minister with a sadly depleted Kirk Session (8)

Contemporary records are strangely silent about the conduct of ministers/

- (1) Black 'History of Brechin' pp.126-134.
- (2) Especially in Fife in 1704.
- (3) Johnston 'Old Lore Miscellany of Orkney etc II pp. 111-113, 193;
III p.47. Beaton 'Ecclesiastical History of Caithness' pp.138-149.
Fraser - Maxwells of Pollok I p.441.
- (4) Chambers 'Domestic Annals' I 53, 94.
- (5) Ibid I 399 quoting Balfour's Annals
- (6) Chambers 'Domestic Annals' I pp.94, 358, 549.
- (7) Miscellany of Maitland Club I Pt.2. p.448.
- (8) Lorimer 'St. Guthbert's Church, Edinburgh pp.113, 114.
Black 'History of Brechin' p.70

ministers during the outbreaks but if the records of Presbyteries are any indication the majority found discretion the better part of valour. The Presbytery of Brechin did not meet from April till the end of July 1647, and even then only on Buthergill Hill. Not till January 20, 1648 did it meet in the town when the minister deputed to preach the sermon showed more regard for the lessons of the Old Testament than the sufferings of the community by choosing as his text "Fools, because of their transgressions, and because of their iniquities are afflicted." (1) For similar reasons the Presbytery of Stirling did not meet from September 3, 1606 to February 11, 1607 (2)

There was, however, another aspect of the plague's crippling effect upon the Kirk's activities. Never blessed with over-much of their country's wealth of the widespread belief that the plague could be spread by handling infected money (3) Consequently the ministers had frequently to forego the collection "The moderator and remanent sessions must have faced a serious crisis in Brechin in 1647 for no collections were taken from April 4 to November 7 (4)

Plague and witchcraft were signally alike in their endemic nature throughout the whole period under review for the country was never free from them, but so mutually antagonistic were they that never once did any area groan under both at once. Ministers and people alike forgot their fear of/

- (1) Jervise 'Angus and Mearns' I p. 200
- (2) Ferguson 'Alexander Hume' pp. 98, 192.
- (3) Chambers 'Domestic Annals' I p. 549 II pp. 165, 166.
- (4) Black 'History of Brechin' p. 70.

of witchcraft before the all enveloping terror of the plague. (1)

5. Human Ills.

Ministers were but human and subject to the ills and failings of the race. Illness they could not expect to avoid, but something was lacking in the organisation of a Kirk which could permit the normal spiritual work of a parish to languish through the prolonged illness of its minister over a period of four and a half years (2)

Indifference, or as some might prefer to stigmatise it, laziness ~~was~~ fortunately rare among the ministers. The notorious Patrick Adamson, while acting as commissioner for Galloway, was probably no worse than others holding similar appointments, but less thoughtful of the proprieties than his confreres, boldly excused his negligence by pleading the lack of a stipend (3) Any who might plead, if not on Adamson's, at least on the Kirks behalf that it had been in existence for but fifteen years must however consider the position on the boundaries of the parishes of Brechin and Montrose as late as 1642 when the Kirk was at the height of its power. People dwelling there in doubt which was their kirk, stayed at home and no minister either visited them or saw to their attendance at some church (4)

b. Obstruction/

- (1) Plague was serious from 1585-88, 1603-1609 and 1645-47. No serious outbreaks of witchcraft fall within those periods.
- (2) Paton 'Kingarth Parish Records' p.154.
- (3) B.U.K. I p.316.
- (4) Jervise 'Angus and Mearns' I p.71.

b. Obstruction of Ministers Work.
 1. Congregations.

For various reasons ministers found their work obstructed by their own congregations.

The prevalent lawlessness of the Hig/lands and the Borders was the simplest reason for such a state of affairs. "These fourteen years I have ftreavin, and am now wearie with the barbaritie of my nighboures" was what the Rev. William Whitefurd wrote to Viscount Annand in 1625 when soliciting the latter's assistance for his translation from the wild Borders to Liberton where, as he naively but honestly declared, he would be nearer Edinburgh and his friends." (1) Very much worse was the case of Mr. Thomas Huistone, minister at Boleskine, who when the Presbytery met at Inverness on June 3, 1670 "regrated to ye Breyren that notwithstanding that his Parishioners had solemnly ingaged and publickly promised in audience of ye sd Breyren at the last visitation, holden at Boleskine ye 7th of December 1669, to give him all ye incouragements yt might contribute to ye advancing of the glory of God and ye work of the Ministry in yt place, and particularly ingaged (upon their credit and reputation) to give him both countenance and maintinance, yet that he had not security for his life or goods; his house being laityly seized upon by Lochabber Robbers, himself threatened wt naked swords/

(1) Laing 'Original Letters relating to Ecclesiastical Affairs' II p.734.
 His appeal was not successful and he continued to languish in Moffat (Fasti II p,216.)

swords and drawn darts at his breast, his money and household stuff plundered, and seeing that one of their number suffered death laityly therefor at Inverness, ye rest of them were lying in waite for his life, and threatening his ruine and damage, so that ye evening his affrayed to (be) burnt to ashes or morning" He therefore requested the brethren to permit his transportation "to anye place quhere the Lord in Mercy may be pleased to call him." (1)

Where authority, whether Kirk or king attempted to force religious changes upon the people congregations sometimes found themselves saddled with a minister whose doctrine was anathema to them. It has already been shown how "curates" in the south and Presbyterians in the north found it equally, if not impossible to carry out their duties in the face of congregations united in their determination to worship as their fathers before them. When the mob takes to "rabbling" discipline goes by the board (2) In this connection witchcraft was no exception.

With effective witch-hunting ultimately dependent upon the fears which drove the community to measures of self-protection (3) the gradual growth of doubts merging into disbelief towards the end of the 17th century raised new difficultlies for the ministers. By the very nature of their calling, which steeped them in the lore of the inviolable Old Testament they, as a class, were slower in experiencing the leavening influences of the Age of Reason sweeping northwards across the border with increasing force as the/

(1) Mackay 'Presbyteries of Inverness and Dingwall pp.4, 5.
 (2) Supra pp. 338, 339
 (3) Supra p. 172

the contacts between the two countreis grew stronger with passing years. The witch-hunting minister was apt to find that when he piped to the old tune his flock showed but little of their whilom enthusiasm. This was the fate which befell the Rev. Alexander Logan. In 1704 his parish of Torryburn, probably infected by events in the neighbouring Pittenweem (1) gave every assistance to him and his Kirk Session in the wide-spread investigations which followed "upon a flagrant rumour that Jean Biset, wife of James Tancochie, had been molested by satan, and had complained of some particular person of the devil's instruments in that trouble that she lay under." (2) But only five years later "Margaret Humble, called (before the Session) declared that Helen Key said, that when she heard Mr. Logan speak against witches, she thought that he was daft." (3)

2. Kirk Sessions.

As a rule ministers found willing ~~coadjutors~~ in their elders. Instances did occur, however, where the usual cooperation between ministers and elders was lacking. At the presbyterial visitation of Kiltearn in July 1649 the minister reported the elders "are faithfull in delating delinquents bot slak in executing discipline." (4) In the south there were several cases of elders blocking enquiries into suspected cases of witchcraft by absenting themselves from Session meetings, or even, as at Inverkeithing, taking more positive action on behalf of suspects. (5)

If/

(1) Sinclair 'Satan's Invisible World Discovered' pp. 257,-260.
 (2) Webster 'Tracts on Witchcraft' p. 129
 (3) Ibid p. 145. c.f. supra p. 171 for the Rev. Alex. Logan's later witch hunting when he was translated to Culross.
 (4) MacLay 'Presbyteries of Inverness and Dingwall' p. 140. Their slackness was understandable when the elders reported at the same visitation "that Bignous and some others, being drunk, came to his/

If the course of events at Crawford in the Upper Ward of Lanarkshire is any criterion then a Kirk Session could sometimes show more sense than the hot-headed ministers. The trouble began in Peebles in 1649 when Janet Couls began accusing all and sundry. As on a previous occasion (1) the hunting spread into the neighbouring county and the Presbytery of Lanark had its hands full when the Marquis of Douglas sent to the county town some dozen persons (2) in "Crawford~~Douglaffe~~" - the modern Crawford - accused of witchcraft by Janet. (3) George Cathie, the pricker' was brought from Tranent and "did prik pinnes in everie one of them, and in diverse of them, without paine the pinne was put in." (4) No doubt the Presbytery thereby felt satisfied in their minds but the law demanded more positive evidence, so the minister of the parish was ordered to wait upon the suspected persons and by prayer and exhortation, to bring them to a confession (5) But having/

- (4) his house (the ministers) an Saturday at night, bot yt Mr. Robert came not nier yem, and yt therfoir they brak his balne (barn) strik his man, and tak meat and drink according to yr own pleasure (Ibid pp.139, 140.)
- (5) Supra pp. 35,182,183
- (1) Maki McQuat first examined by members of the Presbytery of Peebles but subsequently brought before the Presbytery of Lanark. Hunter 'Bigger and the House of Fleming' p.380; Robertson Presbytery of Lanark p.20 ut sequitur.
- (2) The records give twelve names but Marion Moffet appears twice. There is nothing to show whether there were two persons of the same name or a clerical error has resulted in her inclusion twice over (Robertson Presbytery of Lanark p.74)
- (3) Robertson Presbytery of Lanark' p.74.
- (4) Ibid p.75.
- (5) Ibid p.75.

having no desire to write their own death warrants the suspects did no such thing, so the Presbytery could do nothing but supplicate for a commission to imprison, watch - suspect word - and try them (1) In no less than four occasions members of the Presbytery were sent to preach at Crawford and then hold Session meetings in an attempt to hear of more delations against the suspects (2) On each occasion, to the everlasting credit of the elders, the ministers heard nothing new, and to that position the elders adhered even when one of the suspects began to babble of her meetings with the devil (3)

But the tide was on the turn. The Presbytery of Peebles had already heard Janet Conts withdraw her accusations against the persons within its bounds and had "exhorted the Commissioners to take speedy course for Execution of justice upon her as one desperately sett to do evil." (4) On January 24, 1650 the Presbytery of Lanark heard she had cleared Helen Achefon, and the others were all at liberty by March 21 because the ministers had to admit to the Commissioners appointed by the Privy Council that their meetings with the Kirk Session of Crawford had elicited "nothing at all delated by any in Crawford Dowglaffe" against the suspects (5) No credit is too high for the elders who having sat through what would undoubtedly be the fiercest of sermons yet refused to find evidence where their consciences, /

(1) Ibid p.76.
 (2) Ibid pp.76, 78.
 (3) Ibid p.77.
 (4) Gunn 'Book of Stobo Church' p.51.
 (5) Robertson Presbytery of Lanark' p.79.

consciences or should it be sound common sense, told them there was none.

3. Civil Authorities.

In their efforts against witchcraft the ministers found it essential to cooperate with the civil authorities. In practice such cooperation resolved itself into two distinct spheres—the local help of magistrates, baron bailies and the nobility to ensure safe custody of the accused and make possible the collection of evidence necessary to build up a strong case, and the more distant authorisation of the criminal authorities in Edinburgh without which trial and execution were legally impossible.

Not unnaturally, with the Kirk making a practice of working in the closest harmony with the local justices and even having them as members of the Kirk Session there was seldom any serious trouble from this quarter (1) In 1650 the Presbytery of Irvine and the Baron Bailie of Cunningham worked together with such effect that twelve were consigned to the flames. (2) This success seems to have gone to the ministers' heads so that throwing discretion to the winds, they stepped over the shadowy but ever present line separating the ecclesiastical and criminal spheres of justice. The Bailie Depute was quick to represent to the Presbytery "that sundry persons who were suspected of witchcraft within the bounds of the Presbytery, were apprehended (contrary to the privilege of the bailiary) without a warrant from him." (3) The Presbytery's decision is a masterpiece of prevarication. They/

(1) *Supra* pp. 121, 122, 172, 173, 175-177, 264-269

(2) Paterson County of Ayr II p. 92.

(3) *Ibid* p. 92.

They neither confirmed nor denied the claim but "do judge it expedient that no person or persons suspect of witchcraft as said is, be apprehended and put in firmanse by any person, without a warrant from the Bailie of Cunningham or Depute, and in case any person be apprehended before a warrant can be obtained and had, that word be presently sent to the bailie." (1) No doubt they felt that in theory they had given away nothing which would compromise their rights and claims in the futue, but in practice the Bailie had administered a check on their activities.

Much more serious was the opposition which the Kirk encountered at Inverkeithing in 1649. There no fewer than nine elders who found blood thicker than Kirk discipline had to be suspended, and when the breath of suspicion blew over the bailies own wives they too found their erstwhile enthusiasm evaporating and refused to order the arrest of their spouses (2) With the twin pillars of the Kirk's local discipline thus shaken to their very foundationsthe Presbytery saw that only drastic action could retrieve the situation. They met at Inverkeithing and craved the magistrates "to give their full power and commission to certain honest men in the toune to apprehend, imprison, and try these persons." To this the magistrates "did at that tyme consent and agrie," but once the ministers had departed "the magistrates and toune counsall slights that work and refuses to give the powar in maner foirsaid." (3) Baulked by this further defiance the Presbytery and Mr. Walter Bruce, minister of Inverkeithing jointly petitioned/

(1) Paterson County of Ayr II p.92.
 (2) Stephen 'Inverkeithing and Rosyth' pp.441, 442.
 (3) Ibid p.442.

petitioned Parliament for a commission to act in place of the magistrates and arrest all persons within the burgh denounced by the Presbytery (1) Within a week Parliament acceded to the request (2)

But whatever obstruction ministers met with locally was as nothing compared to the adamant resistance which they encountered in Edinburgh. Far from the madding whirl of local excitement engendered by a good witch hunt the lawyers were able to preserve a detachment which pierced the clouds of local superstition and saw for what they were so many of the charges backed by over-credulous local ministers.

To the much maligned James VI must go the credit for a series of decrees which did much to establish the right of the judicial authorities, and the Privy Council in particular, to make the final decision whether a suspect should stand trial for witchcraft. In his callow youth he had certainly declared his willingness to grant commissions "to such as the Ministers thought meetest to execute the same, quher inhabilitie was in the Judges ordinar." (3) but by 1596 a change had come over James and in February he declared he was 'dabie fasheit' by demands for the instant issue of commissions of justiciary upon witchcraft and other capital crimes without their "being presentit first to his Hienes Counsaill, hard, considerit and allowit be thame; nor yit his Majestie being treulie informit of/

(1) A.P.S. VI Pt.2. p.510

(2) Ibid VI Pt.2. p.538.

(3) B.U.K. II p.64; supra pp.63, 282 where possible reasons for his action are suggested. ; infra Appendix IV for the change in the kings outlook.

watch on witchcraft prosecutions "1598 August 2 Ordanis that
of the caussis, vthrie witches in the Tolbaith be sent awer to Falkland to the
Grace conform to his Mateis precept." (Edinburgh Burgh Records
1589-1603 p.226.)

Privy Council decree that all such requests had to be presented to the Court
and allowed by them (1) Eighteen months later the king took the much more
drastic step of revoking all witchcraft commissions because, as he said,
even though "the haill land is defyllit" with witchcraft "grite dangear may
ensew to honest and famous personis." He then announced the conditions
upon which commissions would be issued in future. Obviously he had little
faith in many whose commissions had been revoked for he decreed "gif any
of the saidis commissionaris or utheris his Heynes liegis, of gude rank for
zeale of justice and haitrent of the said detestable cryme, desyirs
commissionis and power to be given to thame of new to the effect foirsaid, the
same salbe grantit to thame and sum baronis and ministeris unsuspect, to
the noumer of three or foure conjunctlie at the fewest." (2) Gone were
the days when James would automatically accept the persons the Kirk put
forward as commissioners. Ministers especially, were suspect, and were in
fact so rarely appointed during the remaining twenty seven years of his
reign that they apparently resigned themselves to their ultimate exclusion
from that field of justice. (3)

Even/

(1) R.P.C. V p.268.

(2) R.P.C. V p.409.

(3) Supra pp. 285 and notes.

The following is symptomatic of the kings desire to keep a close
watch on witchcraft prosecutions "1598 August 2 Ordanis that the
thrie witches in the Tolbaith be sent awer to Falkland to the Kings
Grace conform to his Mateis precept." (Edinburgh Burgh Records
1589-1603 p.226.)

Even more revolutionary was the announcement in the same decree that while consulters of witches were no less guilty than the witches and deserved equal punishment, commissioners were not to be given the customary powers "for apprehensioun, tryale and punishement." Instead they were to report to the king within fifteen days any evidence against consulters discovered while pursuing witches, so that "ordour may be takin for tryale and punishment of the saidis consultaris" all upon pain of losing any part of the witches "guidis and gear that might pertene to thame be vertew of the saidis commissionis, bot lykwayes salbe realie punist in their personis and guidis." Commissioners who so far forgot the terms of their commission as to execute consulters or seize their goods "salbe repute slauchteris upoun foirthocht felloun and spuillye respective." (1) Thus the cardinal principle that commissioners were not automatically endowed with powers of death was explicitly enunciated. Admittedly the limitation applied only to consulters but within a short time the Privy Council made increasing use of commissions to arrest, examine and reprot on suspected witches.

The next stage in the king's plan for strengthening the central judiciary at the expense of the local commissioners came in 1609 and was but the obvious extension of this very principle to its logical conclusion. Geillis Johnstoun's famous complaint that the Presbytery had convened her before them and held her in process when they had in fact "no warwand, auctoritie, nor jurifdiction to cognofce or determine." (2) and the ministers' ill-advised attempt to insist before the Privy Council that "the tryell of these/

(1) R. T. C. V. pp.409, 410.
 (2) Pitcairn 'Criminal Trials' III pt 2, p 600.

those crimes were most proper to the Kirk" (1) gave the Privy Council a golden opportunity to state its position. The Kirks claim to discern and cognosce, first advanced in 1575 (2) was rejected in toto and it was informed in terms admitting of no ambiguity that its function was to examine suspects and then remit them to the criminal judges with any relevant evidence they had collected by way of delations or examination of witnesses. (3)

With the appointment of bishops to all parts of the country James was able to bring about a further, albeit temporary decrease in the Kirks right to lay information before the Privy Council for in 1624 the Privy Council decreed that all depositions, dittays and information had to be considered by the bishop and such ministers as he chose to summon to assist and thereafter the bishop was to report to the Privy Council (4)

The importance of the successive measures introduced by James cannot be over-emphasised. Beginning as a reaction against the excessive zeal of commissioners and witch-hunting ministers in 1596-07 his measures had gradually developed into a concerted attempt to weaken the judicial power of the Kirk. Like so many Scottish acts and decrees their application was spasmodic, but their underlying principles were never forgotten and were rigorously applied when the central authorities in Edinburgh deemed it necessary. Naturally it was not always easy to do so for local authorities enjoyed two great advantages which they used to the full. The first, and favourite/

(1) R.P.C. XIV p.612.

(2) Supra p. 61

(3) R.P.C. XIV p.612; supra pp.93, 95, 96, 287 This decision was reiterated by the Privy Council only five months later (R.P.C. XIV pp.613, 614 and supra pp.288

(4) R.P.C. XIII p.620; supra p. 98

favourite method, was to take high-handed illegal action by way of arrest and torture and so obtain an overwhelming amount of incriminating evidence, or even a confession in the face of which the Privy Council could raise no objections to the granting of a commission: the second was to proceed by strictly legal means but to present what was therefore often much less damning evidence in the least favourable light for the suspect. Luckily for the good name of justice, the Privy Council and many a suspect, the local zealots could not prevent the king's subjects, either themselves or through their friends, from bringing their grievances before the Crown. That was the rock upon which nine out of ten ministers perished when their zeal ran away with their discretion.

An examination of a few typical decisions of the Privy Council will show how it checked the presumptuous actions of the ministers.

Easiest to deal with were the requests for commissions based on evidence so slender and dubious that it failed to convince the Privy Council. When eighteen months of hectic activity were necessary to convince the Presbytery of Lanark that the Rev. John Currie's accusation of witchcraft against Malie McQuat was justified and therefore that a commission should be sought "to apprehend the said Malie, and to proceed to her further tryall", it was not surprising that the "same is delayed, because of some pretended informatiue in it, that she is not directly challenged of witchcraft and that she is not yet apprehended, till which tyme, no commiffion can be obtained." (1) After a further delay of two months the Presbytery had her locked up, appointed one committee to revise her process and another to draw up a supplication for a commission to try her (2) Four months later, July/

(1) Robertson 'Presbytery of Lanark' pp. 26, 27.

(2) Ibid p. 28.

July 20 1642, Mr. John Currie, her original acouser, who had been deputed to carry this second supplication to the Privy Council reported his second and decisive rebuff for the Council held "that the pointes in her proceffs can no wayes deserit deathe." (1) - a decision which the Presbytery's own Commissar had come to as long before as May 1641. (2) The Presbytery ordered Mr. John to go to Edinburgh once again and ask the Commissioners of the General Assembly to obtain a commission from the Privy Council. But Mr. John must have had no illusions as to his reception, for pleading sickness he excused himself to the Presbytery for not attending the meeting of the Privy Council. The Presbytery bowed to the inevitable and washed its hands of a case which had occupied its attention for twenty eight months by referring the process to the Synod. (3)

The Privy Council had more difficulty in dealing with cases in which ministerial activities were cloaked by an apparently irreproachable request for a commission. A sustained attack on Katharine Oswald began on July 2, 1629, with the issue of a commission to John Wauchop of Nidrie to search for and apprehend her, lodge her in Edinburgh Tolbooth and report her depositions to the Privy Council on July 20. Having got the law on his side Wauchop was foolish enough to throw away the advantage by failing to carry out the terms of his commission, consequently Katherine was presented with the opportunity of complaining to the Privy Council on September 4,
She/

- (1) Ibid p. 30.
- (2) Ibid p. 25.
- (3) Ibid p. 32.

She had no doubt where her chief danger lay for she declared their Lordships had granted the commission "on sinister information of Mr. Andrew Learmouth minister at Libbertoun." (1) She further complained she had lain in prison for over eight months "during which time neither the said minister nor any others have come to question her about the said crime." (2) Such flagrant flouting not only of the Privy Council but of all the elementary principles of justice was too much for the Privy Council. The minister and Wauchop were summoned before them and must have made a very poor impression for the trial was taken out of their hands, they were ordered "to deliver a copy of the indictment to the pursuer forty-eight hours before the trial that she may prepare her defences." and if they failed to pursue she was to be liberated on caution (3) Upon second thoughts the Privy Council must have become even more suspicious of the whole affair for a fortnight later "the saids Lords being carefull that the said tryell sall be exactlie and dewlie done and that the saids justices be assisted be good advice and counsell in such questionable doubts as sall occurre in that tryell." appointed assessors to the commissioners. (4)

As a rule, however, the witch hunters acted first and thought about commissions afterwards. Working in the closest cooperation with Sir Patrick Home of Ayton, Mr. John Home, minister of Eyemouth favoured this technique/

(1) R.P.C. 2nd Ser. III p.276.

(2) Ibid p.276.

(3) Ibid p.276.

(4) Ibid p.293.

technique. First they locked up Elizabeth Bathcat without a warrant but she successfully appealed to the Privy Council which evidently had no doubt who was the ringleader for they ordered Mr. John to prosecute her before His Majesty's Justice - a doubtful honour which he tried to avoid by excuses of inability to travel in the bad weather, and a request, which strangely enough the Privy Council granted, for a commission to try her locally. Another supplication by the suspect stopped that shady scheme. (1) Next Sir Patrick, at the desire of Mr. John Home apprehended Isobel Sinclair on bare suspicion of witchcraft and then procured a commission for her trial. But more than three months later Isobel in her supplication which came before the Privy Council on 28 March 1634, declared that no move was made to try her though she had urged the minister to have her put on trials with diligence. Mr. John's unfortunate experience with the Privy Council over Elizabeth Bathcat had apparently opened his eyes to the dangerous position he had got himself into for according to Isobel "the said Mr. Johne, being conscious to himselfe of his unconscionable behaviour toward the supplicant, he upon xvj day of Marche instant sent to her said husband and desired him to come to him, and when he come he promiseist to gett his wife putt at libertie and to caus others smart and spend muche if he would follow his counsell, whilk wes to move his wife to say to the commissioners appointed for her tryell that she wes with barne." (2) The scheme miscarried for the commissioners decided that/

(1) R.P.C. 2nd Ser V pp176, 177, 593, 605.

(2) Ibid p.246.

that they could not liberate her without authority from the Privy Council, and no doubt to the acute embarrassment of the minister, who had already shirked one appearance before the Privy Council (1) decided he and the suspect's husband should go to Edinburgh for the authority to release her. Plying on the husband's poverty Mr. John offered to go alone, and then conveniently omitted to do so - hence Isobel's supplication. The Privy Council ordered her liberation on caution to appear for trial (2)

The Rev. James Gillespie of Rhind, in conjunction with several local notables carried the same technique of local action a stage further. "The Confessions and depositions given in against several persons suspect of witchcraft." were good enough to make Justice Deputis report to the Privy Council that they justified the issue of a commission to try and judge on the 16 January 1662 (3) But once again the whole story was laid before the Privy Council. Not only had the minister and his assistants "most unwarrantable apprehendit and incarcerat "the four suspects "but by pricking, watching, keeping of them from sleip and other tortur have extorted from the saids persons ane confession of their guilt of the cryme of witchcraft" had consequently obtained the above mentioned commission and executed the suspects "whereby it may be feared that they, at least ane or other of them, have suffered unjustlie." (4) Worse still the commissioners were busy employing identical tactics upon another five suspects. Determined to check another miscarriage of justice the Privy Council summoned the minister and his helpers to appear before them and answer the charges, and secondly ordered the immediate removal of the prisoners to Edinburgh "till farder tryall be taken of the said matter." (5)

Thanks/

- (1) Supra p. 357
 (2) R.P.C. 2nd Ser V 246.
 (3) R.P.C. 3rd Ser I pp. 132, 137.
 (4) Ibid pp. 138, 139. (5) Ibid p. 149.

Thanks to the suspects right of complaint by far the largest number of checks upon the over-zealous ministers were administered by the Privy Council before commissions had been issued and irreparable harm done to the victims. (1) Thus in December 1629 William Stevinsoun and his wife complained to the Privy Council that "upon sinister information of the presbytery of Chirnesyde that they were guilty of witchcraft" the bailies of Duns had warded them in the tolbooth. There they had languished for ten weeks, all appeals to the Presbytery either to try or liberate them being unavailing. The Privy Council summoned the moderator of the Presbytery, and the pursuer's son (2) but when the minister failed to appear the prisoners were liberated on caution to appear before legally appointed justices (3)

Very similar was the supplication of Margaret Young of Queensferry on 20 August 1644 that she had been in prison since the first of April, was willing to stand trial and craved it should be soon or she should be liberated (4)

With the Rev. Ephraim Melville of Queensferry already famous as a diligent witch hunter (5) the Privy Council knew where to look for the ringleaders for they "ordains the minister and ballies to be summoned to heire the desire/

- (1) It must be borne in mind that such supplications usually presuppose some local doubt in the suspect's guilt for it would be well nigh impossible for a friendless prisoner ever to make contact with the Privy Council. Consequently many an innocent but unpopular old wife, living under the bruit of witchcraft must have gone to the stake for lack of friends to lay her plaint before the Privy Council.
- (2) Obviously their son had not deserted them in their time of tribulation.
- (3) R.P.C. 2nd Ser. III p.378 A week later a commission was issued but only to put them to the knowledge of an assize (Ibid p.385)
- (4) R.P.C. 2nd Ser VIII p.104.
- (5) Morison 'Royal Burgh of Queensferry' I p.6.
Mitchell 'Commissions of the General Assemblies' III p.303.
Ferguson 'Ecclesia Antiqua' p.174.

desire granted or ellis to show a caus why." (1) Twelve days later the Privy Council issued a more cryptic summons to the same people to appear to see her put at liberty on caution to answer as required (2) As a result delations were presented to the Privy Council against Margaret "guhais mother, mother sister, and sister were all brunt for witchcraft" (3)

Nevertheless the Kirk Session were evidently uneasy about the whole sorry business for they had already toyed with the idea of liberating her on condition of banishment furth of Scotland provided the Presbytery agreed, and now with the Privy Council so obviously inclining to the prisoners side, in spite of the long list of delations, they agreed to liberate her at once (4)

Another Margaret Young, but of Dysart, in October of the same year also supplicated the Privy Council that she too had "lyin most miserablie ther ten weekes bygane" in Dysart tolbooth, that the Rev. James Wilson, conform to a previous citation of hers had appeared before the Privy Council and craved continuation of the case for twenty days to discover whether any delations would be given in against her, that in point of fact none had been given in and therefore she now craved her release "In respect of the non-appearance of the bailies and ministers the Privy Council ordain the bailies to li erate her and William Moresone, her husband, became cautioner in 500 merks to exhibit her whenever he sall required." (5)

Many/

- (1) R.P.C. 2nd Ser. VIII p.104.
- (2) R.P.C. 2nd Ser VIII p.109.
- (3) Ibid p.109.
- (4) Morison 'Royal Burgh of Queensferry I p.78, 79.
- (5) R.P.C. 2nd Series VIII p.28.

Many a suspect had more to complain about than more imprisonment. Janet Love's complaint in April 1632 was that the Sheriff Depute of Renfrew handed her over to the tender mercies of the Rev. John Jamilton of Inverkip "who instead of powerfull exhortatiouns, prayers, and others meanes of that kynde dew to be performed be persouns of his calling, cruellie caused tortour the complainer with bow strings, stob her with preins, lay her in the stockes, call wedges on her schinnes and otherwayes most miserablie intreate her, thinking thereby to extort frome her by tortour that quhair of she is most innocent." Once again the minister failed to impress the Privy Council when he appeared before them for the case was continued for three months and Janet Liberated on the usual caution to appear then (1)

Even worse was the fate of Helen Hamilton who, in the same year, complained that the Baron, Bailie of Broughton "assisted in counsell advice and direction of Mr. David Forrester, minister at Leith unwarrantably put her to the extremest tortour that they could devise, laying her fast in the stockes and in twa gades of yrne of 24 stone weight, putting chekellis of yrne upon her armes and binding her craig and legs togidder with yrne chaines till the flesh wes worne cleane aff the bones, and in the extremitie of this tortour they extorted frome her false and untrew depositions aganis honest women in Leith."

Having heard the baron bailie and the minister the Privy Council ordered her release from irons and restraint in "free ward", but the two zealous witch hunter ignoring this command, kept her a close prisoner and refused to permit/

(1) R.P.C. 2nd Ser IV p.473.

permit anyone to have access to her "quhilk is ane great inhumanitie in the persoun of a minister." Prisoner baron bailie and minister were therefore brought before the Privy Council, when the defenders glibly admitted the use of the stocks and irons and actually had the audacity to urge "that they were in use to doe the same of before and wes commounlie practised in the kingdome." The Privy Council was certainly prone to turn a blind eye on much that went on up and down the country but in this instance the offence was too blatant and finding that the baron bailie "being ane privat, hes committed ane verie great wrong in ministring the tortour without power or commissioun," promptly warded him and ordered him to pay £20 to the complainer's son (1) As a churchman the minister escaped more lightly, though what the Privy Council thought of his part was clear when they declared "the said minister hes done heerin aganis the dewtie of his office and admonishes him to forbear to meddle in suche bussinesses heerafter." (2)

C. How the Ministers dealt with Witchcraft.

Concentration upon the work of the General Assembly, Presbytery and Kirk Session has inevitable resulted in much light being thrown upon the labours of the ministers to combat witchcraft and its allied superstitions but the very multiplicity of their efforts makes it essential that their activities should be viewed in their proper perspective - albeit at the expense of a certain amount of reiteration - from the exclusively ministerial angle. Only by doing so can one hope to produce at least a semblance of order/

(1) Once again the complainer's son had not deserted her.
 (2) R.P.C. 2nd Ser IV p.436.

order out of the chaotic variety of paths the ministers followed to reach their goal, the stake.

1. "Inquifitors general" (1)

The Bible, their own pastoral experience of the frailty of human nature, and lastly the growing volume of decisions by successive General Assemblies (2) alike combined to impress upon the ministry that their vital duty as shepherds could only be carried through by unceasing search for the unholy trinity - witches, charmers, and consultants. Hugo Arnot had every justification for his statement that one of the two outstanding fields of ministerial endeavour against witchcraft was as "inquifitors general"

The obvious start of any enquiry into this aspect of the minister's labours is where he acted on his own initiative. Immediately this line of enquiry is pursued the surprising fact emerges that while so many ministers were active in the field of witchcraft only a very few ever worked entirely on their own initiative. If the minister of Kilwinnings' personal account is to be believed then he occupies a unique position for his perseverance with Bessie Graham in 1649. He frankly admitted that after thirteen weeks discourse with her "sometimes she made me think, that she was an innocent Woman; so that I was much grieved for her hard usage, if it could have been helped, and had my own secret Wishes, she had never been medled with. Yea, if she could have made an escape, I being innocent of it, I could have been glade" He found himself caught on the horns of the dilemma which proved too much for Pontius Pilate for, as he naively wrote, he feared the assize, if/

- (1) Arnot Criminal Trials p.311 "The Presbyterian clergy in matters of scandal and of witchcraft, arrogate to themselves the office of public profecutors, of inquifitors general."
- (2) Supra pp. 41 et seq

if it met, would not condemn her "unless I advise them thereto, wherein I was not clear, so that she should have been set at Libertie, and I blamed for it, by reason of my not advising the Assize to condemn her." However, a pricker came, found the mark, and with difficulty a commission was procured. But the chief man of the parish, backed by others, then had the temerity to say that "all was proven on her were but Clatters" So more than ever was the responsibility the minister's now that the assize was to meet. Having prayed for clear proof he went to the steeple where his doubts were finally resolved by hearing the poor woman who had been confined there for thirteen weeks talking with the devil! "Within a quarter of an hour I go up again, with two or three able men with me, and brought her down to the school having placed six men to watch." (1)

Now and again a minister, finding that prayers and exhortations were of no avail was stung to more drastic action. No other explanation would explain the conduct of Mr. John Aird, who taking upon himself the duties of pricker "put a pin in the pannell's shoulder (where she carries the devill's mark) up the the heid." (2) As a rule ministers were more circumspect, however, and were content to summon a pricker. James Balfoure when summoned before the Privy Council in 1632 for taking upon himself to discover witches by this means "declared that the first tyme that ever he knew the devills marke was upon occasioun of ane gairdners wife in Tranent who being delate and suspect of witchecraft the depouner was required by
Mr/

(1) Sinclair "Satans Invisible World Discovered" pp.109-113.

(2) Law Memorialls, Sharpe's preface lv. Annot
'Criminal Trials' p.358 for another minister pricking; c.f. supra 143
for James VI on pricking.

Mr. Robert Balconquhall, minister at Tranent, to searche and seeke the markes on her, whiche he fand on the arme." (1) The minister has a lot to answer for because the Privy Council found "that the said James Balfoure his knowledge in this mater has onelie bene conjecturall and most unlawfullie used within Gods kirk, and thairfoir discharges him of all forder exerceing of that art and trade in tyme comming as he will answer upon the contrarie at his perrell." (2) In the same year Janet Love complained to the Privy Council that the Sheriff depute of Renfrew "sent her to Mr. Johne Hamiltoun, minister of Innerkip, who instead of powerfull exhortatiouns, prayers and other meanes of that kynde dew to be performed be persouns of his calling, cruellie caused tortour the complainer with bow strings, stob her with preins, lay her in the stockes, call wedges on her schinnes and otherwayes most miserable intreate her, thinking thereby to extort frome her by tortour that quhair of she is most innocent." (3)

Early in the crusade against witchcraft some ministers eagerly adopted another line of attack and began carrying witches about the country so that they might discover others of their kind. Matters came to a head when Mr. John Cowper, minister in Glasgow carried the method to such a pitch that according to Spottiswoode innocent women were condemned (4) The ministers had to take action against the people of the town "quha traducis and/

(1) R.A.C. 2nd Ser IV p.433.

(2) Ibid p.433.

(3) Ibid p.473.

(4) Spottiswoode 'History of the Church of Scotland' pp.66, 67.

and slanderis unjustlie the ministerie of the said citie, as the authoritie
of putting to the deathe the persones latlie execut for witchcraft within
the said citie." (1) King James VI revoked all commissions (2) the
Presbytery of St. Andrews supplicated the king "for repressing of the
horrible abuse by carying a witch about" (3) and finally the General
Assembly asked him if the use of professed witches in this manner "be
lawfull ordinar tryall of witchcraft or nocht." (4) Such united lay and
clerical expression of disapproval effectively checked the reprehensible
practice (5) Only once does it seem to have been again employed and that
a hundred years later when the inexperienced new minister of Kirkmaiden
made his congregation file before a woman he had brought from Wigton. But
the parish rose in wrath and the Session records bearing the names of the
accused were burned (6)

In the negative sense the same unwillingness to take the initiative
was manifest in the ministers use of the pulpit against witchcraft only upon
authorisation by some court of the Kirk. Even the order of the General
Assembly in 1642 that ministers were to be diligent in their preaching
against "witch-craft, charming, and fuch like" did not change their attitude (7)

As/

- (1) Maitland Club Miscellany I Pt.1. p.89.
- (2) R.P.C. V pp.1409.410, Supra pp. 28, 29
- (3) Fleming St. Andrews Kirk Session Register p.801 note.
- (4) B.U.K. III p.937.
- (5) In 1644 the Presbytery of Ayr refused the request of the minister of
Straiton that he might consult a young woman "who took upon her the
discoverie of witches throw the cuntrey" Pagan Annals of Ayr p.108.
- (6) Wood Witchcraft and Superstitious Record pp.97, 98.
- (7) A.G.A. 1642 p.21.

As moderator of his Kirk Session the minister was a more active inquisitor. The development of ecclesiastical discipline goes far to explain this fact for from the time of the First Book of Discipline it had been laid down that the elders were to assist the minister (1) Subsequent legislation continually repeated this fundamental principle (2) and when in addition the General Assembly laid down that a minister was not to exercise discipline by himself (3) and also that witchcraft investigations began in the Kirk Session (4) ministers were given a lead which few of them ever ignored and then only because of some exceptional circumstances (5)

In addition the elders were a powerful group endowed with an authority which the Kirk and their own natural inclinations as local celebrities made them ready, nay sometimes over-ready, to use. Hence ministers found in them the ideal coadjutors in the war against witchcraft which in the end largely depended for its success on the dread of the superstition ridden populace that they would be engulfed in the machinations of the devil's allies. The best proof of the effectiveness of the elder's work lies in the rarity with which ministers found it expedient to remind them of the necessity for diligent search for witches and charmers. Only three instances, all during the outburst of witch hunting in 1649-50 have been noted, and in each instance the reminder was obviously inspired not so much by suspicion of his own parishioners as by the burnings in other parts of the country (6) With the opening of the eighteenth century people were obviously/

(1) Knox 'Works' II p. 234, quoted in full supra p. 161

(2) B.U.K. I pp. 14, 16; II p. 498.

A.G.A. 1643 p. 28; 1707 pp. 13, 23 and supra p. 161-168

(3) B.U.K. III p. 926.

(4) Ibid II p. 566 and A.G.A. 1707 p. 23. This last reference is valuable as a reiteration of what had for long been the accepted position.

(5) Supra pp. 108

(6) Supra p. 201, 202

obviously becoming chary of making definite accusations of witchcraft and consequently they sometimes approached the minister in the first instance and left him to take the initiative if he thought fit, and raise the matter in his Kirk Session. (1)

As a rule, however, elders had no need to be reminded of their duty, for once a community became convinced there was witchcraft in their midst gossiping terror did the rest. The Kirk Session sprang into frenzied activity as happened when in 1596-97 Aberdeen was convulsed with one of the earliest but worst holocausts in the whole gamut of Scottish witch hunting. The usual formula was that the accused had been before "the ministre and dyvers of the Sessioun." (2)

Although the elders had an essential part to play the minister in his capacity of moderator naturally took the lead once investigations had been set on foot. The whole cycle of events was admirably demonstrated when Torryburn and neighbourhood were in the throes of a vicious outbreak which led to some unpleasant mob law in 1704 for "The session being called, pro-re nata, upon a flagrant rumour, that Jean Bizet, wife to James Tanochie, had been molested by Satan, and had complained of some particular person of the devil's instruments in that trouble that she lay under. Whereupon the minister ordered the officer to cite the said Jean Bizet, also Lillias Adie and Janet Whyte, whom she was said to complain of; and also/

(1) - Supra p. 202, 203

(2) Spalding Club Miscellany I pp. 101, 111.

also to cite Mary Wilson, who is said to have taken the charm by stroking up her head, and also he ordered the officer to cite Tanochie's daughter, with James Tanochie, James Whyte and his wife, Helen Anderson, and Mary Nielson, who are said to know something of the circumstances of that affair." (1)

Another aspect of the same tendency to look upon the minister as principal inquisitor was shown by the Kirk Session of Penninghame in 1706 when "it being informed that one Jean Brown is come lately to be a servant to Grissell McKie in Skaith having no testimoniall and under an ill fame of devilish practices the minister is desired to go and converse with her and report." (2) A variation of the same procedure, but one which was more frequently employed, was followed by the Kirk Session of Kinghorn in appointing several of their number "to go wt the minister to try the persones who have dittees to alledge against the sd persones (Katharine Walenge and Jonet Smythe) and also to attend him while he goes to examine the persones empresoed and to do yr best endevowres to bring ym to confefsion." (3)

Still another fact of the ministers part as 'Inquisitor General' in collaboration with his Kirk Session was demonstrated when Janet Traill was convened before the Kirk Session of Perth in 1623 for "after prayer had been made to God, that he might direct her to declare the truth in those things that should be asked, she sat trembling in hands, head and body. Being asked what moved her, she said she durst not confess for fear of spirits that vexed and troubled her. She was comforted by the ministers against that fear if she would confess." (4).

By/

- (1) Webster 'Tracts on Witchcraft' p.129.
- (2) Paton - 'Session Book of Penninghame' p.164.
- (3) Kinghorn, Kirk Session of.
- (4) Stuart Breshytery Book of Strathbogie p. XII.

By far the largest part of the ministers work as "Inquisitor General" had its origin in the Presbytery of which he was a member. Once again ecclesiastical and civil law had much to do with this simple fact. (1) Whether, as was usually the custom, a case first came before the Kirk Session, or more rarely, was first raised in the Presbytery, it was the latter body which in most instances had to take the responsibility for the accuracy of the information, be it depositions, dittays or confessions, which justified an approach to the Privy Council in Edinburgh.

Certain fundamental factors were conducive to, if not an impartial, at least a cautious examination of the evidence. First there was the composition of the Presbyteries, which, in the main, were made up of ministers, who in those distant days when travel was so often an ordeal, and news slow to spread, could easily arrive at a meeting to hear of some case of witchcraft for the first time. Free from the hysteria of local events they were apt to preserve enough native wit to realise that what might look a damning array of evidence to the active participants was just as likely to look like a heterogenous mass of illogical irrelevancies to a set of hard headed Privy Councillors. In addition experience warned the Presbytery that only the best of cases, or at the worst, the best presentation of a weak case was likely to secure the all important commission. Finally they had to face the unpalatable fact that because a suspect had the valued right of appeal to the Privy Council their actions were always liable to end in a summons to appear before the Council, which they very well knew, was never disposed to look on the ministry with an indulgent eye. (3)

Very/

- (1) B.H.K. II pp. 665, 666 and supra p. 91 Witchcraft in Scotland p. 137
 (2) p. 60: R.F.C. XIV p. 612 supra p. 137
 (3) Supra pp 348-362

Very rarely the whole Presbytery decided to investigate the evidence. When "Some malicious persons, his unfreidlis" delated Geillis Johnston to the Presbytery of Dalkeith in 1609 "the said Prifbiterie hes thairvone convenit him before thame, and hes haldin him in proces before them thir fevin culd bigane." (1) In 1656 certain strange practices involving sacrificing at Losh Maree within the boundaries of the Presbytery of Dingwall reached the ears of both Presbytery and Synod, whereupon the latter ordered the Presbytery to meet at Applecross "for searcheing and censureing such principalls and superstitious practizes as sould be discovered thaire." (2)

Both investigations exhibit special features which are sufficient to account for the unusual procedure. From the first the Presbytery of Dalkeith seems to have been planning to use the charge against Geillis as a suitable occasion for advancing the old claim of 1575 to "decerne and cognofce." (3) While the unusual nature of the stories drifting out of Applecross with their clear indications of the persistence of Catholic beliefs are sufficient to account for the action by the whole Presbytery of Dingwall.

On the other hand the Presbyteries of Peebles in 1640 (4) Lanark in 1646 (5) and Paisley in 1649 (6) decided upon presbyterial examination of suspects where no unusual circumstances demanded such a course. In none of the instances was the mass assault justified by success and all three/

- (1) Nicolson Criminal Trials III Pt. 2. p. 600 supra pp. 93-96
- (2) Mackay Presbyteries of Inverness and Dingwall pp. 279, 280.
- (3) Supra pp. 61, 62
- (4) Hunter 'Biggar and the House of Fleming' pp 379, 380.
- (5) Robertson Presbytery of Lanark p. 53.
- (6) Murray 'Kilmacollm' p. 57

three Presbyteries reverted to the normal method of appointing some of their number to carry out further investigations. This method was bound to appear much more attractive to the members who frequently found attendance at of special meetings. The continual appointment of the same members of a Presbytery as inquisitors suggests that the majority were content to leave of such matters in the hands of the rabid witch hunters, with, it has to be admitted, unfortunate results for the suspects.

such matters in the hands of the rabid witch hunters, with, it has to be admitted, unfortunate results for the suspects.

Much has already been said of the variety of ways in which the Presbyteries set their own members investigating so no more than the briefest of recapitulations is therefore necessary. (1)

When a minister rushed to the Presbytery without sufficiently well-attested evidence they had no hesitation in ordering him to go into the matter more fully before his own Kirk Session and, if the evidence elicited justified action, to bring the matter before the Presbytery anew (2)

Sometimes a minister found he could make no progress in the local examination of a suspect whereupon he would appeal to his Presbytery. Assistance was always forthcoming, either in the form of an order that all the neighbouring ministers were to make an appeal from their pulpits for information to be laid before them and their Sessions (3) or more usually in the appointment of colleagues to assist the minister who had found his lone efforts baulked. (4)

In/

- (1) Supra pp.136-144
- (2) Stevenson - Presbytrie Booke of Kirkcaldie p.136; supra p. 140
Robertson Presbytery of Lanark p.56 supra p.140
- (3) Cramond Records of Elgin pp.369, 370 supra p.104
Hunter Biggar and the House of Fleming p.300.
- (4) Kinloch Presbyteries of St. Andrews and Cupar p.90 supra p.138
Robertson Presbytery of Lanark pp.76-78 supra p.347

In the majority of instances, however, a minister was content to bring the existence of witchcraft within his small domain to the notice of the Presbytery secure in the knowledge that an immediate intensification of the hunt was almost certain to result in the appointment of ministers to interview the suspects with the object of eliciting a well-attested confession, backed by an abundance of local depositions. Failing the confession they were always prepared to fall back on depositions alone in the hope that the Privy Council would at least issue a commission for trial.

Even the report that a suspect had confessed had to be treated with circumspection as the Presbytery of Cupar found in 1649 for when they sent one of their number to deal with Helen Young he had to report "that ftille fhe confesses hir felfe to be a witch; but that when fhe is pofed upon particulars fhe feems to them either to diffemble, or els to be diftracted." (1)

It is/

- (1) Kinloch 'Presbyteries of St. Andrews and Cupar' p.130 supra p.139
 Four months later the Presbytery of Cupar had the same difficulty with Marjory Winfter whose minister reported she had first made a voluntary confession and then denied it. Two ministers were appointed to join with her own minister and confer with her. The report made by one of the additional ministers was that she "feered to him to diffemble and feinzie madneffe." Ibid p.143. In 1675 the Synod of Aberdeen received "divers complaints and regraitts" that some "under pretence of trances or familiaritie with spirits by goeing with these spirits commonlie called the fairies, hath spoken reproachfully of some persones, whair of some are dead and some living." The presbyteries and ministers interested were recommended "carefully to endeavor the suppressing of that seductione by warneing the people of the danger of it, and calling befor them the seducers; and if the seducers be compotes mentis to proceed in censure against them." Stuart Records of the Kirk Session, Presbytery and Synod of Aberdeen p.310.

It is but fair to stress the fact that while the ministers were seldom lacking in their duties as inquisitors they were by no means as hopelessly prejudiced as most authorities seek to make out, for from time to time they were wiser enough to confess their failure to elicit information justifying action against a suspect. Thus on behalf of the ministers ordered to enquiry into a case of charming at Pittenweem in 1694 Mr. Patrick Couper reported "that David Tod, the partie purfueing, did faile in his probation laid in against Beatrix Laing, whom he purfueing for ufeing a charm against his son. This being confidered by the Preebitrie, they found that they could proceed no further in it at the time." (1) When Katharine Crystie was first delated by David Clerk the Presbytery of Kirkcaldy appointed several ministers to join with the Kirk Session of Dysart to "take cognifance of the affair, and they after narrow examination found her innocent and ordained the David Clerk to acknowledge his offence before the Session." (2) Marion Davidsons was twice before the Presbytery of Lanark in 1646 and when the scandal of witchcraft increased against her, three of their number were appointed to make further trial of the case. To their credit the ministers reported "they difmiffed her vpon catione for compearance, becaus their was nothing proven against her." (3)

In view of the Kirk's avowed policy of close cooperation with the local civil authorities in the field of justice (4) it was but natural that/

- (1) Finlock Presbyteries of St. Andrews and Cupar pp. 97-98.
- (2) R.F.C. 2nd Ser II p.143 The attack on Katharine was renewed three years later, Mr. Wm. Spittell, one of the ministers of Kirkcaldy, being a ringleader. R.F.C. 2nd Ser III pp.429, 490, 512, 605, 606.
- (3) Robertson Presbytery of Lanark p.54.
- (4) Byra pp. 121-124, 175, 176, 320-327

that a great part of the minister's work as inquisitors should have been carried through in conjunction with such laymen of standing as provosts, magistrates and baron bailies.

With that infinite variety so typical of Scottish witch hunting the inquisitorial bodies set up in the towns conformed to no accepted principles. At one end of the scale came the practice adopted at Elgin in 1661 when the ministers, provost, bailies and elders all met in the Session house to hear the delations against John Rind (1) Only slightly less representative were the bodies which met at Aberdeen in 1597 and Dumbarton in 1626 for the former included the minister, Kirk Session and provost (2) and the latter the three ministers, the provost, bailies, councillors and the schoolmaster (3) Frequently the examining body was simply announced as consisting of either the minister and magistrates (4) or simply of the ministers and some other people. In the latter case the records were sometimes content with "the minister and dyveris vtheris nychtbouris (5) but usually they gave th/names of those present (6)

As a rule ministers, as persons directly interested were actively engaged on all the various types of bodies enquiring into witchcraft but it was quite unusual to find the Town Council of Inverness taking the lead and inviting the minister of the town to be present at the enquiry (7)

Some/

- (1) Cramond 'Records of the Kirk Session of Elgin p.289.
- (2) Spalding Club Miscellany I p.166.
- (3) Irving Dumbartonshire I p.37.
- (4) R.P.C. Vol 12 pp.423, 425, 490.
Sinclair Satans Invisible World Discovered p.53.
- (5) Spalding Club Miscellany I p.161
- (6) R.P.C. 2nd Ser VIII p.190; 3rd Ser I p.188.
- (7) Mackay & Laing Records of Inverness II p.211

Some of the worst instances of maltreatment of suspects occurred when a minister, over-zealous in his role of inquisitor general joined forces with some individual wielding judicial authority such as a baron/bailie or tutor in an effort to extort confessions from obdurate suspects (1)

On a few occasions between 1591 and 1629 the Privy Council recognised the part played by ministers as inquisitors by appointing them commissioners. In all but two of the instances when this admittedly rare procedure was adopted the ministers were not appointed with powers to try but only to investigate. A typical commission issued in 1622 was to "Sir Johne Campbell, younger of Lawers,----- Wallace of Garrell -----Blair of that Ilk, David Dunbar of Enterkyne, the provost and bailies of Air, and Mr. James Greig and Mr. Alexander Wallace, ministers, or any three of them, the said ---- Blair and one of the two ministers being two of the three to apprehend Jonet Scott vagabond and suspect 'guiltie of the crymes of witchcraft, sorcerie, useing of charmeis and consulting with the devill," to keep her in safe custody, and examine her by confronting her with such other persons as they shall think fitt, and report her depositions in writing to the Council"(2)

2. Delator

To play the part of 'Inquisitor General' was one thing; to delate a person was another and much more serious step. Session and Presbytery records alike make it plain that the minister were well aware of the fact. The/

(1) R.P.C. 2nd Ser IV pp.436, 437; supra p.325-327
R.P.C. 2nd Ser VIII p.37.

(2) R.P.C. XIII p.52 ibid pp.439, 460. For a more detailed account of the part played by ministers as commissioners c.f. infra pp. 392-4

The normal course was for a minister "to report" what he knew or suspected either to the Kirk Session, Presbytery or civil justices (1)

Instances of a minister playing the role of delator before a Kirk Session are rare in the extreme. The seventh article of the dittay against Margaret Wallace, accused of witchcraft in 1622, bore that some six years earlier she had been accused by the minister of Carmunloch before the Kirk Session of Glasgow (2) In 1597 Helen Fraser "was accusit be the minister of Foverne, for that scho abvsit the peple." (3) In 1666 Mr. Andro Bruce, minister of Carnbie delated Margret Guthrie and proceeded against her in his Session (4) The truth was that the cautious ministry could almost always rely upon the community, and more particularly the elders to free them from the necessity of debating. If they did feel that some little encouragement was necessary on their part a few words to the elders or the congregation were usually sufficient to set the wheels of enquiry turning.

Equally rare were the occasions when a minister delated someone to the Presbytery, but obviously if the minister was loathe to take such action before his own Kirk Session he was going to be at least equally circumspect before the Presbytery. Hence the few delations were marked by some unusual features. When Mr. John Currie, minister of Coulter, gave in/

- (1) Bute Session Book of Penninghame I p.197
 Munro Records of Old Aberdeen II p.74.
 Johnston Old Lore Miscellany of Orkney etc. IX Pt.1. p.17.
 Spottiswoode Miscellany II p.307.
 Robertson Presbytery of Lanark p.55.
 Gann The Cross Kirk, Peebles p.157.
 Kinloch Presbyteries of St. Andrews & Cupar pp. 90, 90.
 Stuart Presbytery Book of Strathbrock p.15.
- (2) Pitcairn Criminal Trials III pt.2. p.201.
- (3) Spalding Club Miscellany I p.105.
- (4) Kinloch Presbyteries of St. Andrews and Cupar p.91.

in an accusation of witchcraft against Maly McQuat to the Presbytery of Lanark in 1640 the circumstances were unique. In the first place the minister had the satisfaction of knowing she had already confessed; secondly the confession had actually been made before the Presbytery of Peebles whereafter it had since transpired that Maly was in fact domiciled within the bounds of the Presbytery of Lanark. Clearly immediate action was necessary to prevent Maly slipping through their fingers (1)

Fear of bodily harm undoubtedly drove Mr. Donald Fraser, moderator of the Presbytery of Dingwall to delate Agnes nor nin vick can glaisli who was "made fame in the matter of witchcraft" after she "had publickly on the high way in the presence of ane brother, Mr. John Gordowne, scolded, lyed menaced, cursed and used imprecations agt him." (2)

Inexperience in the ways of the Kirk is the only excuse which can be put forward on behalf of Mr. Leslie, curate of Inverkip, who in 1676 delated John Macgregor to the Presbytery of Greenock without any of the usual proofs so that the matter had to be remitted to the Kirk Session of Greenock. In spite of their efforts and further enquiries by ministers the charge was virtually dropped by John escaping with a warning that any more "cures" by him would lead to his delation to the civil magistrate as a charmer, and by the people being warned that any further recourse to/

- (1) Robertson Presbytery of Lanark p.20 supra p.106 In point of fact the delation, complete with confession was only the beginning of one of the most prolonged and bitterly contested witch hunts on record c/f. supra pp. 354, 355
- (2) Mackay 'Presbyteries of Inverness and Dingwall p.525.

to him would lead to their censure. It is possible that Macgregor was much too good a "medecine man" to be done away with for he had actually confessed to using beads as a charm. (1)

J. Attestor.

Early in the development of witch-hunting the Kirk realised that only by the widespread use of what was variously referred to as attestation, certification, or testification could effective use be made of the masses of information accumulated as the result of inquisitional action.

Financial stringency and the easily understood antipathy to travel made it difficult to bring witnesses before any but the local Kirk courts in the early stages of investigations so that attestation of the evidence given there was the only certain method of ensuring subsequent action by the Presbytery. In addition the vagaries of human nature were such that no one could foresee when a suspect might suddenly decide to confess, or a witness to talk, consequently crucial evidence was frequently volunteered to the fortunate few who happened to be present. Immediate subscription and attestation of the evidence ensured its preservation for future use, for memories were fallible and confessions always liable to retraction.

To a presbytery about to address a request for a commission to the judicial authorities in Edinburgh all those reasons for attestation assumed an added importance, especially as the case was going from the realm of local and principally clerical influence into the domain of councillors and judges, trained in the assessment of evidence - men with many cares on their/

(1) Metcalfe County of Renfrew p.327.

their shoulders and therefore anxious to have the evidence as definite as possible (1) As early as 1587 the General Assembly indicated the first essential in this direction when "the brethrin who deduced the process in St. Andrews against a witch presentlie detained in prison, were ordered to subscribe the same authentically, that it might be delivered to the Council, and Mr. James Melville was ordained to travell in the coast side, for matter of dittay against her." (2)

Practical considerations helped to strengthen this order. Confessions had to be heard and written down, but while all could listen few could write (3) Among the latter were the minister, the schoolmaster and the notary (4) but schoolmasters and notaries were less numerous and consequently not so likely to be present at an examination as the ubiquitous minister. Hence some of the writing and almost always the attesting was done by the minister.

The actual methods of attesting showed the usual variety common to Scottish witch hunting. The signature of a single minister was accepted. The last item in the dittay against Helene Frasser tried at Aberdeen in 1597 concludes "Thomas Tilideff, minister at Fovern, with my hand." (5) In 1661 parliament issued a commission to try and report upon Jonnet Mciffon and Margaret Barclay "the depofitions being attefted be Mr. Robert Ker Minifter at Hadington." (6) In 1650 Marjorie Paterson and/

- (1) R.F.C. V p.263 and supra p. 28,29 R.F.C. XIII p.620 and supra p. 98
 (2) Antiquaries, Proceedings of Scecity of X New Series p.242.
 (3) John Smollett and Gabriel Porterfield who had been sent from Dunbarton to Edinburgh in "gave in their compt of the charges as follows, viz: for copying over of Johne McWilliam his dittaye and declarations and c'fessiouns in a good legible hand, becaus the judges could not read those that war sent and written here (Dunbarton) 5 2/3 shillings" Irving Dunbartonshire I p.35.

and other confessing witches "and their depositions attested by the Moderator" of the Presbytery of Dalkeith (1)

An extract from the Session of Presbytery records in the minister's handwriting came to have the same weight as an attestation by him. The civil authorities were prepared to treat it as such as early as 1597 for Mr. Nicoll Dalgleische reported to his Presbytery of St. Andrews that "the Crounne had cravit of him the extract of the depositions of the witches brunt at St. Androis, quhilk he had grantit be the advyse of his session." Evidently he was experiencing qualms of conscience for he "cravis the judgment of the Presbytraie: quhilk thair allowe." (2) Even more conclusive was the fact that Isobel Young's able counsel who fought Sir Thomas Hope, the prosecuting advocate, (3) step by step, while objecting to the use of depositions by confessing witches before the Presbytery of Duns did not question their extraction from the Presbytery records by Mr. Patrick Hamilton, minister of Innerwick. On his part counsel for the prosecution declared "that this deposition extractted from the books of the Presbitrie (by the minister is judicial, albeit not judicium civile, and sua must make faith." (4) In 1706 and again in 1707 the Kirk Session of/

- (4) Joannes Innes Notarius Publius wrote the confession of Janet Breadhead in 1662. Pitcairn Criminal Trials III Pt.2. p.613.
- (5) Spalding Club Miscellany I p.109.
- (6) A.F.S. VII 196 b.
- (1) Antiquaries, Proceedings of the Society of IV p.474.
- (2) Fleming St. Andrews Kirk Session Register II p.800 (Note)
- (3) Arnot Criminal Trials p.354.
- (4) Spottiswoode Miscellany II p.47.

Penninghame instructed their minister to extract the evidence against suspects and convey it to the civil authorities. (1)

But by far the greater number of attestations bore more than one signature. The additional names were sometimes those of a few colleagues who had been present at the local examination (2) but more frequently all the ministers who were present signed the depositions before transmitting them to the judicial authorities in Edinburgh with the request that a commission be issued (3) In the majority of cases, however, the attestors comprised both laymen and ministers. During June and July 1661 Parliament issued four commissions to judge suspected witches after they had received depositions "attested vnder the hands of the Minister and kirk session (4) The same Parliament issued a commission to try several persons in Saltpreston on "depositions vnder the hands of Mr. Patrick Cook Minister William Robertoun Baillie Johne Hamiltoun Baillie John Clerk Robert Drummond and Hector Wood elders of the parochie of Saltpreftoun." (5) At the same session of parliament a commission was also issued on depositions attested by the minister and two bailies of Musselburgh (6) The several confessions made at Forfar in 1661 were all attested first by the minister and then by others selected from a small group made up of the provoest, three notaries, two bailies, a 'late' bailie and several merchant burgesses of the town. (7) The fact that the official status of those Forfar laymen/

(1) Paton Session Book of Penninghame I pp.165, 206.

(2) R.E.C. 2nd Ser. VIII p.195.

A.P.S. VII p.235. a.

(3) Spottiswoode Miscellany II p.47.

Antiquaries, Proceedings of the Society of IV p.465.

R.E.C. 2nd Ser VIII p.157.

(4) A.P.S. VII pp.263b, 257b, 336b.

(5) Ibid p.196b. (6) Ibid p.197b. (7) Antiquaries, Proceedings of the Society of X pp.246-255.

laymen was not given in every attestation made by them makes it a fairly safe assumption that in other attestations which bore no more than the names the persons were all of some standing (1)

When suspects belonged to a town large enough to require the services of more than one minister, attestations were signed by all the ministers of the town. The provost, bailies and ministers subscribed Jonet Boyd's deposition at Dumbarton in 1629 (2) the bishop of Aberdeen, the magistrates and ministers all signed "for the better procuring of the said commissioun" against the women delated by Marioun Hardie in 1630 (3) In point of fact the additional lay signatures undoubtedly lent weight to a document, and judging by the preponderance of such attestations, seem to have been preferred by the ministry. Legally they were not necessary, however for at the trial of Margaret Wallace, spouse of a Glasgow burgess, in 1622 the principle was enunciated by the Lord Advocate "that the faidis Depositiones (by Criftiane Grahame) ar fubfcryuit be the Proveift and Bailleis of Glasgow, quha war a pairt of the Commiffioneris nominat and appointit to the tryell of the faid Criftiane Grahame, as alfo fubfcryuit be vther tua men of grit credeit, viz. Mr. Johnne Bell and Mr. Robert Scott, Minifteris of Glafgow, quhais fubfcriptiones ar fufficient to geve authoritie to the Depositiones, as evir has bene fund in this judgement, in all matteris of Witchcraft, and fpeciallie in the proces of Euphame Mocalzeane,

(1) R.P.C. 2nd Ser VIII pp.189, 190, 196.

Webster Tracts on Witchcraft p.108.

(2) R.P.C. 2nd Ser III p.3.

(3) Stuart 'Council Register of the Burgh of Aberdeen' p.29.

Euphame, Barbara Napier and Agnes Sampson." (1)

While nothing was so welcome and effective as a signed attestation ministers sometimes appeared before both the ecclesiastical and secular courts to depone to the truth of depositions or confessions made in their presence. The minister and Session clerk of Montrose deponed before the Kirk Session in December 1649 that Margaret Hackett "whill shee was dieing layed her death upon the said Catharin" (Lyall) (2) The obvious need for haste would be sufficient to account for the verbal attestations in this instance. When the Presbytery of Stirling was having difficulty with Marione McNab who had first confessed and then denied certain charges of witchcraft they named witnesses including "Alexr fargy, minister chargeing yame to compeir ye said day to bear leall and suthfast witnessing in ye actione foirsaid." (3)

More frequently ministers deponed before the secular courts. The legality of this procedure was recognised at the trial of Grissel Gairdner in 1619. When the advocate desired the Ministers declaration "anent her life, tred, and converfatioun" the "pannell proteftis that the Declaratioun to be maid be Mr. Johnne Caldcleuche, Minifter, in this matter quhairupone fcho is dilaitit, be nawayis respectit or advertit onto be the Affyfe." The objection was ignored and Mr. Johnne Caldcleuch proceeded to make a long statement that fourteen years before she had become mala fama because of depositions of executed witches: that she had been/

(1) Pitcairn Criminal Trials III Pt. 2. p532. Euphame, Barbara and Agnes were all tried during the outbreak of 1590-91 c.f. Pitcairn I Pt. 2. pp. 230-257.

(2) Brechin Records of the Presbytery p. 39.

(3) Ferguson 'Alexander Hume' p. 250.

been suspect ever since and had used her sorceries and incantations to lay grievous diseases on various persons that the Presbytery "after tryell of the former offences done be hir, alfwieill to the perfones contonit in hir Dittay as ypone dyuerfe vtheris that ar nocht nominat thairin, direct the Deponer, as their Monderatour, to notifie the treuth of the premiffes to the Counfall, that sum ordour might be tane aenit hir Tryell and pwnifchment." (1)

At the trial of Anie Tailzeour before the Sheriff Principal of Orkney and Shetland in 1629. "Mr. Thomas, minister present declarit that Thomas Mure suir in thair sessioun and sho said giff he reveiled it he sould repent it and that he is continwallie weik sensyne." (2) When Margaret Watsoun and Jean Lachlane appeared before the Commissioner sitting in Lanark as "curia justiciaria supremi domini nostri regis." Mr. James Douglas minister of Carnwath, and Mr. Robert Birnie minister of Lanark, both appeared and upon oath deponed to several of the heads of the dittays(3) Having decided to try John Neill in Edinburgh the Privy Council properly decided it was necessary that persons best knowing the verity of the dittays be present "nevertheles they will not compeir in that mater without they be compellit" They therefore summoned twenty nine persons "as alsua charging Mr. George Roull, minister at Mordingtoun, Mr. Allan Lundie, minister at Huttoun, Mr. Thomas Ramsay, minister at Foulden, Johne Gaits, minister at/

(1) Pitcairn 'Criminal Trials' III Pt.1. p.97.
 (2) R. .C. 2nd Ser VIII p.362.
 (3) Ibid pp.146-154.

at Bankill, Mr. Alexander Smith, minister at Chirnside, Mr. David Ware, minister at Ladie Kirk, Mr. Johne Home, minister at Bymouth, Mr. Alexander Kinneir, minister at Quitsone, Mr. Mathow Carrail, minister at Edrem--- to compear personally in Edinburgh tolbooth on 25 March (1631) to tell truth as far as known to them of dittay re John Neill and witchcraft." (1)

4. Appellant for Commission.

Once the Kirk reconciled itself to the fact that the trial and punishment of witchcraft was outwith its jurisdiction (2) all the efforts of the ministry as "Inquifitors general." delators and attestors were but the essential preliminaries to the approach to the judicial authorities with the request that the information then placed before them justified the issue of a commission for the trial of suspects.

Normally the Privy Council was the body which dealt with such matters, although in 1649 (3) and again in 1661 commissions were issued by Parliament (4). In both those years, however the times were abnormal. The Privy Council was functioning in 1649 and issuing commissions (5) but Parliament had been showing an unwonted interest in witchcraft and in January of that year had ratified and approved all former acts against witchcraft, charming and consulting (6). The Kirk seems to have realised that its requests for commissions were likely to receive a sympathetic hearing/

(1) R.P.C. 2nd Ser IV pp.164, 165.

(2) The Kirk courts dealt with the lesser crimes of charming and consulting
Supra pp. 129-133

(3) A.P.S. VI Pt.2. pp. 420, 453, 463, 479, 484, 490, 497, 498, 506, 510, 516, 518, 538, 732.

(4) Ibid VII pp.31, 196, 197, 199, 233, 235, 247, 248, 283, 336.

(5) R.P.C. 2nd Ser. VIII p.195.

(6) A.P.S. VI Pt.2. p.152.

hearing from Parliament. Immediately after the Restoration the ministers had no option but to apply to Parliament for the Privy Council did not begin to function till 13 July 1661 (1)

The actual methods of approach to the authorities in Edinburgh showed the usual diversity common to Scottish witchcraft. Direct approach by an individual ministers was least common. When some "malicious and invyfull persouns, her unfreinds" delated Katherine Crystie of Dysart as a witch Mr. Wm. Spittill, one of the ministers, appeared before the Privy Council and was "urchaser of the commission." (2) Katharine Oswald was another suspect who complained to the Privy Council in 1629 that "on sinister information by Mr. Andrew Learmouth, minister at Libbertoun, to their Lordships that the complainer was guilty of witchcraft, they granted a commission "to apprehend her and ordained the depositions to be reported to them (3)

The two reverend gentlemen not only stand alone as protagonists of the direct approach to the Privy Council but demonstrate the sinister side of such activity. Mr. Spittill was ~~was~~ related by marriage to one of the ringleaders in the persistent attack last[^]over three years on Katharine Crystie (4) Mr. Learmouth, having got his victim locked up left her to rot in prison, probably because he began to regret his precipitate action/

(1) R.P.C. 3rd Ser I p.1. The last commission was issued by Parliament on 12 July 1661 (A.P.S. VII p.336) and the first by the Privy Council on 25 July 1661 (R.P.C. 3rd Ser I p.11) There was no animosity between the two bodies for on 3 May 1661 Parliament issued a commission on the understanding that the commissioners "make report to the Parliament and in caice of their not fitting to his Majesties privy Council" (A.P.S. VII p.196)

(2) R.P.C. 2nd Ser II p.143.

(3) R.P.C. 2nd Ser. III p.276.

(4) R.P.C. 2nd Ser III p.143 III p.276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

action in a case which to the legal luminaries of the Privy Council had "suche questionable doubts" that displacing the original commissioners they issued a new commission to the sheriff of Edinburgh, his deputies and the provost and baillies. In addition they appointed assessors to assist the new commissioners "in all suche questions, alleadgences and doubts as shall occurre in thattryell." (1)

This method of direct approach was fraught with two many dangers to appeal to the innate caution of the majority of ministers. Mr. Robert Edmonstoun, minister of Culross, typified the normal circumspect approach. Even though Elspethe Craiche had voluntarily confessed he "maid diligent tryall at the clerk of the criminnall court and others what course might be taken" with her. But General Monk and his Puritans in control in Edinburgh in 1656, did not share the Kirk's enthusiasm for witch hunting so it was not surprising, that the clerk's reply was "that except murder or malison could be provin against such persons, thair was no putting of thame to deathe." Realising that any solution satisfactory to himself was likely to be fraught with difficulty Mr. Robert was quick to thrust the responsibility for further action upon the Town Council by declaring to them she was "most desyrous that one of the foresaid number of the counsell sould goe over to Edinburgh." It was only after "the said matter being taken to consideratione, and being ryplie advysit" they sent one/

(1) R.P.C. 2nd Ser III p.293.

one of their number to demand a commission. He failed in his efforts both before the judges of the criminal court and General Monk himself. Bowing ^{to} the inevitable the baffled local authorities set Elspethe free. (1)

As a rule the ministers preferred to follow the old maxim of safety in numbers. In so doing there were several methods open to them. They might elect to follow the course followed by the ministers of Perth who, when convinced that Bessie Wright was "notoriously knowne to be an abuser of the people, aganst whom ther ar great and many presumptions of witchcraft" deputed one of their number to write to the Clerk of the Privy Council to the effect that their "desyre was to have had a commission to the Shireff of Perth or provest and bailleis of the brugh." (2)

When the premonitory reports of witchcraft which were to culminate in the notorious Christian Shaw case of 1696, began to reach the Presbytery of Paisley they asked the Sheriff Depute to attend and urged by one of their number Mr. Robert Blackwell, who was to gain notoriety as an ardent witch hunter. (3) they did earnestly desire that he would take Janet (Wodrow) into custody and apply to the Lords of the Privy Council for a commission to put her and others suspected in the bounds for trial." But the cautious lawyer while agreeing to imprison the accused, suggested that the application for a commission should be a joint one, so Blackwell and a colleague were despatched to Edinburgh (4)

The favourite method, however, was for a minister to bring the matter before/

- (1) Beveridge 'Gulross and Tulliallan' pp. 288-290. In 1662 the Town Council had its revenge when it "unanimously voyced" that Elspethe be imprisoned and examined. Ibid p. 318.
- (2) R.P.C. 2nd Ser II p. 623.
- (3) Metcalfe County of Renfrew pp. 308, 313.
- (4) Metcalfe County of Renfrew p. 302.

before the Presbytery and leave it to that body to take the necessary action. Invariably it elected to follow one or other of two courses which varied only in the manner of the approach to the Privy Council. In the one instance the "named" (1) "instructed" (2) "did appoint" (3) "sent" (4) a colleague or colleagues to supplicate the Privy Council for a commission in the name of the Presbytery; in the other (instance) the Presbytery as a body "ordaines ane supplication to be subscribed" (5) "conclude that the Committee of Estate should be written to for ane commission." (6) "find sufficient grounds for asking for a commission" (7)

5. Adviser and Assistant at Trial

To the minister all his efforts whetehr as "inquifitor general" delator, attestor or appellant were no more than the inevitable preliminaries to a trial. While that was a consummation devoutly to be wished for, the minister had to face the fact that having played a great, if not decisive part in the earlier stages of the witch hunt trial for witchcraft was outwith the jurisdiction of the Kirk courts. Upon that point the Crown had taken its stand in the reign of James VI and from it never departed/

- (1) Robertson Presbytery of Lanark p.36.
- (2) Ibid p.76.
- (3) Metcalfe County of Renfrew p.329.
- (4) Robertson Presbytery of Lanark p.80
- (5) Ibid p.37.
- (6) Paterson County of Ayr II p.92.
- (7) R.P.C. 2nd Ser VIII p.190 and for very similar wording Ibid pp.194, 198, 200, 217; c.f. also Porteous History of Crieff p.314.

departed. (1)

But while the actual trial was before a civil court a variety of factors combined to give a minister a voice in the proceedings of the commissioners appointed either to examine and report or to examine, try, and if guilty, execute. In the first place the Kirk had not only become the most frequent appellant for commissions but had established the potent and frequently exercised right of suggesting the names of suitable commissioners. The first move in this direction had been taken as early as 1574 when the General Assembly presented an article to the regent to the effect that he should "give commiffion to certaine gentlemen in every country." to try odious crimes including witchcraft (2) They followed this up in 1583 by articles to King James protesting that several crimes, including witchcraft, were going unpunished (3) While the king's reply that he was ever ready and willing to grant commission to those persons suggested by the ministers "quher inhabilitie was in the Judges ordinar." (4) was probably due to his need to act with circumspection at the time, the consession was never rescinded and gradually came to be an accepted right of the Kirk. In April 1644 the Presbytery of Strathbogie "anent the referr of the Provinciaill Assemblie for giving in a list of able men from euerie parochin, for to be insert in a commission for sorcerenis and charmeris/

- (1) Pircairn 'Criminal Trials' III pt. 2. p. 600
R.P.C. VIII p. 328 and XIV p. 612. supra pp. 93-96; 287
- (2) B.U.K. I p. 305 supra pp. 296
- (3) B.U.K. II p. 632
- (4) B.U.K. II p. 644.

document the brethren gave in as follows: viz ----- (17 names)" (1)

In November and December 1649 the Commissioners of the General Assembly reminded the Presbyteries that when sending for commissions "they withall send their opinions of the ablest and most conscientious men for judging therein." (2)

At once more valuable and more flattering to ministerial vanity was their appointment as commissioners. The earliest instance of this practice was in October 1591 when the Privy Council "grantit, and be this presentis gevis and grantis, his Hienes full power and commissioun." to "Sir Johnne Cockburne of Ormestoun, justice clerk, Maister David McKgill of Neshitt, advocate, as alsua to Mr. Robert Bruce and Johnne Dunkiesoun, ministekis, Williame Litill, provest of Edinburgh, and Johnne Arnot, burges thairof---- to try, inquire and examinat, thair depositionis to putt in write, and the same to reporte to his Hienes and his Counsale, to the effect thai may be putt ministerit as effeiris, or sic uthir ordour takin with theme as to his Majestie and his said Counsall salbe thocht maist meit and vonvenient." (3)

Overzealous commissioners provoked the inevitable reaction both in Kirk and State consequently in 1597 the now sceptical King James VI revoked all commissions. New commissions were only issued, to among others - prenaht phrase - "ministeris unsuspect." (4)

If the rarity with which ministers served as commissioners is any criterion/

(1) Stuart Presbytery Book of Strathbogie p.53.

(2) Commissions of the General Assembly II p.329; also p.337.

(3) R.P.C. IV p.680. The wording of the whole document will repay study as a perfect example of the form in which a commission was issued.

(4) R.P.C. V p.409 supra pp.29,30,285

criterion the Crown, through the Privy Council, must have had the feeling that few ministers were in the "unsuspect" class. Allied to this feeling was the determination to keep in the background the Presbyterian ministers for whom the king had been showing a decided antipathy. Credence is lent to this interpretation of James VI motives by the significant fact that the only instances noted of ministers being appointed commissioners with powers to try for witchcraft were in June 1613 (1) and June 1615 (2) at the very time when James VI was doing his best to strengthen the Episcopalian church. It is difficult to imagine that the ministers were other than good Episcopalian when the first name on the 1613 commission was Peter, Bishop of Aberdeen (3)

Even so James VI did not continue this policy for when a minister next appeared as a commissioner in February 1624 it was only with powers to examine suspects "and report their depositions in writing to the Lords (4) While many commissions were issued in the next five years in only three instances were ministers named as commissioners and then only with powers to report. Most significant is the last commission mentioned for while the moderator and brethren of the Presbytery of Dalkeith served as commissioners "to search for, apprehend, ward and examine" the suspects and report in writing to the Privy Council not a single minister was among the persons appointed two months later to try one of the suspects (5) Their omission was too palpable to be anything but deliberate. While the civil authorities had/

(1) R.P.C. X p.76.

(2) Ibid pp.335, 338.

(3) Supra pp.96n.

(4) R.P.C. XIII p.460; 2nd Ser III p.390; p.544.

(5) R.P.C. 2nd Ser III p.593.

While the civil authorities had to rely upon much inquisitorial preliminary work by the ministers and did accept much official and still more unofficial attendance upon commissioners, they seem to have discarded the practice of naming ministers as commissioners at this time. The likelihood is that the Crown, jealous of its prerogatives was determined to do nothing which would enhance the prestige of an organisation whose pretensions were already more than it liked to contemplate.

That the Kirk made no protest at this attitude of the Crown was probably due to the simple fact that any loss of influence was more apparent than real. Liaison between commissioners and ministers had always been close. The great witch hunt at Aberdeen in 1597 was only an early instance of the shape of things to come. There the assize having considered the five points of Isobel Og's dittay convicted her of but two, and even had the courage to add a rider "nocht finding the same, be thair knowlege, mereiting deyth." Having solved their consciences, but doubtless afraid of the storm of criticism they were likely to unleash they were quick to add they "referres the punishment of hir to the discretion of the justice." But the justices with the onus thus placed upon them in their turn were quick, through the provost of the town, to take the "advyse of the hail ministerie, being convenit at the provinciall assemblee." Isobel was burned! (1)

Legal/

(1) Spalding Club Miscellany I pp.155, 156.

Legal recognition was given to the close cooperation of lay commissioner and minister in August 1615 by a commission under the Signet to "Sir Walter Dundas of that ilk, Johne Dundas of Newlistoun, Mr. James Dundas of Dudingstoun, and George Logane, bailie of the Quenisferrie, with the assistance and prosence of Mr. Johnne, Gibbesoun, minister at Dalnany, to apprehend and try Jonet Johnstoun in Quenisferrie, suspected of being a witch." (1) Not till 1626 were commissioners again appointed "with the concurrence of the minister," of Dumfries in this instance. (2)

The Kirk was quick to seize upon the valuable precedent thus created and thenceforth made increasing use of its ability to give advice and assistance, even without any official direction to do so by the Privy Council. The actual methods employed to achieve these ends showed the diversity typical of so much of the Kirks work in the field of witchcraft. Although the commission issued by the Privy Council on 8 September 1630 for the trial for witchcraft of John Philpe was to the Sheriff of Aberdeen, his deputies, and the provost and bailies (3) when the procurator fiscal appeared in Banff to conduct the trial on 22 February 1631 he was "assistit with the whole ministrie of the presbi(trie) of Fordyce, Mr. Thomas Mitchell, minister at Turreff, Mr. Williame Steinsoun minister at Garnerie and Mr. James Melvill, minister at Alva" (4) When Peebles was in the throes/

(1) R.P.C. X p.388.

(2) R.P.C. 2nd Ser II p.328

(3) R.P.C. 2nd Ser IV p.39

(4) R.P.C. 2nd Ser IV p.637. It is worthy of note that the accused "confessit that he charmit sindrie persounes within the parochin of Fintray of the feveris, and that he fledd out of the said parochin for feare of Mr. William Steinsoun minister thaire." Ibid pp.637, 638.

throes of its only serious outbreak of witch hunting in November 1649 the Presbytery decided that "the brethren assist the commissioners in the trial and execution of the imprisoned for the said abominable crime." (1) Two months later Janet Coumts in whose fertile imagination most of the Peebles witch hunting had its origin suddenly withdrew all her accusations upon examination by the Presbytery which in desperation "exhorted the Commissioners to take speedy course for the Execution of justice upon her as one desperately sett to do evil." (2)

With news slow to spread and travel frequently an ordeal not to be lightly undertaken it is not surprising to find that the instances just noted of all the members of a Presbytery waiting upon the commissioners were the exception. As a rule only a few ministers were deputed for the task. The actual number usually lay between two and six, with three as the favourite number (4) but even so the same Presbytery did not adhere to any definite number. (5) The convenience of the ministers, the ardour of the few recognised witch hunters in a Presbytery seem to have been the decisive factors. A "cause celebre" like that of Christian Shaw coming in 1696 after/

(1) Gunn 'Cross Kirk, Peebles p.138.

(2) Gunn Stobo Kirk p.51.

~~(3) In See Appendix VI.~~

(4) Two ministers - Kinloch Presbytery of St. Andrews & Cupar.
 Three " - Ibid pp.13, 14; Metcalfe Country of Renfrew p.331.
 Murray Kilmaccolm p.57. Robertson - Presbytery of Lanark p.30.

Five " - History of the Witches of Renfrewshire p.331.

Six " - Kinloch - Presbyteries of St. Andrews and Cupar p.19
 (not last three names given are elders not ministers as they do not appear in Fasti)

(5) c/f. Kinloch - Presbyteries of St. Andrews & Cupar pp.15, 17, 19.

after a long period of quiescence naturally created an exceptional future in the Presbytery of Paisley and resulted in no less than ten of their number being instructed to "wait upon their Lordships." (1)

The records of the Presbytery of St. Andrews supply the best examples of the functions delegated to ministers selected to meet the judges. They were to "joyne with the Magistrates of St. Andros, and the Erle of Lindfay his deutes, on revifing the particulars that are againft fome incarcerate for witches in St. Andros, and give ther adoyce theranent." (2) "give ther advyce to the Judges concerning the delations againft others, if they may be apprehendit at tryed." (3) give ther advyce to fuch Judges as falbe prefent ther (Anstruther Wester) concerning Ifbell Dairfie how fhee falbe vfed vfed in meate, drinke, fleepe, bed and the lyke" (4) "give ther beft advyce to a quorum of the Judges, concerning the fitteft way of watching and trying Chriftane Dote." (5)

By way of change it is but fitting to put on record that the Rev. Robert Binnie, on the orders of the Presbytery of Lanark "did advertis" the Commissioners and Brethren meeting at Lanark that "taking to confideration, the diligence vfed at Crawford Dowglaffe for finding out points of dittie." no evidence was found against the six women accused, whereupon the Commissioners "with the advice of the minifters, taking to confideration, thought it their dutie to fend them home, vpon fufficient caution." (6)

But/

- (1) History of the Witches of Renfrewshire p. XXXII.
- (2) Kinloch Presbyteries of St. Andrews and Cupar p. 23.
- (3) Ibid p. 16. also re Chriftane Dote p. 17; also Margaret Myrton p. 19.
- (4) Ibid p. 15 c.f. similar instructions re Chriftane Dote p. 19.
- (5) Ibid p. 19.
- (6) Robertson Presbytery of Lanark p. 79.

But what looks so sensible an advertisement to twentieth century eyes was undoubtedly at variance with the normal result of ministerial cooperation with commissioners and was only possible because for once repeated ministerial exhortations against the sins of witchcraft had failed to elicit the necessary, and, as a rule, all too readily available assistance of a superstition ridden people. In the vast majority of witchcraft cases, the ministers, fanning the flames of local fear had little difficulty in convincing the commissions, usually men of their own congregations, where their duty lay. It is to be feared that few commissioners were as honest as those deputed to try Agnes Grant for the murder of three men by sorcery and witchcraft, when in 1643 they reported to the Privy Council that they had "suspendit the pronouncing the doome whill wee gait your lordshipes will and mynd therenant according to the meaning of your lordshipes commission direct to us. The most part of the ministrie of that presbitrie and divers gentilmen war present with us, who perceiving that wee procedit with the pannell upoun tryell of sic poyntis of dittey as concerned the murther of these thrie gentilmen allenerlye and being resolvit be us that our commission carried us no farder, nevirtheles wee war so pressed be them that wee resolved to heir sum that war present; wha being callit befoir us, deciplye sworne with upholdin handis in the audience of the pannell and assyse, they gave in sindrie delationis whair of the pannell confest the most part bot with feirfull execratiounes aganes the delatouris." (1)

That/

(1) R.P.C. 2nd Ser VII pp.595, 596.

That the legal authorities in Edinburgh undoubtedly knew what advice and assistance usually led to is demonstrated by the Privy Councils restraining influence first exercised in the closing decade of the 16th century but growing steadily throughout the 17th century (1) The Geillis Johnstoun case of 1609 had laid down that the Kirks function was not to try but to pass on to the "judge ordinar" any information that they receive." (2) Following upon that decision what the Privy Council had to take steps to prevent was the ever present tendency of the commissioners to relapse into the informal and labour saving device of accepting at second hand evidence elicited by the ministers. In 1627 the Privy Council had occasion to write no less a person than the Bishop of Aberdeen that they had received his letter "with the informatioun of the Presbyterie of Turreff aganis Alexander Mowatt, and Christean Craig, his spouse, parrochinnaris of Turreff and suspect of witchcraft. And, althocht we doubt not of the trewth of that whilk the Presbyterie his sett down in thair reporte and note, yitt, becaus the same hes not bene so legallie and ordourlie done as the circumstanceis of the bussynes required," the Privy Council therefore requested the bhisop to write the Presbyterie to "caus the saidis personis be judiciallie and formalie examined." (3)

In 1650 the identical problem was again exercising the attention of the Privy Council with the result that the Earl of London as chancellor wrote/

- (1) Supra pp. 350-362, 392, 393
- (2) R.P.C. XIV p. 612; supra pp. 93-96
- (3) R.P.C. 2nd Ser I p. 606; supra p. 1.

wrote to commissioners in Greenlaw that the trial of two suspects "may not be informall but vpon some well grounded evidentes, wee thought fitt healdy ~~to~~ recommend to your speciall care that notwithstanding any confessions emitted by the parties befor the ecclesiasticall judge, you would appoint ~~two~~ or on at least of your number to repare to the parties with some of the ministers before whom they formerly confest, and cause them renew their confessioun in thair presence, without giveing notice that commissioun is given against them, that so the confession being made befor some of your number (thoughe the parties sould thereafter receide from the same) you may the better know how to prosecute the commissioun in a formall way." (1)

The eliciting of confessions by such a subterfuge precludis any thoughts of the legal luminaries being inspired primarily by anxiety for the judicial proprieties. There can be no doubt that this procedure now ordered to "be conftantly observed in all tyme cuming" was but another attempt by the legal authorities to prevent the ministers, in defiance of repeated warnings, from setting themselves up as courts of justice and then by what was euphemistically known as advice and assistance presenting commissioners with a "fait accompli"

6. - Attendant on the Condemned.

Even when the pertinacity so consistently evinced by the ministers had its final reward in a pronouncement of doom and preparations were set on foot for procuring all the grim panoply of a burning their work was not completed. As heralds and messengers of God in his fight against the powers of darkness they had to look beyond mere pysical punishment to the/

(1) H.M. Comm; 14th Report App. III Marchmont MSS p. 109-110.

the ultimate spiritual well-being not only of the doomed prisoner but of the multitudes who always came to make a Roman holiday of the tar barrel and the enveloping flames. Preaching at Mid Calder in January 1720 at the latter end of the Torphichen witch hunting Mr. John Wilkie voiced the feelings of the Kirk on this matter when he declared, "Thou shalt not, says the Lord, suffer a Witch to live. There shall not be among you, a Witch, or a Wizard. Two of you, who here stand before me, have confessed your selves guilty of this wickedness. Others of you, have this Charge brought against you: And God, and your own Consciences know the Matter, and it will one Day be brought to Light. I wish it may be in Time, before your Case is absolutely past Remedy----If you continue in the Service of the Devil, you will be utterly and eternally destroyed, but if you will submit your selves to the Lords, if you will break your Covenant with Hell, and fall down at the Feet of God: He who refresheth the Proud will give Grace even to you." (1)

Animated by such sentiments and upon occasion by less worthy motives, the Kirk through the Presbyteries concerned took steps to ensure that ministers were in constant attendance upon the condemned witches during their final hours and last moments at the stake.(2) The very rarity of unauthorised appearances by ministers at the executions is a proof of the efficacy of the normal attendance on presbyterial orders. When the times were/

(1) Wilkie 'Sermon preached at Mid-Calder 1720.'

(2) Supra pp.157,158

were out of joint in 1649 (1) the inveterate witch hunter Mr. Walter Bruce, minister of Inverkeithing was "engaged" (2) by the Presbytery of Dunfermline "iff he did publickly pray and exhort at the executions off a witch" while under sentence of suspension. He admitted the charge but claimed in extenuation "he did it upon a necessity for as thair was no minister thair." (3) Unable to cope with such legal subtleties the Presbytery referred the matter to the Synod, in whose minutes there is no reference to the matter. "Quieta non movere"?

Such a paucity of ministers was the exception for a few condemned for witchcraft went to the stake lacking not one but a bevy of ministers ready to make use, as only they knew how of the mass hysteria all too common at such times. (4)

7. Defender and Protector of Witches.

While the main energies of the ministry were blindly but consistently directed towards the elimination of every vestige of witchcraft it is but fitting to record that the universal chorus of denunciation could give place at least to silence and inaction, at most to wards of defence.

The motives which inspired such a departure from the accepted order fell into two distinct groups. On one hand were those of a dubious character finding their inspiration in such baser instincts as fear, greed and/

(1) Supra pp. 335

(2) Stephen "Inverkeithing & Rosyth" pp.440-444; Kinloch Minutes of the Synod of Fife p.169; Ross 'Aberdour and Inchcolm' pp.330, 338.

(3) Stephen 'Inverkeithing and Rosyth' p.440.

(4) Supra pp. 157,158

and indulgence, on the other were the rarer but more praiseworthy feelings of even-handed justice and clemency. Of the former fear is best exemplified by the actions of the minister when faced with the Fifeshire outbreak of witchcraft in 1704. While the truth is by no means easy to distinguish in the mass of charges and counter-charges hurled by the rival pamphleteers who rushed into print over the details of the cases of Janet Cornfoot and Beatrice Layng, the very urgency with which the ministerial protagonists came to the aid of their reverend friends is, at the least, suspicious. The author of "A Just Reproof to the False Reports and Unjust Calumnies, in the Foregoing Letters" was at great pains to deny the allegations of the writer of "An Account of an horrid and barbarous Murder, in a Letter from a Gentleman in Fife, to his friend in Edinburgh" that the Rev. Cowper, the ringleader in the pricking and beating of Janet Cornfoot, alarmed at the interest taken in the case by certain noblemen who conversed with the accused, then imprisoned in the Tolbooth, decided to be rid of her and accordingly had her put in another room "in which was a Low Window, out of which it was obvious that any body could make an escape, and accordingly she made her escape that night." (1) The author of "A Just Reproof deliberately misquotes this low window as a "low prison" and having thus falsified his rival's story proceeds to demonstrate its falsity by declaring the prison was on the second storey. (2) Scottish prisons of bygone days were by no means substantial and escapes by ordinary criminal/

(1) Sinclair 'Satan's Invisible World Discovered' p. lxxv.

(2) Ibid pp. lxxxiii, lxxxiv

criminal were not infrequent (1) but with persons accused of witchcraft it was another matter (2) Normal watching and warding would have kept Janet securely in prison so that all the evidence points to the truth of the Letter from a Gentleman in Fife, who was probably also correct in his further allegation that the minister was only too glad to tell the mob "he was not concern'd, they might do what they pleased with her." (3) have them press her to death and so rid his town of a "witch" and his conscience of a host of legal qualms.

Greed seems to have been the explanation of the deposition of Mr. John Hamilton of Inverkip in 1664 (4) His ministry had been a long one, beginning in 1626. In that time he had twice played the part expected of all ministers in the battle against witchcraft, once in 1643 when his callous use of torture brought him before the Privy Council (5) and again in 1649 when he reported to the Presbytery pregnant presumptions of witchcraft against three accused tried in his Kerk Session (6) But in 1664 there came the strange incident when he was accused of taking a bribe of 50 marks to protect a suspect from harm. Only the prospect of financial gain could account for such an action on the part of a man who living as he had through the greatest outbreaks of witchcraft in Scottish history must have been aware how small was the chance of his ever fulfilling his side of the bargain.

Mr/

- (1) Supra p. 215
- (2) Supra p. 216, 217
- (3) Sinclair 'Satans Invisible World Discovered' p. lxxv.
- (4) Metcalfe County of Renfrew p. 327.
- (5) R.F.C. 2nd Ser IV p.473 supra p. 361
- (6) Murray 'Kilmacolin' pp. 56, 57 Supra p. 107

Mr. Robert ~~Irving~~, minister of Inverkeithing seems to have been one of those unsatisfactory ministers who arouse such misgivings in his colleagues that he was summoned before the Presbytery to explain his frequent absences from their meetings (1) His reply cannot have been too satisfactory because they decided to visit his kirk and see for themselves whether he required an assistant. They approved of his sermon "only he was admonished concerning his expression, through the defect of the want of teeth earnestlie requyred him to help it, so farr as he could." (2) The picture is undoubtedly of an indolent man, careless alike in personal matters and in affairs of the Kirk, so it is not surprising that at the same time the Presbytery should be summoning him "to answer for resett of ane fugitive witch, Margaret Fraser, comming from the province of Aberdein, and that he bring the poynt of hir accusation from the Presbytery of Turreff, shoe being fugitive from them." (3) Unfortunately for Mr. Roberts reputation with posterity his colleagues opinion of him as a minister render it impossible to give him any credit to a unique place in the history of Scottish witchcraft as the one minister who dared to harbour a witch. Rather does it look as if he had for long been content to turn a blind eye upon a matter likely to disturb his complacent existence and force him to journey to the Presbytery meetings which he so obviously disliked.

The/

(1) Stuart 'Presbytery of Strathbogie' p.124.

(2) Ibid pp.124, 134.

(3) Ibid p.124. Very probably this is the same Margaret Fraser who fourteen years earlier in 1636 suspect of witchcraft, and having broken waird in Aberdene, is ordained to bring the testimoniell of her bygone conversation, or otherwise the recipients of the said Margaret to be punished." Ibid p.17.

The Rev. Neil Beaton, minister of Latheron was another minister who did not show the energetic action expected of all ministers. Once again, however, the reasons for his indulgence can only be guessed at. The time was 1698-99 when the reconstituted Presbytery of Caithness was naturally anxious to reassert its authority in an area where episcopacy had a considerable hold. (1) and counted Mr. Beaton among its adherents. True to form the Presbytery of Caithness met at Wick in October 1698 and "being informed likewise that Sorcery and witchcraft abound so much in the said parish (Wick) that Sorcerers banished out of Orkney luke ye they Recommended seriously to the heritors and magistrate forsaide to banish all such out of the town and country, which they promised to do." (2) Whether because of the animosity between the rival clergy or of his personal disregard for the sorcery and witchcraft all too obvious to Presbyterian eyes it is impossible to say, Mr. Beaton when charged by the Presbytery "as to sorceries and heathenish practices at lulkakes, and their taking of oaths on(e) of another upon suspicion of Sorceries answered he could not deny he had hear these practices to have been ordinary used amonst them. But that he hade as yet used no effectual means to reclame them." (3)

Whatever the reason the ~~superstitious~~ people of his parish must have had cause to bless his laxity.

On/

- (1) Craven 'Episcopalian Church in the Diocese of Caithness' p.197 using Scotts Fasti shows only one clergyman out of twenty one submitted to Presbyterianism.
- (2) Beaton 'Ecclesiastical History of Caithness.' p.142.
- (3) Ibid p.142 The Presbytery had to abandon its attempt to suppress Beaton. Craven 'Episcopalian Church in the Diocese of Caithness' pp.103-106.

On a very few occasions the ministers, activated by motives of justice and clemency did take their courage in their hands and speak out boldly against the accusations and condemnations which were normally sufficient to damn a suspect. Strangely enough it was in the "kingdom" of Fife, an area where from first to last witchhunting was rampant that the ministers first expressed doubts whether the delation of one witch was sufficient. Sir George Mackenzie states that as early as 1596 in the case of Alison Jollie it had been held that "the testimony of one confeffing Witch was found not sufficient to file the Pannel." (1) But all too frequently the letter of the law was lost sight of by enthusiastic ministers out to rid the land of witchcraft.

What seems to have brought the matter to the fore in 1644 were the famous Overtures anent Witch-craft, and Charming, accepted by the General Assembly in 1643 for therein is was explicitly "it is found that the dilations of two or three confeffing Witches, hath ordinarily proved true." (2) The Synod of Fife was clearly perturbed by the General Assembly's indication that delation had to be by more than one witch, for while approving of the overtures as they stood it decided to ask the General Assembly "particularlie what fould be the ecclefiasticall way in dealing with fuche as are onlie delated b e one witche confeffing, without any other prefumption againft them. In the meantym, it is thoght fitteft, till the Affemblie determine, that fuche fould be fufpended from communicating/

(1) Mackenzie 'Law and Customes of Scotland' p.105

(2) A.G.A. 1643 p.27.

communicating." (1) But the General Assembly's interest in witchcraft having waned (2) there was no reply to this request for enlightenment. The Synod, by way of change, put the problem to the Commissioners of the General Assembly in May 1645 (3) and again to the General Assembly in October 1646 still without result (4).

Meanwhile the matter was brought down from theory to hard facts when in November 1646 "Janet and Marie Mitchells in the parochie of Kilmanie, slandered of witchcraft by occasione of something spoken be Griffell Thomfone, who was brunt for witchcraft, did supplicat the Presbyterie (of Cupar) to have the said slander tryed." (5) On December 31 Mr. George Thomfone reported to the Presbytery "that he had spoken of that matter in the Commiffione of the Kirk, and that ther opinion was that it was verie hard to keep young weomen under slander, and to marre there fortune in the world, and debar them from the benefite of the Kirk quher ther is nothing but the delatione of one witche, without anye slander befor, or anye other pregnant presumption before of since quherfor the Presbyterie did appoint the said Mr. George to call befor him publictlye in the congregatiōne the said Janet and Marie Mitchels, and to intimat to the congregatiōne how that, after all tryelle used nothing was found against them faffe onlye that quhilk that wretche spak, and how cruell a thing it was, upon so weake a grounde, to keep them under so foul a slander; and that he should charge them publictlye, that iff the knew any other thing/

(1) Kinloch Minutes of the Synod of Fife p.138.

(2) Supra p.67, 68

(3) Kinloch Minutes of the Synod of Fife p.142.

(4) Ibid p.148.

(5) Kinloch Presbyteries of St. Andrews and Cupar p.104.

thing against the said persons which might be any presumption of their being guilty of that wickedness, they would declare it before the next Lords day and that if none should lay any other thing to their charge before that day, that then they should the next Lords day be declared free of that scandal, and not any more be debarred from the benefits of the Kirk." (1)

Both the Presbyteries of Peebles and Lanark were involved in feverish witch hunting as a result of indiscriminate mass accusations by Janet Couts. All the usual machinery of the Kirk was set in motion, preachings imploring accusations appeals and exhortations to commissioners, even pricking by George Cathie, all with results so disappointing that even the ministers were driven to admit their failure to elicit positive accusations. To add to their discomfiture Janet began to withdraw the accusations which she had so readily voiced." (2)

Peebles presbytery solved the problem by deciding that persons accused by Janet "should be strictly examined by the Kirk Sessions and if no evil of that kind had ever been heard of them formerly, to admit them; the said Janet having been a desperate liar." (3) Lanark presbytery was less willing to admit defeat and only set free the accused in penny numbers. Helen Achefon, cleared by Janet Couts, went home on caution to appear before the ordinary judge; six others went next on caution and security of five hundred merks to appear before the Presbytery on 48 hours notice; Janet McBirnie and Marion Laidlaw, of whom the Presbytery was most suspicious were kept longest but in the end got out on sufficient caution under security of one thousand merks. (4) In no instance

did/

- (1) Ibid p.106.
- (2) Gunn 'Cross Kirk, Peebles' p.150 Gunn Stone Church p.51. Robertson Presbytery of Lanark p.55.
- (3) Gunn 'Stone Church' p.55.
- (4) Robertson Presbytery of Lanark p.74-79.

did the Presbytery give a categorical verdict of "Not guilty" rather did they seem to imply "Not proven" (1)

Wide search has revealed only one instance, and that for the less serious charge of consulting of ministers stating categorically that the accused were innocent. The case began when Mr. James Melville minister of Alvah, and Mr. William Chalmer, minister at Innerboyndie, in the name of the Presbytery of Fordyce presented to the bailies of Banff a vagabond, John Philp "suspect of witchcraft be charming and wascheing of seik peopill and desyring the said Johnne to be resaut in firmance within the wardhouse of the said burghe therin to remain till ane commissiounne suld be send for." (2) The bailies incarcerated the accused and a commission was granted by the Privy Council on 30 September 1630 (3) The trial took place in the court house of Banff on the 22 February 1631, John being unanimously found guilty "of the haille poyntes of the dittay, as is confessit be himselff." (4) One of the heads of the dittay, which was denied by Philp, was for washing George Fraser to cure him of his ills. In spite of Philp's denial and the assizes acceptance of the denial that was not the end of the matter for in August 1633 Alexander Stewart informed the Privy Council that George Fraser and his wife had consulted Philp both about George's illhealth and about charms for their animals and crops (5) The Privy Council summoned the accused to appear before their justices in the Tolbooth/

- (1) In justice to the Presbytery it must be noted that it was read in Crawford church "that Janet Couets, the witch, before her death had cleared many of the perfones who were incarcerated at Lanark." Why did they not specify the names of the persons? *Ibid* p.82.
- (2) Cramond 'Annals of Banff' I p.65.
- (3) R.E.C. 2nd Ser IV p.39.
- (4) *Ibid* p.639.
- (5) R.E.C. 2nd Ser V pp.565, 566.

Tolbooth. But for once local opinion refused to countenance the charges against Fraser and his wife. The husband duly appeared and complained that the accusation had been made not by Alexander Stewart "who was ane meere ignorant in this bussines, knew nothing thair of, and never gave his consent thereto" but under Alexander's name by Thomas Stewart who "has long borne them a deadly hatred." (1) These facts were attested in a certificate produced by Fraser from Mr. James Melvill, minister of Alvah and other witnesses (2) Not only did Fraser produce a certificate from the provost and town council of Banff that he and his wife "haiff leivit and cariet themselfes honestlie, christimelie and soberlie and credible as became Christians" (3) but what in the circumstances was much more significant, a testimonial from Mr. Melvill, minister of Alvah, the reader at Alvah, and the minister of Innerboyndie in the name of the elders of Alvah that George Fraser and his wife were "honest and faithfull christians, free not onelie from the odious cryme of witchcraft and sorcerie bot of all other publict crymes and imputations, and that the said George has beene ane elder of the session of the kirk of Alva the space of xvij yeares bygane and yitt remains ane elder of the said kirk as ane man of speciall note within the parish." (4)

That Thomas Stewart should have been ordered to pay £100 to George and been/

(1) Ibid p.179.
 (2) Ibid p.179.
 (3) R.R.C. 2nd Ser V p.575.
 (4) Ibid p.180.

been locked up in Edinburgh. tolbooth was no more than he deserved, but for posterity the mere triumph of justice is of lesser moment than the means by which it was achieved and especially the unique part played by the ministers who for once did not lose all their reasoning faculties at the mere bandying of accusations of witchcraft. (1)

- (1) How fine was the line separating healing by legitimate means from healing by witchcraft is amply demonstrated by this case. George Fraser, a sick man, asked his minister, Mr. Melvill to summon Dr. Douglas of Banff. Having examined the patient the doctor actually sent to his wife for herbs from his garden and "gave to the said George potions and drinks quhill at the last he convalesist and came to his own health." The doctor must have realised the superstitious community he lived in and the risk he ran for he told his wife to gather the herbs by night. How many old wives, employing exactly the same methods lived to rue the day? R.P.C. 2nd Ser. V p.570. c/f. Appendix III The Search for Health.

A P P E N D I X I

The Scottish Witchcraft Act of 1563

Discussing this act Hugo Arnot (Criminal Trials p. 347) states:

"From the words of this act, which are not a little ambiguous, there is reason to suspect that the Legislature did not believe in forcery; and that the punishment provided by the statute was annexed not to the crime of witchcraft, but to the impiety and blasphemy of pretending to, or believing in such supernatural powers." Pitcairn (Criminal Trials I p. 50) advances much the same view, while Black (Calendar of Cases of Witchcraft in Scotland p. 11) goes so far as to give an almost perfect rendering of Arnot - without any acknowledgement - in these words "from the wording of this Act, which is not quite clear, it would seem that the legislature did not believe in sorcery, the punishment provided by the statute being aimed. apparently not at the crime of witchcraft but at the impiety and blasphemy of pretending to, or believing in such supernatural powers." Legge "Witchcraft in Scotland p. 259) also holds. "The words of the statute itself seem to point rather to an enlightened scepticism on the part of its authors than to any vehement belief in the extensive use of diabolic agency."

Certainly the act is not so explicit as the English act which preceded it by five months, but what seems to have weighed unduly with Arnot, the originator of this view, and his followers, is the phrase "vane superstitioun." Hume in his Commentaries on the Law of Scotland (I pp. 573, 579) gets to the root of the matter when he declares the act "seems to have/

have been equally calculated for the case of one who was really an adept in the craft, and of one who falsely pretended to possess it. There seems, however, to have been little need of any provision conceived in such extensive terms. For among the many trials for witchcraft, which fill the record, there is not one, as far as I have observed, which proceeds on the notion of a vain or cheating art, falsely used by an impostor, to deceive the weak and credulous."

The act specifically declares that witchcraft, sorcery and necromancy have been used in Scotland. Do Arnot and his successors really intend us to believe that Parliament was prepared to question that very law of God which it is careful to mention in its act?

APPENDIX II

The influence of Bishop Jewel's Sermon.

The part played by the "Marian exiles" of whom Jewel was one, in the development of witchcraft in England has provoked quite a miniature battle of the historians. The following authorities are for an increase in witchcraft as a result of the return of the exiles.

- Strype - Annals of the Reformation I Pt.1. p.11.
- Notestein - History of Witchcraft in England pp.16-18
- Butt - Narratives of Witchcraft Cases p.XVI
- Summers - Geography of Witchcraft pp.114-116.

The contrary view is expressed by

- Ewen - Witchcraft and Demonianism pp.46-47.
- Kittredge - Witchcraft in Old and New England.

With true American 'thoroughness' the latter declares Jewel's references to witchcraft "a mere aside" in the sermon (p.253) but later asserts the bishop "made a deliberate and avowed digression, in a sermon before the queen, in order to warn her that witchcraft was rampant in the realm." (p.371) It must be admitted that the earlier pages in this collection of essays on witchcraft represent his later and, presumably more mature views.

The truth probably lies somewhere between the two views. Close association with continental witchcraft hunting on a grand scale had made the exiles take more than an academic interest in the subject, especially as a visitation such as Jewel's made it obvious that witchcraft was on the increase in England. But the bill introduced into parliament in 1559 making witchcraft a felony rules out any question of putting the blame/

blame for the act of 1563 on the bishop as Strype Notestein and Summers do. The exiles simply focussed attention on a growing problem rather sooner than would otherwise have been the case.

A P P E N D I X I I I

The Search for Health.

In a twentieth century where doctors abound and paternal governments do their utmost to extend the scope of the medical services available for the nation it is difficult to visualise the state of affairs in the 16th, 17th and even 18th centuries. The human frame being no less ^{susceptible} to the afflictions of the flesh, cures were sought as avidly as they are today but with a deal more trouble, expense and danger for the art and practice of medicine was in its infancy.

In April 1599 the Town Council of Glasgow "at desyre of the sessione, ministrie, and elderis thair of, being informit of mediciners and chyrurgianes quha dayeie resortis and remainis within this towne, and ar not able to discharge thair dewtey thairintill, in respect thai have not cunyng nor skill to do the same, and for evading of inconuenientis that may follow" appointed three bailies to confer with three ministers and 'cunyng men of that arte" to examine and take trial of all practisers (1) Such trials were a step in the right direction but in November of the smae year King James VI took more effective measures by granting a charter to the Faculty of Physicians and Surgeons in Glasgow because of "the grit abuisis quhilk hes bene comitted in time bigane, and zit daylie continuis be ignorant, unskillit and unlernit personis, quha, under the collour of Chirurgeanis, abuisis the people to their plesure, passing away but tryel or punishment" The king therefore appointed "Maister Peter

Low/

(1) Harwick Records of Burgh of Glasgow 1573-1642 pp. 192, 193.

Low, our Chirurgiane and chief chirurgiane to oure dearest son the Prince, with the assistance of Mr. Robert Hamiltone, professoure of medecine, and their successouris" to examine all persons professing knowledge of surgery." (1)

Peter Lowe in the opening sentences of his 'Discourse of the Whole Art of Chirurgery' makes it clear why Kirk and State alike were alarmed when he declares "this Art is feen daily abufed by a number of ignorant malicious people, who paffe away, (but tryall, or punifment) like as cofoners quack-falvers, charlitans, witches, charmers, and divers other forts of abufers." (2) Matters could not be otherwise for with qualified practitioners few and far between the masses were of necessity driven to the various persons of both sexes who battered on the ills of their suffering brethren.

It is easy for Peter Lowe, a surgeon in the forefront of his profession to wax indignant and lump them all together as 'ignorant malicious people' but that is an over-simplification of the problem seen through the eyes of professional etiquette. For numerous cases show that it is almost impossible to distinguish where the art of the qualified practitioner ceased and the traditional knowledge of the herbalist began. (3)

Even/

- (1) Finlayson "Life and Works of Maister Peter Low" p.66.
- (2) Lowe 'Art of Chyrurgery'
- (3) Supra p. 412

Even the dour Scottish elders had to admit that there were people whose skill was a blessing to the community. In 1649 Janet Ross appeared before the Presbytery of Strathbogie "and denied any practice of charming confesst she had prescrybed to a patient sick of the fevers that which she got to herself in tha t disease namely ane egg mixed with aquavitaie and pepper. So the elders were required to use tryall if she did any other thing that might draw her in the guilt of charming, and she was dismissed for the tyme." (1) Perhaps the elders realised all to well the efficacy of the prescription.

In 1596 the bailies of Paisley actually ordered Robert Moodie to pay Bessie Knox thirty shillings for "expenses depursit be her for saw and heiling of his heid." (2)

But while many people dispensed a variety of cures for man and beast there were few whose reputations remained unsullied. Cures whether by drinks or salves the Kirk would accept but let the slightest hint of the supernatural creep in and woe betide the accused. A typical example was Isobel Thomson of Elgin who obviously enjoyed a wide reputation as a healer of children, but that did not prevent her being accused of charming by the ministers and elders in 1596. To prescribe for John Gordon's young bairn a wash "with irne vre and sunddre schinders" was one thing to mumble over the child was a very different matter. (3) Words which could be construed as a charm were fatal to a suspects reputation. When Sir John Maxwell/

- (1) Stuart 'Presbytery Book of Strathbogie p. XIV
- (2) Metcalfe 'History of Paisley' p. 206.
- (3) Cramond Kirk Session of Elgin pp. 29. 30.

Maxwell of Pollok acted as a commissioner at the trial of Janet Scott, accused of witchcraft in 1650 he specifically noted in his diary that she cured Janet Patrick's leg with a salve but that no words were spoken by the accused (1).

In truth the healer, steeped in the traditions of the countryside, and sometimes even in possession of family books of cures (2) was all too apt by virtue of a personal belief in their efficacy or for the greater impression upon the victim, to employ both charms and lotions. Such persons could not be surprised when the inevitable charge of charming or even witchcraft was preferred against them for that was the only means the Kirk had of checking the abuse of the credulous laity by those who killed more frequently than they cured.

There was only one real remedy and that was the establishment of efficient faculties of medicine at the Scottish Universities and an adequate number of qualified practitioners to whom the sick could turn for relief. And that was not to come till long after the repeal of the act against witchcraft.

(1) Fraser 'Maxwells of Pollok' I p.351.

(2) Spottiswoode Miscellany II p.308.

APPENDIX IVJames VI changes his mind.

The stormy passage that James VI and his bride from Denmark endured on their way home to Scotland and the hectic events that followed at the trial of the North Berwick witches undoubtedly made a profound impression upon the king. His first reaction was to declare that "they were all extreame lyars" but after Agnes Sampson had "declared unto him the verye woordes which passed betweene the Kings Maiestie and his Queene at Upslo in Norway the first night of their marriage, with their answeere eache to other: whereat the Kings Maiestie wondered greatlye, and swore by the living God, that he beleueed that all the Diuels in hell could not have discovered the same: acknowledging her woords to be most true, and therefore gave the more credit to the rest which is before declared." (1)

Even if the anonymous author of *Newes from Scotland* has embroidered the tale it is certain that James was so powerfully impressed that when the jury cleared Barbara Napier of treasonable witchcraft against his person and only found her "culpabill and convict of the feiking of confultatioun fra Annie Sampfoune" he immediately ordered them to pronounce sentence upon her (2) Exactly a month later he had the jury "Dilatit of manifeft/

(1) *Newes from Scotland* p.15.

(2) Pitcairn 'Criminal Trials I pt.1. pp.242. 243.

manifest and wilfull Error committit he theme, in acquitting of Barbara Naipar" (1) He also went to the Tolbooth and delivered to the assize an oration upon "The Inquest held upon Barbara Napier in the Tolbooth, containing a long speech by the King, in reference to his unusual presence there, a defect in the laws, the cause of great crimes in Scotland, his own impartiality, the rise of witchcraft, the enormity of the crime, its punishment according to Scripture, the ignorance of thinking such matters mere fantasies, the cause of his own interference in the matter, the ignorance of the assize in the late trial, the cause of their finding, and his own opinion of what witches really are." (2)

Barbara actually reached the stake, but, claiming she was with child, the execution was postponed. The interesting point is that only eight months after all the furore over her the king had sufficiently recovered his sense of proportion to order "upoun ane warrand direct fra the Kings Matie, the Barbara Naper, spous to Ard Douglas be putt to libertie furth of waird, and William Naper of Wrichtishoussis, hir brother is becom scuertie for her reentrie." (3)

The year 1597 marked a turning point in the king's attitude to witchcraft. The publication of his *Daemonologie* in that year has caught the attention of the generality of students of witchcraft and so bemused their critical faculties that they have failed to stress that while the book undoubtedly proves the king's belief in witchcraft - a belief which only a very few enquirers like Reginald Scot had yet dared to deny - it does not reflect the vital fact that James was now prepared

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- (1) Ibid p. 244.
- (2) Thorpe Calendar of State Papers I p. 592.
- (3) Edinburgh Burgh Records 1589-1605 p. 59.

to adopt a critical attitude and judge each accusation of witchcraft on its merits.

This change first became noticeable in February 1596. Declaring "how inoportunlie he is dalie fasheit" with demands for commissions to try witchcraft the king laid down "that all the said commissions of justiciary shall be delivered by the suitors thereof to his Majesty's secretary, and by him presented to the Council, and allowed by them." (1)

In April 1597 while Aberdeen was hurrying twenty four persons to the stake in the first major outbreak of witchcraft since the one associated with his homecoming in 1590 James sent a messenger to the sheriff and those associated with him as judges in the trials then in progress to desist arresting or proceeding in any way against complainers Issobell Burnett and her daughter Elspet who in his opinion "ar innocent of the said cryme." (2)

In August 1597 there came the culmination of these legal pronouncements in the notorious revocation of all commissions "for the apprehension, tryale and punishemtn "of persons suspected of any form of witchcraft. James was the first to admit that "the haill land is fefyllit" with such crimes but he was equally determined that the freeing of his land of the criminals must be by legal methods which would ensure that only the guilty suffered. (3)

In September he put this principle into practical application by ordering the provost and bailies of Stirling to send a pricked witch to Linlithgow to attend "our cuming for hir tryell in that depositions scho hes maid aganis Capitane Herring and his wyffe and for our better resolution/

(1) R.S.C. V pp. 260, 269; supra pp. 28, 350, 351

(2) Holding the Miscellany

(3) R.S.C. V p. 400

resolution of the truth thereof." (1) In 1598 he ordered Edinburgh Town Council to send three witches imprisoned in the Tolbooth "over to Falkland to the Kings Grace." (2)

With his departure to England such personal interventions became impossible in Scotland but there is ample evidence that he continued the practice in England (3) All the authorities whether his contemporaries or modern investigators have to admit that in England James was no bigoted witch hunter but rather a sceptic who made it his business to search out imposters and punish over enthusiastic judges. (4)

The most striking illustration of how far James had progressed from his first contacts with witchcraft in 1590 is to be found in his letter to Prince/

(1) Renwick 'Royal Burgh of Stirling'.

(2) Edinburgh

(3) Notestein Witchcraft in England pp.139-141.

Kittredge Witchcraft in Old and New England pp.320, 321, 323.

This author gives by far the most complete account of the kings attitude to witchcraft in England. Note that the chapters were published at different dates hence his opinions on James VI in CH XVIII p.331 published in 1907 are superseded by CH XVII published in 1912.

(4) Summers Geography of Witchcraft p.132. a hostile witness, was even driven to admit that towards the end of his reign James was by no means so firm a believer in witchcraft as he had formerly been.

Prince Henry "My Sonne I am glaid that by youre Lettre I maye persave that ye make some progresse in learning-----I am also glaide of the discoverie of yone litle counterfitted Wenche. I praye God ye maye be my aire in such discoveries. Ye have ofte hearde me saye that most miracles now a dayes proves but illusions, and ye maye see by this hou waire judgic should be in trusting accusations withoute an exacte tryall; and lykewyses hou easielie people are inducid to trust wonders. Lett her be kepte fast till my cumming; and thus God blesse you my sonne." (1)

Witch hunting would have gone long before it did if more people in Britain could have seen as clearly and as far as the wisest fool in Christendom.

(1) Macdonald Letters of King James the Sixth p. xxxv The letter is dated 1 January 1603/4.

A P P E N D I X V

The L.S.D. of Burning.

The earliest detailed accounts of execution expenses which have been noted are those associated with the North Berwick witch trials in 1590. Typical of many others throughout the whole gamut of Scottish witchcraft is the following.

"The executione of Johne Feane, alias Cuninghame, witche, the 16 December.

Item, to the wricht for wetting the stoupe	10s.
Item, for ten laid of coillis at Vs, viiiij d. the laid	64s. 4d.
Item, for tua turs of hedder	9s.
Item, ane turs of brome	3s. 6d.
Item, vj tar barrellis and for careing of thame to the hill	20s.
Item, 2 dry barrellis	5s.
Item, for towis	3s.
Item, for waiting upon the fyre	2s.
Item, for carying the stoupe to the hill	8d.
Item, to the lokman and his man	6s. 3d.
Summa of this execution is 5 li. 18s. 2d. (1)	

Like several others who kept accounts of witch burnings the treasurer's total was six shillings on his side. A month later they got rid of Agnes Sampson for £6.8.10 but Euphame McCalyeane must have had a bigger send off for the cost had risen to £11.7.0. (2)

It could be done for less however. In 1597 the thrifty Aberdonians managed to burn Thomas Leis for £3.13.4. and Janet Wishart and Isobel Cocker/

(1) Edinburgh Burgh Records 1589-1603 pp 333, 334.
(2) Ibid p.334.

Cocker together at a price which works out at £3.13.0. each (1) Dumfries almost equalled this figure in 1657 when another double execution was carried out at an average cost of £3.19.-. per witch (2) while Ayr burn a wife for 24.4.-. in 1594 (3)

It has to be borne in mind, however, that the normal burning involved many more expenses than the tar, coals, stake and other paraphenelia; which were often the least of the items. The price of a commission had to be reckoned with. That item cost Peebles £6.13.4. in 1629 (4) Kirkcaldy £9.3.-. in 1633 (5) and Eckford £10.3.-. in 165- (6) But these amounts pale into insignificance before the astronomical outlays required to obtain a commission for the burning of thirteen witches in 1673. Every official from the Kings Advocate down to the lowest menial of the Council had his pourboire so that the total bill came to no less than £310.9.4. (7)

There was a very simple explanation for such an unusually heavy outlay. The legal authorities were in an even more difficult mood than usual (8) hence when the first request for a commission was refused after an expenditure of £18.3.4. "the Lairde went himselfe to Edinburgh in hopes to gett a commission." (9) The largesse which he showered about soon ran/

(1) Spalding Club Miscellany I p.52.
(2) McDowall 'Dumfries' p.429.
(3) Pagan 'Annals of Ayr' p.109
(4) Chambers 'Burgh of Peebles' p.416.
(5) Webster 'Tracts on Witchcraft' p.123.
(6) Fraser 'Scotts of Buccleuch' p.311.
(7) R.P.C. 3rd Ser VI pp.628, 629;
(8) Lauder 'Decisions of the Lords of Council' pp.14-16.
R.P.C. 3rd Ser V p.501 Ibid VI p.15.
(9) R.P.C. 3rd Ser VI p.628.

ran the bill up from the original outlay of £13.3.4 to the £310.9.4. The laird must have surmised what the reaction to his "compt of the expenses given out" would be for he was careful to point out that having obtained thirteen indictments "the expenses of every one of them will be £23.17.7." What he did not stress was that nine of the thirteen were fugitives and only four were burned. (1)

The outlays for a commission and a bonfire were but the first and the last of many expenses. Witches had to be fed in prison; priokers cost money; executioners had to be fetched, fed liquored and paid, bailies had to be fortified with brandy at the execution; messengers to summon the ministers had to be supplied with shoes.

The following are typical:-

Execution of Elspeth McKewan at Kirkcudbright 24 August 1698

"An account of my (George Welsh) depursements as Theser from Michailmas, 1697, to Michaelmas, 1698, as follows. Item to Barbara Roddin for one pound and one half of candle yt night the Assyse sat on Elspet

McKeown	0. 0. 0.
22 July 1698 Item to the men that took William Kirk by Ba. Campble's order	0. 4. 0.
Item given to him yt day	0. 3. 0.
Item for Satterday, Sunday and Monday yrafter	0. 2. 0.
Item given to William Kirk of earnest by Ba Campble's orders in money and aill with him	1. 1. 0.
Item to William Kirk for six days at thre shills per day	0.18. 0.
4. Aut. 1698 Item to William Kirk for twenty days tyme yt he was in prison at ffour shills pers day, is	4. 0. 0.
20, Aut, 1698 Item given to the Proveist to give William Kirk to buy drink, and by his orders to buy one leg of mutton.	0. 1. 0.
Item Spent by the Proveist wt Howell and Ba Dunbar the day of Elspet McKeown's execution one gill of brandie	0. 4. 6.
Item/	

(1) Ibid pp. 627, 628. To all these preliminary legal expenses had to be added £32.4s. not £30.3.6, as the defective addition which put for the usual outlays on the executioners, coal, soldiers, water etc. (Ibid p. 622)

Item be the Proveist's order, to William Kirk to buy meal wt	0.10. 0.
Item payed in James McColm's yt the Proveist drank with Ba Dunbar and oys, the day of Elspet McKeoun's excecution	0. 6. 0.
Item to Wm. Kirk to buy meill wt	0. 7. 6.
Item to Wm. Kirk to buy meill wt	0. 7. 6.
Item payed to Barbara Roddin for Candles to Elspet McKeouns guard	0.17.0.
Item to Mart. McKeand for ffour Ells and three quarters Red, to William Kirk, at twenty shill Scots per Ell, is	4.15.0.
Item to Helin Martin for plaiding to be hose for him	0. 8. 0.
Item to thrid whyt and collured	0. 3. 0.
Item for ane Bonnet to him	0. 9. 0.
Item for harne to be pockets, and for shoen	0.17. 0.
Item for three ells harne to be ane shirt and for making yrof	1. 0. 0.
Item for ane long gravate to him	0.12. 0.
24. Aut 1698 Item given to the proveist to give him the day of execution	2.16. 0.
Item for peits to burn Elspet wt	1. 0. 0.
Item for twa pecks of colls	0.16. 0.
Item for towes small and great	0. 4. 0.
Item for ane tarr barle to Andrew Aitken	1. 4. 0.
Item to Hugh Anderson for carrying of the peits and colls	0.6. 0.
Item to William Kirk qu she was burning ane pint of aill	0. 2. 0.
Item payed to Robert Creighton, conform to precept, viz. eight Scots shill for beating the drumn at Elspet McQueen's funerall and to James Carson, his wife threeteen shillings drunken by Elspet's executioner, at seall times	<u>1. 1. 0.</u>
	<u>£26. 0. 6.</u>

Execution of William Coke and Alison Dick at Kerkcaldy, 1633.

"In primis - To Mr. James Miller when he went to Prestowne for a man to try them, 47s.	2. 7. 0.
Item. To the amn of Culross (the executioner) when he went away the first time 12s.	0.12. 0.
Item. For coals for the witches, 24s.	1. 4. 0.
Item. In purchasing the commission	9. 3. 0.
Item For one to go to Finmouth for the laird to sit upon their assise as judge	0. 6. 0.
Item. For harden to be jumps to them	3.10. 0.
Item. For making of them	<u>0. 8. 0.</u>
Summa for the kirk's part	<u>£17.10. 0. Scots</u>

The Town's part of Expenses Debursed extraordinarily upon William
Coke and Alison Dick.

In/

In primis For ten loads of coal to burn them,		
5 merks		3. 6. 8.
Item For a tar barrel, 14s.		0.14. 0.
Item For towes		0. 6. 0.
Item To him that brought the executioner		2.18. 0.
Item To the executioner for his pains		8.14. 0.
Item For his expenses here		0.16. 4.
Item For one to go to Finluth for the laird		0. 6. 0.
Summa town's part		£17. 1. 0.
Both		34.11. 0. (1)

Execution of three witches at Peebles in 1629.

1629 November 15 Item to James Holdoune for making the Calf Know dur agreitt be the provest and baillies		1.13. 4.
Item to the said James Haldoune for making the gibitt that stands thairwpon		4. 0. 0.
19th Gewin for the commission to burne the wiches		6.13. 4.
Item, the provest agreed with James Haldoune for setting up the gibitt the wichis was hanged wpon		3.14. 0.
Item, to Mr. Williame Dikisone for being clerk to the wiches proces		6. 0. 0.
December 15, Item directed to conduce with ane lockmane to the wiches, my twa dayes waidges allowit to me		3. 0. 0.
Item, gewin be Johnne Robene for fyue laids peittis with ane quartt of aill he gave to the peitmen, coft to burne the wiches		1.13. 8.
Item, to Marioun Watsone for thrie laids of coallis		1.16. 0.
Item, to Williame Murray for ane twrs of hedder		0. 9. 0.
Item, to Mr. Androw Watsone to tak actis of courtt being procuratour in the wiches proces		0. 3. 9.
Item, to thrie faldome to bind the wiches hands		0. 2. 6.
Item, to four faldome gritt towis to kitt them up with all		0. 6. 8.
Item, to Williame Portews for thrie tar barrellis		0. 4. 0.
Item, to Alexander Dikisone ane pair of schowis for wairning of the ministrie		1. 0. 0.
Item, to James Haldoune for careing the tar barrellis to the Calf Knowe		0.15. 4.
Item, to hangmane for his waiges		10. 0. 0.
Item, to his sone for being dampster		0.12. 0.
Item, for ane instrument wpon Issobell Grahmes confessioun aganes the rest of the wiches all the persone command		0.12. 0.
Item, to Johnne Frank for furnischnig the wiches, his compt being allowitt and gef neid beis heir presentt to be sene		8.14. 0.
Item, to the said Jone Frank for furnishing lockmane and his sone		3.12. 0.
Item, for breid and drink feched furth of David Plenderlethis to the assythewis		1.10. 0.
Item/		

(1) Webster 'Tracts on Witchcraft' pp. 113, 114. The sum of the Witches expenses is actually given as £17.1. 0.

Item, feched furth thair of to hangmane and wiche

0.10. 0.

£57. 7. 7. (1)

Execution of Margaret Dunhorne at Burncastle in 1649.

Mair to Margarit Dunhorne the time sche was in prison,
and was put to death

£65.14. 4.

Count gifin out be Alexander Louddon in Lylstoun, in
ye yeir of God 1649 yeiris, for Margrit Dollmoune in
Burncastell.

Item, in ye first, to Wm. Currie and Andrew Gray for
watching of hir ye space of 30 days inde ilk day xxx sh inde

245. 0. 0. Scott:

Item mair to John Kinked for brodding of her

6. 0. 0.

Mair for meat and drink and wyne to him and his man

4. 0. 0.

Mair for cloth to hir

3. 0. 0.

Mair for twa tare treis

2. 0. 0.

Item mair for twa treis and ye making of them to the
warlmen

3. 0. 0.

Item to ye hangman in Hadingtoun and fetchin of him,
thrie dollores for his pens is

4.14. 0.

Item mair for meat and drink and wyne for his intertinge

3. 0. 0.

Item mair fer ane man and twa horss, for ye fetccheing
of him, and taking of him hame againe

2. 0. 0.

Mair to hir for meat and drink ilk ane day iiij sh the
space of xxx dayes is

6. 0. 0.

Item mair to ye twa officers for yr fie ilk day sex
shilline aught pannes is

10. 0. 0.

Surma is iiij scoir xii lib xiiij sh. Ghibbert Lauder
Um Lauder Bilzeurs.

Takin of this above written soume twentie-seaven pundis Scotis qlk the
said umql Margrit Dinham had of her ain.

£92.14. 0.

£27. 0. 0.

£65.14. 0. (2)

Whenever possible the thrifty Scots followed this practice and
cut down their expenses by seizing the chattels of the victims. In
1644/

- (1) Chambers 'Burgh of Peebles' p.416. In the original the figures
are given in Roman numerals.
- (2) Webster 'Tracts on Witchcraft' vol.185, 186, including the first
item £37.14. 4, the total is actually £65.14. 4 not £65.14. 0 as
the account has it.

1644 the Kirk Session of Queensferry ordered the bailies to seize Catherine Logie's goods to pay for the expense of her burning. If they proved insufficient James Lowrie was to make up the difference. Even worse James Lowrie was ordered to pay for the burning of his wife, and a beggar witch Margaret Stein." (1)

(1) Morison 'Royal Burgh of Queensferry' p.78. For similar examples c/f. R.P.C. 2nd Ser II pp.469, 470 and Beveridge 'Culross' and Tulliallan p.350.

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