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The Trial of Isobel Duff for Witchcraft, Inverness, 1662¹

The document presented here is the formal proceedings for witchcraft against Isobel Duff, whose trial took place at Inverness on 17 July 1662. The record is preserved in Inverness's manuscript burgh court books.² Duff was tried, as was usual in cases of witchcraft, under commission from the Privy Council, which had for this purpose appointed a judicial panel composed of local luminaries on 26 June.³

Historical context

Most of Scotland's witch-prosecutions took place during intense, often interconnected 'panics' (as they were influentially termed by Christina Larner), generally lasting no more than a year or two before subsiding. While there is some debate as to what precisely is required before a spike in witch-hunting can be termed a 'panic', there is general agreement that Scotland experienced at least five of them between 1590 and 1662, and possibly others outside this chronological range.⁴ Isobel Duff's trial took place during the biggest of these witch-panics, and indeed possibly the

¹ I would like to thank Dr Rebecca Mason, Dr Louise Yeoman, and Dr Michael Pearce for their advice and assistance in preparing this document, and also the anonymous referee for their very helpful and thought-provoking comments. Any errors, of course, remain mine alone.

² Highland Archive Centre, Inverness, Inverness Burgh Court Book, 1654-c.1717, BI/1/7/2, pp.80-4.

³ P. Hume-Brown, *et al* (eds.), *Register of the Privy Council of Scotland, Third Series, 1661-1691 [RPCS]*, 16 vols (Edinburgh, 1908-70), i, 234. The nine commissioners appointed were: Hugh Fraser of Belladrum; Hugh Fraser of Struie; Alexander Dunbar, bailie of Inverness; John Stewart, bailie of Inverness; Finlay Fraser, bailie of Inverness; Alexander Bain of Knockbain; Rory Bain, tutor of Tulloch; Fraser of Culduthel; and Alexander Chisholm of Comar.

⁴ C. Larner, *Enemies of God: The Witch-Hunt in Scotland* (London, 1981), 60; L. Martin, 'Scottish Witchcraft Panics Re-examined' in J. Goodare, L. Martin and J. Miller (eds.), *Witchcraft and Belief in Early Modern Scotland* (Basingstoke, 2008), 119-43; M. Wasser, 'The Western Witch-Hunt of 1697-1700: The Last Major Witch-Hunt in Scotland' in Goodare, *Scottish Witch-Hunt*, 146-65; M. Wasser, 'Scotland's First Witch-Hunt: The Eastern Witch-Hunt of 1568-1569' in J. Goodare (ed.), *Scottish Witches and Witch-Hunters* (Basingstoke, 2013), 17-33

largest anywhere in early modern Britain or Ireland: the ‘great’ witch-hunt of 1661-2, during which more than 600 Scots were accused of witchcraft and perhaps around 250 executed. A fully satisfactory explanation for the unusual scale of the ‘great’ hunt has never been developed, although in the main historians have linked it in some way with the disorder and uncertainty surrounding the transition in 1660 between the Cromwellian and Restoration regimes.⁵ Aside from its scale, two other distinctive features of the ‘great’ hunt have been identified. Firstly, it was the closest Scotland ever came to a truly ‘national’ panic. While witch-hunting was disproportionately centred on a few regions, especially the Lothians, Strathclyde, and Fife, the events of 1661-2 played out across the country, including in areas like the south-west and the Highlands that had up to that point been largely free of witch-prosecution.⁶ The second widely-discussed feature of the 1661-2 witch-hunt is its comparatively high level of demonic content; while the Devil was often prominent in Scottish witchcraft cases, it was during the ‘great’ hunt that he was at his most ubiquitous and attained his most complex conceptualisation. As we will see shortly, the details of Isobel Duff’s case are in line with this comparatively Satan-heavy profile.⁷

Duff’s trial also needs to be understood within the longer-term context of witch-prosecution in Scotland, which had developed along distinctive lines. After formal criminalisation in the (rather ambivalent) Witchcraft Act of 1563, prosecutions were rare until the 1590s, when the first ‘panics’ took place: the famous ‘North Berwick’ trials of 1590-1, and the somewhat larger

⁵ B.P. Levack, ‘The Great Scottish Witch Hunt of 1661-1662’, *Journal of British Studies*, 20:1 (1980), 90-108, revised in B.P. Levack, *Witch-Hunting in Scotland: Law, Politics and Religion* (Abingdon, 2008), chapter 5; P.G. Maxwell-Stuart, *The Great Scottish Witch-Hunt* (Stroud, 2007), chapter 5.

⁶ L. Henderson, ‘Witch-Hunting and Witch Belief in the Gàidhealtachd’ in Goodare *et al*, *Witchcraft and Belief*, 95-118; L. Henderson, *Witchcraft and Folk Belief in the Age of the Enlightenment, 1670-1740* (Basingstoke, 2016), chapter 5.

⁷ M.D. Brock, *Satan and the Scots: The Devil in Post-Reformation Scotland, c.1560-1700* (London, 2016), chapter 7; L. Paterson, ‘The Witches’ Sabbath in Scotland’, *Proceedings of the Society of Antiquaries of Scotland*, 142 (2012), 371-412; E. Wilby, *The Visions of Isobel Gowdie: Magic, Witchcraft and Dark Shamanism in Seventeenth-Century Scotland* (Portland, 2013).

hunt of 1597.⁸ Largely as a result of the rather chaotic events of 1597, the hitherto ambiguous procedures for trying witches was tightened up, leading to a distinctive process that remained broadly in place until the repeal of the Witchcraft Act in 1736. Central to this was the necessity of securing a judicial commission, ordinarily from the Privy Council, before moving to trial. While naturally giving central government an unusual degree of influence over Scottish witch-trials, this requirement also ensured that almost all cases had to follow the same, fairly drawn-out process. This began with an assessment of all witchcraft accusations by local authorities, chiefly by collecting witness statements and/or a confession – this latter often being gained with the clandestine and technically illegal application of torture. Only once this investigation was complete would a conciliar commission be sought. If this were granted, the resulting trial might take place either in Edinburgh, before the central criminal court (the Court of the Justice General, remodelled in 1671-2 as the High Court), or in the locality itself, presided over by a panel of local luminaries.⁹ In Duff's case, little information survives about these preliminary stages, although it is clear from the line in her trial records that she had confessed 'in presens of the magistrates of this brugh' that the lead was taken by Inverness's secular authorities, rather than, as was slightly more usual, the kirk session.¹⁰ Certainly, the burgh council on 14 April noted that it had 'witches [...] presentlie

⁸ J. Goodare, 'The Scottish Witchcraft Act', *Church History* 74:1 (2005), 39-67; J. Wormald, 'The Witches, the Devil and the King' in T. Brotherstone and D. Ditchburn (eds.), *Freedom and Authority: Scotland, c.1050-c.1650* (2000); J. Goodare, 'The Aberdeenshire Witchcraft Panic of 1597', *Northern Scotland*, 21 (2001), 17-37; J. Goodare, 'The Framework for Scottish Witch-Hunting in the 1590s', *Scottish Historical Review*, 81:2 (2002), 240-50 ; J. Goodare, 'The Scottish Witchcraft Panic of 1597' in J. Goodare (ed.), *The Scottish Witch-Hunt in Context* (Manchester, 2002), 51-72; E.J. Cowan, 'Witch Persecution and Folk Belief in Lowland Scotland: The Devil's Decade' in J. Goodare, L. Martin and J. Miller (eds.), *Witchcraft and Belief in Early Modern Scotland* (Basingstoke and London, 2008), 71-94.

⁹ J. Goodare, 'Witch-Hunting and the Scottish State' in J. Goodare (ed.), *The Scottish Witch-Hunt in Context* (Manchester, 2002), 122-45; C. Lerner, *Enemies of God: The Witch-Hunt in Scotland* (London, 1981), chapter 9; Levack, *Witch-Hunting in Scotland*, chapters 2 and 5; S. Macdonald, *The Witches of Fife: Witch-Hunting in a Scottish Shire, 1560-1710* (Edinburgh, 2014), chapter 10; S. Macdonald, 'Torture and the Scottish Witch-Hunt: A Re-Examination', *Scottish Tradition*, 27 (2002), 95-114.

¹⁰ S. Macdonald, *The Witches of Fife: Witch-Hunting in a Scottish Shire, 1560-1710* (Edinburgh, 2014), chapter 10.

in hand', presumably including Duff, and it summoned the local minister, James Sutherland, to assist in examining them. Two weeks later a further order instructed the minister and the town's bailies to subject these witches to fresh examination 'to heir and try [...] iff they will adheir to ther former confessionis, and to try them quhat funder they will confesse'.¹¹ It was presumably as an outcome of these deliberations that application was made to the Privy Council – although the grounds on which only Duff ended up being tried, and not any of the other witches examined in April, are not specified.

Significance of the document

A substantial volume of witchcraft trial records survives. A summary of the North Berwick proceedings was famously published in the pamphlet *Newes from Scotland*, but the formal records of the trials are also extant. The panic of 1597 can also be reconstructed using records from both central and local proceedings, and some materials even survive for hunts earlier in the sixteenth century.¹² For the period after the regularisation of witchcraft processes at the end of the 1590s, most of the surviving documentation relates to witches whose trials took place before the central criminal court.¹³ Cases heard here, or before the associated circuit courts, followed the standard template of criminal trials in early modern Scotland, and were increasingly likely to result in

¹¹ W. Mackay, H.C. Boyd and G.S. Lang (eds), *Records of Inverness*, 2 vols (Aberdeen, 1911–24), ii, 211, 213.

¹² Goodare, 'The Aberdeenshire Witchcraft Panic'; L. Normand and G. Roberts, *Witchcraft in Early Modern Scotland: James VI's Demonology and the North Berwick Witches* (Exeter, 2000); C. Lerner, C.H. Less and H.V. McLachlen, *A Source-Book of Scottish Witchcraft* (Glasgow, 1977); M. Wasser, 'Scotland's First Witch-Hunt: The Eastern Witch-Hunt of 1568-1569' in J. Goodare (ed.), *Scottish Witches and Witch-Hunters* (Basingstoke, 2013), 17-33.

¹³ See, for example, the numerous cases recorded in NRS, JC2/10, High Court Books of Adjournal, 1661-6.

acquittal. Indeed, one estimate suggests that fully half of suspected witches tried before the central criminal court were not convicted.¹⁴

By contrast, records of post-1600 local trials are quite rare. The most that usually exists is a brief record in the register of the Privy Council that a judicial commission had been granted. There were for instance more than 65 such commission in 1661 and 1662 alone, covering locations from Scatwell to Selkirk, but trial records survive for almost none of them.¹⁵ Of course, some materials related to local proceedings are known, usually in the form of witches' confessions, although in a few cases with attendant trial records as well.¹⁶ Nonetheless, Isobel Duff's trial is still an extremely rare example of surviving proceedings by a local witchcraft commission, and as such it offers invaluable insights into the nuts-and-bolts of prosecution as experienced by the majority of Scotland's accused witches.

Certainly, the Duff case reveals some significant details about the conduct of local trials. For example, of the nine commissioners named by the Privy Council, only two – Alexander Chisholm of Comar and John Stewart – actually participated in the trial, being joined by two further men, former provost Robert Ross and bailie John Hepburn, who had not been named. This four-man panel was technically not quorate, since the commission had called for at least five judges to be present, but that does not seem to have caused any concern. Indeed, the Privy Council's

¹⁴ Goodare, 'Witch-Hunting and the Scottish State'.

¹⁵ *RPCS*, i, 33-4, 46, 62, 73-4, 90-1, 122, 132, 136-7, 141-2, 154-5, 162, 174-5, 191, 206-7, 221, 233-4, 243-5, 247-8, 250.

¹⁶ Printed examples include: G.F. Black (ed.), 'Confessions of Alloa Witches', *Scottish Antiquary*, 9 (1895), 49-52; R.M. Ferguson, 'The Witches of Alloa', *Scottish Historical Review*, 4 (1907), 40-48; J. Anderson (ed.), 'The Confessions of the Forfar Witches, 1661', *Proceedings of the Society of Antiquaries of Scotland*, 22 (1887-8), 241-62; 'Papers relating to Witchcraft, 1662-1677', in *Highland Papers*, 4 vols, ed. J.R.N. Macphail (Edinburgh, 1914-34), iii, 2-39; R. Pitcairn (ed.), *Ancient Criminal Trials in Scotland*, 3 vols (Edinburgh, 1833), iii, 602-13; R. Burns Begg (ed.), 'Trials for Witchcraft at Crook of Devon, Kinross-shire, in 1662', *Proceedings of the Society of Antiquaries of Scotland*, 22 (1887-8), 211-41; Mackay *et al*, *Records of Inverness*, ii, 19.

commission seems to have been treated in a generally cavalier fashion. As recorded in the Council's own registers, it was both brief and limited:

Commission is direct to Hew Fraser of Belladrum Hew Fraser of Strowie Alexander Dunbar Jon Stewart and Findley Fraser baylies of Innernesse Alexander Baine of Knockbaine Rory Bayne tutor of Tulloch <...> Fraser of <...> and <...> Chisholme of Commer or any Fyve of them To try and Judge Issobell Duff indueller in the toune and paroch of Innernesse who hath confest her self to be guiltie of witchcraft with these qualities if she shall be found guiltie upon voluntar confessions without any sort of tortur or other indirect meanes used Or that malifices be legallie instructed and proven And that the said Isobell Duff the tyme of her confessions was of sound Judgment nowayes distracted or under any earnest desyre to die That then and in that case They cause the sentence of death to be execute upon her.¹⁷

The version of the commission given in the trial record (see below) is much fuller than this, and displays two significant discrepancies. Firstly, the names of both Ross and Hepburn have mysteriously been added to the list of commissioners. Secondly, an additional clause has been appended, permitting the commissioners to 'tack and apprehend such otheris as ar or sall be delate guiltie of the said cryme [of witchcraft]' – a far more open-ended task than implied by the original commission, which focused purely on Isobel Duff, even if there is little suggestion that the commissioners had the power actually to put any additional witches to trial. Possibly the version of the commission sent to Inverness was different from the one recorded in the Privy Council

¹⁷ NRS, PC1/39, Privy Council Acta, 1661-1667, 164.

registers, although this would suggest unexpected laxity on the part of the Council. Alternatively, it might be that the commissioners themselves doctored the terms of the commission for their own ends – a very serious usurpation of royal authority. It is not clear which of these explanations is the correct one: the former would imply significant procedural sloppiness in the conduct of the 1661-2 witch-hunt, while the latter would suggest that central government was on the verge of losing control over the whole process.

There are additional indications of laxity. There is nothing to suggest, for example, that Isobel Duff was given access to legal counsel, and no attempt was made, as was typical for trials in the High Court, to assess the ‘relevance’, meaning validity or admissibility, of the various accusations. Equally, it is not clear from the precise wording of the record, which suggests that the assizers retired to consider their verdict immediately after being appointed, that either Duff or the witnesses against her were subject to direct examination. Rather, it is strongly implied that the trial simply took the form of reviewing already-existing written evidence, leading to a declaration of guilt. All of this might be taken to reinforce Julian Goodare’s argument about the sloppiness of local trial procedures, and the consequent near-impossibility of acquittal.¹⁸

Nonetheless, it is worth noting that, in some respects, the procedure deployed against Isobel Duff mimicked the more highly-developed practice of the High Court.¹⁹ The preamble, specifying the date and location of the court and naming the judges, is in a standard format. A procurator fiscal, James Hepburn, is named, thereby according with the standard practice of having a named accuser moving cases on behalf of the crown. Save for the omission of legal argument, the overall development of the trial – reading of indictment; appointment of assize; announcement of a verdict,

¹⁸ J. Goodare, ‘Witch-Hunting and the Scottish State’ in J. Goodare (ed.), *The Scottish Witch-Hunt in Context* (Manchester, 2002), 122-45.

¹⁹ Levack, *Witch-Hunting in Scotland*, chapter 2 and at 141-3.

apparently in open court; and pronouncement of ‘doom’ – mirrored the processes used at the High Court. More generally, the record’s explicit statement that the court was sitting in accordance with the Council’s order, combined with its full reproduction of the conciliar commission, suggests a keen desire to assert legality and legitimacy. Taken as a whole, then, the document suggests that witchcraft trials held locally were conscious of the need to adhere to the standard forms of criminal prosecution in Scotland, and might attempt to couch their activities in these terms. But the resulting procedure appears to have been highly truncated, essentially taking the form of rubber-stamping investigations that had been undertaken previously. Local witch-trials, then, were not farces, and they were clearly concerned with procedural propriety, but nor were they paragons of judicial rigour.

Beyond procedure, Isobel Duff’s trial is also fascinating for the sheer density of insight it offers into the underlying dynamics of the Scottish witch-hunt. This is most obviously the case in terms of belief-systems. At the heart of witch-belief was the Devil. Post-Reformation piety more generally tended to cast Satan as an active force in a world hurtling towards apocalypse, and in this context it made sense that he should also have been centred in witch-belief. He was the source of witches’ power, seeking through his mastery over them to perpetuate his never-ending war on the Godly. This is certainly reflected in the Duff case, in which Satan plays a starring role. Moreover, Duff’s Devil is reminiscent of the demonological experiences reported by many other Scottish witches. He is a literal, corporeal being; he seems to have come to her unbidden, rather than following summons; and he seduced her by promising personal rewards, in this case revenge against a local enemy, John Robertson.²⁰ It is more noteworthy that Satan appears to Duff solely in the likeness of a soldier of her acquaintance, from whom he differed primarily in his unnatural

²⁰ Brock, *Satan and the Scots*, chapter 7.

coldness and, perhaps, the absence of feet. While neither a human form nor coldness were unusual in witches' descriptions of Satan, his use of a disguise is rather more atypical.²¹ This is connected to a distinctive account of Satan's behaviour. Although the narrative is a little confused, it seems that Duff's submission was largely attained by subterfuge, and that she had not realised she was interacting with Satan, rather than the soldier whose likeness he was mimicking, until after the sealing of the demonic pact. The pact itself is described in fairly standard terms, involving copulation and the bestowal by touch of a witch's mark on Duff shoulder, but the portrayal of the Devil as trickster gives this case a rather distinctive rhythm.

Sex was central to demonic belief in early modern Scotland: indeed, Julian Goodare has gone so far as to suggest that, for many people, especially among the social elite, 'witchcraft' and 'copulation with Satan' were functionally synonymous concepts.²² The notion that sex with the Devil was the habitual way for a witch – specifically a female witch – to seal the demonic pact spoke to deep-seated anxieties about the disordering, befouling potential of unchecked sexuality.²³ In Isobel Duff's case, the link between witchcraft, the Devil and deviant sexuality was especially transparent. This was, in part, down to the dishonest means by which Satan engineered the coupling: he impersonated a soldier named 'Tailiour' with whom she was already conducting an illicit affair. Moreover, the indictment makes it clear that Duff's liaison with Tailiour was not a one-off mistake. We are told that the two had previously spent at least some time together, and that they were sufficiently familiar with each other's bodies that Duff felt able to distinguish Satan from Tailiour partly by observing 'the lenth of his wand'. Even had she not been a witch, then,

²¹ J. Miller, 'Men in Black: Appearances of the Devil in Early Modern Scottish Witchcraft Discourse' in J. Goodare, L. Martin and J. Miller (eds.), *Witchcraft and Belief in Early Modern Scotland* (Basingstoke and London, 2008), 144-65.

²² J. Goodare, 'Women and the Witch-Hunt in Scotland', *Social History*, 23:3 (1998), 288-308

²³ S. Dye, 'To Converse with the Devil? Speech, Sexuality, and Witchcraft in Early Modern Scotland', *International Review of Scottish Studies*, 37 (2012), 9-40

Duff was certainly a fornicator. She was also, perhaps, somebody who was willing to enter into an irregular marriage, having apparently agreed to go through such a ceremony with the Devil in return for revenge against John Robertson, whom she was ‘in spleane and malice against’.²⁴ As Lauren Martin has shown, the demonic pact can in some ways be conceptualised as a malevolent subversion of the marriage contract, and this certainly seems to be how the situation is understood in the Duff case.²⁵ Also noteworthy is the assertion that Duff had engaged, with both Tailiour and with Satan, in sexual contact ‘after the maner of beastes at [her] back pairtes’. This might be taken as a veiled reference to anal intercourse, but more likely refers simply to penetration from behind: in either case, though, the suggestion of debauched, animalistic sexual practice is clear. The depth of sexual content in this case makes it an unusually clear exemplar of the link consistently drawn between witchcraft and demonic copulation. Perhaps more importantly, though, Isobel Duff’s indictment is uncommonly forthright in its positioning of deviant sex in general, and uncontrolled female sexuality in particular, as gateway to seduction by the Devil.

If Satan was central to what is often regarded as ‘learned’ witch-belief, malefice, or the use of magic for harmful purposes, seems to have been more characteristic of ‘popular’ belief-systems.²⁶ Duff’s malefice is mostly focused on cursing. After Satan assures her that ‘Whomsoever [she] vould course would come to a mischeiff’, she uses this newfound power to bring misfortune on several of her neighbours. John Robertson falls sick and later dies; John Polson loses all his sheep to drowning; Alexander Sangster falls from a roof and dies; and an unnamed soldier suffers

²⁴ This section of the indictment, containing the second article, is a little confused, and an alterative – though less convincing – reading would be that Robertson had invited Duff into an irregular marriage, and that her outrage at this offer was both the cause of her ‘spleane’ and the reason she was seeking revenge against him,

²⁵ L. Martin, ‘The Devil and the Domestic: Witchcraft, Quarrels and Women’s Work in Scotland’ in J. Goodare (ed.), *The Scottish Witch-Hunt in Context* (Manchester, 2002), 73-89, at 80-4.

²⁶ J. Goodare, ‘Scottish Witchcraft in its European Context’ in Goodare *et al*, *Witchcraft and Belief*, 26-50.

sudden death. Causing harm to persons or possessions was the stock-in-trade of Scottish witches, and in this sense Duff's maleficent activities are entirely typical, save for the relatively large number of people whom she targets, as well as the frequent lethality of her interventions.²⁷ Perhaps more intriguing is the accusation that Duff helped the child of William Duff (not necessarily a relation) recover from whooping-cough by having him tie a thread or ribbon around the child's throat. This idea had been suggested to her by another local child, who promptly died as William Duff's rallied. Magical healing was another mainstay of popular with-belief, but the implication in this narrative that Isobel Duff used the power of transference to steal the health of one individual in order to restore that of another is more unusual, albeit not unique.²⁸ This section of the manuscript is also interesting because William Duff's child is described a 'schargan'. While 'schargan' here is clearly being used simply to mean 'sick child', it has been noted that 'scharg' could also mean 'changeling' – that is, an imposter standing in for a child stolen away by the faeries – and, indeed, that any child suffering long-term sickness might be suspected of being such a creature.²⁹ Unfortunately, the document offers no further information, and in any case the diligent care meted out to William Duff's child hardly suggests that it was suspected of being a changeling. Nonetheless, the use of the term 'schargan', and its potential connection to fairy- and changeling-belief, is at least worth noting.

As well as shedding light on the way belief-systems manifested in real-world witch-trials, the Duff case demonstrates the centrality of gender-expectations to the Scottish witch-hunt. Historians have long been sensitive to the relationship between witch-accusations and 'non-feminine' behaviour, and Duff's alleged promiscuity would clearly have fallen into that category.

²⁷ Dye, 'Converse with the Devil?'

²⁸ See, for example, the confession of Jonet Morisone in Bute (1662), wherein Satan is claimed to have tempted her (unsuccessfully) into practising 'transference' healing. *Highland Papers*, iii, 22-3.

²⁹ L. Henderson and E.J. Cowan, *Scottish Fairy Belief: A History* (Edinburgh, 2001), 94-100.

So, too, would her apparent lack of a husband; nothing in the trial records suggests she was or had been married (she is for example described as an ‘indweller’ in her own right), and this lack of a male presence in her public persona could well have been regarded as a challenge to feminine norms. A more concrete observation can be made about verbal violence. Duff’s indictment, as we have seen, suggests repeated and very public instances of ‘disorderly speech’, portraying her as an argumentative and obstreperous presence of the type often swept up in witch-prosecutions. It is also perhaps significant that all the targets of her cursing were men: not only, therefore, was Duff using her disorderly words to upset community harmony and exert unnatural power over fellow townsfolk, but she was doing it in such a way as to challenge patriarchal assumptions. In the absence of further documentation, we cannot know the precise nature of the disputes that led to Duff’s ‘disorderly’ speech, but it is nonetheless clear that she mapped closely onto the familiar archetype of the witch as practitioner of verbal violence.³⁰ This, in turn, spoke to a wider picture of flouting gendered standards of conduct.

While Duff’s trial record makes it clear that community dynamics played at least some role in her condemnation, it also suggests that there is value in bearing wider, national circumstances in mind. The repeated mention of soldiers is especially noteworthy in this regard. Duff’s indictment accused her of having had a sexual relationship with a soldier named ‘Tailior’, and it was also a soldier whom she was supposed to have cursed to death. The troops being referred to here were members of the English garrison at Inverness, the town having been occupied by the Cromwellian state since 1652. By the end of the 1650s, these soldiers – probably around 1,000 in number – were housed in a purpose-built citadel just to the north of the town.³¹ The fate of this

³⁰ Dye, ‘Converse with the Devil?’; Martin, ‘Devil and the Domestic.’

³¹ A. Kennedy, ‘Cromwell’s Highland Stronghold: The Sconce of Inverness’, *Scottish Local History*, 106 (2020), 3-7.

fort was very much a live issue at the time of Duff's trial. Charles II's newly-minted regime had ordered the soldiers to withdraw, and the citadel to be slighted, in 1661, but logistical and security issues meant that Inverness actually remained garrisoned until the middle of the following year. This caused significant apprehension, not least to the town council, who were so worried about the implications of the soldiers' disappearance in terms of protecting the town from marauding Highlanders that they felt compelled to establish a citizen's militia as a replacement.³² The presence of soldiers in Duff's indictment reflects the salience of this issue, and implies that the 'great' witch-hunt could readily become entangled with the wider political uncertainties of the early 1660s.

The precise details of Duff's alleged interactions with military men are revealing for another reason. The relationship between the English garrison and the native Invernessians was always complex. On the one hand, there was clear tension, rooted partly in the economic burden the troops represented, and partly in their status as a fundamentally alien, occupying force – a wariness encapsulated by General George Monck's order of 1658 that all Scots working as servants (and even in some cases soldiers) in Inverness's citadel should be dismissed as a security risk.³³ On the other hand, there is evidence of cordiality. We need not accept the famously cloying verdict of the Restoration-era minister of Kirkhill, James Fraser, that the town and its citadel had made each other blissfully happy, but it seems clear that the citadel was valued by some for the trading opportunities it offered.³⁴ This ambivalence is readily observable in the Duff case. The fact that it was a soldier with whom she had been having deviant sex, and that it was this relationship

³² *RPCS*, i, p.6; Mackay *et al*, *Records of Inverness*, ii, p.211. A. Kennedy, 'The Urban Community in Restoration Scotland: Government, Society and Economy in Inverness, 1660-c.1688', *Northern Scotland*, 5 (2014), 26-49', 36-7.

³³ WCL, Clarke Papers XLVIII, Order to Thomas Fitch, 6 August 1658.

³⁴ *Chronicles of the Frasers*, 447.

that allowed the Devil into her life, suggests that Scots, both locally and, perhaps, nationally, were instinctively uneasy about the potentially dangerous and destabilising impact of the Englishmen stationed among them – while at the same time interacting with them freely. Moreover, the accusation that Duff had exchanged insults with another soldier, with whom she presumably had some form of prior relationship, suggests a similar mixture of fraternisation and hostility. If, then, the prominence of soldiers in Isobel Duff's indictment reflects the contemporary salience of the Cromwellian garrisons as a political issue, it also offers insights into capacity of high-level national developments to shape individual witchcraft accusation at the local level.

Editorial conventions

I have tried to be as unobtrusive as possible in preparing this document for publication. Original spelling and punctuation have been retained throughout, as has, so far as possible, the formatting. Contractions, however, have been silently expanded.

**The Iustice court be comissione from his majesties secreit counsell for tryall and Judging of
Isobell Duffe anent the horribill act of vicht craft haldin Within the tolbuith of Innernes
wpon the sewteent day of Julij 1662 in presens of Alexander Chisolme of comer Robert Ros
lette provest of Innernes Johne stewart Johne hepburne bailies of the said brughe**

The Quhilk day compeirat personallie in presens of the saidis Judgis James Hepburne procurator
fiscall nominated and appoyntit for the effect efter specifeit and produced ane comisione
subscrivit be nyne lordis of his majesties privi counsell giwin under his majesties signeit At
Edinbrugh the tuantie saxt day of Junij 1662 yeiris of the quhilk comissione the tennor followis

Charles by the grace of god king of great Britane france and Ireland defendar of the faith to all
and sundrie leidges and subjects whom it efferis to whose knowleidg thes our letteris sall come
greiting forsamikill as Issobell Duff indweller in the toune and paroch of Innernes Hath confest
herself to be guiltie of the horrid cryme of witchcraft in entering into pactione with the divill
committing of malifices and other vayes As their comission mad in presence of diverse famous
vitnesses beares Wherfor necessar it is That Justice be administrat upon hir conforme to the
lawes of this our realme to Which effect we with advyse and consent of the lordis of our privi
counsell hawe giveit and granted and by thes presentis gives and grantes our full power authritie
comissione expresse bidding and chairg to out lovittis Hew Frasser of Belladrum Hew Frasser
of Strovie Alexander Dunbar John Stewart and Finlay Frasser bailies of Innernes Alexander
Baine of Knokbaine Rore Baine tutor of Tulloch <...> Frasser of Culduthel Johne Hepburne
Robert Ros provest Chisholme of Commer or any fyve of them To meit at such tymes and places
as they sall think most expedient and then and ther to affix and hold courts to creat clerkes

Serjantis dempsteris and all other memberis of court neidfull to call ane assyse of persones best understanding the treuth of the said matter absentis amerciat unlaues and amerciamanetis to uplift and exact and in the saidis courtis to call the said Issobell Duffe and to put hir to ane tryall and to the knowleidge of ane assyse and if she sall be found guiltie upon voluntar confessionis without any sort of torture or other indirect meanis vsed or that malifices be other wayes legallie instructed and prowyn And that the said Issobell Duffe the tyme of hir confessions wes of sound Judgment novayes distracted or under any earnest desyris to dy that then and in thes caises and no other vayes they caus the sentence of death to be execut upon hir conforme to the lawes of this our realme And generallie all and sindrie other thinges requisit and necessar anent the executione of this present commissione to doe wse and exerce promitten of to power also to the comissioneris or any to tack and apprehend such otheris as ar or sall be delate guiltie of the said cryme and to vse all fear³⁵ meanes without any sort of torture to bring them to a confessione Giwin under our signet At Edinbrugh the tuantie sext day of Junij and of our reigne the fourtenth yeir 1662 sic subscribitur Glencardne cancellarius Montross Erroll Mar Morraye Annandale Dounifrirs Linlithgow Haliartoune³⁶ and sicklik the said procurator fiscal produelit In presens of the said Judges the dittayes following being Issobel Duff hir confessione in presens of the magistrats of this brugh as followis

In the first thow art accused to haw confessit to haw frequent conversatione and carnell copulatione with ane of the Inglis sogeris called Tailior the divill in licknes and similtie of the

³⁵ Meaning 'fair'.

³⁶ The Privy Councillors named here are: William Cunningham, 8th earl of Glencairn; James Graham, 2nd marquis of Montrose; Gilbert Hay, 11th earl of Erroll; John Erskine, 4th earl of Mar; Alexander Stewart, 5th earl of Moray; James Johntone, 1st earl of Annandale; William Crichton, 2nd earl of Dumfries; George Livingstone, 3rd earl of Linlithgow; and David Falconer, Lord Halcerton

said soger came to hir and as thow³⁷ apprehendid, haid carnel dealling with yow efter the maner of beastes at your back pairtes and in the action did put his hand on your shoulder quhair he left ane mark quhilk vas discovered and schawin to the forsaid counsell efter quhich filthie and abominable maner yow confest the fivill knew yow four severall tymes and being askit how yew knew him to be the divill ansred that yew challenged the soger to haw been with yowe quhilk he refused and deneyed quhairupon yow apprehended the divill com to yew in the soger licknes and knew yow in maner forsaid (the soger also hawing haid carnell copulatione with yew also at yowr back pairtis)

2lie Thow art accused to hawe confest that being in spleane and malice against Johne Robertsonsone did compleane to the divil of him dessyred amends of him quhilk the divill promised iff yow would goe to the church and marie him he told yow that neided not a minister for he would marie himselff quhilk yow refused with cursing and suearing Bot promised iff he wald giw yow amendis of Johne Robertson ye would be alls good to him againe quhairupon the divill assured yow that Whomsoever yew would course would come to a mischeiff and Immediatlie ther efter the said Jon Robertsonsone fell seek and schortlie ther efter died being askit againe whow [*sic*] yow knew him to be the divill ansred that thow knew it be the coldnes of his skin and natur and the lenth of his wand for in all vther respectis he resembled the soger being in the same parke that the soger used to be in and sitting at the fyre syde in ane chaire and drinking with hir and ever thing else lik the soger sawe that yow remembered not to sie him haw feit

³⁷ This awkward switch between third- and second-person was fairly common in witchcraft trials, and was evidently occasioned by hasty conversion of a written confession into a formal indictment.

3lie Thow art accused to haw confest that thow coursed Johne Polson his scheip saying the divil get away with yowr schipe and within ten or fyfteen dayes ther efter the scheip ver all drowned in the sea

4lie Thow art accused that thow confest that thow coursed Alexander sangster saying the first hous that yow ar wpon ye may may [*sic*] fall headlonges downe from it and Immediatlie ther efter he fell from the tope of ane hous and died

5lie Thow art accused to hawe confest that ane soger hawing said to yew yea ueer ane old faced witch thow did course hime and say ane elle³⁸ death met³⁹ ye die for yor mother is a vorse faced vitch than I quhairupon the soger within thrie dayes ther efter died

6lie Thow the said Isobell Duffe art accused to haw confest that thow went to William Duff his hous and asked vhow⁴⁰ that schargan chyld wes and being assured that the chyld haid recovered of his former sick and wes now trowbilled withe the kink host thow desyred to send to the poor father of the chyld and get ane poynt frome his cloathes and put it about the chyldes neck and it vold helpe the chyld and being askit to vhow thow knew that anssered that thow did sie ane chyld on the streit hawing ane ribane about his neck and thow askit at the the [*sic*] chyld quhairfor hee had that ribane about his neck anssered it ves for the kinck host and Immediatlie ther efter the said William Duffs chyld recovered and the vther chyld died be longing to Andro Sutherland vho was the godfather

³⁸ Doubtful reading, with an alternative being 'evill'

³⁹ Presumably an error for 'may'

⁴⁰ Presumably an error for 'how'

Efter the production of quhilk papers the said procurator fiscall desyred the said Judges that they would put the said Issobel duff to the tryell of ane asyse and inquest and receaw vitneses to prow hir malefices and confessiones maid formerlie by hir in presens of the provest bailies and counsell of Innernes with certan vther famous witnesses herd in hir contrar who var sworne in hir oudiens⁴¹ and against vhem she had nothing to object the Quhilk desyre the said Judges thocht reasonable and finding hir sleff [*sic*] to haw confest in presens forsaid and being in hir richt wittes and frie from torture and witout anie desyr to die therfor the saidis Judges haw ordained the said Issobell Duff to be put to the tryell of ane asyse of fyfteenth persones Whos manes [*sic*] followis

Nomina Inquisitionis

Robert Baillie William Robertson Johnesone

Angus Shawe John Cowie merchand

John Baillie in midleyes Johne Clarck

William Mcpherson in culcaback Johne Innes gleisin vright

Alexander fraser Donald Mc<...>⁴²

Johne Baillie Alexandersone

James Frasser

Alexander Baillie Williamsone

William Mcean duy

⁴¹ Doubtful reading.

⁴² This name is illegible.

Hector McLeane

Quhilk haill persones of inquest being all sourned as said is and having removed themselves out of the place of Judgment and having remained furth therof a good place and after axaminatione [*sic*] of the said commission and of the said Issobel Duff hir owin confessiones having also axamined [*sic*] severall famous vitneses wha gaw in great and horribill ditayes in hir contrar they all in ane voice be Robert Bailie ther Chanclar convicted the said Issobell Duff off the horribill act of wicht craft

The saids Judges therfor being weill informed of the said Issobell hir damnabill pranks and horred acts and malifeices and finding hir convict be the said asyse ordaine hector aird who vas suorne demster to pronounce hir sentance of death in hir owin presens in the wordis following

Thow Issobell Duff being fyled be a conding asyse of honest men to be giltie of the horred act of witchcraft the Judges presentt abpoynted [*sic*] by his majesties privie counsell to that effect haw a Judged yow to be tacken to the vusuall burning hill besyde Invernes the morne be tuo houris efter noone and ther to be strangled to a staik Whil ther is [no] lyf in yow and ther efter your bodie to be brount [*sic*] to ashese as a notorius and knowin witch and your mowabills to be confiscat to his majesties vse Quherupon I giw doome