



# HISTORIES OF THE WITCH TRIALS

The connections of NTS properties to  
Witch Trials, 1563-1736



**NATIONAL TRUST FOR SCOTLAND:  
THE HISTORIES OF THE WITCH TRIALS REPORT**

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**Contents**

Introduction	2	Harmony Garden	33
Methodology	4	Hill of Tarvit	34
Historical context	6	House of Dun	35
Abertarff House	9	House of the Binns	35
Alloa Tower	12	Hugh Miller's Cottage	36
Bachelors' Club	14	Inveresk Lodge Garden	37
Balmacara	15	Iona	38
Barry Mill	16	Barrie's Birthplace	39
Ben Lomond	17	Kellie Castle	40
Brodick Castle	18	Malleny Garden	40
Brodie Castle	19	Mar Lodge Estate	41
Broughton House	20	Newhailes House	41
Canna	21	Pitmedden Garden	43
Craigievar Castle	22	Pollok House	43
Culross	23	Robert Burns Birthplace	
Culzean Castle	25	Museum	46
Dollar Glen	25	Robert Smail's Printing Works	47
Drum Castle	27	St Kilda	47
Dunkeld	27	The Pineapple	48
Falkland Palace	28	Unst & Yell	49
Fyvie Castle	29	Weaver's Cottage	50
Gladstone's Land	30	Guidance note and FAQs	52
		Glossary	67

Cover image: An early 18<sup>th</sup> century witches' ball from Hugh Miller's Cottage (11.86)

## Introduction

For the last fifteen years there has been growing support among campaign groups and members of the public to reflect on Scotland's role in investigating, prosecuting and executing many women and men accused as witches in the sixteenth, seventeenth and early eighteenth centuries. Local authorities from across the Lowlands have called for memorials and monuments for those wrongly convicted for the crime of witchcraft – a crime which, by today's standards, never should have existed.<sup>1</sup> A smaller minority, although no less significant and growing, are pushing for a legal pardon of all those accused and executed under the Scottish Witchcraft Act of 1563.<sup>2</sup>

Alongside this growing collective effort to memorialise and commemorate the accused, it is equally clear that the history of the witch trials is no longer considered a niche academic subject. While the witch trials have always been the subject of drama and fiction, inspiring many novels, TV shows and films, in the last several years the general public has shown an increasing interest in learning about this part of Scotland's past. The Witches of Scotland podcast, launched at the beginning 2020, has proven extremely popular and has attracted numerous listeners from around the world.<sup>3</sup> In 2019, BBC Radio Scotland produced a limited podcast series aimed at a popular audience, *Witch Hunt*, in which Susan Morrison

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<sup>1</sup> See, for instance, Julian Goodare, 'Remembering Scottish Witches', *The Bottle Imp* 14 (2013), 1-4 <https://www.thebottleimp.org.uk/2013/11/remembering-scottish-witches/>; see also, *The Guardian*, 29 Oct. 2019 <https://www.theguardian.com/uk-news/2019/oct/29/calls-for-memorial-to-scotlands-tortured-and-executed-witches>; in September 2020, three bronze plaques commemorating the women accused as witches from Culross, Torryburn and Valleyfield, were placed along the Fife Coastal Path.

<sup>2</sup> In March 2021, Claire Mitchell QC, an advocate and founding member of the Witches of Scotland campaign group, recently petitioned the Scottish Parliament to consider urging the Government to 'pardon, apologise and create a national monument to memorialise those people in Scotland accused and convicted as witches under the Witchcraft Act 1563'. To date the petition has garnered over 3,000 signatures. The petition can be found here: <https://archive2021.parliament.scot/gettinginvolved/Petitions/witchesofscotland>; another campaign group, Remembering the Accused Witches of Scotland, established in 2018, have also been calling for a legal pardon.

<sup>3</sup> The Witches of Scotland podcast <https://www.witchesofscotland.com/podcast>

and Louise Yeoman interviewed several academics and experts on the witch trials.<sup>4</sup> And in the last few years there have been a number of public lectures and talks aimed at popular audiences. For instance, in January 2020 the Patrick Geddes Centre at Riddle's Court hosted a one-day symposium on the witch trials in the 1590s.

Earlier this year, in a small piece in the spring edition of the membership magazine, it was made known that the NTS intends to name one of its recently refurbished apartments in Gladstone's Land after the seventeenth-century clergyman, William Struthers, who lived in the building in the 1630s. Struthers was a high-ranking bishop in the Church of Scotland – as it was structured at the time – and an influential person in contemporary Edinburgh; he was also involved in a preliminary interrogation of the accused witch Marion Muir from Leith, who was executed in 1632. Putting aside the broader moral question of whether the apartment should be named after a historical figure who was involved in a witchcraft interrogation, the piece was considered by some to be insensitive and flippant in its discussion of the witch trials. This led to the NTS wanting to know more about its own properties' connections with this period of history. Thus, the main objective of this first phase of the present project was to survey all of the NTS' properties and to make broad connections between relevant properties and the witch trials, with one of the aims being to uncover what is already known about a particular property.

Taking into consideration this growing cultural demand to learn and understand the history of the witch trials – and historical miscarriages of justice in general – as well as the NTS' desire to learn more about its own properties' involvement in the trials, the NTS is in an unique position to be able to disseminate good historical

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<sup>4</sup> Witch Hunt <https://www.bbc.co.uk/programmes/p07rn38z>; BBC Radio Scotland have continued to include this period of history on its Time Travels podcast, also produced and presented by Louise Yeoman and Susan Morrison.

knowledge to visitors. It is the hope that the findings of this report can help shape how the NTS plans for future events centring on this aspect of Scotland's past.

## **Methodology**

Early on in consultation with NTS staff, it was decided that the first phase of the project would focus on the witch trials, that is the period from 1563 to 1736 when witchcraft was a capital crime in Scotland, enforced by the courts, and punishable by death. In addition, due to the time restraints of the first phase of the project, it was decided that fictional, folkloric and mythical accounts of witchcraft and the supernatural would not be considered; including these categories at this stage risked widening the project too much and thus possibly weakening any conclusions reached or making it more difficult to highlight avenues for further research at particular properties. The focus of phase one was to find as many connections as possible between NTS properties and the witchcraft trials, and to provide a brief narrative of the connections.

In the early stage of research, two types of connections became apparent: direct [D] and peripheral [P]. Direct connections are defined as connections where members of landed families can be identified as being involved in investigating or prosecuting witches. Other direct connections include properties where an accused witch was imprisoned or where an investigation or trial was held. With reference to landscape properties, direct connections also include known locations of witch trials or residences of accused witches. Peripheral connections are defined as connections that can be made between the immediate area of the property and the witch trials. Examples include accused witches who are known to have resided in the same parish as a particular property, or investigations, imprisonments and trials that took place nearby. Peripheral connections also include properties that have links with the history of witchcraft, but not necessarily the witch trials themselves.

As a starting point, the project used data from the University of Edinburgh's online database, the Survey of Scottish Witchcraft, and its recent companion online map, to make broad connections between the Trust's properties and the witch trials.<sup>5</sup> The data from the Survey made it possible to look for both the men and women accused and executed as witches and those involved in the investigation and prosecution of witches. The recent online map, created in 2019 by staff and students from the University of Edinburgh, made it possible to visualise the data and make connections between properties and the location of accused witches' residences, their imprisonments and, in some cases, their trials.

If a broad connection could be established, then further research was done to gather all possible references linking that property to the trials. This included referencing primary sources and secondary scholarship, so that future NTS staff can draw on these to conduct their own research and plan future public engagement events. This phase of the project also sought to highlight little-known archives and collections at properties, such as those found in [**9. Broughton House**].

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<sup>5</sup> The Survey of Scottish Witchcraft (hereafter SSW). Julian Goodare, Lauren Martin, Joyce Miller and Louise Yeoman, 'The Survey of Scottish Witchcraft', <http://www.shca.ed.ac.uk/witches/>; for the online map, see <https://witches.is.ed.ac.uk/>

## **Historical context: an overview of the Scottish witch-hunts, 1563-1736**

The Witchcraft Act was passed in Scotland in 1563, three years after the Reformation. The Act made the practice of witchcraft a secular crime, punishable by death. Between the passing of the Act and its repeal by the British parliament in 1736, over 4000 people are thought to have been accused and around 2500 executed. Compared with its continental neighbours, Scotland had about five times the European average of executions, with roughly 2.5 executions per thousand of the population; the population of Scotland in the early modern period was around one million.<sup>6</sup>

Witch-hunting in Scotland came in waves and intensity across regions, with five national panics in 1590-1, 1597, 1628-30, 1649-50 and 1661-2. Although most regions across Scotland were affected by witch-hunting, cases were concentrated in areas across the Central Belt: Glasgow, Edinburgh, the Lothians and Fife. Other areas that saw intense witch-hunting included parts of Aberdeenshire, Clackmannanshire, Kirkcudbrightshire and Stirlingshire. Most trials were authorised by the central government, usually the privy council, and a record of this authorisation survives. However, in most cases the trial record does not survive, since nine-tenths of trials were held in temporary local courts, which rarely preserved archives. The remaining one-tenth of cases were held in the central judiciary court at Edinburgh.

Witchcraft accusations developed in local communities. Typically, accusations were made after a misfortune was retrospectively linked to some sort of quarrel between two individuals or even families. Witchcraft was not always considered the sole explanation, but if no other reason could be attributed to the misfortune – such as the death of livestock or spoiled food – then witchcraft could be a credible explanation for ordinary peasants, many of whom believed in the reality of magic

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<sup>6</sup> Julian Goodare, 'Witchcraft in Scotland' in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, ed. Brian P. Levack (Oxford, 2013), 300-17, at 300.

and supernatural entities, including God and the Devil, but also fairies and spirit guides.

After an accusation developed in the community, either the accuser or aggrieved person approached the kirk session – the lowest church institution responsible for policing godly discipline in the parishes – or the session itself began investigating reports that surfaced in the community. It was the kirk session's responsibility to conduct preliminary investigations, to collect information, interrogate suspects, and question accusers and witnesses in order to create a dossier of evidence that the session could then present to the central government to petition for a trial. The kirk sessions often worked with the local secular authorities, such as burgh councils or the laird of the estate; they could also imprison suspects and torture them. **[more on confessions and torture is detailed in the FAQs of the Guidance Note]**. At this stage in the witch trial process, kirk sessions did not automatically proceed with accusations and investigate someone for witchcraft. Sometimes the accusation could be dismissed or the accused person could instead fight back and claim that they had been slandered by their accuser.

Once the kirk session had compiled its dossier of evidence, then it would seek the support of the presbytery – a regional church court which managed several kirk sessions within its boundaries – to petition the central government to convene a criminal trial. At this stage, the session would nominate a influential person from the community who would travel to Edinburgh to submit the dossier of evidence to the central government, usually the privy council. If the council thought the evidence sufficient, then they would grant a commission of justiciary authorising a group of prominent laymen to convene their own court to try suspects. This commission enabled laymen from the communities in which the accusations developed to act as criminal judges – men who had no formal legal training. As mentioned above, the central government could decide to try the suspect in the



justiciary court at Edinburgh. In such instances, the suspect would be tried by trained judges rather than local magnates. But in both central and local trials, it was an assize (jury) of powerful men who delivered the verdict. The justiciary court at Edinburgh also had a higher acquittal rate, either because it was more professional, or because it dealt with more complicated cases. If the suspect witch was found guilty, then he or she would be sentenced to death by strangulation at a stake. Afterwards, the body would be burned.

## NTS properties and their connections to the witch trials

### 1. Abertarff House, Inverness [P]

Abertarff House, built in 1593, is the oldest house in Inverness. During the age of witch-hunting the house was owned by the Frasers of Lovat. No direct connection can be made between Abertarff House and the witch trials. The house was not used to imprison witches and the Frasers of Lovat were not involved in the investigation and prosecution of witches. The dowager Lady Lovat, Elizabeth Stewart, countess of Arran, was accused of witchcraft and consulting witches. In 1584, several noblemen accused her of 'depending on the response of witches and [an] enemy to all human society'.<sup>7</sup> It should be stated that these were not formal accusations, but insults used to discredit and harm Stewart's reputation. Perhaps if Stewart had not been the wife and daughter of earls, then she would have found herself investigated by the courts.

Although no direct links exist between the house and the witch trials, the house is situated centrally in the town. Between 1563 and 1736, Inverness experienced a number of trials and one particularly fierce witch-hunt that took place in the summer of 1662. The early 1660s were a particularly bad year for witch-hunting. Beginning in the Lowlands in the summer of 1661, particularly in the villages and small burghs of Midlothian and East Lothian, the hunt soon spread to other parts of the Lowlands and, eventually, to some regions of the Highlands.<sup>8</sup>

Inverness experienced a small-scale witch hunt during the tail end of the hunt in the summer of 1662, when a dispute about land between two local families, the MacLeans of Duart and the Chisholms of Comar, led to accusations of witchcraft,

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<sup>7</sup> Lisa Baer-Tsarfati, 'Gender, Authority, and Control: Male Invektive and the Restriction of Female Ambition in Early Modern Scotland and England, 1583-1616', *International Review of Scottish Studies* (2019), 35-56, at 47.

<sup>8</sup> For a perceptive discussion of this case, see Lizanne Henderson, 'Witch-Hunting and Witch Belief in the Gàidhealtachd' in *Witchcraft and Belief in Early Modern Scotland*, ed. Julian Goodare, Lauren Martin and Joyce Miller (Basingstoke, 2008), 95-118, esp. 105.

in which several members of the MacLean family were imprisoned in Comar – modern day Cannich – under accusation of witchcraft. Hector MacLean, Janet MacLean, Margaret MacLean, all residents of Inverness, along with several others, were illegally tortured and imprisoned there.<sup>9</sup> One of their kinsmen, Sir Rory MacLean of Duart, petitioned the privy council, arguing that his relatives had been subjected to illegal torture and interrogation. Indeed, the records show that in June of that year some of the MacLean captives imprisoned at Comar were allegedly tortured. The imprisoned MacLeans claimed that they were whipped, had their feet burned, were bound with ropes and hanged by their thumbs. Louise Yeoman has recently argued that one of the witch prickers was Christian Caddell, alias John Dick or Dickson, who dressed up as a man and offered her witch finding services around Inverness. The minister, James Fraser of Wardlaw, writing some years after the event, recorded the happenings at Comar and wrote of Christian's pricking activities – although he misremembers Christian's alias and describes her as 'Mr Paterson' instead of Dickson.

There came then to Inverness [March 1662] on[e] Mr. Paterson, who had run over the kingdom for triall off witches, and was ordinarily called the Pricker, because his way of triall was with a long brasse pin. Stripping them naked, he alleadged that the spell spot was seen and discovered. After rubbing over thew hole body with his palms he slipt in the pin, and, it seemes, with shame and feare being dasht, they felt it not, but he left it in the flesh, deep to the head, and desired them to find and take it out. Itt is sure some witches were discovered, but many honest men and women were blotted and broak by this trick.<sup>10</sup>

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<sup>9</sup> Data from SSW.

<sup>10</sup> James Fraser, *Chronicles of the Frasers: The Wardlaw Manuscript Entitled 'Polichronicon Seu Policratica Temporum, Or, the True Genealogy of the Frasers'*, ed. William Mackay (Scottish History Society, 1905), 446.

Yeoman is also confident that Christian is the pricker in this case, since her contract to prick witches – now held in the National Records of Scotland – is issued around the same time as the events at Comar and Inverness.<sup>11</sup>

Upon hearing Sir Rory's complaint, on 3 July the privy council ordered the Chisholms to bring the accused to Edinburgh. The Chisholms, however, soon lodged a counter petition, claiming that they could not afford to send the accused to Edinburgh. In the end, the privy council granted them a commission of justiciary – the ability to convene their own court and hold a trial locally. Sometime later that month, the accused were transported from Comar to Inverness.<sup>12</sup>

The accused were kept in prison in Inverness till October of that year. Indeed, one of the bailies of Inverness, Finlay Fraser, at the direction of the justice depute, and in the presence of the notary, did examine the MacLeans for signs of torture, where he

did sight and try the hands and feet of the forenamed persons [the accused] to see if they had any mark of torturing upon any part of their bodies, and if they had, to show it him, which none of them could show.<sup>13</sup>

It is likely that none of the accused were executed, since on 8 October Alexander Brodie of Brodie (1617–1680) recorded in his diary that at 'Invernes ther was non of the witches condemnd'.<sup>14</sup> From the records, then, it seems there was a deal between the two clan chiefs. The accused gave statements that the Chisholms did not torture them. In exchange, the accused were all presumably tried by justice deputes and found innocent.

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<sup>11</sup> For the manuscript of Christian Caddell's contract, see National Records of Scotland (NRS), High Court of Justiciary processes, 1662, JC26/28/4.

<sup>12</sup> Transcriptions of the petitions by the MacLean and Chisholm families, to the Privy council in June and July 1662, can be found in the *Register of the Privy Council of Scotland* (hereafter *RPC*), 3<sup>rd</sup> series, vol. i (1908), 237, 242, 259.

<sup>13</sup> *Transactions of the Gaelic Society of Inverness*, 1879-80, 50 vols (Edinburgh, 1881), viii, 119.

<sup>14</sup> *The Diary of Alexander Brodie of Brodie 1652-1680 and of his Son, James Brodie of Brodie*, ed. David Laing (The Spalding Club, 1863), 276.

## 2. Alloa Tower, Alloa [D + P]

In the sixteenth and seventeenth centuries, Alloa Tower was the ancestral seat of a cadet branch of the Erskine family: the earls of Mar. The Erskines of Mar were loyal supporters of the Stuart monarchs. Mary, Queen of Scots and James VI both spent part of their childhoods here under the guardianship of the Erskine family.

Two members of the Erskines of Mar were involved in witchcraft prosecutions during the witch-hunting period: John Erskine (c. 1562–1634), second earl of Mar; and his second son, Sir John Erskine (c. 1605–1668) of Otterstoun.<sup>15</sup> Little is known about Sir John Erskine of Otterstoun, who was named as a commissioner for the trial of Robert Maxwell from Dalgety in 1649. Details of Maxwell's trial has not survived. More, however, is known about his father.

John Erskine, second earl of Mar, was involved in two trials. The first he conducted before he became earl, while he was the sheriff of Stirling. In 1596, Margaret Crawford from the parish of Denny was accused of observing communion in a Catholic way. The presbytery investigated and John Erskine was asked to raise a commission for trial. No such commission survives, nor did Margaret confess to any witchcraft.<sup>16</sup>

Erskine was involved in a more infamous case in 1613–14, when the Erskine of Dun siblings, Robert, Annas, Helen and Isobel, were found guilty of consulting with a witch, Janet Irvine, to poison and murder their nephews, John and Alexander, in order to inherit the lands and titles of the recently deceased laird of Dun, David Erskine, Robert's elder brother. John Erskine of Mar was one of the commissioners on the case, and he was tasked with appending the suspect Erskine siblings in

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<sup>15</sup> For more on John Erskine, second earl of Mar, and his family, see *Oxford Dictionary of National Biography* (hereafter *ODNB*) <https://doi.org/10.1093/ref:odnb/8867>

<sup>16</sup> SWW.

December 1613.<sup>17</sup> Robert was tried and executed in December 1613; Annas and Isobel were tried and beheaded at Edinburgh's Mercat Cross in June 1614; Helen was banished the following year on 22 March 1615. It's not clear whether the accused witch who was consulted, Janet Irvine, was convicted.<sup>18</sup>

A peripheral connection can be made between Alloa Tower and the witch trials, too. In 1658 and 1659, during the tail end of the Cromwellian occupation of Scotland, several areas in Stirlingshire and Clackmannanshire experienced small-scale witch-hunts.<sup>19</sup> A number of residents in Alloa were involved in a witch-hunt between May and August 1658.<sup>20</sup> The principal suspect to be investigated, Margaret Duchell, was arrested and interrogated by the kirk session of Alloa in early May 1658. She confessed to harming others, to making a pact with the Devil, and attending several witches' sabbaths with the Devil and six other witches. Four of them, Margaret Taylor, Bessie Paton, Janet Black and Katherine Rainie, were rapidly arrested and confessed in their turn on 10 May. Duchell died in prison later that month. The four accused witches, Taylor, Paton, Black and Rainie, were imprisoned between June and August in a building possibly around West End Park.

### **3. Bachelors' Club, Tarbolton [D + P]**

The original seventeenth-century building hosted a debating society set up by Robert Burns (1759- 1796) and other local men from Tarbolton in 1780. It was

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<sup>17</sup> For transcriptions of the Erskine of Dun poisoning trials, refer to *Ancient Criminal Trials in Scotland*, ed. Robert Pitcairn, 3 vols. (1833), iii, 260-4, 267-9.

<sup>18</sup> Laura Paterson, 'Executing Scottish Witches' in *Scottish Witches and Witch-Hunters*, ed. Julian Goodare (Basingstoke, 2013), 196-214, esp. 204.

<sup>19</sup> This was in large part due to the Cromwellian government establishing commissions of the peace on the English model and allowing local gentry to resume their traditional role in punishing crime. This policy formed part of a broader plan to involve more Scots in the administration of the country. As a result, a number of Scots became justices of the peace (JPs) in their local communities, and it gave them the power to investigate accusations of witchcraft, similar to that of the minister and elders on kirk sessions. For more, see Brian P. Levack, *Witch-Hunting in Scotland: Law, Politics and Religion* (London, 2008), 116-33, esp. 125.

<sup>20</sup> For an overview of the 1658 Alloa witchcraft investigations, see P. G. Maxwell-Stuart, *The Great Scottish Witch-Hunt* (Stroud, 2007), 91-107.

probably the first rural debating society in Scotland and the prototype for many Burns Clubs across the world. The property was acquired by the National Trust for Scotland in 1938 and formally opened in 1951 after a restoration of its two floors; it is now a museum.

A direct connection can be made between the Bachelors' Club and the witch trials. The Bachelors' Club has, on display, a bottle which was found buried inside the wall of a nearby farm building during structural works. Due to its location and the dried remains of its contents, the NTS believe this is a 'witch bottle', placed in the building to guard against witchcraft.<sup>21</sup> The historian and folklorist, Owen Davies, argues that

the witch bottle was a widespread and commonly employed method of sympathetic magic for countering witchcraft. A bottle was filled with the urine of a bewitched person, and some of his or her hair or nail-clippings were also put in, along with some sharp objects like thorns, pins or nails. The bottle was either buried or heated in a fire. The bottle represented a witch's bladder, and the sharp objects were meant to cause the witch excruciating pain. This would force the witch to break the spell. There were numerous subtle variations on the practice.<sup>22</sup>

There are many examples of this type of protective device against the supernatural, some of which contain hair and nails, but the majority contain human urine. These bottles are normally interred near a door or window. The NTS have also noted that another type of protection can be seen upstairs, where there are white circles on the hearth. These are thought to have been drawn recently, but they represent an earlier form of early modern counter-magic. Like a witch

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<sup>21</sup> Billy Young, 'A kind of magic', <https://www.nts.org.uk/stories/a-kind-of-magic>

<sup>22</sup> Owen Davies, *Witchcraft, Magic and Culture, 1736-1951* (Manchester, 1999), xiii.

bottle, drawn or painted symbols near entry points of buildings were thought to ward off witches and other ethereal spirits.<sup>23</sup>

The Survey of Scottish Witchcraft also names two individuals from Tarbolton who were accused as witches, Janet Reid and Margaret Paterson. Both were accused during the late 1650s witch-hunts that swept across Ayrshire. No details of their cases survive.<sup>24</sup>

#### **4. Balmacara Estate, Kyle [D]**

In the seventeenth and eighteenth centuries, this land was part of a much larger estate owned by the Mackenzies, earls of Seaforth. No witch-hunting took place in the modern estate lands held by the NTS, but some of the Mackenzies of Seaforth were involved in witchcraft prosecutions. For instance, Colin Mackenzie, 1st earl of Seaforth (c. 1596/97–1633), was a privy councillor granted a number of commissions to try a group of accused witches from Ross-shire between 1629 and 1631.<sup>25</sup> In particular, he granted a commission to several of his kin to try ‘Christian Riache in Stornoway, long bygone suspect’ in January 1631. Louise Yeoman has argued that this case might have been part of the Mackenzies struggle to control Lewis.<sup>26</sup> Colin’s half-brother, Thomas Mackenzie of Pluscarden (b. 1609), was a commissioner who sought to try Margaret Kellie and Barbara Innes from Elgin in the 1661-2 national witch-hunt.<sup>27</sup>

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<sup>23</sup> Edward Bever, ‘Popular Witch Beliefs and Magical Practices’ in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, ed. Brian P. Levack (Oxford, 2013), 50-68, esp. 55.

<sup>24</sup> SWW.

<sup>25</sup> *RPC*, 2<sup>nd</sup> series, vol. iii (1901), 215-16.

<sup>26</sup> ‘Witchcraft cases from the register of commissioners of the privy council of Scotland, 1630-1642’, ed. Louise A. Yeoman, in *Miscellany of the Scottish History Society, XIII* (The Scottish History Society, 2004), 223-65, at 241-2.

<sup>27</sup> *RPC*, 3<sup>rd</sup> series, vol. i (1908), 207.



## 5. Barry Mill, Barry [P]

Records of the first mill date from 1539. Barry Mill is the last working watermill in Angus – and one of few water-powered mills still operating across Scotland today – although it stopped operating commercially in 1982. When operating commercially, it produced oatmeal. It was rebuilt in 1814 after a fire.

No direct link can be made between Barry Mill and the witch trials, but rather a connection can be made to Barry and the surrounding area. In October 1661, Helen Guthrie, one of the famous Forfar witches, confessed to her interrogators in the tolbooth that about a week before St James Day (25 July), she, along with fellow accused witches Isobell Shyrie and Elspet Alexander, travelled to an ale house near Barry just after sunset, where ‘they hade stayed in the said house about the space of ane houre drinking of thrie pints of ale togidder’. Afterwards, they went to the beach and met with three other women and the Devil, who appeared to them ‘in the shape of ane great horse’. The purpose of their tryst was to sink ‘ane shipp lying not farr off from Barrie’.<sup>28</sup>

## 6. Ben Lomond [P]

Ben Lomond is the most southerly of the Munros and lies within the Ben Lomond National Memorial Park, and the Loch Lomond and The Trossachs National Park. A peripheral connection can be made between the nearby village of Luss and the

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<sup>28</sup> ‘The Confessions of the Forfar Witches (1661), From the Original Documents in the Society’s Library’, ed. Joseph Anderson, *Proceedings of the Society of Antiquaries of Scotland* 22 (1887-88), 241-62, at 254. For a short summary of the Forfar witches activities at Barry, see Lizanne Henderson, ‘Witch Belief in Scottish Coastal Communities’ in *The New Coastal History: Cultural and Environmental Perspectives from Scotland and Beyond*, ed. David Worthington (Basingstoke, 2017), 233-49, at 239-41.

witch trials. In 1632-3, the laird of Luss, Sir John Colquhoun (c.1596-1647), under investigation for consulting with one of his servants, Thomas Carlipis, to create a love potion and enchant some jewels in an attempt to seduce Katharine Graham (1614-c.1647), his wife's younger sister. In October 1632, Colquhoun and Carlipis were ordered to stand trial the following January, but they did not appear. As a consequence, they were both put to the horn, that is, made outlaws. Not much is known about what happened to Carlipis, but Colquhoun fled to London with Katharine Graham, even though Graham, herself, was not under suspicion for witchcraft.<sup>29</sup>

Janet Howat, also from Luss, was investigated for witchcraft – first in 1671, and then again in 1679. Very little of her case survives. She was arrested in April 1671 and brought before the Southern Circuit in Dumfries the following month. No charges, however, were presented, so she was imprisoned in the tolbooth of Kirkcudbright. Howat, and her fellow suspected witches, were kept in such awful conditions, in which they were kept in 'a most miserable conditione being alwayes at the point of starving having nothing of ther own nor nothing allowed for ther sustenance'.<sup>30</sup> That winter, one of Howat's fellow suspected witches, Bessie Paine, died 'through cold hunger [and] other inconveniences of the prison'. Howat was released in the summer of 1672, on the grounds that she, and others, were 'maliciously misrepresented as guiltie of the most horrid crymes'. The justiciary court ordered that she appear before the next justiciary session at Dumfries.<sup>31</sup>

## **7. Brodick Castle, Garden and Country Park, Isle of Arran [P]**

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<sup>29</sup> Edward Cowan, *Montrose: For King and Covenant*, 2<sup>nd</sup> edn (Edinburgh, 1995), 19-21.

<sup>30</sup> Lizanne Henderson, *Witchcraft and Folk Belief in the Age of Enlightenment: Scotland, 1670-1740* (Basingstoke, 2016), 149.

<sup>31</sup> Henderson, *Witchcraft and Folk Belief*, 259. See also, *The Records of the Proceedings of the Justiciary Court Records of Proceedings of Justiciary Court, Edinburgh, 1661-78*, ed. W. G. Scott-Moncrieff, 2 vols, (Scottish History Society, 1905), ii, 104.

In 1503, James IV transferred Arran to the Hamilton family and Brodick Castle became the hub of a quasi-feudal estate. Initially, defensive capability remained important. With noble feuding in the sixteenth century and the Wars of the Three Kingdoms, the castle periodically housed garrisons, came under siege and required major investment for building works and repair. During the Restoration period, as political stability increased from 1660, and the Hamilton fortunes recovered under Anne, duchess of Hamilton (1632-1716), the role of Brodick Castle shifted away from defensive bastion to that of occasional summer residence, hunting lodge and centre of estate management.

James Hamilton, first duke of Hamilton (1606 –1649), was a privy counsellor and in 1631, when he was still a marquess, he granted a commission to several members of the Mackenzie family to try an accused witch, Marie McGillimichell.<sup>32</sup> Not much is known about her case, but it appears that the commission that was granted was for a local trial, since the privy council ordered that the assize inform them of the verdict.

A more peripheral connection can be made between the castle and the witch trials. Mary Stewart, from the nearby parish of Kilbride, was accused in 1705 for ‘frequently us[ing] charmes for the healing of diseases’. She was, however, let off with the less serious charge of charming.<sup>33</sup>

## **8. Brodie Castle, Forres [D + P] [4 AND 7]**

Brodie castle was constructed in 1567 by Alexander Brodie, twelfth Brodie of Brodie. The castle was continuously in possession of the Brodie family until 1980, when it was handed over to the National Trust for Scotland by Ninian Brodie, twenty-fifth Brodie of Brodie. During the period of the witch trials, Alexander Brodie of Brodie (1617–1680) was the ruling laird. In 1662, he became involved in the infamous case of Isobel Gowdie, an accused witch from the village of Dyke.

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<sup>32</sup> ‘Witchcraft cases from the register of commissioners’, ed. Yeoman, 243.

<sup>33</sup> Henderson, *Witchcraft and Folk Belief*, 116.

Isobel gave four long and detailed confessions which have been celebrated by historians and folklorists as the most remarkable of their kind to have emerged in Britain throughout the witch-hunting period.

Gowdie was interrogated at Auldearn by the ministers Harry Forbes and Hugh Rose in the presence of at least a dozen witnesses, including Lord Brodie's cousin, Alexander Brodie the younger of Lethen. Her confessions contain much standard demonological material. Following leading questions, she confessed to having made a pact with the Devil, performed harmful magic and attended a witches' sabbath. Yet her confessions also contain a wealth of folkloric and idiosyncratic detail that could have only come from herself. As well as conforming to her interrogators' demands by confessing to meeting the Devil, Isobel also claimed to have flown through the air on a corn stalk, transformed into an animal, feasted in the fairy hills and performed magic in the company of the fairy king and queen, folkloric hero figures and the dead; these anecdotal, personal narratives punctuate her four confessions.<sup>34</sup>

Alongside the rich trial material, Alexander Brodie of Brodie's diary provides an insight into the laird's own thoughts on this case and others. While he was not directly involved in Isobel's interrogations, Emma Wilby has argued that he was likely an important figure in negotiating a commission to hold a local trial against Isobel and her fellow suspect witch, Janet Braidhead. According to his own diary, Brodie was in Edinburgh in June 1662 around the time Isobel's case was being considered by the privy council and the justiciary court. He even met with Alexander Colville of Blair, one of the justice deputes, and spoke to him 'anent

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<sup>34</sup> For more on Isobel Gowdie and her confessions, see Emma Wilby, *The Visions of Isobel Gowdie: Magic, Witchcraft and Dark Shamanism in Seventeenth-Century Scotland* (Brighton, 2010), esp. 37-52.

[about] witches'.<sup>35</sup> During Gowdie's interrogations between April and May 1662, Brodie even read some of her confessions.

In his diary, Brodie also revealed that he was involved in the case of the Forres witches, Isobel Elder and Isobel Simpson, who were tried a year after Gowdie's case, in 1663. He spoke with the minister of Auldearn, Harry Forbes, and asked him to visit them in prison to encourage them to confess.<sup>36</sup> Brodie, however, was not particularly zealous in his views on witchcraft. Again, with reference to the Forres witches, Brodie wrote in his diary that 'it troubl'd me that ani constraint should have bein usd to them; that they should hav bein beaten'.<sup>37</sup>

## 9. Broughton House, Kirkcudbright [P]

A fine town garden created in the 1920s by the Scots impressionist artist E.A. Hornel (1864 -1933). Hornel was a prolific collector of material relating to Dumfries and Galloway, and there are some interesting antiquarian studies and edited volumes related to witchcraft, particularly from the nineteenth and early twentieth centuries, in the archives at Broughton House. Of relevance to this project, there is a copy of George Neilson's edition of Mr James Hutchinson's sermon preached before the commissioners involved in the Paisley witch trials in 1697.<sup>38</sup> Several seventeenth-century pamphlets and manuscripts have yet to be catalogued.

No direct connection can be made between Broughton House and the witch trials, although there were a number of women executed for witchcraft from Kirkcudbrightshire in 1658-9. They were tried in Dumfries by the South and West Circuit Court, that is a travelling court convened in a local area by trained Scottish

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<sup>35</sup> Wilby, *Visions of Isobel Gowdie*, 33. See also, Alexander Brodie of Brodie's diary for his views on witchcraft: *The Diary of Alexander Brodie of Brodie*, ed. Laing.

<sup>36</sup> Wilby, *Visions of Isobel Gowdie*, 72.

<sup>37</sup> *The Diary of Alexander Brodie of Brodie*, ed. Laing, 294.

<sup>38</sup> 'A Sermon on Witchcraft in 1697', ed. George Neilson, *Scottish Historical Review* 7 (1910), 390-99.

judges. Most famous of the accused witches from Kirkcudbright is probably Agnes Cairns, who confessed to fanciful demonic content and fairy belief.<sup>39</sup>

## 10. Isle of Canna [P]

No direct connection can be made between the isle of Canna and the witch trials. What is now called 'Coroghon Castle', thought to be a mid-seventeenth-century prison tower, is the subject of popular myths and stories about a witch once imprisoned there. While no historical evidence supports this story, it may have gained traction after the Victorian artist, Richard Doyle, visited the ruins in 1875 and painted two images of the prison being home to witches.<sup>40</sup>



Image 1: *The Witch's Home, No. 2. 'She's Off'* © Victoria and Albert Museum, London

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<sup>39</sup> The interrogations of Agnes Cairns and the Kirkcudbright witches are discussed in Maxwell-Stuart, *The Great Scottish Witch-Hunt*, 149-53.

<sup>40</sup> J. L. Campbell, *Canna: The Story of a Hebridean Island*, 5<sup>th</sup> edn, ed. Hugh Cheape (Edinburgh, 2014). You can see Doyle's pictures at <https://collections.vam.ac.uk/item/O113454/the-witches-home-no2-shes-watercolour-doyle-richard/>

## 11. Craigievar Castle, Alford [P]

Construction of the Castle began in the early part of the seventeenth century, under John Mortimer of Craigievar (c. 1551-1615). In 1610, however, William Forbes of Menie (c. 1566 – c. 1627), known as ‘Danzig Willie’, bought the unfinished Castle; his son was Sir William Forbes of Craigievar (c. 1609 –c. 1648). Some kinsmen of the Forbes of Craigievar were involved in witch trial prosecutions, but the connections are tenuous at best. In 1590, an Aberdeenshire witch, Janet Grant, was found guilty and convicted for ‘taking on hand, to haif distroyit the Laird of Cragievar, his sone and vtheris’. This ‘Laird of Cragievar’ was the late sixteenth-century owner of the lands, John Mortimer.<sup>41</sup> There are also some witches’ marks – marks on the surfaces of buildings to ward off evil magic and spirits – in one of the guestrooms on the second floor. There are burn marks in the style of a hexafoil/daisywheel and an unbroken chain. In Scotland, the word charm or cherm was used to also describe the marking of houses using magic.<sup>42</sup>

## 12. Culross [D] [5 AND 10]

During the seventeenth century, a number of women accused of witchcraft resided in Culross. Research by Stuart Macdonald has uncovered a number of cases across Fife. He has argued that at least forty-four of Fife’s cases came from Culross, and most from the period between 1620 and 1675, with severe panics taking place in 1624 and 1643-4.<sup>43</sup> Many of the accused were imprisoned in the old tolbooth, now the Culross Townhouse.

During the 1643-4, witch-hunt, a relatively well-to-do accused witch, Mary Cunningham, a widow, was imprisoned in Culross. In August 1644, Mary complained that she and her daughter, Janet Erskine, had been illegally

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<sup>41</sup> *Ancient Criminal Trials in Scotland*, ed. Pitcairn, 3 vols (Edinburgh, 1833), i, 206.

<sup>42</sup> *Dictionary of the Older Scottish Tongue (DOST)* [https://dsl.ac.uk/entry/dost/charm\\_v](https://dsl.ac.uk/entry/dost/charm_v)

<sup>43</sup> Stuart Macdonald, *The Witches of Fife: Witch-Hunting in a Scottish Shire, 1560-1710* (East Linton, 2002).

imprisoned in the tolbooth of Culross by the bailies of that burgh and had been 'most barbarouslie, cruellie and inhmanelie usit by thame', under the direction of James Kennowie, 'thair clerke'. She stated that they had been illegally arrested at night and without a warrant and taken from their house, which was outside the bailies jurisdiction.

She was tried twice. First, in Culross, where her trial ended in a not proven verdict; and second, in Edinburgh, where we do not know the outcome. During her first trial, her defence advocate successfully petitioned for her case to be seen by the court of justiciary in Edinburgh, arguing that the procurator fiscal, that is, the local judge appointed in Culross, did not have any legal expertise and was not equipped for the trial. This is typical of witch trials conducted in the local area where accusations surfaced: men, of some considerable status in the community, were empowered by the privy council to become court officials and to convene their own temporary courts. Yet most lacked formal legal training and, because of their associations and interests in the community, most local trials, operating under a commission of justiciary, found the accused guilty. However, in Mary's trial – probably because she was able to afford legal representation – she was not found guilty. Mary and her daughter were released later in August, but a year later the commissioners tried to reopen a case against her; it is difficult to determine what happened after.<sup>44</sup>

In particular, the 1675 case proves to be quite extraordinary in the history of Fife witch-hunting. Four women, three of whom were widows, appeared before the justiciary court at Edinburgh under suspicion for witchcraft: Katherine Sands, Isobel Inglis, Janet Hendrie and Agnes Hendrie. All of the accused confessed to making a pact with the Devil, receiving his mark and attending a witches' sabbath

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<sup>44</sup> Macdonald, *Witches of Fife*, 131-2; and Brian P. Levack, 'The decline and end of Scottish witch-hunting', in *The Scottish Witch-Hunt in Context*, ed. Julian Goodare (Manchester, 2002), 166-81, at 178.



in the ruins of the old west kirk.<sup>45</sup> Macdonald and others have claimed that this case is a little unusual because of how much of the accused's confessions conform to elite understandings of the Devil. References to the Devil and demonology were not typical elements in Fife witchcraft cases. Out of 420 known cases surveyed by Macdonald, the Devil is present in only twenty per cent of them.<sup>46</sup> However, this does not mean that the authorities and ordinary folk were not concerned about the Devil or demonological witchcraft; even in cases where the Devil was not mentioned or referenced, his presence could be assumed or inferred.

### **13. Culzean Castle, Maybole [P]**

No direct connection can be made between the property and the witch trials, although a member of the Kennedy family, before the castle was built, was involved in a highly political witch trial. Sir Thomas Kennedy of Culzean (c. 1545-1602), brother to Gilbert Kennedy, fourth earl of Cassillis (c. 1541-1576), and tutor to Gilbert Kennedy's son, John Kennedy, fifth earl of Cassilis (1575-1615), was a defence witness for his kinsman, John Stewart, master of Orkney. John, along with one of his servants, Thomas Papla, and his brothers, James and William, had been accused by their elder brother and earl of Orkney, Patrick Stewart, of trying to poison him by consulting Alison Balfour, an accused witch. Balfour was found guilty and executed in 1594. John Stewart was tried two years later in 1596. At his trial, Thomas Kennedy was one of his defence witnesses; he was found not guilty.<sup>47</sup>

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<sup>45</sup> Macdonald, *Witches of Fife*, 144.

<sup>46</sup> Stuart Macdonald, 'In search of the Devil in Fife witchcraft cases c. 1560-1705', in *The Scottish Witch-Hunt in Context*, ed. Goodare, 36 & 42.

<sup>47</sup> For more, see Liv Helene Willumsen, *The Witches of the North: Scotland and Finnmark* (Leiden, 2013), 162; see also Owen Davies, 'A Comparative Perspective on Scottish Cunning-Folk and Charmers' in *Witchcraft and Belief in Early Modern Scotland*, ed. Goodare, Martin and Miller, 185-205, at 194. For primary sources that refer to the case of the poisoning of the 2nd earl of Orkney, Patrick Stewart, refer to *Ancient Criminal Trials in Scotland*, ed. Pitcairn, 3 vols (Edinburgh, 1833), i, 373-77.

#### 14. Dollar Glen, Dollar [P]

Castle Campbell, the seat of the Campbells of Argyll, towers over the north of Dollar. While imposing, no direct connection can be made between the Castle and the witch trials; some kinsmen of the Campbell family were involved in witch trials [see 30. Iona]. A peripheral connection, however, can be made with the surrounding lands of Dollar. In September 1597, two accused witches, Catherin Kello and Jonet Crawford, came from nearby Dollar; they were imprisoned and the presbytery of Stirling requested that ministers in Stirling examine the accused. They both confessed, but no details of their confession or further trial procedures survive.<sup>48</sup>

Several nearby locations are more tendentiously connected to the history of witchcraft. Near the Burn of Sorrow, there is a waterfall plunging into a round pool known locally as the 'Witches' Cauldron'. No historical connections can be made between the glen, the pool and witchcraft. There is also an old standing stone or memorial rock, known locally as the 'Wizard's Stone'. Bruce Baillie in his *History of Dollar* notes that 'A large whinstone in a field is known as 'The Wizard's Stone', having been set there by one of the Moirs to take the place of a rotting stake said to mark the spot where the last Dollar witch (and, naturally, the last Scots one), named Forrester, was burnt, though this is probably folk confusion with the vicar of Dollar, Thomas Forrest'. This story – about a wizard being burnt for witchcraft at end of the seventeenth century – appears in John Sinclair's *The Statistical Account of Scotland, Dollar*:

In the one of these, some years ago, were found two urns, filled with human bones; but upon what occasion, or by whom they were deposited there, is

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<sup>48</sup> See SSW. For the minister of Dollar, John Craigengelt, see Maxwell-Stuart, *The Great Scottish Witch-Hunt*, 91; and Willumsen, *The Witches of the North*, 115. For a biographical account of Craigengelt, see *Fasti Ecclesiae Scoticae: The Succession of Ministers in the Church of Scotland from the Reformation*, ed. H. Scott, 7 vols (1915-1928), iv, 292, 306, 334.

not known. The other mound remains in the same state it hath been time immemorial-Towards the end of the last century, a man was burnt for a wizard, at the foot of the Gloom Hill, not many yards from the town of Dollar.

The account was written by an eighteenth-century minister, Rev. John Watson. The stories of a witch being burnt at this site cannot be corroborated by surviving evidence.<sup>49</sup>

### **15. Drum Castle, Drumoak [P]**

During the sixteenth and seventeenth centuries, the Castle was in the possession of the Irvine family. In 1323 Robert the Bruce (1274-1329) granted his secretary William de Irwin of Woodhouse (1260-1332) the land of Drum. William died in 1332 and was succeeded by his son, Thomas. The twelve subsequent lairds were all named Alexander Irwin, or, as the name eventually became, Irvine. Alexander Irvine, ninth laird of Drum (1556-1629), was one of the witnesses to the confession of the accused witch Andrew Man in October 1597. Another Alexander Irvine, possibly the same one just mentioned, or his son, Sir Alexander of Drum (1596-1658), was a commissioner to try three witches: Margaret Reoch from Lumphanan in 1613, and Janet Currie and Margaret Rid from Crimond in 1630.<sup>50</sup>

### **16. Dunkeld [P]**

Known for its connections with the Battle of Killiecrankie and skirmishes between the Jacobites and government soldiers, Dunkeld also has some connections to the witch trials. According to Michael Wasser, during Scotland's first witch-hunt in

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<sup>49</sup> John Sinclair, *The Statistical Account of Scotland, Dollar, Clackmannan*, vol. 15, (Edinburgh, 1795), 155-72, at 167.

<sup>50</sup> For more on the 1597-8 trial of Andrew Man, see *The Miscellany of the Spalding Club*, ed. John Stuart, 5 vols (Spalding Club, 1841-52), i, 117-25; for the cases of Janet Currie and Margaret Rid, see *RPC*, 2<sup>nd</sup> series, vol. iii (1901), 426 & 436; for Margaret Reoch, see *RPC*, 1<sup>st</sup> series, vol. x (1891), 76.

1568-9, an 'ordinary woman' from Dunkeld was accused of witchcraft. It must be stressed that no details of this case survive, even in the Survey of Scottish Witchcraft.<sup>51</sup> Moreover, in March 1598 two women from Dunkeld, Margaret Stewart and Isobel Douglas, were accused of witchcraft and arrested based on accusations from two Perthshire women, Bessie Ireland and Agnes McCawis. John Stewart, the earl of Athol (1566-1603), had them imprisoned. Stewart and Douglas, and their families, complained to the privy council in Edinburgh. The council ordered that Stewart's and Douglas's trial processes be suspended; Ireland and MaCawis were ordered to confront Stewart and Douglas in front of the council in Edinburgh. If they were found to be suspect, they were to be put to trial by the justiciary court.<sup>52</sup>

### **17. Falkland Palace, Falkland [D + P] [6 AND 15]**

During the great witch-panic of 1597, James VI and the privy council convened at Falkland palace, where, among other things, on 12 August a general proclamation was issued revoking some of the commissions of justiciary that had been granted against suspected witches on the bogus evidence of another accused witch Margaret Aitken, known as great witch of Balwearie, who claimed that she could detect other witches just by looking at their eyes; she was found to be a fraud.<sup>53</sup> In practice, the proclamation did not save many suspects' lives directly, since by August 1597 a number of suspects had already been executed under previous commissions, and even some general commissions – that is blanket commissions granted for specific regions – were still in effect and immune to the proclamation.

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<sup>51</sup> Michael Wasser, 'Scotland's First Witch-Hunt: The Eastern Witch-Hunt of 1568–1569', in *Scottish Witches and Witch-Hunters*, ed. Goodare, 17-33, at 24.

<sup>52</sup> For the complaint made by Stewart and Douglas against the earl of Athol - who had imprisoned them on the testimony of MaCawis and Ireland – see *RPC*, 1<sup>st</sup> series, vol. v (1882), 448.

<sup>53</sup> See Louise Yeoman, 'The woman who stood up to a witch-hunt', <https://www.bbc.co.uk/news/uk-scotland-glasgow-west-50330147> for a popular and accessible piece on this unusual and fascinating trial.

Indeed, witches were still being prosecuted in Aberdeen under its general commission two months later. However, this proclamation made at Falkland on 12 August 1597 had wider ramifications for how the privy council and its councillors approached handing out commissions to try witches.<sup>54</sup> Indeed, for the first three decades of the seventeenth century, the privy council played an important role in curtailing witchcraft prosecutions.<sup>55</sup>

There is also an indirect connection between the palace and the witch trials. During the national panic of 1661-2, a few women from Falkland were accused as witches. These include Margaret Garvie, Barbara Honeyman and Margaret Dryburgh. Garvie and Honeyman were imprisoned after being accused of witchcraft in December 1661. They petitioned the privy council to be released from prison in January 1662. They did not confess to witchcraft, but they had been pricked by John Kincaid, who alleged to have found some marks upon them. Both Garvie and Honeyman denied any knowledge of the marks. Both claimed that, if released, they would cooperate if a trial was pursued against them. The privy council ordered the advocate and stewards of Fife to release them from prison upon this condition.<sup>56</sup> No record of a commission to hold a trial exists. However, a commission to hold a trial against Margaret Dryburgh was requested at the end of January. It stated in the request for a commission that Dryburgh had confessed sometime previously.<sup>57</sup>

## 18. Fyvie Castle, Turriff [D]

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<sup>54</sup> See Julian Goodare, 'The Scottish witchcraft panic of 1597' in *The Scottish Witch-Hunt in Context*, ed. Goodare, 51-72, esp. 58-62. The proclamation at Falkland on 12 August 1597 can be found in *RPC*, 1<sup>st</sup> series, vol. v (1882), 409-10.

<sup>55</sup> See Michael Wasser, 'The Privy Council and the Witches: The Curtailment of Witchcraft Prosecutions in Scotland, 1597-1628', *Scottish Historical Review* 82 (2003), 20-46.

<sup>56</sup> *RPC*, 3<sup>rd</sup> series, vol. i (1908), 152. See also R. Chambers, *Domestic Annals of Scotland: From the Reformation to the Revolution* 3 vols (Edinburgh, 1858-61), ii, 279.

<sup>57</sup> *RPC*, 3<sup>rd</sup> series, vol. i (1908), 142-3.

In 1596, the castle was bought by Alexander Seton (1555–1622), later first earl of Dunfermline and chancellor. Seton was against mass witch-hunting; in his role as a privy councillor, he discouraged prosecutions for witchcraft and in 1614 he managed to hold ‘show-case’ trial in his own regality court, in such a way as to ensure the accused, Geillis Johnstone, received a fair trial (see **25. Inveresk Lodge Garden, Inveresk**).<sup>58</sup>

On the online map, a few accused witches have been identified as residing in St John’s Well in 1567-8, an historic parish. According to the Survey of Scottish Witchcraft, the accused were identified as being from ‘St John’s Town’. This probably refers to the contemporary nickname for Perth. From the work of Michael Wasser, we know that the 1568-9 witch-hunt centred around Perth as well.<sup>59</sup>

### **19. Gladstone’s Land, Edinburgh [D + P] [7 AND 16]**

William Struthers (c. 1578–1633), the episcopalian minister of St Giles, was a prominent member of the Church of Scotland in the first few decades of the seventeenth century. He was a supporter of James VII and I, and Charles I. While his piety and theology was similar to that of his presbyterian counterparts, he disagreed with them over church governance and the Church’s relationship to the state and the monarch. Principally, he felt that kings were limited only by God and mortality, that ecclesiastical councils existed only to offer advice to monarchs, and that the clergy should have authority only in doctrine and the conduct of worship. His presbyterian colleagues differed in almost every respect. They viewed the king as ruler of the secular realm, but they felt that the king had no jurisdiction over the spiritual realm and the church; like every other human on earth, the king was

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<sup>58</sup> Wasser, ‘The Privy Council and the Witches’, 20-46, at 30-1, 40-3.

<sup>59</sup> Deborah Leslie’s *The Time-Tailor and the Fyvie Castle Witch Trials* (Essex, 2009), has no historical basis. There is also no connection to the Setons of Tranent who played a major role in the North Berwick witch trials.

just another of God's parishioners. Struthers lived at Gladstone's Land in the 1630s and after his death he left 6000 merks (£4000 Scots) to the universities of Glasgow and Edinburgh to provide each with bursaries for two theology students from the poor of those cities or from ministers' families.<sup>60</sup>

Struthers played a minor role in the interrogation of Marion Muir. On 10 January 1632, William Wishart, minister of South Leith, petitioned the privy council to grant a warrant to arrest Marion Muir, since the bailies would not arrest her without a warrant. Wishart also informed the privy council that Marion had confessed to witchcraft to him, the bailies and William Struthers sometime previously.<sup>61</sup> On 9 February 1632 the privy council ordered the bailies of Leith to

exhibite Marion Mure, prisouner in thair tolbuith, for witchecraft, upon Tuesday nixt, discharging thame in the meanetye of all proceeding agains her be vertew of the commissioun grantit to thame for that effect; and for this purpose ordains Doctour Jollie and the persoun of Restalrig to be warned that dyet.<sup>62</sup>

On 14 February 1632, 'Doctor Gellie' presented his report on Marion Muir to the privy council in person. They demanded to know if he knew of 'anie disease or infirmitie' ailing Marion. He told them that she had visited him, where he thought she showed symptoms of someone suffering from 'hypocondriack distractioun' and advised her to see an apothecary whom he would consult with about providing some sort of prescription for her. According to Doctor Gellie, she being 'carelesse and negligent' he did not pursue this further.<sup>63</sup> The same day the privy council, presumably after taking into consideration Dr Gellie's comments, decided

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<sup>60</sup> For more on Struthers, see *ODNB* <https://doi.org/10.1093/ref:odnb/55910>

<sup>61</sup> *RPC*, 2<sup>nd</sup> series, vol. iv (1902), 405-6.

<sup>62</sup> *RPC*, 2<sup>nd</sup> series, vol. iv (1902), 423.

<sup>63</sup> *RPC*, 2<sup>nd</sup> series, vol. iv (1902), 426.

to put Marion to trial and she was to be confronted with two other accused witches, Helene Hamilton and Marion Lumisdane.<sup>64</sup>

On 23 February 1632, one of the bailies of Leith, George Baillie, reported to the privy council that Marion Muir confessed to 'all that she has depoune agains her selfe and the other persouns mentiouned in her dittay and that being confronted with Helene Hamiltoun and Marioun Lumisdene she avowed all upone thame',<sup>65</sup> Marion was executed that day. On 28 February 1632, one of the witches that Marion mentioned complained to the privy council. Helen Hamilton complained, through the expenses of her son, that she had been unlawfully tortured by David Forrester, minister of Leith, under the authority of the baron-bailie of 'Broughtoun'. As a result of her illegal torture, she accused 'honest women in Leith whome she had no ground to depone anie thing'. After hearing her complaint, the privy council decided that she was to be taken out of the 'stockes and irnes and kepted in free waird'. The minister and baron-bailie, upset by this decision, still decided to put forward charges against her. Once she was taken out of the stocks and irons and taken back to the tolbooth, the minister would not let 'neither friend nor stranger to have access to her', which Helen considered 'a great inhumanitie in the persoun of a minister'. All parties involved were ordered to appear before the privy council personally, where the minister and baron-bailie did confess to torturing Helen. The privy council admonished both the minister and the baron-bailie, where they ordered the minister to never again involve himself in such business and imprisoned the baron-bailie in the tolbooth of Edinburgh for his 'ministring the tortour without power or commissioun'. They also ordered him to pay £20 scots to Helen's son to cover their legal expenses. They ordered that Helen be tried under different judges, as appointed by the 'Baron of Broughtoun'.<sup>66</sup> Helen's trial was set for the 7 March 1632 and Marion Lumisdane's

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<sup>64</sup> *RPC*, 2<sup>nd</sup> series, vol. iv (1902), 427.

<sup>65</sup> *RPC*, 2<sup>nd</sup> series, vol. iv (1902), 435.

<sup>66</sup> *RPC*, 2<sup>nd</sup> series, vol. iv (1902), 436-7.



on 9 March respectively.<sup>67</sup> On 6 March 1632, the privy council approved the nomination of the judges made by the earl of Roxburgh. Their trials were set a week apart; both on Mondays. The privy council did not say where the trials were to be held.<sup>68</sup>

Although Struthers heard one of possibly several confessions made by Marion Muir, there is no evidence to suggest that he was involved in any further interrogations. Since Marion's, as well as Helen Hamilton's and Marion Lumisden's case originated in Leith, it was the minister of South Leith, William Wishart, who took the lead in interrogating them and illegally torturing Helen Hamilton. During investigations for witchcraft, it was common for ministers from nearby parishes to act as witnesses during interrogations of witches in different parishes, or to be asked to come and counsel the accused witch, exhorting them to repentance. Based on surviving evidence, William Struthers had no involvement in the torture or decision to execute Marion Muir, Helen Hamilton or Marion Lumisden. The decisions were formally decided by the privy council.

## **20. Harmony Garden, Melrose [P]**

Mary W. Craig identifies several accused witches from the county of Melrose who were investigated in 1629: Thomas Richardson and Helen Scot of 'Maxtoun'; Margaret Paterson of 'Langnewtoun' and Helen Gaston of 'Lassedun'. None were from the parish of Melrose, but they were imprisoned in the bailie's house in Melrose. Indeed in 1650, Agnes Gaston from Lassedun was accused; she was the daughter of Helen Gaston of Lassedun.<sup>69</sup>

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<sup>67</sup> *RPC*, 2<sup>nd</sup> series, vol. iv (1902), 437.

<sup>68</sup> *RPC*, 2<sup>nd</sup> series, vol. iv (1902), 441.

<sup>69</sup> Mary W. Craig, *Borders Witch Hunt: 17th Century Witchcraft Trials in the Scottish Borders* (Edinburgh, 2020), ch. 4.

## 21. Hill of Tarvit Mansion, Cupar [D + P] [8 AND 18]

In 1500, Scotstarvit Tower (now owned by Historic Environment Scotland) was built a mile southwest from Hill of Tarvit. This was constructed by the Inglis family of Tarvit as the centre of their estate. The tower was then sold in 1611 to Sir John Scot of Scotstarvit (1585-1670); Sir John rebuilt much of the tower in the 1620s. He was named as a commissioner on various witch trials during the late 1620s and 1630s. He would have been responsible for helping in the administration of the local witch trials.<sup>70</sup> Deprivation from office later in life led Scot to reflect on the instability of success, and he compiled *The Staggering State of Scottish Statesmen* describing the rise and fall of leading Scottish officials in the preceding century. It circulated widely in manuscript in the seventeenth century, but was not published until 1754, edited by the antiquary Walter Goodal. In it, he reflected on men who were involved in witch trials, such as Lord Seton.<sup>71</sup> He also commented on the rumours that during the North Berwick witch-hunt Sir Lewis Bellenden conspired with one of the accused, Richie Graham, to 'raise' the Devil.<sup>72</sup>

The SSW identifies three accused witches who resided in the parish of Cupar, north of the Hill of Tarvit mansion and estate lands: Bessie Cuper and Jean Buchan, both accused in 1644; and Margery Winster, accused in 1649. Moreover, in 1699 Bessie Wanton of Cupar was accused of tormenting eighteen-year-old James Tarbot and causing him to exhibit possession-like symptoms such as falling into fits, which left him both deaf and unable to speak, and receiving pin pricks

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<sup>70</sup> 'Witchcraft cases from the register of commissioners', 247-8; and SSW. For more on Sir John Scot of Scotstarvit and his family, see ODNB <https://doi.org/10.1093/ref:odnb/24888>

<sup>71</sup> John Scot, *The Staggering State of Scottish Statesmen from 1550 to 1650*, ed. Charles Rogers (Royal Historical Society, 1872), 389-530.

<sup>72</sup> Scot, *The Staggering State*, ed. Rogers, 104.

and nips on his body while he attempted to sleep. She also tempted him with promises of 'bonnie things' should he choose to go away with her.<sup>73</sup>

## **22. House of Dun, Montrose [D]**

Much has already been said about the Erskine of Dun poisoning case (**see 2. Alloa Tower**). The estate of Dun was bought by Robert Erskine of Erskine in Renfrewshire in 1375. John Erskine of Dun (1509–1590) conducted a witch-hunt in Angus and the Mearns in 1568, resulting in at least forty accusations. It has been argued that John Erskine of Dun, along with Regent Moray who conducted his own hunt in 1569, were 'godly magistrates' who influenced the prosecutions that they were involved in. But, as Michael Wasser has shown, he did not act alone. Wasser writes, 'In order for courts to be held, a quorum of three men was necessary, and both Erskine and Lord Ogilvy [another commissioner] had to be of the quorum'. The 1568 witchcraft commission, in which Erskine of Dun appears named as a commissioner, was issued to try thirty-eight accused witches in Angus. It was to last for six months and allowed for the investigation and trial of any other suspected witches as well. No details of the suspected witches' cases survive.<sup>74</sup>

## **23. House of the Binns, Linlithgow [D]**

In 1599 the then-owner, James, Lord Lyndsay, sold it to Sir William Livingston of Kilsyth (d. 1626/27) and in 1612 it was purchased by Thomas Dalyell. Since then, the House of the Binns has been the home of the Dalyell family.

A direct connection can be made between the House of the Binns and the witch trials. Sir William Livingston, the proprietor before the Dalyell family took over the House, was involved in the prosecutions of two witches. He was named as a

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<sup>73</sup> Henderson, *Witchcraft and Folk Belief*, 209-10.

<sup>74</sup> For more on the 1568-9 witch-hunt, see Wasser, 'Scotland's First Witch-Hunt', 17-33.

commissioner on the 1621 trial of Christian Graham, an accused witch from Glasgow. She was imprisoned in the tolbooth of Glasgow and executed on 21 October that same year.<sup>75</sup> Sir William also presided over the 1616 trial of Jonet Dynneis, Katherine Jonesdochter and Barbara Scord in Shetland in 1616, in which he acted as a justice depute. They were all executed on 2 October that same year.<sup>76</sup>

There are stories about General Thomas (Tam) Dalyell (1615-85), the commander-in-chief of Charles II's forces in Scotland. After his death in 1685, stories about the general began to develop. One in particular centres on Dalyell allegedly playing cards with the Devil on a marble-topped table. In order to beat the Devil, Dalyell placed a mirror behind the table so that he could read the Devil's cards. According to the story, angered by his cheating, the Devil threw the table at Dalyell, which missed him and ended up in a pond outside; the table was rediscovered in the late nineteenth century. Both the table and the mirror can be seen in the House of Binns today.<sup>77</sup>

#### **24. Hugh Miller's Birthplace, Cromarty [D + P] [11 AND 19]**

Hugh Miller (1802–1856), born on Church Street, Cromarty, was an influential geologist and polymath. He also collected many oral narratives of the supernatural from around Cromarty and the Black Isle. In several publications, including his famous *Scenes and Legends of the North of Scotland* (Edinburgh, 1835), Miller preserved many traditions and tales that were still being practiced and circulated by his contemporaries in the 1830s. For instance, Miller wrote about the witch, Stine Bheag, who uttered her spells in Gaelic and who could control the

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<sup>75</sup> *RPC*, 1<sup>st</sup> series, vol. xii (1895), 580.

<sup>76</sup> Willumsen, *Witches of the North*, 172.

<sup>77</sup> Legend/mythical story about General Tam Dalyell playing card's against the Devil. See Michelle Atherton, Alexandra Hill and Kevin MacLean, 'Dealing with the Devil', <https://www.nts.org.uk/stories/dealing-with-the-devil>

winds.<sup>78</sup> According to Lizanne Henderson, Hugh Miller was 'not interested in variants, motifs or performance contexts, but simply wished to share his stories with the wider world, so ensuring their survival for future generations'.<sup>79</sup> Miller also recounted a tale of the execution of Janet Horne – the last witch to be executed in Scotland in 1727.<sup>80</sup>

There are some peripheral connections to the witch trials and the immediate area of Cromarty. One of Scotland's earliest witch-hunts, the hunt of Easter Ross in 1577-8, saw the arrest of thirty-two suspected witches; these suspects were arrested on the orders of the sheriff of Cromarty. Moreover, two accused witches from Cromarty, Margaret Simpson and Bessie Watson, accused in August 1662. A commission was granted to Sir George MacKenzie of Tarbett (1630–1714) and several other noblemen. In the commission, it stated that both Margaret Simpson and Bessie Watson had already 'confest themselves to be guiltie of witchcraft'.<sup>81</sup> We do not know the outcome of their trial.

## **25. Inveresk Lodge Garden, Inveresk [P]**

Louise Yeoman and Michael Wasser have written about the 1614 trial of Geills Johnstone from Musselburgh. She was accused in 1609 after building a reputation as a consulter of witches, which resulted in a local trial before the presbytery of Dalkeith; the presbytery convicted her of witchcraft. Geillis appealed to the privy council, arguing that a presbytery did not have jurisdiction to try her for witchcraft. On 20 July 1609, the privy council agreed with her, quashed the proceedings of the presbytery, and ruled that a valid trial could be held only by the justice general, or the lord of the regality of Dunfermline. It took five years, but Geillis was eventually tried before the regality court of Dunfermline, only to be acquitted on

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<sup>78</sup> H. Miller, *Scenes and Legends of the North of Scotland* (Edinburgh, 1835), 269-76.

<sup>79</sup> Henderson, *Witchcraft and Folk Belief*, 45.

<sup>80</sup> H. Miller, *My Schools and Schoolmasters* (Edinburgh, 1865), 125-6.

<sup>81</sup> *RPC*, 3<sup>rd</sup> series, vol. i (1908), 248.

all the charges.<sup>82</sup> Several prominent men from the parish of Inveresk were appointed as jurymen during her trial.

The SSW identifies two witches who resided in Inveresk, Janet Stoddart and Helen Conker. Both were accused during the 1661-62 witch hunt. Helen was imprisoned for witchcraft sometime in June 1661, since John Whyford confessed to the kirk session that he 'fell in fornicatione with Helen Concker'; the session noted at this same time that Helen was imprisoned in the 'toulbuith for witchcraft'.<sup>83</sup> Janet Stoddart was imprisoned on 5 November under 'the suspicion of witchcraft'. The minister spoke from the pulpit, encouraging anyone who had 'any thing to say to her charge [i.e., about her witchcraft]' to come forward, otherwise her case was to be dismissed because 'she was greit expense to the magistratts'.<sup>84</sup>

## **26. Iona, the isle of Iona [P]**

Margaret Campbell, one of the Argyll witches who was implicated in a murderous conspiracy against John Campbell of Calder (c. 1576-1642) in 1592. John Campbell of Ardkinglass (1569-1596), among others, was suspected of the assassination of Campbell of Calder. Ardkinglass asked Margaret if she could increase his favour with his chief, the earl of Argyll. Margaret responded, saying that she and her fellow witches could do nothing for him 'unless they were fully informed of the facts'. Ardkinglass admitted his guilt and also named all of his co-conspirators. Margaret went to see one 'Euphrick (Euphame) Nikceoll', who 'tuik upon hir to convert my Lord's anger and to mak him to favor Ardkinglass'. Apparently,

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<sup>82</sup> The trial of Geillis Johnstone for witchcraft, 1614', ed. Michael B. Wasser and Louise A. Yeoman, in *Miscellany of the Scottish History Society, XIII* (Scottish History Society, 2004), 83-145, at 83.

<sup>83</sup> NRS, Inveresk kirk session minutes, 1651-1677, CH2/531/1, p. 183.

<sup>84</sup> NRS, CH2/531/1, p. 187. For more on the Inveresk witches, see Anna Cordey, 'Reputation and Witch-Hunting in Seventeenth-Century Dalkeith' in *Scottish Witches and Witch-Hunters*, ed. Goodare, 103-20.

Euphame was taught her charms by old 'Mackellar of Cruachan', who in turn learned them at the priory of Icolmkill (Iona).<sup>85</sup>

## 27. J. M. Barrie's Birthplace, Kirriemuir [P]

A few accused witches were accused around Kirriemuir. The Survey of Scottish Witchcraft identifies one Janet Galloway who was accused in 1650. Eleven years later, one of the famous Forfar witches, Helen Guthrie, confessed that she 'learned to be a witch of one Joanet Galloway who lived neare to Kerymuve'. She also confessed that in 1647 Galloway gave her '3 bloody papers' – three papers with blood on them – that could help her to detect witches.<sup>86</sup> Another accused witch from Kirriemuir, Janet Walker, was implicated in the Forfar trials, although no details of her case survive; Robert Walnin from 'Kirriemuir' was on the assize during the trial of the Forfar witches.<sup>87</sup>

Two of the Forfar witches, Elspet Alexander and Jonet Stout confessed to their interrogators on in September 1661 that they attended a witches' sabbath, a secret nocturnal meeting of witches, near 'Kerymure'.<sup>88</sup> The exact location of their meeting remains unknown.

Kirriemuir has a history of accused witches back in the 16th century. Many of the older buildings included witches' stones to ward off evil. This is a hard grey stone set into the local red sandstone used in the construction of the rest of the buildings. A pond on the outskirts of the town, known as the Witch Pool, was where the supposed witches were meant to have been drowned. This local story

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<sup>85</sup> *Highland Papers*, ed. J. R. N. Macphail, 4 vols, (Scottish History Society, 1914–34), i, 166. See also, Henderson, 'Witch-Hunting and Witch Belief in the Gàidhealtachd' in *Witchcraft and Belief in Early Modern Scotland*, ed. Goodare et al., 95-118, esp. 102.

<sup>86</sup> 'The Confessions of the Forfar Witches (1661), From the Original Documents in the Society's Library', ed. Joseph Anderson, *Proceedings of the Society of Antiquaries of Scotland* 22 (1887-88), 241-62, at 246.

<sup>87</sup> 'The Confessions of the Forfar Witches', ed. Anderson, 260.

<sup>88</sup> 'The Confessions of the Forfar Witches', ed. Anderson, 250.

is most probably an oral story passed down generations. As are some of the ideas behind the so-called 'swimming test', in which the accused were dropped into water to see whether they floated. The idea behind the test was that witches were supposed to float, as they were rejected by the water, the element used in baptism. The accused had a rope tied to them; the idea that the innocent drowned is a modern myth. In practice, most suspects who were 'swum' were deemed to have floated. The swimming test was rarely used in Scotland, and it was based on a folk memory of the early medieval 'ordeals', long abandoned by the courts, in which suspects had been subjected to tests in which God was supposed to reveal the guilty party.<sup>89</sup>

## **28. Kellie Castle, Pittenweem [P]**

For much of the seventeenth century, the Castle was owned by the Erskines of Dirleton. Alexander Erskine (1615–1677), the third earl of Kellie, was an investigator in the 1666 case of Margaret Guthrie, an accused witch from Carnbee. She was imprisoned in the tolbooth at Anstruther Wester sometime in early May. On 9 May, the privy council granted a commission to put Guthrie to trial and if she confessed 'voluntar[y]... and without any sort of torture or indirect meanes used to bring her to confession', then she was to be found guilty and 'the sentence of death be to execute upon her'.<sup>90</sup>

## **29. Malleny Garden, Balerno [P]**

There are no connections to the garden, but there is a connection between the seventeenth century owners of the estate, the Scotts of Clerkington and Malleny. In 1649, Sir William Scott (d. 1656) became Lord Clerkington, and in 1656 his son

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<sup>89</sup> Julian Goodare, *The European Witch-Hunt* (London, 2016), 199.

<sup>90</sup> *RPC*, 3<sup>rd</sup> series, vol. ii (1909), 165.



from his second marriage to Barbara, daughter of Sir John Dalmahoy, Sir John Scott, became the first Scott of Malleny; the Scotts were responsible for planting some of the garden.<sup>91</sup>

One of Sir William's sons from his first marriage to Catherine, daughter of Morison of Prestongrange, Lawrence Scott of Clerkington, was named as a commissioner in a number of trials during the national panics of 1649-50 and 1661-2. He was named as a commissioner for the trial of 'Christian Simson in the paroch [parish] of Pennicook [Penicuik]'.<sup>92</sup>

### **30. Mar Lodge Estate, Braemar [P]**

A connection can be made between Ballater, a small parish within the boundaries of the Mar Lodge estate, and the witch trials. In 1633, in the former parish of Glenmuick – close to Ballater – Katharine Ewan was accused as a witch. On 26 February, the privy council granted a commission to the 'sheriff of Aberdeen and his deputes and to the provost and baillies of Aberdeen' to imprison and interrogate Katharine; it is not known what became of her.<sup>93</sup>

### **31. Newhailes House, Musselburgh [P]**

The house, originally named Whitehill, was built in 1686 by the architect James Smith (c. 1645-1731). Later, Sir David Dalrymple (c. 1665-1721) renamed the estate to Newhailes. Sir David was the fifth son of James, first Viscount Stair (1619-1695). Viscount Stair wrote the *Institutions of the Law of Scotland* (1681), in which he set out his legal opinions on natural law. In particular, he considered the crime of witchcraft as an 'obediential obligation', the idea that some actions are

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<sup>91</sup> For more on Sir William and his family, see ODNB <https://doi.org/10.1093/ref:odnb/24933>

<sup>92</sup> *RPC*, 3<sup>rd</sup> series, vol. i (1908), 143.

<sup>93</sup> See 'Witchcraft cases from the register of commissioners', ed. Yeoman, 250.

commanded by God and therefore warrant punishment, even as far as the death penalty, regardless of whether anyone had been harmed by the offence or not:

the will of God immediatly, or by the mediation of some fact of ours... and are lyable in punishment to God, which may be exacted by these who have his Warrant for that effect; and some, though they constitute not a right in man, yet man is commanded and warranted to vindicate them; as the Crimes of Witchcraft, Blasphemy, Bestiality and the like, for which there is an express Command to inflict punishment, though there be no injury done therein to man, of which there could be any reparation; for the Command, Thou shalt not suffer a Witch to live, takes place, though the Witch have committed no Malifice against the Life or Goods of man.<sup>94</sup>

Stair's commentary on the crime of witchcraft formed part of a broader late seventeenth-century debate concerning the possibility of proving the crime of witchcraft in a court of law. After the national witch-hunt of 1661-2, judges, lawyers and other legal experts began to question – more vocally than before – the use of oral testimony, especially confessions extracted under torture, to prosecute people accused of witchcraft. But for Stair, the status of witchcraft as a *crimen exceptum* – an exceptional, deeply religious crime that was not subject to regular legal proceedings – meant that some people should be convicted, regardless of whether any actual harm had been enacted against someone else or their property. While we can point to several examples of persons executed as witches for practising forms of *harmless* superstitious magic, such as charming (folk healing), the evidence shows that very few people who were investigated for superstitious magic ended up being strangled and burnt at the stake.

### **32. Pitmedden Garden, Ellon [D]**

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<sup>94</sup> James Dalrymple, *The Institutions of the Law of Scotland* (1681), 24.

Pitmedden Estate was acquired by James Seton (1553-1626) in 1603 and it was his second son Alexander (1639-1719) who, with his wife Margaret Lauder (d. 1723), created the garden in 1675. He was an advocate in Edinburgh and had been raised by George Seton, third earl of Winton (1584-1650). A friend of Charles II, Alexander was knighted in 1664 and died in 1719.

Sir Alexander Seton of Pitmedden transcribed some of Agnes Finnie's and Isobel Young's records from the Books of Adjournal – written trial notes from the court of justiciary. Pitmedden mainly provided his own observations and thoughts on their cases. Excerpts from Pitmedden's own transcription of Agnes and Isobel's trials were published in the second volume of the *Spottiswoode Miscellany* in 1845. However, the nineteenth-century editor, James Maidment, decided to exclude many of Pitmedden's observations in favour of including the trial narratives.<sup>95</sup>

### **33. Pollok House, Pollok [D]**

Throughout the early modern period, the Pollok estate was owned by the Maxwell family. In January and February 1677, a group of five women and one man in Paisley were charged with an attempt to murder the laird of the estate, Sir George Maxwell of Pollok (1621-1677). They were accused of harming and causing illness on him by roasting his wax image. The accused, Jonet Mathie, Annabell Stewart, John Stewart, Bessie Weir, Marjorie Craige and Margaret Jackson, were all 'apprehendit and imprisoned as suspect guiltie of witchcraft by entering unto paction with the devill; renouncing their baptisme and committing severall malefices'.<sup>96</sup>

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<sup>95</sup> *The Spottiswoode Miscellany: A Collection of Original Papers and Tracts, Illustrative Chiefly of the Civil and Ecclesiastical History of Scotland*, ed. James Maidment, 2 vols (*Spottiswoode Miscellany*, 1845), ii, 41-2; 56.

<sup>96</sup> Willumsen, *Witches of the North*, 140-2.

Jonet Mathie was fifty years old and was the mother of both Annabell Stewart, aged fourteen, and John Stewart, aged sixteen. Margaret Jackson was a widow. Marjorie Craige was Irish and had a son in Ireland. Bessie Weir was married in Paisley, and was the wife of John Patton, a weaver.

The wax images of Sir George were made first at the house of Jonet Mathie around October 1676, then at the house of John Stewart in early January 1677, after Jonet had been imprisoned. These were alternately roasted before a fire and stuck with long pins, which caused Sir George's ailment and pain in various parts of his body until the discovery and destruction of these figures. The trial started on 1 February and ended on 20 February with the execution of all the accused, apart from Annabell Stewart, who avoided execution because she was underage. Bessie Weir escaped prison but was re-apprehended in Busbie, where she had been hiding under the false name of Bessie Aitken, professing herself to be the wife of a man from Glasgow.

The main evidence for the case from three of the accused, Annabell and John Stewart, and Margaret Jackson, whose confessions had been taken in January and were read and affirmed before the court in February. Annabell Stewart reported being present at both effigy-makings and described the ritual of making the wax effigy and burning it before the fire, with Bessie Weir turning the spit; John Stewart was not present at this effigy-making and therefore his confession did not include any details on this ritual, although he did admit to being present the second time when the Devil came to his house in the shape of a man in black clothes and they made the clay figure and stuck pins in it. Margaret Jackson confessed to being present at both events but did not provide any details about either ritual.<sup>97</sup>

The Pollok family were involved in the 1697 and 1699 witch-hunts in Bargarran and Glasgow respectively. Sir John Maxwell (1648–1732), son of the bewitched Sir George, was a keen supporter of the prosecution of witches. He was president of

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<sup>97</sup> Willumsen, *Witches of the North*, 140-6.

the first commission against the Bargarran witches in 1697 – a group of witches tried for using witchcraft against the laird of Bargarran’s daughter, Christian Shaw. On her evidence, twenty-five people were indicted in connection with the case, and eight were convicted for witchcraft; one of the accused (John Reid) committed suicide in prison, and the other seven were strangled and burned on Paisley’s Gallowgreen, on 10 June 1697.<sup>98</sup>

Two years later, Sir John, who was a commissioner on the Bargarran trials, now took the lead in the proceedings in 1699. Two young demoniacs, Margaret Laird and Margaret Murdoch, like Christian Shaw from Bargarran, claimed to having been tormented by witches whom only they could see; they named around twenty-four individuals. However, unlike the Bargarran trials, none were convicted and all released without trial in 1700. In this case, the privy council did not find the evidence sufficient for a trial and did not grant a commission of justiciary. The likely explanation for their inaction was mounting scepticism regarding the guilt of accused witches, especially in cases of demonic possession.<sup>99</sup>

### **34. Robert Burns Birthplace Museum, Alloway [P]**

Robert Burns (1759–1796), the celebrated national poet of Scotland, is known for one of his most famous of poems, *Tam o’ Shanter*, in which the protagonist of the poem, Tam, a feckless farmer, sees a group of witches dancing in ‘Alloway’s auld

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<sup>98</sup> Henderson, *Witchcraft and Folk Belief*, 201-9.

<sup>99</sup> Brian P. Levack, ‘Demonic Possession in Early Modern Scotland’, in *Witchcraft and Belief in Early Modern Scotland*, ed. Goodare et al., 166-84, at 170. For more on Sir John and the proceedings against witches in both 1697 and 1699, see Wasser, ‘The Western witch-hunt of 1697–1700: the last major witch-hunt in Scotland’, in *The Scottish Witch-Hunt in Context*, ed. Goodare, 146-65, at 161-3.

haunted kirk'. Excited by a witch in a short shirt, Tam cries out and is chased by all the 'hellish legion', but is rescued by his grey mare, Meg.

Burns wrote this poem for the retired soldier, Francis Grose (1731–1791), who was researching for his two-volume *Antiquities of Scotland*. When Grose was introduced to Burns, the poet asked him if he could make an illustration of Alloway kirk. Grose agreed, but in exchange for a poem about witches to be included in his publication. Lizanne Henderson has recently argued that Grose knew of popular tales about witches' gatherings at Alloway kirk, and that these tales 'enhanced his text but they also served to suggest that there was much darkness in recently enlightened Scotland'.<sup>100</sup>

A connection can be made between Alloway and 'witch-naming' before the Witchcraft Act was passed. In 1537, 'Thome Fayre' slandered Megge Rankyn, calling her a 'theif carling and witche carling (i.e., an old witch)' who bewitched others' milk. The bailies instructed him to prove his allegations.<sup>101</sup> Before the passing of the Witchcraft Act in 1563, cases of witchcraft and superstitious magic were treated as ecclesiastical offences, like heresy, and a few executions did occur.

### **35. Robert Smail's Printing Works, Innerleithen [P]**

A few people from Innerleithen were accused during the national panic of 1661–2. On 3 October 1661, a commission was granted for the trial of George Lumsdeall and Jonet Scott from Innerleithen, who, according to the recording of the commission, had 'confest the horreid cryme of witchcraft in entering into a paction with the divell, renunceing their baptisme'. They were imprisoned in

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<sup>100</sup> Henderson, *Witchcraft and Folk Belief*, 303. For Grose's work, see his *The Antiquities of Scotland*, 2 vols (London, 1789–91).

<sup>101</sup> Henderson, *Witchcraft and Folk Belief*, 252.

Peebles and on 14 November Sir John Veitch of Dawick (1614-1682) and Alexander Baillie requested that the presbytery should 'send some of their number to deall with twa witches emprisoned at Pebles for bringing them to a confession and thereafter also to come to Traquare on the twentie day of this insant to prapare them for death'.<sup>102</sup> The presbytery appointed several ministers to 'deall with them this same night or tomorrow in the morning in the prison at Pebles'; they also appointed several ministers, including James Smith, the minister of Inverleithen, to 'be with them [George and Jonet] in the place of execution at Traquare'.<sup>103</sup> On 23 January 1662, James Murray, a commission was granted against James Murray, an 'indueller in Innerleithun'.<sup>104</sup>

### 36. St Kilda, Kilda [P]

Martin Martin (d. 1718), a late seventeenth- and early eighteenth-century Scottish writer, visited the Hebrides in the 1690s and he published his travels as *Late Voyage to St Kilda* (1697) and *A Description of the Western Islands of Scotland* (1703). Both contain a great deal of information on popular magical practices, including second sight, charms and traditional medicine.<sup>105</sup>

One of the main opponents to the repealing of the Witchcraft Act in 1736 was James Erskine, Lord Grange, who was a judge of the court of session but resigned to become an MP for Stirling. He gave a speech on demonology in the House of Commons in defence of the Witchcraft Act and was met with laughter from other member of parliament:

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<sup>102</sup> NRS, Peebles presbytery minutes, 1649-1688, CH2/295/4, 197r. See also Maxwell-Stuart, *The Great Scottish Witch-Hunt*, 192.

<sup>103</sup> NRS, CH2/295/4, 197r.

<sup>104</sup> *RPC*, 3<sup>rd</sup> series, vol. iii, 143.

<sup>105</sup> Henderson, *Witchcraft and Folk Belief*, 39.

He chose to make his Maiden Speech on the Witches Bill, as it was call'd; and Being learn'd in Demonologia, with Books on which Subject his Library was fill'd, he made a Long Canting Speech, that set the House in a Titter of Laughter.<sup>106</sup>

He conceived a bitter hatred for leader of the Government, Sir Robert Walpole, and he imprisoned his wife, Rachel Chiesley, Lady Grange, on St Kilda for fear that she would expose his secret – that he supported the Jacobite cause.<sup>107</sup> And in the nineteenth century, J. MacCulloch, in his similarly named *A Description of the Western Isles of Scotland* (1819), wrote of St Kilda that 'here, as elsewhere, the ancient popular superstitions seem to have disappeared; that of the power of the evil eye, the only existing one, is equally common even in the Lowlands to this day'.<sup>108</sup>

### **37. The Pineapple, near Dunmore and Airth [P]**

No direct connection can be made between the Pineapple and Dunmore estate to the witchcraft trials. However, some tenuous connections can be made in the nearby village of Airth. During the witchcraft panic of 1597, Sir Alexander Bruce of Airth (1530-1600) was issued a general commission to try and witches in his lands.<sup>109</sup> Indeed, the Airths played another role in a witch trial during the same panic. During the Stirlingshire panic, Patrick Heron, and his wife Christian Reid, had a property dispute with Sir William Menteith of Kerse and his son. On 19 October 1597, Heron – who had fled – was being prosecuted for witchcraft by the

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<sup>106</sup> *The Autobiography of Dr Alexander Carlyle of Inveresk, 1722–1805*, ed. James Kinsley (Oxford, 1973), 7. See also, Ian Bostridge, *Witchcraft and its Transformations c.1650–c.1750* (Oxford, 1997), 184-5.

<sup>107</sup> See Margaret Macaulay, *The Prisoner of St Kilda: The True Story of the Unfortunate Lady Grange* (Edinburgh, 2010).

<sup>108</sup> J. MacCulloch, *A Description of the Western Isles of Scotland*, 3 vols (London, 1819), ii, 31-2. See also Peter Maxwell-Stuart, 'Witchcraft and magic in eighteenth-century Scotland' in *Beyond the Witch Trials: Witchcraft and Magic in Enlightenment Europe*, ed. Owen Davies and Willem de Blécourt (Manchester, 2004), 81-99, at 97.

<sup>109</sup> Goodare, 'Scottish witchcraft panic of 1597', 62.



Menteiths of Kerse and the lord advocate in a special session of the justiciary court. His case continued but disappears from the record. Leading up to his trial on 19 October, the Menteiths worked together with the Bruces of Airth, in particular William Bruce the younger (1565-1598), who acted as their cautioner.<sup>110</sup> In addition, both Adam Donaldson and Eupham Wright appeared on a list of people from Stirlingshire whose cases had been deserted in 1679.<sup>111</sup>

### 38. Unst & Yell [D]

Yell, the penultimate northernly island in Britain, experienced a witch trial relatively late in the period of witch-hunting. Both Alexandra Hill and Liv Helene Willumsen have studied the trial of the Ratter family. Three members of the family, Andrew, Kathren and Elizabeth, were examined before the presbytery of Shetland between 9-11 June 1708; a fourth suspect, Margaret Watson, was investigated with the Ratters, but she was not executed at that time, since her name appears again at Southerhous in Delting on 30 September 1724 and at Olnafirth on 3 March, 26 May, 30 June and 29 September 1725.<sup>112</sup> During the 1708 investigations, the Ratters were seen as being 'great deluders and abusers of the people', their neighbours being 'greatly terrified with their horrid cursing and imprecations'.<sup>113</sup> The Ratter family were unpopular in Calvister, and were vagabonds, roaming from farm to farm asking for food, wool or a place to stay overnight. The charges against them were human and animal sickness and death and destruction of crops, always as a consequence of them being refused charity. According to Hill,

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<sup>110</sup> Goodare, 'Scottish witchcraft panic of 1597', 67.

<sup>111</sup> See SSW.

<sup>112</sup> Willumsen, *Witches of the North*, 215.

<sup>113</sup> Alexandra Hill, 'Decline and Survival in Scottish Witch-Hunting, 1701-1727', in *Scottish Witches and Witch-Hunters*, ed. Goodare, 215-33, at 223. Willumsen, *Witches of the North*, 171.

Elizabeth Ratter threatened Hugh Thompson with crop failure, saying that last year he had refused her a plate of corn and had consequently suffered a poor harvest, whilst his neighbour, who had been generous towards her, had had a better harvest. Her sister Katherine was apparently held responsible for several deaths. She was heard cursing Christopher Thompson 'several tymes' before his untimely death.<sup>114</sup>

The brother, Andrew, was reported to have 'leaned on his staff' when performing a certain act of malefice. Julian Goodare has argued that a staff, or something similar, was a symbol of authority for some male witches.<sup>115</sup> Like his sisters, Andrew was accused of harming livestock and hindering their production, causing illness and even killing a child.

### **39. Weaver's Cottage, Kilbarchan [P]**

The Weaver's Cottage at the Barngreen is one of the original houses of Kilbarchan, having been built in 1723 by Andrew, John and Jenet Bryden. Another building stood where the Weaver's Cottage now stands, owned by Robert King and Grizel Marshall, who were married in 1656. The charter of land dates from 1650.

No direct connection can be made between the Weaver's Cottage and the witchcraft trials. There were, however, a couple of nearby witchcraft cases throughout the seventeenth century. Perhaps the most famous is the case of Mald Galt (Gauld), accused during the national panic of 1649-50.<sup>116</sup> Mauld was married to John Dickie and lived in Lochwinnoch. Initial investigations against her began on 14 September 1649 after some residents complained to the kirk session of Kilbarchan. Several people reported suffering misfortune after quarrelling with

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<sup>114</sup> Hill, 'Decline and Survival', 223.

<sup>115</sup> Julian Goodare, 'Men and the Witch-Hunt in Scotland', in *Witchcraft and Masculinities in Early Modern Europe*, ed. Alison Rowlands (Basingstoke, 2009), 149-70, at 156-61.

<sup>116</sup> Julian Goodare, 'GALT, Mauld', in *The New Bibliographical Dictionary of Scottish Women*, 2<sup>nd</sup> edn, ed. Elizabeth Ewan, Rose Pipes, Jane Rendall and Siân Reynolds (Edinburgh, 2017), 155.

her. Interestingly, the session were also interested in discovering whether any of the accusers and witnesses 'knew or hard that schoe had committed any vyle act in abusing ane of hir servants with ane peis of clay formed lyk the secret members of ane man or not'.<sup>117</sup> This servant was Agnes Mitchell, who told the session that Mald sexually assaulted her 'with ane peice of clay formed be hir to the liknes of a mans priwie members doing quhat is abominable to think or speik of'.<sup>118</sup> Her case was escalated to the presbytery of Glasgow, and sometime in late September or early October they petitioned the privy council to try her as a witch, since on 15 October the presbytery laid out a number of 'particulare dittayes of witchcraft' against Mauld. It is not clear whether the commission to try her as a witch was granted but, given the presbytery's fervour in continuing their case against her, it is probable that it was granted sometime in October.

Another accused witch from Kilbarchan, Jean Drummond, was caught up in the late seventeenth-century witch-hunt that swept across Renfrewshire. She was denounced by the demoniac Margaret Laird in Paisley, a girl who, like Christian Shaw of Bargarran, claimed to be tormented by witches.

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<sup>117</sup> *RPC*, 2<sup>nd</sup> series, vol. viii, 198.

<sup>118</sup> *RPC*, 2<sup>nd</sup> series, vol. viii, 200.

## **NATIONAL TRUST FOR SCOTLAND: HISTORIES OF THE WITCH TRIALS GUIDANCE NOTE**

Historical witchcraft is a popular subject, but it is also sensitive subject too, and we should think carefully when we want to talk about it with others. This Guidance Note is intended to support and equip property staff with the knowledge and confidence to talk about the Scottish witch trials and historical witchcraft to visitors and members of the public. It takes the form of FAQs that cover numerous topics in the history of witchcraft. At the end of this Guidance Note is a Glossary of key terms associated with the subject.

### **Frequently Asked Questions (FAQ)**

#### **1. Explaining historical witch belief**

- **Why did people believe in witches in the early modern period?**

For ordinary people living in the sixteenth and seventeenth centuries, the practice of magic was a totally believable and real system. Magic was a set of traditional beliefs and ritual practices that helped people to understand the unusual forces in the world, and to achieve practical ends by seeking to manipulate those forces. Witchcraft, which was a form of evil magic, allowed ordinary people to make sense of misfortunes in their daily lives.

People also believed that the material world could be influenced by supernatural forces. This included orthodox Christian beliefs in God and the Devil, but also more popular forces, such as fairies and spirit guides. The fact that people believed in these supernatural forces also went hand in hand with the belief in witchcraft. For the church and

intellectuals, the Devil was behind witchcraft; some ordinary peasants believed that witches got their powers from the fairies.

- **What did people believe witches could do?**

There were two main types of witches – the village witch and the demonic witch. Most ordinary peasants believed that witches' powers were passed down through generations, usually from grandmother to mother, and from mother to daughter. The village witch was someone who appeared to be a good Christian member of the community, but who in secret practised evil magic. Village witches were thought to practice curses and spells against their neighbours that caused some sort of misfortune. For instance, they were known to spoil food, such as butter, or kill livestock. The village witch was thought to act alone and performed evil magic out of personal, individual malice, usually because of a past quarrel with someone else in the community. The village witch was thus closely linked to ideas of misfortune.

The second popular idea of the witch, although this idea tended to preoccupy the authorities and the intellectuals, was the demonic witch. This was the idea that witches practised harmful magic and served the Devil. Witches' powers were not passed down through generations – indeed, they had no powers of their own. Rather, they made a pact with the Devil to receive the power to perform magic. The demonic witch was thought to be part of a conspiracy to destroy or overturn Christian society. This view of witchcraft saw it essentially as a religious crime – a type of heresy or false belief.

- **How did witchcraft fit in with other forms of magic?**

Witchcraft made sense precisely because it was one element in a belief system that allowed for the possibility of magic. As mentioned, witchcraft was just one form of magic. Ordinary peasants also believed in service magic – divination (the finding of lost or stolen property), love magic and charming (folk healing). Witchcraft also made sense because people believed in counter-magic: a type of magic that could protect oneself against bewitchment. This included marking the boundaries of properties or places – known as ‘witches’ marks’ – or creating a ‘witch bottle’ and hiding it in a property; the bottle usually contained urine and some fragments from the body of the bewitched person, such as hair or nails. A peasant might also see their local magical practitioner – someone who could detect bewitchment and transfer the curse or spell back to the suspected witch or to someone else. Occasionally, well-respected magical practitioners could be investigated by the Kirk for witchcraft, but they were very rarely the main suspects.

- **Were witches pagans?**

No, they were not pagans. Indeed, many saw themselves as Christians and came from Christian communities. The popular misnomer that witches were pagans comes from the early twentieth-century folklorist Margaret Murray, who argued that witches were members of a pagan cult that had survived underground since pre-Christian times. She argued that witches were practitioners of a pagan religion, that they worshipped a horned god and organised themselves in covens of thirteen. Her theory became popular among Wiccans in the 1960s (and it is still embraced by some neo-pagan movements today) who thought of themselves as descendants of the ‘pagan’ witches of the early modern period, and thus carrying on their traditions. The historical

evidence provides no support for the existence of an organised or self-identified pagan movement in early modern Europe.

## 2. Explaining the witch hunts in Scotland

- **How many people were accused and executed in Scotland?**

Out of a population of roughly one million in the seventeenth century, around 4000 people were formally accused and perhaps 2500 executed for the crime of witchcraft. 85 per cent of those accused were middle-aged women of poor to middling socio-economic status. The women accused tended to be the wives of artisans and tenant farmers from the rural villages across the Lowlands – so families that had a modest livelihood by early modern standards. Thus, the typical accused witch in Scotland was not destitute as is sometimes thought.

- **Where were the witch-hunts and when did they happen?**

All parts of the Lowlands and some of the Highlands experienced witch trials between the passing of the Witchcraft Act in 1563 and its repeal by the British parliament in 1736. Major witch-hunts, sometimes called panic periods, came in waves and intensity and were primarily concentrated in the Lothians, parts of Fife, Aberdeenshire, Stirlingshire and other locations across the Central Belt. It is generally accepted that there were five major witch-hunts that affected Scotland. There were panic hunts in 1590-1, 1597, 1628-30, 1649-50 and 1661-2. The first witch trials were conducted in the late 1560s and the last trial took place in 1727, nine years before the repeal of the Witchcraft Act.

- **What is the difference between a witch-hunt and a witch trial?**

Witch-hunts involved suspects who were tortured and who in turn named several others. This chain-reaction style of hunt usually

happened during times of regional or national upheaval, such as famine or war. Witch-hunts were driven by powerful individuals who influenced the proceedings and who were dedicated to rooting out what they thought were the enemies of the Devil. Witch-hunts tended to burn themselves out once multiple suspects had been accused, investigated and executed; at some point the community needed to come together to heal. On the other hand, witch trials involved fewer suspects and tended to occur during times of peace and stability. Witch trials often occurred in between panic periods and were conducted at the justiciary court in Edinburgh, where there was an emphasis on due process and rigorous legal standards.

- **What is the difference between persecution and prosecution?**

The terms are often used interchangeably to describe the witchcraft trials. Persecution refers to a deliberate attack on a group of people based on some specific characteristics. The term is often equated with seeing the accused witches as victims and the authorities who conducted the trials as their oppressors or persecutors. Occasionally, the term persecution is used to make a political stance about those accused of witchcraft and seeing the trials as miscarriages of justice. The term prosecution is more regularly used to place the trials in a legal context. The term prosecution also places more emphasis on the idea that witches were seen as criminals and that contemporaries in the early modern period viewed it as a capital crime, not too dissimilar from how our modern society views capital crimes today. For ease of use, most historians use the terms witch trials or witch-hunts as a term encompassing the processes involved in investigating accused witches, rather than prosecutions or persecutions.



- **Where there witch-hunters?**

Yes, there were witch-hunters. These were usually people ideologically motivated to uproot suspected witches from their communities, or people who sought a profitable career in investigating witchcraft cases. Of course, the two were not mutually exclusive – you could be a committed witch-hunter and profit from it. Generally speaking, witch-hunters came to the fore during panic hunts, such as during the mid-seventeenth-century hunts of 1649-50 and 1661-2. The witch-hunters were usually men of some renown and standing. Likely figures included some ministers, lairds and propertied men. In Scotland and across Europe there were self-professed witch-finders, termed witch-prickers in Scotland, that offered their services to communities suffering from witchcraft accusations. They hardly played a role in central trials in the justiciary court at Edinburgh; judges and lawyers would have not allowed for them to operate.

- **Who was responsible for witch-hunting?**

Witchcraft was a secular crime and it was the responsibility of the secular courts to punish witchcraft. Although the church, and in particular the local church courts – called kirk sessions – played a role in the initial investigations. They helped to build a dossier of evidence against suspected witches by imprisoning and interrogating them, investigating accusations, and questioning the accusers and witnesses. Certainly, religious rhetoric at the time helped influence witch trials and provided the necessarily ideological justification to hunt witches – they were, after all, considered to be enemies of God and a threat to the Christian community. Powerful and local individuals in the communities where accusations surfaced, and where most witch trials were conducted, had vested interests and exploited opportunities for

witch-hunting. Indeed, it was the local propertied men who petitioned the central government for a witch trial to be held. Overall, though, we need to remember that it was a national endeavour that required various institutions to cooperate in order for witch-hunts to thrive.

- **Why and when did witch-hunting come to an end?**

The legal experts in the justiciary court gradually became less convinced that the usual kinds of evidence, notably confessions extracted under torture, could prove guilt in a court of law. This 'judicial scepticism', as it is sometimes called, became more apparent after the major witch-hunt of 1661-2, during which numerous suspects were tortured illegally and pricked for the Devil's mark – gross miscarriages of justice, even by seventeenth-century standards. After this major witch-hunt, the privy council issued a declaration promising to never let such abuses happen again. As such, the central authorities tightened up procedures. There were some outbursts of witch-hunting, particularly in and around Paisley and Renfrewshire during the 1690s. By the turn of the eighteenth century, as religious pluralism became more accepted and the state became more secular, witch-hunting became less fashionable among educated circles and the authorities felt that they did not need to execute witches to prove their godliness.

### 3. **The structures and processes of witch-hunting**

- **What evidence was used during the trials?**

There were four main types of evidence used. Confessions were extracted under torture. If the accused was interrogated, then they would usually be expected to confess to making a pact with the Devil

or practising harmful magic. The confession was the most crucial piece of evidence needed to obtain a commission and to convict an accused witch, since it was considered sufficient proof of guilt.

Neighbours' testimony, usually in the form of accusations or witness depositions, given in preliminary investigations. This type of evidence was used to create a profile of the accused's past behaviour and reputation. Such testimony usually focused on maleficium (harmful magic) rather than the Devil.

Other witches' testimony. During major panic witch-hunts, the interrogators used the confessions of accused witches who named others. It was common during panic hunts for witches to be tortured and confess to seeing other witches at sabbaths – secret nocturnal meetings where witches supposedly gathered to worship the Devil. The Devil's mark. The Devil was believed to mark his followers at the time when they made a pact with him, as a parody of Christian baptism. A physical search of the suspect's body could find this mark—either a visible bodily blemish or an insensitive spot. The insensitive spot was discovered by pricking with pins, sometimes by the interrogators themselves and sometimes by itinerant professional witch-prickers.

- **Was torture used and did it always result in a confession?**

Suspected witches were tortured once the authorities imprisoned and then interrogated them. The usual method was sleep deprivation, which involved watching the accused witch and making sure that they did not fall asleep. Technically, it was illegal but because the Scottish central legal system was extremely weak during this period, it could not stop it being enforced during local trials granted under

commissions of justiciary. 'Judicial' torture – that is torture using instruments which involved assaulting the body, such as thumbscrews, shaving, suspending by rope, burning and so on – was also illegal, but we have some accounts that it was used during initial investigations in areas where the accusations surfaced, and before a petition was sought from the central government. We can include witch-pricking in this category too. Furthermore, we do not have enough evidence to comment on how frequently torture was used but given that local trials were more prominent than central ones, we can assume that it was used frequently to extract a confession.

The use of torture, whether judicial or sleep deprivation, did usually result in a confession. The torture, coupled with the prison environment, would have certainly degraded the integrity of the accused witch's mind and body, making it hard to resist the interrogators' demands. There are, however, several cases of accused witches who withstood torture and refused to confess to the crime; some of the accused who initially confessed under torture later retracted their confessions.

- **Were witches ducked?**

Sometimes known as the water ordeal. The accused person was put in water to see if they floated. If they sank, they were seen to be innocent, and efforts were made to rescue the suspect. But if they floated, they were seen to be guilty. Very few witches in Scotland were ducked, mainly because it proved to be a particularly ineffective interrogation technique.

- **Did accused witches have any legal defense and did people stand up for them?**

Unfortunately, legal aid was expensive and most accused witches could not afford to hire a defence advocate. If the case was sent to the justiciary court in Edinburgh, then they were twice as likely to have their case acquitted than if they were to be tried by a local court. Moreover, as the courts became more sceptical in the mid to late seventeenth century, then the accused were less likely to be executed. While one can point to a few examples where the community tended to side with the accused witch, overall most communities did not seem to be keen to rush to the aid of the accused. This is not to say that the accused's neighbours were fierce witch-hunters who wanted to see their neighbours executed, but when a witch trial was underway, other members of the community seemed to stay out of the process. This might be to do with the stigma attached to the crime of witchcraft – it was viewed as a crime that affected both individuals and the community. In the sixteenth and seventeenth centuries, parish communities were extremely close, and people engaged with and even depended on their neighbours more than they do today. They were also united in their common Christian faith. Perhaps these communal, Christian relationships made witchcraft seem even more horrific when it surfaced in the community, and perhaps explains why so few of the accused's fellow neighbours stood up for them.

#### **4. The gendered aspects of the witch trials**

- **Who were the witches?**

No complete statistics are available for Scotland or for Europe. In Scotland, around 85 per cent of those accused were women, with men forming the remaining 15 per cent. The accused were usually middle

aged, between 50 and 60, and were usually the wives of modest tradesmen.

- **Why were more women than men accused?**

Witchcraft accusations usually developed in spheres of life where women played a major role, such as in the handling of food or as midwives. During the early modern period, women were generally seen as more quarrelsome and were thought to resolve conflicts using words rather than physical violence. This idea that women were more likely to use words than men during confrontations made them more susceptible to witchcraft accusations, since, after all, witchcraft was also about the power of the spoken word.

The Kirk in Scotland was also extremely concerned with femininity and in particular sexual crimes, such as adultery and fornication. Even though both women and men could be adulterers and fornicators, women tended to be the focus of the Kirk's discipline, mainly because it was easier to prove through pregnancy if a woman had committed such crimes. Transgressive women who shattered the ideal of the good and godly wife could find themselves more likely to be accused of witchcraft.

It was also believed that witches were more likely to be women because of the stereotypical and misogynist view prevalent at the time that women were more easily seduced by the Devil and thus could be tempted more easily.

- **Was witch-hunting women hunting?**

Witch-hunting was certainly fueled by misogynistic views and negative stereotypes of women. Yet, witch-hunting was not a deliberate attack on women because of their gender identity. Ahistorical uses of these concepts downplays the idea that people in the early modern people feared witches and believed them to be real.

- **Were all the accused midwives and healers?**

Midwives were occasionally prosecuted for witchcraft, but they were far more likely to assist in the prosecution of infanticide than to find themselves accused of using witchcraft to kill the infants they delivered.

- **What did they look like? Did they look like the popular Hallowe'en witch?**

The people accused of witchcraft, as mentioned, tended to be middle aged, so not particularly old. They wore contemporary peasant clothes; some women might have worn a kerchief (head scarf). Most did not look like the popular idea of the Hallowe'en witch. The cauldron, the pointy hat, the black clothes and the cat all come from different sources. The dress, including the pointy hat, mostly comes from mocking, satirical descriptions of witches in eighteenth-century English publications used to attack or discredit political opponents. By this time, witches were seen as unfashionable and a bygone belief of a past society. Witches were not known to fly on broomsticks, but rather animals, demons, domestic cooking items or even crops. The cat originates from the English familiar tradition and perhaps because today we also keep cats as domestic creatures. Finally, the cauldron comes from the early modern idea of the 'alewife' or brewer –

cauldrons were used to brew ale, and these tasks were usually carried out by women.

## 5. Comparisons with other early modern countries

- **How do the Scottish numbers compare with other countries?**

In terms of Europe, Scotland had about five times the European average, with 2.5 executions per thousand of the population. Scotland executed around 2500 witches, whereas places like Germany executed around 25,000.

- **Was there anything particularly unique about the Scottish witch-hunts?**

Other countries that executed witches believed in 'cumulative' ideas of witchcraft – the practice of harmful magic, belief in the Devil and demons, and the idea of the witches' sabbath. Scotland was unique in the sense that it was the early modern society that most closely resembled a religious police state. The influence of the Scottish Kirk was extremely pervasive, and this also helps to explain why a culture of intellectual scepticism did not develop in Scotland.

Most other European countries stopped hunting witches by the 1630s. Scotland's last major witch-hunt of 1661-2 was particularly late in the age of witch-hunting.

In addition, the familiar tradition that existed in England did not really spread to Scotland. We have very few accounts of Scottish accused witches confessing to keeping small demons or the Devil in the form of a domestic animal. Fairy belief, however, was strong in both countries, and we have accounts of Scottish accused witches confessing to



forming a relationship with fairies or spirit-guides. These relationships often functioned in the same way as the English witch's relationship with their demon familiar.

- **Did Scotland hunt witches at the same time as other countries?**

Witch-hunting in Scotland happened throughout the mid sixteenth and seventeenth centuries – a time when most other European countries were also hunting witches. The North Berwick witch trials in 1590-1 took place a year after some highly political witch-hunts in the German electorate of Trier. The panic of 1628-30 also happened at a time when some of the Franconian prince-bishoprics in southern Germany, such as Bamberg and Würzburg, were also carrying out their own witch-hunts. Closer to home, both Scotland and England were executing witches during the civil wars in the 1640s, and the 1649-50 panic spilled over into northern England, where Scottish witch-prickers were active in Newcastle. And perhaps most infamously, the Bargarran witch-hunts of 1696-7 happened just a few years after the Salem trials. Both are well known for their cases of demonic possession, and it's been argued that some of the accounts of Salem influenced accounts about the demonic possession case at Bargarran.

## Glossary

**Adultery:** A married person having sex with someone else.

**Azzie:** a jury of men assembled to make decisions during trials.

**Charming:** Magical folk healing.

**Circuit court:** central judges travelled to local areas where accusations surfaced to hold a trial.

**Commission of justiciary:** a document granted by the central government allowing a group of propertied men to convene their own court.

**Court of justiciary:** the central criminal court at Edinburgh responsible for trying capital crimes. For much of the early modern period, it was not based in a single building, but referred to a group of well-trained judges and lawyers who could convene a court if needed.

**Demonic pact:** The agreement between the witch and the Devil in return for the power to practice magic. This involved the witch renouncing their baptism and their allegiance to God.

**Demonic possession:** the witch was accused of causing someone (a victim) to be possessed by the Devil. This usually involves an accusation of causing a particular type of 'bewitchment' involving convulsions and visions.

**Demonologist:** an academic or clergyman who specialised in understanding the Devil and other demonological topics.

**Devil's mark:** mark received from the Devil as a sign of pact (often described as not sensible to feeling).

**Divination:** trying to discover the future or see hidden things in the present.

**Familiars:** a small animal or spirit that did belonged to the accused and did their bidding.

**Fornication:** sex before marriage.

**Justice depute:** a man of legal standing who worked for the court of justiciary at Edinburgh. Could oversee trials and occasionally travelled to trials in areas outwith Edinburgh.

**Kirk session:** the lowest court of the presbyterian church consisting of a minister and elders of a parish. Responsible for local church governing and discipline.

**Lairds:** high status landowners with inherited titles and lands, but not the top of land holding society. These people were usually referred to as the laird of somewhere. People in this category did not work their land or perform a craft.

**Lord Advocate:** the public prosecutor – a high justice official appointed by the crown.

**Maleficium:** the suspect accused of causing magical harm to people, goods or animals.

**Persecution:** used as an interchangeable term to describe the witch-hunt, but often refers to the political idea that the trials were a deliberate attack on women.

**Privy council:** the institution responsible for coordinating central government in Scotland

**Presbytery:** a regional court of the presbyterian church responsible for overseeing the implementation of discipline in its allocated parishes. Oversaw the operation and conduct of the kirk sessions and the ministers.

**Prosecution:** used as an interchangeable term to describe the witch-hunts, but with specific reference to the conducting of legal proceedings against someone charged with the crime of witchcraft.

**Sleep deprivation:** a form of torture where the suspect was imprisoned, watched and kept awake continuously.

**Spirit-guide:** a spirit of some sort, usually a deceased person or a fairy, that had an established relationship with a magical practitioner.

**Synod:** a court of the presbyterian church hierarchy intermediate between the presbytery and the general assembly.

**Tolbooth:** a place to hold prisoners before trial. Was usually an administrative building with rooms to hold suspected witches and other criminals.

**Warded:** a word used to describe an imprisoned suspect.

**Witch-hunt:** an interchangeable term used to describe the period of witch-hunting but often used to describe large-scale panics.

**Witch-pricker:** a person who was hired to prick a suspected witch with a needle in order to find the Devil's mark.

**Witch trial:** an interchangeable term used to describe the period of witch-hunting but is often used to describe small-scale hunts or individual cases.

**Witches' sabbath:** A secret, nocturnal meeting of accused witches where they would gather to worship the Devil.