

**University of Strathclyde**

**Department of History**

**The 1649-50 Scottish witch-hunt, with  
particular reference to the synod of  
Lothian and Tweeddale**

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requirements for the degree of Doctor of  
Philosophy**

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## **Thesis Abstract**

Between April 1649 and July 1650, over 500 people were accused of witchcraft in Scotland. This period represented one of the five “peaks” in witch-hunting in early modern Scotland identified by Christina Lerner in her landmark work on the Scottish witch-hunts, *Enemies of God* (1983). To this date there has been no in depth study of the 1649-50 Scottish witch-hunt. This thesis offers an examination of the 1649-50 witch-hunt, considering the response of the central authorities to the outbreak of witch-hunting in the localities and the efforts to organise and control the witch-hunt. It also considers the actions of the local presbyteries and kirk sessions in the Synod of Lothian and Tweeddale in responding to community pressure for action on suspected witches. A unique approach has been adopted in considering the nature of Covenanting government and how it shaped the central response to the witch-hunt and the attempts to control the witch-hunt “from above”. This thesis combines an examination of the volatile political situation in 1649-50 with an analysis of the complex social nature of witchcraft accusations. This thesis brings together the social and political history of the period in the context of explaining the 1649-50 witch-hunt, with particular regard to the synod of Lothian and Tweeddale.

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**The 1649-50 Scottish witch-hunt, with particular reference to the Synod of  
Lothian and Tweeddale**

**Paula Hughes**

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# **Chapter One: Introduction**

## **Chapter One: Introduction**

Witchcraft was criminalised by an act of Parliament of 1563, which stated that all persons who practised or promoted themselves as having the ability to perform witchcraft, sorcery and necromancy (as well as those who consulted them for advice) were to be punished by death.<sup>1</sup> Between the passing of the act in 1563 and its repeal in 1735, over 3000 people are known to have been accused of witchcraft and almost 1500 executed.<sup>2</sup> Witch-hunting in Scotland came in waves of intensity and varied across regions, with five national panics in 1590-91, 1597, 1628-30, 1649 and 1661-62 as identified by Christina Larner in her landmark work on the Scottish witch-hunts, *Enemies of God* (1983)<sup>3</sup>. Although most regions in Scotland were affected by witch-hunting at one stage or another, prosecutions were concentrated in areas such as the Lothians, Fife, Aberdeenshire, the Borders and the central belt. This thesis examines the nature of one of these national panics, 1649-50, in which over 500 people in Scotland were accused of witchcraft between April 1649 and July 1650. In examining this particular witch-hunt the response of the central authorities to the outbreak of witch-hunting in the localities and the efforts to organise and control the witch-hunt, and the actions of the local presbyteries and kirk sessions in responding to community pressure for action on suspected witches will be considered.

Themes which are addressed in this thesis include the nature of Covenanting government and how it shaped the central response to the witch-hunt and the attempts to control the witch-hunt “from above”. The 1649-50 witch-hunt is also traced “from below” through a case study of the synod of Lothian and Tweeddale, a synod which was strategically significant in terms of location and the personnel who staffed the

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<sup>1</sup> T. Thompson (ed), *Acts of the Parliaments of Scotland* Vol II 1424-1567 (Edinburgh, 1814) p539. See also Appendix 1.

<sup>2</sup> These figures are taken from the database on the Edinburgh University survey of Scottish witchcraft website: Julian Goodare, Lauren Martin, Joyce Miller and Louise Yeoman, 'The Survey of Scottish Witchcraft', <http://www.arts.ed.ac.uk/witches/> (archived January 2003), hereafter Goodare et al, *Survey of Scottish Witchcraft*.

<sup>3</sup> C. Larner, *Enemies of God: The Witch-hunt in Scotland* (Edinburgh, 1983).



seven presbyteries and numerous kirk sessions covered by the synod. The supposed “national” nature of the 1649-50 witch-hunt is also discussed in chapters three and four. The chief aim of this thesis is to combine an examination of the volatile political situation in 1649-50 with an analysis of the complex social nature of witchcraft accusations. This approach is somewhat unique in the historiography of Scotland during the 1640s. The complex political affairs and committee structure of government in the 1640s has largely been avoided by social historians of early modern Scotland. Similarly, the issue of witch-hunting has been marginalised by political historians of the Covenanted period. This is a strange situation, as the politics of the period had a profound impact on the lives of ordinary people, and concerns over the state of Scottish society and concerns over the moral behaviour of ordinary people was a key concern of the political elites. Thus it would seem that the social and political histories of the period are not mutually exclusive and are in fact closely linked. This thesis aims to take a step towards incorporating social history into political history and vice versa.

### ***Background: The witch-hunt in early modern Scotland***

The period of witch-hunting in early modern Scotland lasted between the passing of the original act against witchcraft in 1563 and its repeal in 1735. In this period over 3,000 individuals are known to have been investigated for witchcraft, with at least half of the suspects being executed. As stated above, witch-hunting in early modern Scotland was not a continuous process and it was characterised by five main peaks. In terms of the witch-hunt in early modern Scotland, 1649-50 was the second last of the major witch-hunts. In the continental context, the witch-hunt in Scotland occurred comparatively later than the rest of continental Europe. Brian Levack notes the period between 1560 and 1630 as a period of “intense prosecutions and large hunts” and 1630 to 1770 as “the period of decline”.<sup>4</sup> In terms of belief,

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<sup>4</sup> B. P. Levack, *The Witch-hunt in Early Modern Europe* 3<sup>rd</sup> Edition (Harlow, 2006) pp 207-209

Scotland shared many characteristics with continental witch beliefs including the importance of the demonic pact, the Devil's mark and maleficium.<sup>5</sup>

### **(i) The Trial Process**

Christina Lerner and Stuart MacDonald have both noted that the majority of local witch-hunts were started by appeals from the witch-hunters, and that in only a minority of instances did the local populace instigate a hunt.<sup>6</sup> At this stage the kirk session would announce from the pulpit that witches were operating in the area and ask the parishioners to come forward with the names of any witches known to them. Once the names of the suspected witches were given in, the kirk session would appeal for witnesses to testify to the suspect's practising of witchcraft. The witch would then be apprehended and interrogated.

This was a crucial stage in the process, as it was often at this stage that the outcome would be decided. The local minister, local laird or the bailies (in some instances all three) would then interrogate the suspected witch in an attempt to obtain a confession. If a confession was obtained then the trial was essentially a foregone conclusion and execution was practically guaranteed. It was also at this stage that torture was used. The role of judicial torture has been accredited with the production of a high number of confessions and executions in Scottish trials in comparison to England.<sup>7</sup> However, both Julian Goodare and Stuart MacDonald have recently challenged this view. MacDonald claims that judicial torture was rarely used in Scottish interrogations after 1597. Instead he places the emphasis on the use of

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<sup>5</sup> See *ibid* pp 30-67; Lerner, *Enemies of God* pp7-14 and J. Goodare, "Scottish Witchcraft in its European Context" in J. Goodare, L. Martin and J. Millar (eds), *Witchcraft and Belief in Early Modern Scotland* (Basingstoke, 2008) pp26-50.

<sup>6</sup> Lerner, *Enemies of God* pp.84, 87-88 and S. Macdonald, *The Witches of Fife: Witch-hunting in a Scottish Shire, 1560-1710* (East Linton, 2002) pp.195, 197. See also J. Goodare, "Witch-hunting and the Scottish State" in J. Goodare (ed), *The Scottish Witch-hunt in Context* (Manchester, 2002) pp122-145.

<sup>7</sup> Lerner, *Enemies of God* p.107. Lerner noted that there was "some ambiguity" surrounding the role of torture in witchcraft investigations.

“warding and watching” of suspects, also known as “waking”.<sup>8</sup> This in itself was a form of torture but not in a physical or legal sense.<sup>9</sup> The suspect would be imprisoned and kept awake for a period of time and interrogated by either the minister or local witch-hunter.

It was at this stage that confessions were obtained. In most instances the suspected witch would be kept awake and made to stand for days on end often with little or no food or water. This would often induce hallucinations and leave the suspected witch vulnerable to the power of suggestion.<sup>10</sup> In this state the suspect would be asked leading questions and be led to provide the formulaic confession telling of meeting the Devil, receiving the mark and consummating the demonic pact. Some confessions told of meetings with other witches. The witch would then name be made to name others who were present at these meetings, sometimes choosing names at random or naming women that were known as suspected witches or those with whom they had past quarrels. This was because it was believed that witches were an organised conspiracy and did not act alone. The ideological justification for the use of waking was informed by the Reformation ideology of discipline. In the same sense that time spent on the repentance stool was time to reflect upon, understand and repent for sins committed, by keeping the suspect awake, he or she would be given time to reflect upon the offence and be brought to an understanding and repentance of their actions.<sup>11</sup> It was also at this stage that the witch would either confess to having received or be searched for the Devil’s mark. This was a mark that was insensitive to pain and did not bleed that was supposed to be given to the witch by the Devil as a “seal” to the pact. If the witch did not confess to having received the mark, professional “prickers” could be employed to search suspected witches for the mark.

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<sup>8</sup> J. Goodare, “Women and the witch-hunt in Scotland” in *Social History* 23 (1998) pp.288-308 at p.302 and Macdonald, *The Witches of Fife* pp.123-138.

<sup>9</sup> Brian Levack has recently questioned the use of waking and pricking for the Devil’s mark as an illegal form of torture. See B. P. Levack, *Witch-hunt in Early Modern Europe* pp 80-88 and 258-260; and B.P. Levack, *The Witch-hunt in Scotland: Law, Politics and Religion* (New York, 2008) pp21-24.

<sup>10</sup> Goodare, “Women and the witch-hunt” pp.302-303 and L. Martin, “The Devil and the domestic: witchcraft, quarrels and women’s work in Scotland” in Goodare, *Scottish Witch-hunt in Context* pp.73-89 at pp.76-77. See also L. Roper, *Witchcraze*.

<sup>11</sup> M. Todd, *The Culture of Protestantism in Early Modern Scotland* (New Haven and London, 2002) pp.130, 169-182 and Goodare, “Women and the witch-hunt” p.303.

Once a confession was obtained and witness testimonies obtained, the case would be presented to the Privy Council in order to obtain a commission. The Privy Council was the institution responsible for the issuing of witchcraft commissions. In some circumstances cases the Parliament would issue commissions, and in the 1649 hunt the Committee of Estates issued a high number of witchcraft commissions, but the majority of commissions were issued by the Privy Council. The Privy Council would then issue a commission for trial of the witch at the local level, and the commission would normally be granted to the local laird and bailies. Ministers would not be involved in the trying of witches but were often called at witnesses to the confessions. In some circumstances, most often when a trial was taking too long, the witch could petition the Privy Council to order the commissioners to proceed with the trial or refer the trial to the Justiciary court. Once all the evidence was gathered and discussed, an assize would then decide on a verdict of guilty or not guilty, although a confession practically guaranteed an execution. The standard procedure was to report the verdict of the assize to the Privy Council who would then order the witch to be executed, except in 1649-50 when Parliament was responsible for granting commissions to try suspected witches.

## **(ii) Who could be a witch?**

The most common category of people vulnerable to witchcraft accusation was women. The *Survey of Scottish Witchcraft* has shown that 85% of all suspected witches were women. This is reflective of the majority of European countries that experienced witch-hunts. However, some areas such as Iceland, Russia, Estonia and Normandy experienced witch-hunts in which the majority of suspects were male.<sup>12</sup> Many reasons for the preponderance of female witches has been attempted, but the soundest explanation seems to be that the characteristics of female behaviour fit best with the stereotype of a witch. As Julian Goodare has stated, women were more prone to acts of verbal aggression rather than physical aggression. While men were more

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<sup>12</sup> Levack, *Witch-hunt in Early Modern Europe* p141.

likely to be involved in physical fights, women were more likely to engage in “flyting”, scolding and cursing at each other than resort to physical violence.<sup>13</sup> This can be seen in the high proportions of women brought before kirk sessions for scolding and slander. During the period of the Scottish witch-hunt there was a general crackdown on behaviour, which was carried out by the church courts. People were punished for a variety of types of behaviour such as the use of foul language, Sabbath breaking, non-attendance at sermons, drunkenness, sexual impropriety and any other type of behaviour that could be deemed ungodly. The eradication of witchcraft was an integral part of the programme of creating a morally pure and godly society. It was not separate from the policy of discipline, it was part of it and much of the ideas behind witch-hunting were informed by the ideas behind the creation of a godly society. Witch-hunting certainly was a phenomenon in its own right, but it was also part of a much wider vision of society.

At the local level, certain people were more likely to be prone to accusation than others. While women were the most obvious group, certain types of women were more likely to be accused than others. Scolds were likely to be accused because they had a reputation for verbal aggression.<sup>14</sup> This was usually in the form of threats of ill fortune. Slanderers were also vulnerable to accusation in the form of counter-accusation. An accused witch could complain against her accusers to the Kirk session or Presbytery for slander, and in some cases name her accuser as a witch. Those who were related to witches or were known associates of witches were also prone to accusation, and Larner cites some examples of daughters of witches being accused and also some husbands of accused witches facing accusation themselves.<sup>15</sup> However, in panic periods, people who had no prior reputation for witchcraft (men and women) could be accused of witchcraft, as accusations reached fever pitch and witches being interrogated naming other people as witches at random. In fact, a high number of

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<sup>13</sup> Goodare, “Women and the witch-hunt” p.297 and Larner, *Enemies of God* p.96

<sup>14</sup> J.G. Harrison, “Women and the Branks in Stirling, c.1600-c.1730” in *Scottish Economic and Social History* (1988), 18 pp114-131.

<sup>15</sup> Larner, *Enemies of God* p.99.

people who were accused of witchcraft were named by other suspected witches during interrogations in panic periods.<sup>16</sup>

A reputation for witchcraft was built up over a long period of time, and this has been cited as a reason for the high proportion of elderly witches. Someone with a reputation for witchcraft could exist within the community for a number of years and even trade on the image of being a witch, but when a “call for witches” went out these people were usually the first to be apprehended. A witch was a person who was perceived to have the ability to inflict harm on others through the use of witchcraft. If a person got into a quarrel with a reputed witch and later suffered illness or loss of crops or livestock, the misfortune would be attributed to the witch.<sup>17</sup> Ronald Hutton has also recently discussed five common themes in what made up the profile of a witch – a person who uses “supernatural means” to inflict harm on others; a person who harms their neighbours as opposed to strangers; that their actions are malevolent and motivated by revenge and bad feeling; that witches worked in unison with others and gained powers “by inheritance, training or initiation”; and finally that the community could defend itself against witches by purging them or using forms of counter magic.<sup>18</sup>

### **(iii) Witchcraft and Belief**

While there was a definite notion of who could be a witch at the local level, and there was a distinct belief in what witches could do, witch-hunters had a distinct view of what witchcraft meant. This is not to perpetuate a false dichotomy of popular versus elite belief, rather to highlight that there was indeed a distinction between local belief that was formed on a basis of suspicion, fear and experience and demonological belief that centred on a belief of a conspiracy of witches organised by the Devil. In

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<sup>16</sup> Goodare, “Women and the witch-hunt” p.301.

<sup>17</sup> Martin, “The Devil and the domestic” pp.84-85. See also B. P. Levack, *The Witch-hunt in Early Modern Europe* pp141-148.

<sup>18</sup> R. Hutton, “The global context of the Scottish witch-hunt” in Goodare, *Scottish Witch-hunt in Context* pp16-32 at p19.

this respect, and as is shown in the later chapters of this thesis, the belief of the central and religious authorities was indeed in contrast to the beliefs of the early modern Scottish communities as to what threat was posed by witches. From a community perspective witches were believed to act alone and the main concern was with the effect of a witch's power, the concern of the witch-hunters was the source of a witch's power. Witches were believed to receive their powers from the Devil and the testimonies of witnesses as to what particular witches were capable of gave further proof that a witch was in league with the Devil.

While there is a distinction between these views, there was an element of transference of between both views, especially during periods of widespread witch-hunting. One example was the appearance of the Devil. Stuart MacDonald claims that the Devil was not present in the local stage of accusations and that references to the Devil came from the central institutions.<sup>19</sup> However, from the synod of Lothian and Tweeddale there is clear evidence that references to the Devil originated in the local stage of confessions. Confessions were obtained at the local stage, and despite the fact that the majority of confessions referred to the Devil in a formulaic manner, the way that many witches readily mentioned the Devil in their confessions and constructed fantasies about him suggests that beliefs about the role of the Devil in witchcraft had permeated to the local level. Chapter five of this thesis discusses in detail references to the Devil in confessions of witches in the synod of Lothian and Tweeddale. What is apparent from these confessions is that there was a popular perception of the Devil as well as the perceptions of the ministers and others involved with the interrogation of the imprisoned witches. There has also been suggestion recently that belief in the Devil mixed with traditional fairy belief, and that, in some instances, tales of meetings with the Devil or other witches were conceptually equivalent to accounts of encounters with fairies.<sup>20</sup>

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<sup>19</sup> Macdonald, *The Witches of Fife* pp.195-196 and S. Macdonald, "In search of the Devil in Fife witchcraft cases" in Goodare, *Scottish Witch-hunt in Context* pp.33-50. He argues that the Devil did not play a central role in the Fife witch-hunt and infers that this may be the case for Scotland in general.

<sup>20</sup> L. Henderson and E. J. Cowan, *Scottish Fairy Belief: A History* (East Linton, 2001) p.125-138

The other central idea of a conspiracy of witches could also reinforce community suspicions over individuals. With ministers preaching of the prevalence of witchcraft, members of the community who had seemingly mysterious sources of power were viewed with suspicion and many more suspected witches were uncovered or offered up to the authorities. The concept of witches meetings contributed to the idea of witchcraft as a conspiracy as known associates of suspected witches could also fall under suspicion.<sup>21</sup>

Witch-hunters were concerned with the source of witches' powers. This meant that any power that was perceived not to be natural, in other words supernatural, came from the Devil. This left charmers and folk healers particularly vulnerable to witchcraft accusation, and you could say it was something of an occupational hazard for charmers.<sup>22</sup> Rituals, spells and divinations with their reliance on spoken words and physical objects such as charms and wells, meant that they were labelled idolatrous by what Stuart Clark has called "pastoral demonologists", or ministers who were charged with enforcing the Reformation at a ground level. He claims that as well as the malevolent witch who was in league with the Devil and put mysterious illnesses on to livestock and crops, the reformers were concerned with "popular magic" and customs that "existed outside or along the borders of official religion".<sup>23</sup> The underlying concept of Reformed discipline was to create a society that understood and lived in accordance with scripture, and the continuing practice of folk superstition was at odds with this doctrine. Nonetheless, Joyce Miller has noted that a high number of individuals who perhaps legally should have been tried for witches were instead tried for the lesser offence of charming in the Church courts – the standard punishment for which was public repentance, usually in the sackcloth. Charmers were

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<sup>21</sup> Levack attributes the idea of witches meetings or Sabbaths as being one of the major factors in widespread witch-hunting in west and central Europe during the sixteenth and seventeenth centuries, and attributes the "relative tameness" of witch-hunting in England and Scotland to a failure to fully adopt the theory of the witches Sabbath. See Levack, *Witch-hunt in Early Modern Europe* p218.

<sup>22</sup> J. Miller, "Devices and directions: folk healing aspects of witchcraft practice in seventeenth-century Scotland" in Goodare, *Scottish Witch-hunt in Context* pp.90-105 at pp.91-92.

<sup>23</sup> S. Clark, "Protestant Demonology: Sin, Superstition, and Society (c.1520-c.1630) in B. P. Levack (ed), *New Perspectives on Witchcraft, Magic and Demonology, Volume One: Demonology, Religion and Witchcraft* (London, 2001) pp. 45-81 at p.62.



usually individuals who gave cures for illness, practised counter-witchcraft, fortune telling and other acts that could be considered as “white witchcraft”.<sup>24</sup> The main difference between charmers and witches was the way in which they were labelled. Charmers acknowledged and promoted themselves as charmers, while on the other hand other people labelled witches as witches.<sup>25</sup> Under the terms of the 1563 act, these individuals should technically have been punished as witches because the act includes people who put themselves forward to have knowledge of sorcery, etc. The distinction seems to have been made at the Presbytery or Kirk session level, as charming cases were never passed to the secular courts for trial. However, there seems to have been an attempt to change the attitude toward charmers at the parish level during the 1640s: the General Assembly reminded ministers in 1640 and again in 1642 to enforce legislation against charmers and witches and preach against them “seeing that the practice of witchcraft and charming comes from ignorance”.<sup>26</sup> In 1646, the commission of the General Assembly petitioned the Parliament for a change in the witchcraft act to include charmers because they were not “expressly” mentioned in the act.<sup>27</sup> However, the act against witchcraft which was passed in January 1649 did not mention charmers. There is also evidence that despite the efforts of the General Assembly local presbyteries and kirk sessions still treated charming as a separate offence during the 1649-50 outbreak of witch-hunting.<sup>28</sup>

## *Historiography*

### **(i) Historiography of witch-hunting**

Christina Lerner’s *Enemies of God* remains the most influential work on the Scottish witch-hunts, providing a picture of the overall chronology and geography of

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<sup>24</sup> J. Miller, “Devices and Directions” p.93.

<sup>25</sup> Ibid, p.93.

<sup>26</sup> *Acts of the General Assembly of the Church of Scotland 1638-1842* (Edinburgh, 1843) p.44, 64.

<sup>27</sup> A.F. Mitchell and J. Christie (eds) *The Records of the Commissions of the General Assemblies of the Church of Scotland 1646-1647, 1648-1649, 1650-1651* (Edinburgh, 1892) p.123.

<sup>28</sup> See chapter five, below.

the witch-hunt in early modern Scotland.<sup>29</sup> Recent years, however, have seen an increase in interest in the individual panics, for example a number of authors have discussed the 1590-91 panic, Julian Goodare has written a number of articles on the 1597 panic and Brian Levack has written on the Restoration panic (1661-62).<sup>30</sup> There has also been an increase in regional studies of witch hunting, for example Stuart Macdonald's *The Witches of Fife*. As yet there has been no comprehensive analysis or explanation of the 1628-30 and 1649-50 hunts.<sup>31</sup>

This thesis examines the 1649-50 witch-hunt, which has previously been considered by scholars of the witch-hunts within the context of the early modern Scottish witch-hunt as a whole, and more recently by Brian Levack within the wider context of Britain during the War of the Three Kingdoms.<sup>32</sup> Stuart Macdonald discusses some aspects of the 1649-50 hunt from the perspective of the Fife region as part of a broader study covering the area of Fife from 1560 to 1710 and does not

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<sup>29</sup> Larner, *Enemies of God* p.60.

<sup>30</sup> For the 1590-91 hunt see, for example, L. Normand and G. Roberts (eds), *Witchcraft in Early Modern Scotland: James VI's Daemonology and the North Berwick Witches* (Exeter, 2000) and J. Goodare, "The framework for Scottish witch-hunting in the 1590s" in *The Scottish Historical Review* Volume LXXXI, 2: No 212 (2002) pp.240-250; for 1597 see J. Goodare, "The Aberdeenshire witchcraft panic of 1597" in *Northern Scotland*, 21 (2001) pp17-37 and J. Goodare, "The Scottish witchcraft panic of 1597" in Goodare, *Scottish Witch-hunt in Context* pp51-73; for 1661-62 see B.P. Levack, "The great Scottish witch-hunt of 1661-62" in *Journal of British Studies*, 20 (1980) pp90-108. P.G. Maxwell-Stuart has also recently written on the witch-hunting between 1658 and 1662 in P.G. Maxwell Stuart, *An Abundance of Witches: The Great Scottish Witch-hunt* (Gloustershire, 2005). There have also been some recent studies of the outbreak of witch-hunting in Paisley in 1697 by Hugh McLachlan and Kim Swales, "The Bewitchment of Christian Shaw: A Reassessment of the Famous Paisley Witchcraft Case of 1697" in Y. Galloway Brown and R. Ferguson (eds), *Twisted Sisters: Women, Crime and Deviance in Scotland since 1400* (East Linton, 2002) pp54-83; McLachlan explores the Paisley case again in H. V. McLachlan (ed), *The Kirk, Satan and Salem: A History of the Witches of Renfrewshire* (Glasgow, 2006); Michael Wasser also discusses these cases in M. Wasser, "The western witch-hunt of 1697-1700: the last major witch-hunt in Scotland" in Goodare, *Scottish Witch-hunt in Context* pp146-165.

<sup>31</sup> There has been no discussion of 1628-30 exclusively, however some studies have examined the immediate years prior to and after, M. Wasser, "The Privy Council and the Witches: The Curtailment of Witchcraft Prosecutions in Scotland, 1597-1628", *The Scottish Historical Review*, Volume LXXXII, (2003) pp.20-46 and Louise Yeoman (ed), "Witchcraft cases from the Register of Commissions of the Privy Council of Scotland, 1630-1642" in *Scottish History Society Miscellany XIII* Fifth series, Volume 14 pp223-265.

<sup>32</sup> See Levack, *Witch-hunting in Scotland* pp55-80. See also Larner, *Enemies of God* pp60-65; L. Yeoman, "Hunting the rich witch in Scotland: high-status witchcraft suspects and their persecutors, 1590-1650" in Goodare, *Scottish Witch-hunt in Context* pp106-121 at pp118-119; J. Goodare, "Witch-hunting and the Scottish state" in *ibid* pp122-145 at pp130 and 135-136; and L. Martin, "Scottish Witchcraft Panics Re-examined" in Goodare (et al), *Witchcraft and Belief in Early Modern Scotland* pp119-143.

include an analysis of the central institutions in their response to the outbreak of witch-hunting in 1649-50.<sup>33</sup> The fact that a comprehensive analysis of this panic has not been attempted is surprising, considering the context within which the 1649-50 witch-hunt took place. During the 1640s, Scotland was governed by a Covenanting regime. The Covenanting movement had a vision of a theocratic state within Scotland. They also had a social vision – the creation of a Godly society free from sin. Covenanting social policy was directed at the eradication of sin from Scottish society. The year 1649 itself saw an ascendancy of radical Covenanters to prominent positions within the political and ecclesiastical institutions. The radical regime instigated a further crackdown on immoral behaviour and sin through a new set of legislation which included legislation against witchcraft. The occurrence of a major panic about witchcraft in this year seems to be logical, and should be viewed within the context of a wider crackdown on sin and immorality.<sup>34</sup>

Christina Larner offered a number of explanations for the occurrence of national witch panics in Scotland. One of her explanations were that national hunts were “cleansing operations” that occurred at the same time as events of national change or upheaval.<sup>35</sup> This particularly holds true for 1649-50, due to the political upheaval following the collapse of the Engagement, the radical regime’s seizure of power and the execution of Charles I in January 1649. Larner’s other explanation was that national witch panics were the result of a clash between elite and peasant beliefs.<sup>36</sup> An exploration of this theory will be central to my study. I hope to examine the nature of elite Covenanting belief in witchcraft and peasant belief in witchcraft, and how the interaction between both systems of thought directed the course of the hunt.

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<sup>33</sup> See Macdonald, *Witches of Fife* pp25-29, 83-84 and 100-108.

<sup>34</sup> Levack also discusses this point in *Witch-hunting in Scotland* pp66-69. See also J.R. Young, “The Scottish Parliament and witch-hunting in Scotland under the Covenanters” in *Parliaments, Estates and Representation* 26, (2006) pp53-65; J.R. Young, “The Covenanters and the Scottish Parliament, 1639-51: The Rule of the Godly and the ‘Second Reformation’” in E. Boran and C. Gribben, *Enforcing Reformation in Ireland and Scotland, 1550-1700* (Aldershot, 2006) pp131-158; and Stevenson, *Revolution and Counter Revolution* pp118-121.

<sup>35</sup> Larner, *Enemies of God* p.8.

<sup>36</sup> *Ibid*, pp.23-24.

For many years the majority of works on early modern European witchcraft was dominated by studies of the elites and their policies of witch hunting.<sup>37</sup> This imbalance has been addressed in recent years by the study of Scottish peasant belief in witchcraft, although many studies continue to concentrate on elite ideologies. While both approaches have contributed much to the field, so far they remain mutually exclusive, studies of peasant belief tend to cover entire centuries and gloss over national panics, and studies of national panics concentrate on the elites.<sup>38</sup> This seems strange given that Larner's hypothesis was that elite and peasant beliefs combined during national panics.<sup>39</sup> Evidence of this can be seen in the discussion of the continuity of witchcraft beliefs in the synod of Lothian and Tweeddale in chapter five, below.

## **(ii) Historiography of the Covenanters**

The historiography of the Covenanting period in Scotland is dominated by studies of the political and constitutional developments of the period. David Stevenson's two volume study of the period 1637-1651 remains the starting point for many students approaching the period.<sup>40</sup> Other notable works include those of Allan Macinnes and John Young.<sup>41</sup> The main historiography of this period mentions only in passing the outbreak of witch-hunting in 1649. Stevenson discusses the witch-hunt as part of a more general crackdown on sin and immoral behaviour in the wake of a heightened perception of the prevalence of sin throughout the localities and makes a

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<sup>37</sup> For example H.R. Trevor-Roper, *The European Witch-Craze of the Sixteenth and Seventeenth Centuries* (Harmondsworth, 1969).

<sup>38</sup> For example see B. Levack, "The Great Scottish Witch Hunt of 1661-1662" in B. Levack (ed) *Articles on Witchcraft, Magic and Demonology: Volume 7 – Witchcraft in Scotland* (London, 1992).

<sup>39</sup> Larner, *Enemies of God* pp20-25. Goodare has recently readdressed this theme in Goodare, "Scottish Witchcraft in its European Context".

<sup>40</sup> See D. Stevenson, *The Scottish Revolution, 1637-1644* (Edinburgh, 2003) and Stevenson, *Revolution and Counter Revolution*.

<sup>41</sup> See A.I. Macinnes, *Charles I and the Making of the Covenanting Movement, 1625-1641* (Edinburgh, 2003) and A.I. Macinnes, *The British Revolution, 1629-1660* (Basingstoke, 2005). See also J.R. Young, *The Scottish Parliament 1639-1661: A Political and Constitutional Analysis* (Edinburgh, 1996).

strong assertion that the witch-hunt was “inspired from above”.<sup>42</sup> Macinnes also mentions the 1649-50 hunt, describing it as a “form of parochially sponsored euthanasia in which the less favoured members of communities, such as the old, the infirm and the unbalanced, were sacrificed at a time of scarce resources, rampant plague....” drawing upon evidence from the Beith kirk session.<sup>43</sup>

More recently Young has discussed witch-hunting from the perspective of the central institutions, detailing the activities of the General Assembly and the Commission of the Kirk in pressuring Parliament for measures to be taken in dealing with suspected witches more effectively, and pressure for reform of the existing legislation against witchcraft.<sup>44</sup> Young places the drive for renewed measures against witchcraft firmly within the context of a renewed attack on sin and immorality and a drive to purge the ungodly from offices and the army.<sup>45</sup>

This thesis seeks to bring together the various themes of the history of witch-hunting exemplified in the existing historiography with a discussion of the political and constitutional developments that took place in the 1640s and specifically 1649 and 1650 that shaped the response of the central authorities to the rising panic about witchcraft from the localities.

### *Sources and methodology*

The main focus of research has been primary documents, manuscript and printed. The records of the central political and religious institutions – Parliament, Privy Council, Committee of Estates, Justiciary Court and General Assembly – have

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<sup>42</sup> Stevenson, *Revolution and Counter Revolution* pp118-121.

<sup>43</sup> Macinnes, *The British Revolution* pp284-285 n27. I found no evidence of this going on in the Lothian and Tweeddale area.

<sup>44</sup> See Young, “The Scottish Parliament and witch-hunting”. See also Young, “The Covenanters and the Scottish Parliament”.

<sup>45</sup> Young, “The Scottish Parliament and witch-hunting” pp58-59.

been utilised fully to ascertain how the central authorities responded to, and to an extent controlled, the witch-hunt in 1649-50.

For section one of this thesis the records of the central institutions were the key sources. Parliamentary records for this period can be found in the printed volumes of *The Acts of the Parliaments of Scotland*.<sup>46</sup> Additional supplementary material can be found in the manuscript warrants of Parliament located at the National Archives of Scotland.<sup>47</sup> A recent project by the University of St Andrews has digitised the records of Parliament and the manuscript material and can be found online at [www.rps.ac.uk](http://www.rps.ac.uk). Section one also utilises fully the manuscript records of the Committee of Estates for 1649-50.<sup>48</sup> These records have been examined in previous general studies of the witch-hunt in Scotland, for example Larner's *Sourcebook of Scottish Witchcraft* and the *Survey of Scottish Witchcraft* but have not been examined in detail, and both of these projects used only the two main committee registers, omitting the extra information contained in the three volumes of warrants. These sources have been fully utilised in this study for information relating to the overall numbers of witches tried by commissions in 1649-50, the individuals appointed to stand on the commissions, directions given to the commissioners and locations of trials.

The printed volumes of the *Registers of the Privy Council of Scotland* have also been utilised in this study for information on individual cases.<sup>49</sup> Due to the constitutional changes effected during the Covenanting revolution the Privy Council acted as a nominal institution during the 1640s and in 1649-50 did not grant any

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<sup>46</sup> T. Thomson and C. Innes (eds), *The Acts of the Parliaments of Scotland*, 12 Vols, (Edinburgh, 1814-75) Vol II (1814). Hereafter *APS*.

<sup>47</sup> NAS PA3/2 Minutes of Parliament 1650-51; PA6/9 Warrants of Parliament 1649; PA7/6 Supplementary Parliamentary Papers 1649; PA7/7 Supplementary Parliamentary Papers 1650;

<sup>48</sup> NAS PA11/8 Register of the Committee of Estates, 7 August 1649-4 December 1649; PA11/9 Register of the Committee of Estates, 4 December 1649-26 February 1650; PA12/3 Warrants of the Committee of Estates, 2 January 1649-27 June 1649; PA12/4, Warrants of the Committee of Estates 4 August 1649-27 December 1649; PA12/5 Warrants of the Committee of Estates 3 Jan 1650-20 December 1650.

<sup>49</sup> P. Hume Brown (ed), *The Register of the Privy Council of Scotland*, Second series 1544-1660 Volume VII. Hereafter *RPCS*.

commissions to try witches as all commissions were granted by Parliament or the Committee of Estates when Parliament was in recess. The printed *Acts of the General Assembly of Scotland* and the records of the Commissions of the Kirk have also been utilised in analysing the repeated attempts by the Kirk to pressure Parliament for new procedures and legislation regarding witchcraft.<sup>50</sup>

For section two on the synod of Lothian and Tweeddale the main basis of research were the manuscript records of the seven presbyteries within the synod, where the records have survived.<sup>51</sup> The records of many of the kirk sessions have also been particularly useful in this study. The main types of information which is to be found in these types of sources are witness testimonies, confessions of accused witches, measures taken to imprison and interrogate suspected witches and accounts of previous behaviour of witchcraft suspects. What is also interesting from these sources is that there is also evidence of the impact of high political events on the community, for example the removal of elders who supported the Engagement from the kirk session at Linlithgow which is discussed in chapter four, below.

In utilising manuscript sources it is common to come up against frustrating issues like the survival of records. It is particularly frustrating that there are no presbytery records for Dunbar or Edinburgh.<sup>52</sup> In these instances surviving records of kirk sessions have been used in lieu of presbytery records. The condition of some records has also raised some problems with access and reading.

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<sup>50</sup> *Acts of the General Assembly of the Church of Scotland 1638-1842* (Edinburgh, 1843) and A.F. Mitchell and J. Christie (eds) *The Records of the Commissions of the General Assemblies of the Church of Scotland 1646-1647* (Edinburgh, 1892). Further details of the proceedings of the General Assemblies can also be found in A. Peterkin, *Records of the Kirk of Scotland, containing the acts and proceedings of the General Assemblies 1638-1649* (Edinburgh, 1843).

<sup>51</sup> NAS CH2/35/1 Presbytery of Biggar 1644-1650; CH2/185/6 Presbytery of Haddington 1648-1661; CH2/242/3 Presbytery of Linlithgow Volume III 1639-1653; CH2/295/3 Presbytery of Peebles 1644-1649 and CH2/295/4 Presbytery of Peebles 1649-1688; and CH2/424/3 Presbytery of Dalkeith 1639-1652. There are no existing records for the presbyteries of Edinburgh and Dunbar.

<sup>52</sup> The records of the presbytery of Dunbar (CH2/99) start at 1651. The records of the presbytery of Edinburgh (CH2/121) have a gap between 1607 and 1701.

The vast majority of the research for this thesis has been qualitative, drawing upon case studies from the records. Some very basic quantification has also been involved in this project. This thesis combines two approaches to this period by analysing political events in the context of the witch-hunt and by analysing the witch-hunt in the context of constitutional and political developments. This approach is relatively unique in the historiography of the Covenanting period.

In examining the 1649-50 witch-hunt the nature of Covenanting belief in witchcraft is considered. Goodare has claimed that Scottish theology remains a problem in the study of Scottish witch belief.<sup>53</sup> This is especially a problem when dealing with the Covenanting movement, as much of their policy was shaped by theology. A possible hypothesis is that Covenanting belief in witches was tied to theocratic ideology. As the Scottish Reformation was shaped by Calvinism, the Covenanting party had a belief in notions of the elect and predestination. The Covenanting divines and elite would undoubtedly have believed themselves to be members of God's elect. Coupled with the notion that Scotland was a Godly and divinely ordained state, it is a reasonable assumption to make that they viewed themselves to be prime targets for the agents of the Devil, in other words, witches. Indeed, Lynch tells us that the "spectre" of witchcraft was a threat to the reformation.<sup>54</sup> James VI reacted to the North Berwick panic as an affirmation of his position as a divinely ordained monarch, and the Covenanters inherited the notions of Scotland as a Godly state and the enemy of the Devil. In this sense they viewed witches as a threat not only to the stability of their regime, but to the stability of the Reformation in general. During the course of the Reformation it was widely believed among reformed states that an international conspiracy of witches were trying to overthrow the newly established order. Thus witchcraft was not only a crime against the state, it was a crime against God. For the Covenanters they were a particular threat. The essence of the crime of witchcraft as a pact with the Devil was especially threatening to the radical Covenanting regime in place in 1649-50 as the demonic

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<sup>53</sup> Goodare, *The Scottish witch hunt in context* p.14

<sup>54</sup> M. Lynch, *Scotland: A New History* (London, 1992) p.278.



pact represented a private betrayal of the covenants. The theme of witch-hunting within the wider context of social control is also considered. The radical regime of 1649 had a definite social vision which involved purging sin and immorality and creating a morally pure and godly society.

Members of the radical regime who shared the vision of creating a godly society who became involved in witch-hunting will also be discussed. Some of these witch-hunters are discussed in case studies in chapter four. The nature of suspected witches and peasant belief in witchcraft will also be considered. The stereotype of a witch was the old woman, usually a widow or spinster who was a social outcast and had a long-standing reputation for witchcraft. However, Levack suggests that Scotland was unique in that 70% of the women accused of witchcraft between 1560 and 1727 were married.<sup>55</sup> He also claims that in Scotland a great deal of accusations were founded on neighbourhood squabbles and economic rivalries, for example a local farmer would accuse a neighbouring farmer's wife of witchcraft if his crop failed or if a herd of cows fell ill, thus accounting for the high level of married women being accused of witchcraft. However, this does not explain a national panic, although it can offer insights into the nature of social relations at the time, as some people undoubtedly used the system to their own ends.

The issue of gender is also discussed. As 85% of known suspected witches in Scotland were women, a gender bias quite obviously was in operation at some level. The figure of 85% of all suspects being female holds true for 1649-50. Some authors, for example Merry Weisner and Lyndal Roper, attribute this to the patriarchal nature of early modern secular and church court systems. However, this explanation falls short somewhat, especially for the Scottish model. The Covenanters had a policy of punishing the ungodly, this included men well as women. The fact is that the high number of women suspected of witchcraft were accused from within their own communities. Witchcraft, apart from infanticide, was the only crime where women could be called as witnesses in trial, and cases are full of precognitions of female

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<sup>55</sup> Levack, *Witch-hunt in Early Modern Europe* p.132.

witnesses. Lauren Martin has recently studied the role of women in society and the links between quarrels amongst women and witchcraft accusations.<sup>56</sup> It seems that in some cases women in early modern Scotland took advantage of their legal power to accuse others of witchcraft as a way of exerting a sort of social censorship. Thus they had the power to exclude other women from society if they did not fit into the community.

The more technical aspects of witch-hunting in 1649-50 are also discussed in chapters two and three. Legally, all accusations had to go to the Privy Council in order to obtain a commission to try witches. However, in 1649-50, the Committee of Estates and the Parliament were the institutions responsible for granting commissions to try witches. Chapter two clarifies the involvement of the Committee of Estates in the 1649-50 witch-hunt while discussing the political developments following the failure of the Engagement and places the granting of witchcraft commissions within the complex committee framework of the Covenanting regime. Chapter three also discusses the commissions granted by the Committee of Estates within the chronology of the 1649-50 hunt as a whole.

This thesis is divided into two parts. The first part discusses the nature of the political and constitutional framework for prosecuting suspected witches at the central institutional level. It takes into consideration the volatile political and religious landscape of 1649-50 and the deteriorating relations between the radical regime and Cromwell. Section one of the thesis discusses the response of the central authorities to demands for commissions to try witches firmly within this context. The second part of this thesis is a case study of the witch-hunt in the synod of Lothian and Tweeddale. This area was the focal point of over 50% of prosecutions in 1649-50. Section two questions the “national” nature of the 1649-50 witch-hunt. This section also provides the opportunity for a qualitative analysis of the witch-hunt “from below”.

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<sup>56</sup> L. Martin, “The Devil and the domestic: witchcraft, quarrels and women’s work in Scotland” in Goodare, *Scottish Witch-hunt in Context* pp.73-90.

**Section One: The 1649-50 witch-hunt and  
the central institutions**

## **Chapter Two: The central authorities and the 1649-50 witch-hunt**

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The seizure of power by a group of western radicals in September 1648 following the failure of the Engagement saw the establishment of a regime concerned by godliness and the purging of immorality and ungodliness from every level of society. Once the radical regime was established with the backing of Cromwell it set about removing those who had supported the Engagement. The regime that established itself in September 1648 has been referred to as both the Kirk party regime and the radical regime. David Stevenson first named the regime as the Kirk party regime as a sign of how the regime was “dependent on the support of the ministers”.<sup>1</sup> However, John Young has challenged the view of the regime as being “subservient” to the Kirk and contends that a “corpus of Covenanting radicalism” was in existence in 1649 and operated through membership on the various parliamentary committees and through lay membership of the General Assembly and Commission of the Kirk.<sup>2</sup> The new regime was “composed and sustained by the godly”<sup>3</sup> and pursued radical and godly policies. The revolution also decentralised power and returned a degree of autonomy to the localities. This was achieved mainly through the establishment of shire committees in charge of raising funds and troops in the localities. The removal of Bishops from the Kirk also meant that the presbyteries were able to meet freely and without sanction and the presbyteries evolved into an effective local unit which oversaw issues of law and order and was responsible for ensuring that members of the local community adhered to the covenants.

The new regime was also socially radical in that aristocratic representation in Parliament after the failure of the Engagement declined – in January 1649 only 16 nobles took their seats in Parliament whereas 56 took seats in the Engagement

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<sup>1</sup> Stevenson, *Revolution and Counter-revolution* p.111.

<sup>2</sup> J. R. Young, “Scottish Covenanting Radicalism, the Commission of the Kirk and the Establishment of the Parliamentary Radical Regime of 1648-1649” in *Records of the Scottish Church History Society*, 25 (1995) pp.342-375 at p.374.

<sup>3</sup> K. M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603-1715* (London, 1992) p.132.

Parliament.<sup>4</sup> Young claims that the decline in the number of nobles who were present in Parliament between the Engagement Parliament and 1649 was an indication that the “establishment of the radical regime constituted an anti-aristocratic reaction against the nobility who had been at the forefront of the Engagement”,<sup>5</sup> whilst Brown contends that at this point “Scotland teetered on the edge of political and social revolution”.<sup>6</sup> The exclusion of many nobles under the terms of the act of classes and the exclusion of many gentry and burgess members of Parliament led to the election of men “who would not previously have been regarded as suitable to sit in Parliament” and who were “more open than their predecessors to domination by the ministers”.<sup>7</sup>

Christina Lerner notes that a “new ideology” of “moral cleansing” often accompanied the formation of a new regime, which “demonstrates its effectiveness”.<sup>8</sup> This was especially true in the case of the radical regime that ruled in Scotland from 1648 to 1650. The radicals believed that Scotland was experiencing a second reformation and pursued an agenda of moral reform.<sup>9</sup> Witchcraft was seen as the ultimate act of immorality as it involved the witch renouncing her baptism and entering into a pact with the devil. During the 1649-50 witch-hunt the concept of entering into a pact or covenant with the devil was made all the more sinister as it represented a private betrayal of the covenant, a contract made between the Scottish people and God in 1638. Thus a witch not only betrayed the personal contract between herself and God but also the public covenant between the nation and God. In 1649-50 many charged of witchcraft noted that the suspected witch had entered into a “covenant” with the Devil as opposed to the more conventional “pact”. The main features of the pact, for example renouncing of baptism, receiving the devil’s mark and a new name, and consummation of the pact, remained key features in

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<sup>4</sup> Ibid, p.132; Stevenson, *Revolution and Counter-revolution* p.109; Young, *The Scottish Parliament* p.217.

<sup>5</sup> Ibid, p.217.

<sup>6</sup> Brown, *Kingdom or Province?* p.132.

<sup>7</sup> Stevenson, *Revolution and Counter-revolution* pp.113-114.

<sup>8</sup> Lerner, *Enemies of God* p.58.

<sup>9</sup> Brown, *Kingdom or Province?* p.133.

confessions. However, the substitution of the term “covenant” for “pact” in cases from 1649-50 is not to be taken lightly. The radical regime was especially sensitive to this concept as it was formed against the Engagement, which was seen as a public betrayal of the covenants. The radical regime considered itself to be a godly regime and attempted to build a godly commonwealth, and one of the ways in which it tried to do this was by cleansing society of witches.<sup>10</sup> According to Lerner, 1649 was a year for a “moral crusade, for it was necessary to demonstrate that the state was a covenanted state”.<sup>11</sup> The regime demonstrated its godliness by repeated purging of sinners and those who had betrayed the covenants by supporting the Engagement. The regime also responded to increasing pressure from the Kirk throughout the 1640s for legislation against immoral behaviour, and against witchcraft, the most ungodly form of behaviour conceivable at that time.

The radical regime demonstrated that it was a godly regime in a number of ways. First was the removal of the ungodly from offices of state, government and the army. The Act of Classes, passed on 23 January 1649, was used to purge those who supported the Engagement from political life. Five “classes” of so called malignants, or supporters of the Engagement were to be punished or barred from office according to the severity of their offence. The first class was to consist of “leading” Engagers such as those in public office or officers who fought on behalf of the Engagement.<sup>12</sup> The second class consisted of Engagers who “had been employed on parliamentary committees”, the third class was comprised of those who had been classed as “malignant” previously for supporting Montrose’s rebellion who had “relapsed”, the fourth class was those who “eagerly promoted the Engagement” and also included office holders who had committed moral offences and the fifth class included those who had been involved in raising troops to prepare for the invasion of England in support of the Engagement.<sup>13</sup> The purging of Engagers under the Act of Classes

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<sup>10</sup> See Levack, *Witch-Hunt in Early Modern Europe* p.112 for a discussion of the role played by witch-hunting in the creation of a godly state.

<sup>11</sup> Lerner, *Enemies of God* p.74.

<sup>12</sup> J. R. Young, *The Scottish Parliament* p.220.

<sup>13</sup> *Ibid*, p.220, and Stevenson, *Revolution and Counter-revolution* p.109.

weakened aristocratic representation in Parliament and when the first session of the second triennial Parliament opened on 4 January 1649 only 16 nobles were present.<sup>14</sup>

The way in which the radical regime demonstrated its godliness was not confined to politics. The radical regime pursued a radical agenda in terms of political and social policy including a renewed attack on sin and immoral behaviour. During the first few months of 1649 twelve acts concerning morality were passed by Parliament including acts against fornication, adultery, incest, blasphemy, drunkenness, swearing and profanity, and witchcraft. These acts signified a renewal of the legislation of moral reform enacted at the Reformation and an attempt to create a godly society. An integral part of creating a godly society was the eradication of witchcraft. The years 1649-50 witnessed intense witch-hunting in Scotland, mainly concentrated in the Lothians, Borders and Fife regions. Christina Larner notes that the 1649 witch-hunt had an “ideological source in that this was a period when the Covenanting party had a stronger hold on central government than at any other time” and that “the importance of demonstrating control both in terms of belief and behaviour was paramount”.<sup>15</sup> The radical regime faced pressure from the Kirk and moved towards a change in the witchcraft legislation in 1649 to include charmers in the act against witchcraft. The 1649-50 witch-hunt also saw a departure from the existing procedure for prosecuting witches. The Privy Council was normally the institution responsible for granting commissions to try witches, but in 1649 the council existed in a severely weakened state and Parliament, and during its recess the Committee of Estates, took over the administration of the witch-hunting process in 1649. Indeed, the vast majority of Privy Councillors were also members of the Committee of Estates. The 1649-50 witch-hunt came in two waves. The first phase lasted from May to December 1649 and the second from March to July 1650. This first wave of accusations reflects the renewed zeal for moral cleansing in the wake of a more general panic over the state of the morality of the kingdom and the need for a display of strength of the new regime. This is also reflected in clear form of procedure

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<sup>14</sup> Brown, *Kingdom or Province?* p.132. See also Young, *The Scottish Parliament*, p. 217 and Stevenson, *Revolution and Counter Revolution*, p.109.

<sup>15</sup> Larner, *Enemies of God* p.198.



for processing witches in 1649 and an attempt to co-ordinate the witch-hunt at the central level. The second phase of accusations from March to July 1650 was not as co-ordinated at the first phase of the witch-hunt in 1649. The lack of record keeping for commissions granted during this phase of the witch-hunt reflects how the radical regime was diverted from focussing on witch-hunting by external events such as preparing the country to defend against invasion by Cromwell's forces.

This chapter takes a "top-down" approach to the 1649-50 witch-hunt for a number of reasons. First, an examination of the central records for 1649-50 provides an overview of the chronology and geographical distribution of the 1649-50 witch-hunt. Due to the nature of trial procedure for suspected witches in Scotland – a commission had to be granted by the central authorities for the trial of a witch – a pattern of when and where significant concentration of cases occurred can be established. The adoption of a top-down approach also allows for an examination of the attempts to change the witchcraft legislation in 1649 and the activities of the Commission of the Kirk in pressuring Parliament for changes to the existing legislation. It also allows for an examination of the witch-hunt within the context of a more general crackdown on immoral behaviour and how important the eradication of witchcraft was to the radical regime. David Stevenson states that the 1649-50 witch-hunt was "undoubtedly to some extent inspired from above" and had its "origins in the determination of the kirk party to suppress all forms of sin and evil".<sup>16</sup> This certainly seems to have been the case. It also allows for an examination of the interaction between the various institutions involved in the prosecution process and an examination of how the interaction between these institutions served to control and slow down the intensity of the witch-hunt in 1649-50. This can be seen in the establishment of sub committees for granting commissions and repeated attempts to establish set procedure for prosecuting witches. It is also apparent that cases were viewed on individual merit in 1649-50. There was also indication that the central authorities were concerned over how suspected witches were being treated in 1649-50, when on 7 August, the final day of the session, Parliament ruled that the shire

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<sup>16</sup> Stevenson, *Revolution and Counter-revolution* p.120.

committees of war were to investigate the use of torture on suspected witches in the localities.

This chapter also seeks to clarify how the central institutions interacted with each other during the 1649-50 witch-hunt through an analysis of the records of these institutions. The records of the central institutions – Parliament, Privy Council, Committee of Estates and the Justiciary court – are integral for understanding witch-hunting in early modern Scotland. Previous studies of witch-hunting throughout the sixteenth and seventeenth centuries have utilised these sources, especially the records of the Privy Council, to gain information on individual cases and the overall pattern of witch-hunting in early modern Scotland. For 1649-50, the records of Parliament and the Committee of Estates are the most relevant sources as the Privy Council had been politically sidelined in favour of political domination by the three estates of Parliament. These records have been examined within the context of the wider Scottish witch-hunt but a full analysis of the records in the context of 1649-50 has not been attempted. This chapter will offer a full analysis of these records, taking into account the membership of Parliament and the Committee of Estates, the chronology of the sessions, and an examination of the interaction between Parliament and the committee in response to the outbreak of witch-hunting. The response of Parliament to pressure from the governing body of the Church of Scotland, the General Assembly, and the Commission of the Kirk to facilitate changes to existing witchcraft legislation and existing procedure for prosecuting suspected witches will also be discussed.

### *Changes to witchcraft legislation throughout the 1640s*

Throughout the 1640s a number of acts against immoral behaviour were passed in an attempt to create a morally pure society, which the Covenanters hoped would be established following the signing of the National Covenant and a

reformation of manners in accordance with it.<sup>17</sup> The radical regime established in September 1648 was concerned that Scottish society was not godly enough, and there was a belief that the military defeats and outbreaks of plague throughout the past decade were punishments from God on an ungodly kingdom and therefore attempted to reform behaviour by renewing existing legislation against sin and immoral behaviour.<sup>18</sup> During the first few months of 1649 twelve acts concerning morality were passed by Parliament, signifying “a narrowing of religious vision” which led to “more intense moral policing” under the radical regime<sup>19</sup> - including an act against “the horrible cryme of Blasphemy” passed on 17 February 1649, which stated that any person of sound mind who was found guilty of blasphemy was to be put to death.<sup>20</sup> Other acts passed at this time included an act against fornication, passed on 1 February 1649; an act against the “severall degrees of casuall homicide”, an act against swearing, drunkenness and “other prophanities”, an act against clandestine marriages and acts against working on a Sunday were passed on 13 February 1649; an act concerning the poor was passed on 1 March 1649; acts against worshippers of false gods and against children who beat or cursed their parents were passed on 3 March 1649 and an act against incest was passed on 9 July 1649. These acts signify a renewal of the legislation of moral reform enacted at the Reformation. The radical regime was in a state of “moral panic” over the perceived increase of sin and immoral behaviour throughout the land and it seemed that Scottish society was full of witches, immorality, sin and wickedness. However, David Stevenson quite rightly suggests that the kingdom was no more sinful than it had been, rather that the “detection rate”, fuelled by the new zeal for moral cleansing, was higher than it had ever been.<sup>21</sup>

As witchcraft was seen as the ultimate crime, a complete inversion and rejection of godliness, an act concerning witchcraft was included in this legislation on 1 February 1649 – the “act aganst consulters with Devils and familiar Spirits and aganst Witches and Consulters with them”. This act claimed to address the problem

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<sup>17</sup> Ibid, p.118.

<sup>18</sup> Ibid p.118.

<sup>19</sup> Brown, *Kingdom or Province?* p.133.

<sup>20</sup> *APS VI II* p.208.

<sup>21</sup> Stevenson, *Revolution and Counter-Revolution* p.118.

of consulting with known witches and devils and familiar spirits, because some people “Doe yet Dreame to themselffis because Consulters are not expresslie mentionat in the said act” to be exempted from the punishment recommended by the original witchcraft act of 1563, and clarified that such people were to be subject to the penalty of death.<sup>22</sup> However, the original act of 1563 stated that

na persoun seik ony help response or consultation at ony sic vsaris  
or abusaris foirsaidis of Witchcrafts Sorsarie or Necromancie vnder  
the paine of deid alsweill to be execute aganis the vsar abusar as  
the seikar of the response or consultatioun<sup>23</sup>

The original act did state that consulters of witches were to be punished by death, as well as the witches themselves. The 1649 act sought to clarify the legal position on consulting with witches and reinforcing the message that consulters were also subject to the death penalty which was undoubtedly an attempt to discourage people from consulting with reputed witches and charmers. It may also have been an attempt to reinforce the terms of the original act. The 1649 act may also have implicitly been targeted against charmers as consulters of “Devils and familiar spirits”.

In Scotland there was a distinction between charming and witchcraft in the way that both offences were punished. Charming was an offence punished by the church courts and can be considered as the practice of white magic, healing and so on. Charmers were particularly vulnerable to accusations of witchcraft, perhaps when a charm used had gone wrong, and the use of the charm could be interpreted as malefice.<sup>24</sup> Joyce Miller has noted that a high number of individuals who perhaps legally should have been tried for witchcraft were instead tried for the lesser offence of charming in the church courts – the standard punishment for which was public repentance, usually in the sackcloth. Charmers were usually individuals who gave cures for illness, practised counter-witchcraft, fortune telling and other acts that could be considered as “white witchcraft”.<sup>25</sup> According to Miller, the main difference

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<sup>22</sup> *APS VI II* p.152.

<sup>23</sup> *APS II* p.539. See also appendix 1.

<sup>24</sup> Miller, “Devices and directions” pp.91-92.

<sup>25</sup> *Ibid* p.93.

between charmers and witches was the way in which they were labelled. Charmers acknowledged and promoted themselves as charmers, while on the other hand witches were labelled as such by their accusers or other witches who named them in confessions.<sup>26</sup> Under the terms of the 1563 act charmers should technically have been punished as witches because the act included people who put themselves forward to have knowledge of sorcery. Also, as charmers were known to consult with familiars for guidance. The distinction seems to have been made at the presbytery or kirk session level, as charming cases were only referred to the central authorities to obtain commissions for trial when the charmer in question was formally accused of witchcraft either by local witnesses or named by a confessing witch. An example of this can be seen in Lanark in 1644. A small hunt broke out there after Mr James Douglas, the minister at Carnwath, received a letter from the minister at Calder claiming that Helen Stewart, a confessing witch, had named a number of parishioners in Carnwath as witches. Four women were eventually executed – Katherine Shaw, Margaret Watson, Jean Lachlan and Margaret Reid. The presbytery book shows that Katherine Shaw was ordered to be apprehended on the same day that Jean Lachlan and Margaret Reid appeared before the presbytery for two separate incidents of charming.<sup>27</sup> Jean Lachlan and Margaret Reid were apprehended for witchcraft two weeks later after Katherine Shaw had formally accused Lachlan and Reid of witchcraft after her interrogation by members of the presbytery who may have had Lachlan and Reid in mind during the interrogation.<sup>28</sup> Both women were subsequently tried by a commission granted by the Privy Council and were sentenced to be executed on 2 January 1645.<sup>29</sup>

Throughout the 1640s the Kirk was on a crusade against immoral and superstitious behaviour and there was attempt to change the attitude toward charmers at the parish level during the 1640s. The General Assembly reminded ministers in 1640 and again in 1642 to enforce legislation against charmers and witches and to

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<sup>26</sup> Ibid p.93. See also Lerner, *Enemies of God* pp.91-103.

<sup>27</sup> J. Robertson, (ed), *Ecclesiastical Records of the Presbytery of Lanark 1623-1709* (Edinburgh, 1889) p.36.

<sup>28</sup> Ibid p.36.

<sup>29</sup> *RPCS II VII* p.41.

preach against them “seeing that the practice of witchcraft and charming comes from ignorance”.<sup>30</sup> On 19 August 1643 the General Assembly advised ministers once more how to deal with witches and charmers in a list of “overtures anent Witch-craft and Charming etc”, which stated that “because charming is a sort and degree of witchcraft, and too ordinary in the Land, it would be enjoined to all Ministers to take particular notice of them, to search them out, and such as consult with them”.<sup>31</sup> It would appear that the presbyteries took notice of this advice – on 24 April 1644 the presbytery of Linlithgow “finding that the use of charming is ovir frequent within our presbiterie” resolved to ask the synod of Lothian and Tweeddale for advice how to deal with charmers, further stating that “they feir it [charming] to be els whair”.<sup>32</sup> On 24 November 1646 the Commission of the Kirk presented a list of overtures to Parliament that included a request that the original witchcraft act “be enlarged and extended to charmers” because the original act did not “expresse” against the “sinne” of charming “which the rude and ignorant ar much addicted unto”.<sup>33</sup> Thus, both the General Assembly and the Commission of the Kirk pressured Parliament for the witchcraft act to be amended to include charmers. The 1649 act did not specifically mention charmers. However, it did mention “consulters with Devils and familiar spirits”. This could be interpreted as being targeted against charmers who were known to consult with spirits for guidance.

Charmers and healers were open about their practice and labelled themselves as practitioners and would typically be the types of people who would be consulted on magical matters, including the practice of counter magic. The concept of the offence of charming did not include the notion of a pact made with the Devil. These were the types of people who were viewed as dangerous by the church authorities because their practice was viewed as superstitious and unnatural in the sense that they

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<sup>30</sup> *Acts of the General Assembly of the Church of Scotland 1638-1842* (Edinburgh, 1843) pp.44, 64.

<sup>31</sup> A. Peterkin, *Records of the Kirk of Scotland, containing the acts and proceedings of the General Assemblies 1638-1649* (Edinburgh, 1843) p.354.

<sup>32</sup> CH2/242/3 The Presbytery of Linlithgow Volume III 1639-1653, p.147.

<sup>33</sup> A.F. Mitchell and J. Christie (eds) *The Records of the Commissions of the General Assemblies of the Church of Scotland 1646-1647* (Edinburgh, 1892) p.123.

had power that did not come from God.<sup>34</sup> Rituals, spells and divinations with their reliance on spoken words and physical objects such as charms and wells, meant that they were labelled idolatrous by what Stuart Clark has called “pastoral demonologists”, or ministers who were charged with enforcing the Reformation at a ground level, or in the case of 1649, radical ministers and elders at the front line of a daily war against sin and wickedness.

The use of charms could also have been interpreted as an expression of a popular form of Christianity, which was not in accordance with the covenanted form of Presbyterianism promoted by the covenants. The General Assembly passed an act against the celebration of “superstitious days” such as saints’ feasts and Yule in 1645 and banned people from visiting wells and other superstitious places where charms could be performed or possible behaviour that could be interpreted as witchcraft.<sup>35</sup> Clark argues that as well as the malevolent witch who was in league with the devil and who put mysterious illnesses on to livestock and crops, the reformers were concerned with “popular magic” and customs that “existed outside or along the borders of official religion”.<sup>36</sup> Throughout the 1640s and in 1649 in particular there was a belief that the country was experiencing a second Reformation and there was a particular need for uniformity in religion, not only within Scotland but also within the wider context of the British Isles. The underlying concept of Reformed discipline was to create a society that understood and lived in accordance with scripture, and the continuing practice of folk superstition was at odds with this doctrine. By legislating against “consulters of devils and familiar spirits” and “witches and consulters with them”, the statute was amended in a way that could be interpreted as including charmers. Thus, the 1649 act, whilst reinforcing the existing legislative position on those who consulted witches, may be interpreted as a move towards legislating against the practice of charming. This move, whilst attempting to clarify the punishments for these types of crime, also sought in a way to redefine the offence of

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<sup>34</sup> See S. Clark, “Protestant Demonology: Sin, Superstition, and Society, c.1520-c.1630” in B. P. Levack (ed), *New Perspectives on Witchcraft, Magic and Demonology, Volume One: Demonology, Religion and Witchcraft* (London, 2001) pp. 45-81. Also Clark, *Thinking With Demons*.

<sup>35</sup> *Acts of the General Assembly*, pp.128-129.

<sup>36</sup> Clark, “Protestant Demonology: Sin, Superstition, and Society”, p.62.

witchcraft as including charming alongside a reform of the way in which suspected witches were prosecuted.

As the moves toward redefining what acts could be considered as witchcraft were long term, the Covenanted regime throughout the 1640s attempted to establish a more constant method of prosecuting suspected witches. On 23 July 1644 Parliament moved toward a change in witch-hunting procedure by approving the “ordour tane be the commissionares of the Generall Assembly for apprehending trying and executing of witches and punishing of Charmers and consulters” and ordered that a “consultation” be held between lawyers, ministers and physicians “anent ane constant course for apprehending and tryall of witches”, which again demonstrates how the Commission of the Kirk was instrumental in representing the concerns the Kirk had about witchcraft to Parliament.<sup>37</sup> Parliament also ordered that the Privy Council was to continue to issue commissions to try and execute suspected witches “According to ther formar custome” as an interim measure until a more permanent solution to the problem was suggested by the consultation.<sup>38</sup> This is further evidence of interaction and co-operation between the ruling institutions in co-ordinating the witch-hunt at the central level in 1649-50. This was achieved in part due to common membership between many of the key committees and institutions, which meant there was continuity in terms of personnel discussing cases of witchcraft in the different institutions. For example, in 1649 and 1650, all nine members of the Privy Council were also members of the Committee of Estates.<sup>39</sup> There is no further mention of any consultation in either the parliamentary or church records, but a conference between lawyers, physicians and ministers was appointed on 6 August 1649 by the General Assembly. The conference was to report to the Commission for Public Affairs, the “body through which a minority controlled the Kirk”,<sup>40</sup> which was appointed on 4 August 1649 for the “preservation of the Established Doctrine,

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<sup>37</sup> *APS VII II* p.198.

<sup>38</sup> *Ibid* p.198. This was in response to the small panic of 1643-44, which was concentrated in Fife and the Lothians with smaller outbreaks in the central belt, for example the cases in Lanark mentioned above.

<sup>39</sup> Young, *The Scottish Parliament*, p226 and 241n.

<sup>40</sup> Stevenson, *Revolution and Counter-revolution* p.194.



Discipline, Worship and Government of this Kirk, against all who shall endeavor to introduce any thing contrarie thereunto” and for “bringing the world of uniformitie in Religion in all his Majesties dominions to a happy conclusion”.<sup>41</sup>

Many notable ministers and lawyers were included in the commission to the conference. Ministers from parishes within the synod of Lothian and Tweeddale dominated the clerical membership of the conference. Of the 21 ministers listed, nine were from within this area.<sup>42</sup> Robert Douglas was moderator of the General Assembly in 1642, 1645, 1647, 1649 and 1651, was a member of the Westminster Assembly of Divines, became a leading Resolutioner and was one of the ministers who preached at the coronation of Charles II in 1651.<sup>43</sup> At the Restoration he was offered the position of Bishop of Edinburgh but he refused to convert to Episcopacy and was deprived of his ministry but was admitted to Pencaitland parish in 1669 as one of the “indulged” ministers.<sup>44</sup> He had previously been second charge at Kirkcaldy parish until he transferred to St Giles parish in Edinburgh in 1638. He transferred to Tolbooth parish in Edinburgh in 1641 and transferred back to St Giles in 1649.<sup>45</sup> Robert Traill was minister at Old Greyfriars parish in Edinburgh from 1649 to 1660. He also preached at the coronation of Charles II. He was charged with treason in 1660.<sup>46</sup> Mungo Law was minister at Old Greyfriars parish in Edinburgh from 1644 to 1650. He was previously minister at Dysart parish in Fife.<sup>47</sup> James Hamilton was minister at Old Kirk parish in Edinburgh from 1647 to 1662 when he was deprived for not conforming to Episcopacy. He was previously minister at Dumfries parish.<sup>48</sup> John Smith was minister at Trinity parish in Edinburgh from 1648 to 1662 when he was deprived for not conforming to Episcopacy. He was previously minister at

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<sup>41</sup> Peterkin, *Records of the Kirk* p.550.

<sup>42</sup> The nine ministers were: Robert Douglas, Robert Traill, Mungo Law, James Hamilton, John Smith, George Leslie, David Calderwood, Robert Ker, and Ephraim Melville. Biographical information on ministers taken from H. Scott (ed) *Fasti ecclesiae Scoticae: the succession of ministers in the parish churches of Scotland from the Reformation, A.D. 1560, to the present time Volume I Synod of Lothian and Tweeddale* (Edinburgh, 1914).

<sup>43</sup> Ibid, p.385.

<sup>44</sup> Ibid, pp.385-386.

<sup>45</sup> Ibid, pp.59, 64, 118, 385

<sup>46</sup> Ibid, p.38.

<sup>47</sup> Ibid, p.45.

<sup>48</sup> Ibid, p.74

Burntisland in Fife.<sup>49</sup> George Leslie was minister at Canongate parish in Edinburgh from 1646 until his death in 1656.<sup>50</sup> David Calderwood was minister at Pencaitland parish in East Lothian from 1641 until his death in 1650 and was author of many works including *The History of the Kirk of Scotland*.<sup>51</sup> Robert Ker was minister at Haddington parish in East Lothian from 1647 until his death in 1677 even though he did not conform to Episcopacy at the Restoration.<sup>52</sup> On 22 July 1649 he was sent to the parish of North Berwick to assist the elders in the re-interrogation of Margaret Hamilton and witnesses in her case on account that the present minister of North Berwick, Henry Aitkenhead, had died in March 1649 and the parish had no minister until Archibald Turner was appointed in December 1649.<sup>53</sup> Ephraim Melville was minister of Queensferry parish from 1641 to 1649, after which he transferred to Linlithgow parish in January 1650.<sup>54</sup> He has been described as a “zealous prosecutor of witches” and adhered to the Protesters after the split in the Kirk in 1651.<sup>55</sup> Thirteen of these ministers were also members of the Committee for Public Affairs,<sup>56</sup> as were Sir Archibald Johnston of Wariston, Clerk Register and Alexander Colville of Blair, one of the justice deputes – who were also members of the Committee of Estates and who were both members of the sub-committee of the Committee of Estates, and Colville was also a member of the parliamentary committee on witches.

The inclusion of prominent ministers on the commission to the conference suggests that the issue of the apprehension and punishment of witches was given a high priority at this time. The timing of the creation of this conference also reflects concern at the incidence of witchcraft throughout the country. The number of supplications for commissions to try witches increased throughout July and August of 1649. The Committee of Estates continued to grant commissions for the trial of

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<sup>49</sup> Ibid, p.132.

<sup>50</sup> Ibid, p.24.

<sup>51</sup> Ibid, p.384.

<sup>52</sup> Ibid, p.369.

<sup>53</sup> See *ibid*, pp.369, 380 and CH2/185/6 Presbytery of Haddington 1648-1661 p.68.

<sup>54</sup> *Fasti Ecclesiae Scoticae* pp. 215, 225.

<sup>55</sup> *Ibid*, pp.215, 225.

<sup>56</sup> The 13 ministers were: Robert Blair, James Hamilton, John Smith, James Guthrie, Andrew Cant, John Moncreiff, Frederick Carmichael, James Durhame, Patrick Gillespie, Ephraim Melville, Samuel Rutherford, James Wood and John Livingston.

witches during the parliamentary recess from 7 August to 7 March 1650 and again from 8 March to 15 May 1650. Parliament was concerned by the treatment of suspected witches at this stage in the hunt and passed an “act and warrant for the tryall of the torture of witches” was passed on 7 August 1649, the last day of the third session of the second triennial Parliament, which ordered the shire committees of war to examine whether any suspected or confessing witches had been tortured, and to report either to Parliament or to the Committee of Estates “before executione be done vpon them”.<sup>57</sup> This expression of concern over the use of torture further reflects the necessity of following the correct procedure for prosecuting witches in 1649-50. The appointment of the shire committees to investigate the use of torture in local cases is evidence that the central authorities wanted to know exactly what was going on in the localities. Whether or not this was successful and the central authorities had an accurate picture of what was going on in the localities was another matter of course. And it is interesting to note that some of the commissioners appointed on the trials of suspected witches were also on the local shire committees of war.

This evidence suggests that the radical regime moved towards changes to the legislation on witchcraft during the panic of 1649. It also reflects how the Kirk was in a general moral panic over the prevalence of sin, which led to a more precise focus on witchcraft. The co-ordination of the witch-hunt at the central level from May 1649 onwards reflects a shift from a panic over witchcraft at the central level to active witch-hunting in the localities, which was brought to an end by the Cromwellian invasion. When the parliamentary session drew to a close on 7 August 1649 the Committee of Estates that had been appointed on 7 August took over the administration of the witch-hunt. This was unusual because the Privy Council normally had control over the granting of commissions to try witches. However, due to the weakening of the powers of the Privy Council under the constitutional

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<sup>57</sup> *APS VII II* p.538. The Survey of Scottish Witchcraft database incorrectly notes this as an act and warrant for the use of torture against suspected witches, but the act quite clearly states that the shire committees of war were to try if torture had been used against any suspects – see Goodare et al, *Survey of Scottish Witchcraft*. The entry also incorrectly gives 3/1649 for the date the act was passed. There is no surviving evidence that the shire committees reported either to Parliament or to the Committee of Estates.

settlement of 1640-41 and the increased powers of Parliament and its committees, by 1649 the Privy Council had been sidelined in the governing of the country in favour of the Committee of Estates during the parliamentary recess, and a knock on effect of this was a change in the procedure of witch-hunting in 1649-50.

### *Procedure for witch-hunting in the 1640s and the role played by the Committee of Estates in 1649-50*

Throughout the 1640s the covenanting regime faced increasing pressure from the Kirk for changes in the legislation against witchcraft. The central authorities were also under pressure from the General Assembly and Commission of the Kirk for changes in the procedure for dealing with suspected witches. The 1649-50 witch-hunt marked a change in procedure for granting commissions to try witches. During previous years, the majority of witchcraft cases were tried either by local commissions of Justiciary granted by the Privy Council or at the central Justiciary court. However, by 1649 the Privy Council was in a weakened state and so by the time the 1649 witch-hunt got underway it was left to Parliament, and during its intervals the Committee of Estates, to deal with the requests from the localities for commissions to try witches. By the spring of 1650 the Committee of Estates was concerned with the more pressing matters of negotiating with Charles II, a royalist rising led by Montrose and a breakdown in relations with Cromwell and the English Parliament, and so delegated the granting of commissions to a sub-committee which was to continue until Parliament came up with a more permanent solution. Parliament's solution was to create another committee on witches (which replaced the Committee of Estates sub-committee) to consider witchcraft cases and to consider a more permanent method for dealing with witches. Larner argued that the creation of the parliamentary committee in May 1650 represented a desire to improve the existing procedure, which was "random" in nature.<sup>58</sup> Both the General Assembly and Commission of the Kirk throughout the 1640s raised concerns about existing

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<sup>58</sup> Larner, *Enemies of God*, p.75.

procedure. The methods adopted by the central authorities for dealing with the outbreak of witch-hunting in 1649-50 appeared to mark something of a departure from existing procedure. However, as will be discussed in this section, the way the central authorities attempted to deal with the outbreak of witch-hunting in 1649-50 reflects a more long-term trend of dealing with large-scale witch-hunts and a more deep-rooted concern over existing procedure, which extends further back than 1649. This indicates that the central authorities' "volatility and readiness to panic"<sup>59</sup> over witchcraft could result in an inability to cope with the demand for witchcraft commissions, which resulted in a need to make temporary measures to deal with the problems, especially in times when more general political or diplomatic crises occurred.

When the original act against witchcraft was enacted in 1563 it established that those suspected of witchcraft were to be tried by "the Justice Schireffis Stewartis Baillies Lordis of Regalities and Rialteis thair Deputes and vthers Ordinar Jugeis competent within this Realme".<sup>60</sup> According to Christina Larner, the act was passed during a period (1560-1563) in which there was a "power vacuum in the area of social control" which resulted in the secularisation of the punishment of those offences that had previously been dealt with by the old church courts, including witchcraft.<sup>61</sup> Julian Goodare states that the Privy Council "gradually established monopoly control"<sup>62</sup> over the granting of commissions to try witches. In these commissions the suspected witch would be tried either by the central Justiciary court in Edinburgh or by a local commission of Justiciary in which certain local officials were named as having the power to try the suspected witch in her locality,<sup>63</sup> rather than by "autonomous" trials held in the local courts.<sup>64</sup> Indeed, Larner tells us that

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<sup>59</sup> Goodare "Witch-hunting and the Scottish state" in Goodare, *Scottish Witch-hunt in Context* pp.122-145 at p.136.

<sup>60</sup> See appendix 1.

<sup>61</sup> Larner, *Enemies of God* p.66

<sup>62</sup> Goodare, "Witch-hunting and the Scottish state" p.128

<sup>63</sup> J. Goodare, "The framework for Scottish witch-hunting in the 1590s" p.241

<sup>64</sup> Goodare, "Witch-hunting and the Scottish state" p.130

after 1597 it was “illegal” to try a witch in a manner other than at the Justiciary court or by a commission of Justiciary granted by either the Privy Council or Parliament.<sup>65</sup>

Although the witchcraft act was passed in 1563, the first major outbreak of witch-hunting in Scotland did not take place until 1590. This witch-hunt centred around the political trial of a group of witches from North Berwick who were charged with conspiring to kill James VI through the use of witchcraft. Lerner originally claimed in *Enemies of God* that the period 1590-97 “may have been the most extensive general witch-hunt of the whole period of witchcraft prosecutions” in Scotland mainly due to her interpretation of an order passed by the Privy Council on 26 October 1591.<sup>66</sup> Lerner interpreted this order as a “general commission” to a group of six officials in Edinburgh to “examine all cases of witchcraft pending ... and that heireftir salbe accused and dilatit”, and concluded that it provided a “license for an indiscriminate witch-hunt”.<sup>67</sup> She then stated that James VI revoked the standing commission in August 1597 and placed the granting of commissions back under the control of the Privy Council, which brought the 1597 witch-hunt to an end.<sup>68</sup> However, Julian Goodare has recently shown that the Privy Council order of 26 October 1591 was not the “general commission” that Lerner had interpreted.<sup>69</sup> Goodare notes that at that particular time the Privy Council “was experimenting with sub-committees” with “mixed membership of councillors and non-councillors” and that the appointment of the committee of 26 October was in direct response to the implication of the Earl of Bothwell in the testimonies of the North Berwick witches.<sup>70</sup> Six individuals were appointed to the committee – two ministers, the lord advocate, a justice clerk and the former and present provosts of Edinburgh – and were to consider the confessions of and evidence against suspected witches, and to report back to the Privy Council.<sup>71</sup>

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<sup>65</sup> Lerner, *Enemies of God* p.62

<sup>66</sup> Ibid, pp.69-72

<sup>67</sup> Ibid, p.70

<sup>68</sup> Ibid, p.71

<sup>69</sup> Goodare, “The framework for Scottish witch-hunting in the 1590s” pp.240-250

<sup>70</sup> Ibid, pp.240-243

<sup>71</sup> Ibid, p.242

This committee was similar to both the sub-committee of the Committee of Estates established in April 1650 and the parliamentary committee on witches appointed in May 1650 in that the consideration of witchcraft cases that occurred toward the end of a national hunt was delegated to a number of officials who were then to report back to the main institution before commissions for the trial of the suspected witches would be granted. Goodare states that because the 1591 committee was ordered to report back to the Council that it did not have the power to grant commissions for the trial of witches. However, it is possible that the 1591 committee had more power than Goodare assumes it did, in that it controlled what evidence the Council got to hear and the committee was possibly responsible for granting commissions in reality where the Council was only nominally responsible. This was also the case in 1650 when both committees were ordered to report back to the Committee of Estates and Parliament respectively who then had the responsibility of granting commissions to try witches based on the information presented by the committees.

Goodare also states that it is difficult to establish exactly what was the purpose of the 1591 committee because “no positive evidence survives that it did anything at all”, that “it had no role in establishing a new framework for witch-hunting” and was “short term in nature”.<sup>72</sup> This could also be said of the two committees established in 1650, as only the warrants for their creation survive and there is no information as to the activities of the two committees in the records of the Committee of Estates or Parliament except references as to when the parliamentary committee was to meet. However, it can be inferred from local records that the two committees established in 1650 did perform in a meaningful capacity in 1650 in terms of vetting the information the Committee of Estates and Parliament got to hear, and were thus in control of granting commissions for the trial of witches in April and May 1650. What the 1591 committee and both of the 1650 committees represented were

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<sup>72</sup> Ibid, p.244

short term solutions to the increased demand for commissions to try witches while the attention of the central authorities was diverted by more immediate concerns.

Whereas Lerner interpreted the order of 12 August 1597 as revoking the general commission of 1591, Goodare concludes that the order “discharged” commissions that had been granted, not the dissolution of “a body that might issue commissions of Justiciary” in cases where it could be proven that the commissioners appointed for the local trial had a personal interest against the suspect as a response to “the exposure of some recent miscarriages of justice”.<sup>73</sup> Goodare then concludes “the only long-term change in the way commissions were issued came in mid-1598, when a consensus was reached that requests for commissions should normally go to the Privy Council and not to the king”.<sup>74</sup> Thus, the creation of the 1591 committee did not facilitate any long-term change in the procedure for bringing suspected witches to justice.

Michael Wasser states that there was a “lull” in prosecutions for witchcraft between the end of the 1597 hunt and the beginning of the next major hunt in 1628, and that in this period around 158 witches were tried by Privy Council commissions and the Justiciary court.<sup>75</sup> Wasser shows that the lull in witch-hunting during this period, while in line with a general decline in prosecutions on the continental mainland, was a result of attempts by the Privy Council to further centralise the witch-hunting process and the adoption of a “critical attitude” within the Privy Council towards requests from the localities for commissions for the trial of witches.<sup>76</sup> For example, he shows that the Privy Council’s response to the concerns of the Presbytery of Dalkeith in 1609 averted a general panic.<sup>77</sup> However, by 1622 the Council was “struggling to keep the lid on” pressure from the localities and that by

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<sup>73</sup> Ibid, pp.247-8. See also M. Wasser, “The Privy Council and the Witches: The Curtailment of Witchcraft Prosecutions in Scotland, 1597-1628”, *The Scottish Historical Review*, Volume LXXXII, 1:No. 213: April 2003 pp.20-46 at pp.24-27.

<sup>74</sup> Goodare, “The framework for Scottish witch-hunting in the 1590s” p.248

<sup>75</sup> Wasser, “The Privy Council and the witches” p.28

<sup>76</sup> Ibid, pp.20-21, 26, 46. See also Lerner, *Enemies of God* p.72

<sup>77</sup> Wasser, “The Privy Council and the witches” p.43



1628, the Council, “stripped of many of its lawyers” due to attempts to establish a circuit court system similar to that in operation in England, and was therefore “less cautious” than it had been previously was “overwhelmed by the surge in requests and granted a large number of commissions” and another major outbreak of witch-hunting occurred.<sup>78</sup> This witch-hunt has been linked to a more general crackdown on law and order rather than an isolated outbreak of witch-hunting.<sup>79</sup>

The next outbreak of witch-hunting occurred in 1643-44. This small-scale hunt may have been linked to a panic over charming in the localities. For example, the presbytery of Linlithgow proceeded against seven people for charming between May 1643 and July 1644 as well as a further 19 for witchcraft.<sup>80</sup> Although the presbytery distinguished between charmers and witches during this particular panic, the presbytery seemed to have been more concerned by the instances of charming than witchcraft within the presbytery because on 24 April 1644 it complained to the synod of Lothian and Tweeddale that charming seemed to be “ovir frequent within our presbuterie” and asked the synod’s advice how to deal with them.<sup>81</sup> This particular outbreak of witch-hunting did not reach the intensity of either the preceding hunt of 1628-30 or the following one of 1649-50 and it may have been stopped short by the outbreak of civil war in the wake of the Montrose rebellion. It is apparent that by July 1644, during the outbreak of witch-hunting in the localities, the central authorities recognised that there was a need for change in the system of processing witchcraft suspects at the level of central government. As discussed in the previous section, the General Assembly petitioned Parliament throughout the 1640s for changes to witchcraft legislation and procedure. Parliament had responded in July 1644 by ordering that a consultation between lawyers, ministers and physicians was to be held concerning the punishment of suspected witches, but that in the mean time

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<sup>78</sup> Ibid, pp.44, 46. Larner stated that the Privy Council “took a positive interest” in witchcraft following a rise in cases in August 1628 and issued a general order for a crackdown on “law and order”, which included that local officials take notice of suspected witches as well as other criminals. See Larner, *Enemies of God* p.72.

<sup>79</sup> Ibid, pp.72-73.

<sup>80</sup> See CH2/242/3 The Presbytery of Linlithgow pp.127, 128, 137-139, 141-148, 150-151.

<sup>81</sup> Ibid, p.147.

the Privy Council was to continue to grant commissions “According to their former custome”.<sup>82</sup> The order was meant for the order to be a temporary measure until the conference came up with a more permanent solution for dealing with witchcraft cases. The consultation was not held until August 1649 and there is no record of what was discussed. However, by the next major outbreak of witch-hunting in 1649, the Privy Council was marginalized in the process of witch-hunting in favour of Parliament and the Committee of Estates.

During the constitutional revolution of 1640-41 the powers of the King and the Privy Council were severely weakened.<sup>83</sup> The constitutional settlement of 1640-41 effectively removed political power from the King and Privy Council and placed it in the hands of the estates of Parliament and represented “the reduction of the King to a figure-head and the destruction of the royal prerogative” according to Keith Brown.<sup>84</sup> The clerical estate was “formally abolished”<sup>85</sup> and the Lords of the Articles – a committee that vetted which legislation came before the estates of Parliament – became an “optional body elected by Parliament”<sup>86</sup> and was replaced by The Committee for Bills, Committee for Revising Acts and Articles and the Committee for Pursuing Ratifications as “three separate but interlinked committees which had taken over much of the procedural and legislative functions of the Lords of the Articles”.<sup>87</sup> Privy Councillors and officers of state were required to subscribe to the National Covenant and were to be elected by and accountable to Parliament.<sup>88</sup> The

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<sup>82</sup> *APS*, VII, II p.198. No commissions to try witches were recorded in the registers of the Committee of Estates for 1643-44 so it can therefore be concluded that the committee did not grant any commissions during this particular witch-hunt. See PA11/1 Registers of the Committee of Estates, 28 August 1643-31 May 1644 and PA11/2 Registers of the Committee of Estates, 4 December 1643-23 November 1644.

<sup>83</sup> For further discussion of the constitutional settlement of 1640-41, see Young, *The Scottish Parliament* pp.19-54; Young, “The Scottish Parliament and the Covenanting Revolution: The Emergence of a Scottish Commons” in Young (ed) *Celtic Dimensions of the British Civil Wars* (Edinburgh, 1997) pp. 164-181 at pp.165-169; MacInnes, *Charles I and the Making of the Covenanting Movement 1625-1641* (Edinburgh, 1991) pp.183-207; Brown, *Kingdom or Province?* pp.120-121; D. Stevenson, *The Scottish Revolution 1637-44: Triumph of the Covenanters* 2nd Edition (Edinburgh, 2003) pp.166-182 and pp.304-309.

<sup>84</sup> Brown, *Kingdom or Province* p.121.

<sup>85</sup> *Ibid*, p.118.

<sup>86</sup> Young, *The Scottish Parliament* p.22.

<sup>87</sup> *Ibid*, p.37.

<sup>88</sup> *Ibid*, pp.37-38.

Triennial Act was passed on 6 June 1640 and legislated that Parliaments be elected and held every three years. Another act was passed on 10 June 1640 and “asserted the sovereignty of Parliament as the ultimate court of the realm”.<sup>89</sup> An “Act Constituting a Committee of Estates to sit until the next session of Parliament”, established a parliamentary “interval” committee, representative of the estates but its membership was not restricted to members of Parliament, which could act as a “provisional government” during the intervals between parliamentary sessions.<sup>90</sup> The Committee of Estates was a parliamentary interval committee that “alternated”<sup>91</sup> with Parliament. Under the terms of the constitutional settlement of 1640-41, the powers of the king and the Privy Council were severely weakened as Parliament and its committees became the most powerful institution of government in Scotland. Traditionally, the Privy Council had been the most powerful governing institution in Scotland, and ruled in the name of the king. Parliaments were held infrequently, and were convened at the discretion of the monarch. The Covenanted Revolution, which came in response to Charles I’s attempts to anglicise the Scottish church and in protest against the arbitrary and absentee monarchy of Charles I led to the constitutional settlement of 1640-41. The settlement effectively removed political power from the King and Privy Council and placed it in the hands of the three estates of Parliament: the nobility, the gentry (or shire commissioners) and the barons (or burgh commissioners) – the clerical estate had been abolished as the bishops were removed from the Kirk and a Presbyterian system reinstated. Under the terms of the constitutional settlement, Parliaments were to be elected and held every three years, and a Committee of Estates was to govern during Parliamentary intervals. Privy Councillors and Officers of State were to be elected by, and answerable to, Parliament rather than be appointed by the king. The constitutional settlement represented an increase in the power of Parliament as the most influential institution of Government in Scotland and as a consequence the Privy Council’s powers greatly decreased. As Young states:

The Privy Council had virtually ceased to function in 1640-41 and following

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<sup>89</sup> Ibid, p.22.

<sup>90</sup> Ibid, p.23.

<sup>91</sup> D. Stevenson, *The Government of Scotland Under the Covenanters 1637-1651* (Edinburgh, SHS, 1982) pxxxiv.

the formal close of Parliament on 17 November real power lay with the interval parliamentary commissions .... and not with the Privy Council.<sup>92</sup>

One of the consequences of the constitutional settlement was that when the next major outbreak of witch-hunting occurred in 1649-50, the Privy Council, further weakened by purging of royalist sympathisers under the terms of the Act of Classes passed on 23 January 1649, was in no fit state to be responsible for controlling demand for commissions to try suspected witches. The Privy Council did not meet frequently and many of the Privy Councillors who remained in position under the rule of the radical regime were also members of the Committee of Estates. As has previously been mentioned, Parliament tried in 1644 to establish a dialogue between lawyers, ministers and physicians on creating a new institutional procedure for dealing with witches. As the conference was not held until August 1649, by which time the witch-hunt was well under way, it was left to Parliament as the “ultimate court of the realm”, and during its recess the Committee of Estates, to control the witch-hunt.

The Committee of Estates, then, during the 1640s assumed the political role traditionally assumed by the Privy Council during parliamentary intervals. Membership of the committee included, but was not confined to, members of the three estates of Parliament. As well as parliamentary members, there were “supernumerary” members of the committee, often state officials such as the King’s Advocate, the Clerk Register and the Lord Chancellor, Privy Councillors, and non parliamentary members. As the Committee of Estates assumed the role played by the Privy Council, this meant that the committee was responsible for enforcing law and order as well as dealing with military affairs and taxation. In terms of law and order, this included the responsibility of granting commissions of justiciary to try suspected

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<sup>92</sup> Ibid, p.41.

witches. Despite moves to establish a new procedure for prosecuting witches, in 1644 the Council continued to grant commissions.<sup>93</sup>

However, by the time witch-hunting broke out in the localities in the spring of 1649, there had been a further erosion of the powers of the Privy Council and a further concentration of political power in the hands of the group of radical Covenanters led by Archibald Campbell, Marquis of Argyll, following the purging under the Act of Classes of 23 January 1649, of royalist sympathisers and those who had supported the Engagement, Parliament was confirmed as the “ultimate court of the realm”, and on 16 March an act was passed giving warrant to the Committee of Estates to “discuss and consider supplications given in that had not already been considered by Parliament, and was given power to reach decision on these supplications or to pass them on to the judicatories as they saw fit”.<sup>94</sup> Although this was undoubtedly a measure to allow the Committee of Estates to continue with the purging of offices throughout the parliamentary recess, which lasted from 17 March until 23 May 1649, it also technically gave the Committee of Estates power to consider all appeals and supplications that could be brought before Parliament, including those concerning cases of witchcraft.

The activities of two Committees of Estates are relevant to this thesis, one appointed on 14 March 1649, the other appointed on 7 August 1649. The records of these two committees are contained in two registers at the National Archives of Scotland, covering 5 January 1649 – 27 November 1649, and 4 December 1649 – 26 February 1650.<sup>95</sup> The next volume of the registers covers 2 January 1651 – 22 July 1650,<sup>96</sup> meaning that there is a gap in the records from February to July 1650. However, a further volume of the warrants of the Committee of Estates covering 3

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<sup>93</sup> See PA11/1 Register of the Committee of Estates, 28 August 1643 – 31 May 1644; and PA11/2 Register of the Committee of Estates, 4 December 1643 – 23 November 1644, no commissions for the trial of witches were granted by these committees.

<sup>94</sup> *APS*, VII, II p364.

<sup>95</sup> PA11/8 Register of the Committee of Estates, 5 January 1649 – 27 November 1649; and PA11/9 Register of the Committee of Estates, 4 December 1649 – 26 February 1650. See also appendix 2.

<sup>96</sup> PA11/10 Register of the Committee of Estates, 2 January 1651 – 12 March 1651.

January – 20 December 1650 provides some details of the operation of the committee.<sup>97</sup> Prominent members of the radical regime were members of the Committee of Estates, including Argyll, John Campbell 1<sup>st</sup> Earl of Loudoun the Lord High chancellor, Sir Archibald Johnston of Wariston the Clerk Register, the “most influential laird on the committee” and Argyll’s “leading political ally”,<sup>98</sup> and the nine members of the new Privy Council appointed on 16 March 1649.<sup>99</sup>

As will be shown in chapter 3, below, there was a significant concentration of cases in the Lothian and Tweeddale areas. In fact, of the 180 named witches, 134 or 74% (plus the unspecified number in Biggar) of the witches to be tried by commissions granted by the Committee of Estates resided within the bounds of the seven presbyteries that formed the synod of Lothian and Tweeddale: Biggar, Dalkeith, Dunbar, Edinburgh, Haddington, Linlithgow and Peebles. This analysis is based on one institutional record, but an analysis of the parliamentary commissions and the database compiled by the Survey of Scottish Witchcraft by Julian Goodare, Lauren Martin, Joyce Miller and Louise Yeoman, reinforces the assertion that there was a concentration of cases in this area in 1649, and that although the witch-hunt became more spread out in 1650, particularly in the south-west area, Lothian and Tweeddale retained a significant level of witch-hunting in 1650.<sup>100</sup>

In contrast to 1649, evidence for commissions granted by the Committee of Estates in 1650 is scarce, and the committee certainly seems to have been occupied by other matters at this time, namely purging of the army, negotiating with the soon to be Charles II in the wake of Cromwell’s conquest of Ireland and finally preparing to defend the country against Cromwell’s forces in the summer of 1650.<sup>101</sup> This is not to say however, that the committee had stopped taking a serious interest in cases of witchcraft. The committee were apparently still granting commissions, although none are recorded in the records, as on 19 February 1650 the King’s Advocat, Sir Thomas

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<sup>97</sup> PA12/5 Warrants of the Committee of Estates, 3 January – 20 December 1650.

<sup>98</sup> Young, *The Scottish Parliament* p245.

<sup>99</sup> *Ibid.*, p226 and 241*n*.

<sup>100</sup> See APS and Goodare et al *Survey of Scottish Witchcraft*.

<sup>101</sup> Young, *The Scottish Parliament* pp245-247, 256-257.

Nicholson, the Lord Treasurer depute, Sir Daniel Carmichael of Hyndford and James Elphinstone, 1<sup>st</sup> Lord Coupar (who was also a Privy Councillor) were “authorized” to “sett their hands to the commissions for the tryall of witches”.<sup>102</sup> Therefore, Nicholson, Carmichael and Coupar formed a sub-committee to grant commissions for the trial of witches on behalf of the Committee of Estates. The relegation of this activity to a sub-committee may seem to suggest that this indicates that prosecuting witches was not a high priority, the fact that three important officers of state were tasked with the activity suggests that the regime still viewed witchcraft as a legitimate threat and wanted to ensure that correct procedure for punishment of individuals suspected of witchcraft was followed. On 1 March 1650 Alexander Colville of Blair, one of the justice deputes, was “desired” by the committee to go to Galloway “and other places neidful for ministering of Justice vpon malefactors there And especially for thair tryall of the Cryme of Witchcraft”.<sup>103</sup>

In the spring of 1650 both the Committee of Estates and Parliament established committees to deal with evidence coming in from the localities in support of supplications for commissions to try witches. A precedent for the creation of a sub-committee was set on 19 February 1650 when the Lord Advocat (Thomas Nicholson), the Treasurer Depute (Sir Daniel Carmichael of Hyndford) and Lord Couper were commissioned to subscribe commissions for the trial of witches.<sup>104</sup> The sub-committee of the Committee of Estates was established to deal with requests for commissions to try witches so that the Committee of Estates could concentrate on the suppression of a royalist rising led by James Grahame, first Marquis of Montrose who had returned to Scotland in April 1650 to “attempt to overthrow the regime” and instructions to the commissioners who were sent to negotiate with Charles II at Breda.<sup>105</sup>

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<sup>102</sup> PA12/5, February minutes 1650 (folios not numbered).

<sup>103</sup> PA12/5, March minutes 1650 (folios not numbered).

<sup>104</sup> PA12/5 Warrants of the Committee of Estates, February minutes, folios not numbered.

<sup>105</sup> Stevenson, *Revolution and Counter-revolution* p.132. The parliamentary committee has been mentioned by Lerner, who disputes whether it provided an effective function,<sup>105</sup> but the sub-committee set up by the Committee of Estates has received no attention and it appears that the existence of this committee was not previously known about. Previous surveys of the witch-hunt in early modern Scotland including Black’s *Calendar of witchcraft cases*, Lerner et al’s *Sourcebook*, MacDonald’s

The sub-committee of the Committee of Estates was created on 2 April 1650, during the parliamentary recess and one month before the parliamentary committee was set up.<sup>106</sup> The remit of this committee was to consider requests for commissions to try witches due to “the Long delays of passing Commissions against Witches before the Secret Counsell” which “occasion great grievances through the whole kingdome”.<sup>107</sup> The sub-committee was established as a temporary measure until “Parliament or Secret Counsell shall take some other course” and may have performed a similar function to the committee established in 1591.<sup>108</sup> The warrant states that the delay in granting commissions to try witches “proceedeth merely from the infrequent meeting of the Secret Counsell, whereof a Quorum can not allways be had so conveniently as of the Committee of estats”, seeing “that for the present there is a vacancy of the counsel”, and to prevent local officials from waiting on the “ordinary meetings” of the Committee of Estates “which are taken vp with other matters”.<sup>109</sup> This may suggest that the Privy Council did grant some commissions during the course of the 1649-50 witch-hunts, but in the absence of Privy Council minutes for 1646-60 there is no evidence that the Privy Council did grant any commissions in 1649-50. This may also appear to suggest that the Committee of Estates did not view the prosecution of witches as a high priority, yet the membership of the committee suggests that this was not the case.

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*Database* and the recent *Survey of Scottish witchcraft* conducted by the University of Edinburgh checked only the printed volumes of the *Acts of Parliaments*, the printed *Registers of the Privy Council* and the two manuscript registers of the Committee of Estates, PA11/8 and PA11/9 for 1649 but not the manuscript warrants of the Committee of Estates PA12/4 (1649) and PA12/5 (1650) held at the National Archives in which the warrant for the creation of the sub-committee is contained. Neither did these previous studies check the manuscript supplementary parliamentary papers PA7/6 (1649) and PA7/7 (1650) or the manuscript warrants of Parliament PA6/9 (March-August 1649) and PA3/2 (minutes of Parliament 1650-51, sections two and three contain warrants for parliamentary sessions in 1650).<sup>105</sup> David Stevenson refers to evidence of witch-hunting in the warrants of the Committee of Estates for 1649 and 1650 but makes no mention of the sub-committee set up by the Committee of Estates, thus the existence of this committee has been unknown until now.<sup>105</sup> These supplementary manuscript papers and warrants also contain further information on the 1649-50 witch-hunts that is not included in the printed *Acts of Parliament*, *Registers of the Privy Council* and manuscript registers of the Committee of Estates, and so an investigation of these other volumes provides a fuller picture of the 1649-50 witch-hunts, which will be discussed in chapter 3, below.

<sup>106</sup> See appendix 3.

<sup>107</sup> See appendix 3.

<sup>108</sup> See appendix 3.

<sup>109</sup> See appendix 3.



Eleven men were appointed to the sub-committee: Archibald Campbell, Lord Lorne, Sir Archibald Johnston of Wariston, Sir Thomas Nicholson of Carnock, Sir Daniel Carmichael of Hyndford, Alexander Belshes of Toftis, Sir James Hope of Hopeton, Sir John Cheisly of Kerswell, Mr Alexander Colville of Blair, Mr James Robertson, Sir James Stewart of Kirkfield and Robert Lockhart. Lorne returned from exile in 1649 and was appointed a member of the Committee of Estates and a Privy Councillor on 7 August 1649.<sup>110</sup> As well as being son of Argyll, he was also a zealous adherent of Charles II, which apparently caused friction between Lorne and his father, although it has been suggested that Argyll and Lorne took different sides in order that the family fortunes would not suffer despite the outcome of the conflict between Cromwell's forces and the supporters of Charles II.<sup>111</sup> Lorne later became ninth Earl of Argyll in September 1662, and was executed for treason in 1685 after leading an invasion of Scotland in support of the Monmouth rebellion.<sup>112</sup> Sir Archibald Johnston of Wariston was shire commissioner for Argyllshire in 1648-9 and had previously represented Mid-Lothian 1643-4 and 1644-7, was an influential member of the Covenanting regime and a leading radical. He served as Lord Advocate from 30 October 1646 until 10 March 1649 when he took the role of Lord Register.<sup>113</sup> Wariston was vehemently opposed to the Engagement and famously gave a "long and tedious speech of ane houre and a halffes lenthe" against leading Engagers on 4 January at the opening of the second session of the second triennial Parliament.<sup>114</sup> He was a key supporter of Argyll and was instrumental in the Act of Classes, Argyll's measure for purging Parliament of Engagers, and following Argyll's famous speech on 5 January for "the brecking of the malignants teith" Warsiton gave a speech that would "brecke ther jawes".<sup>115</sup> He was appointed a Lord of Session in 1641, was a

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<sup>110</sup> S. Lee and L. Stephens (eds), *Dictionary of National Biography* Vol III (London, 1908) p781.

<sup>111</sup> *Ibid*, p.781

<sup>112</sup> *Ibid*, pp.784, 790.

<sup>113</sup> *Ibid*, p.945. See also M. Young (ed), *The Parliaments of Scotland: Burgh and Shire Commissioners* (Edinburgh, 1992-3) pp.381-2.

<sup>114</sup> Sir James Balfour, *Historical Works* Vol.III (Edinburgh, 1824) p.375. See also Stevenson, *Revolution and Counter-Revolution* p.109

<sup>115</sup> Balfour, *Historical Works* p.377. See also Young, *The Scottish Parliament* p.220.

member of the Committee of Estates in 1643, 1645, 1648, 1649 and 1650.<sup>116</sup> He was also a member of the Commission of the Kirk and was referred to as “the kirks minion” by Sir James Balfour,<sup>117</sup> and was named on the conference between ministers, lawyers and physicians on witchcraft. It is perhaps interesting to note that Wariston, despite his public image as a zealous Covenanter and actively involved in granting commissions for the trial of suspected witches covered up evidence of his son Archibald’s possible involvement in witchcraft in the late 1650s.<sup>118</sup> Archibald junior claimed that he had raised and made pacts with the devil.<sup>119</sup> However, despite threats from his father that he would hand him over to the magistrates, Archibald junior was “lucky to be seen as mad and not prosecuted” for witchcraft and his affliction was deemed a “conversion experience gone wrong”.<sup>120</sup> Given Wariston senior’s involvement in the 1649-50 witch-hunts his apparent leniency in the case of his son seems rather strange. Rather than believe that his son had been tempted into making a covenant with the devil, he believed that Archibald junior’s insanity was a punishment for Wariston’s “pride and phantasy”.<sup>121</sup>

Sir Thomas Nicholson of Carnock, was included on the sub-committee in his capacity as Lord Advocate as were two of the justice deutes Mr Alexander Colville of Blair and Mr James Robertson. The Lord Advocate and justice deutes were involved in the trial of all crimes including witchcraft. They were also included in the parliamentary committee and Colville was one of the lawyers on the conference between ministers, physicians and lawyers appointed by the General Assembly. He was also a member of the Committee of Estates and the Commission of the Kirk. On 12 September 1649 Colville was assigned with Toftis and James MacCulloch to meet with the Lord Advocate to consider the Presbytery of Dunfermline’s supplication

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<sup>116</sup> M. Young, *The Parliaments of Scotland* pp.381-382.

<sup>117</sup> Sir James Balfour, *Historical Works* Vol.III p.391.

<sup>118</sup> See L. Yeoman, “Archie’s invisible worlds discovered – spirituality, madness and Johnston of Wariston’s family”, *Records of the Scottish Church History Society*, 27 (1997) pp.156-186.

<sup>119</sup> *Ibid*, pp.174-6.

<sup>120</sup> *Ibid*, pp.176, 179. For further discussion of Covenanting conversion experiences and the role played by the Devil see L. Yeoman, “The Devil as Doctor: Witchcraft, Wodrow and the Wider World” in Levack, *New Perspectives on Witchcraft, Magic and Demonology, Volume 1: Demonology, Religion and Witchcraft* pp.231-243.

<sup>121</sup> Yeoman, “Archie’s Invisible Worlds Discovered”, p.186.

against Marjory Durie, a suspected witch who had fled from custody with the assistance of her husband who had previously petitioned the Committee of Estates for access to her.<sup>122</sup> On 1 March 1650 the Committee of Estates sent him to Galloway “and other places needful” to try suspected witches.<sup>123</sup> Sir Daniel Carmichael of Hyndford was shire commissioner for Lanarkshire in 1649-50 and was also a member of the Committee of Estates. He succeeded his father as treasurer depute in 1649 after he was deprived for supporting the Engagement.<sup>124</sup> He was commissioned in February 1650 with the Lord Advocate and Lord Coupar to sign commissions for the trial of witches.<sup>125</sup> Alexander Belshes of Toftis was shire commissioner for Berwickshire and was also a member of the Committee of Estates. Sir James Hope of Hopeton was shire commissioner for Stirling in 1649-50 and Lanarkshire in 1650.<sup>126</sup> He was a member of the Committee of Estates and was a member of the parliamentary committee on witches. Sir John Cheisley of Kerswell was shire commissioner for Lanarkshire in 1649-50.<sup>127</sup> He was also a member of the Committee of Estates. At the Restoration he was charged with treason.<sup>128</sup> Sir James Stewart of Kirkfield was Provost of Edinburgh. Robert Lockhart was burgh commissioner for Edinburgh.

The sub-committee was to consider evidence regarding confessing witches only and was to sit until Parliament or the Privy Council “take some other course”, which suggests that the Committee of Estates did not wish to delegate too much power over the issuing of witchcraft commissions to the sub-committee. However, in reality the sub-committee had control over the granting of commissions in April 1650, as commissions granted by the sub-committee were to be signed by Loudoun

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<sup>122</sup> PA12/4, Warrants of the Committee of Estates 1649, September warrants, folios not numbered. See also PA11/8 ff134v-135r, 157r-158r.

<sup>123</sup> PA12/5, March warrants.

<sup>124</sup> See M. Young, *The Parliaments of Scotland* p.106 and *Dictionary of National Biography* Vol III pp.1037-8.

<sup>125</sup> PA12/5, February minutes.

<sup>126</sup> M. Young, *The Parliaments of Scotland* p.359.

<sup>127</sup> *Ibid*, p.120.

<sup>128</sup> *Ibid*, p.120.

and other members of the Committee of Estates “as if they had been in full session” when the evidence was being discussed.<sup>129</sup>

The parliamentary committee was established on 18 May 1650.<sup>130</sup> It was to consist of three members of each estate of Parliament, all of whom were “influential radical covenanters”,<sup>131</sup> and the Lord Advocate (Thomas Nicholson) and justice deputes (including Colville and James Roberston). Thus, this committee had a more representative membership than the sub-committee of the Committee of Estates rather than be dominated by one group. The function of the committee was to “consider of the depositions and otheres paperes to be givin in concerneing witches” and to report to the Lord Chancellor (John Campbell, 1st Earl of Loudoun) and to “think upoun a constant way of proceedine in the processing of witches in tyme coming”.<sup>132</sup> Lerner interprets the creation of this committee as suggesting a “degree of concern about the random nature of the existing procedure”.<sup>133</sup> However no long-term change in procedure came about as a result of the committee. Membership of the committee was decided on 20 May 1650. John Hay, second Earl of Tweeddale, John Elphinstone, third Lord Balmerino and Robert Balfour, second Lord Burleigh represented the noble estate. Tweeddale had been allowed back into Parliament despite being excluded for his involvement in the Engagement.<sup>134</sup> Significantly, Tweeddale served as an elder in the presbytery of Haddington and was involved in the pre-trial stage of many witches there as well as overseeing the granting of commissions at the central level.<sup>135</sup> Balmerino was a ruling elder in the presbytery of Edinburgh and may also have been involved in the pre-trial stage of prosecution

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<sup>129</sup> PA12/5, April warrants. See also appendix 1.

<sup>130</sup> *APS VII II* pp.564-566.

<sup>131</sup> Young, “Scottish Covenanting Radicalism, the Commission of the Kirk and the Establishment of the Parliamentary Radical Regime” p.364. See also Young, “The Scottish Parliament and Witch-hunting”.

<sup>132</sup> *APS VII II* pp.564-566.

<sup>133</sup> Lerner, *Enemies of God* p.75.

<sup>134</sup> Young, *The Scottish Parliament* p.238. According to the *Dictionary of National Biography* he led the East Lothian regiment in support of the King at the Battle of Preston see DNB pp.268-269.

<sup>135</sup> J. Kirk (ed), *The records of the Synod of Lothian and Tweeddale, 1589-1596, 1640-1649* (Edinburgh, 1977) p.272.

there.<sup>136</sup> Sir James Hope of Hopeton (shire commissioner for Stirling, he had also been a member of the sub-committee of the committee of estates), Robert Hepburn of Keith and John Hepburn of Wauchton, both shire commissioners for East Lothian, represented the shires, and Mr John Hay (Elgin), Mr Robert Barclay (Irvine) and Thomas McBirnie (Dumfries) represented the burghs.<sup>137</sup> On 22 May Francis Scott, 2nd Earl of Buccleuch, Walter Sandilands, 6<sup>th</sup> Lord Torpichan, who was also an elder in the presbytery of Linlithgow and involved in the pre-trial stage of many witchcraft cases there,<sup>138</sup> John Brisbane of Bishopton (shire commissioner for Renfrewshire), Sir James Murray of Skirling, (shire commissioner for Peebles), George Porterfield (burgh commissioner for Glasgow) and Hugh Kennedy (burgh commissioner for Ayr) were added to the committee. This committee was more representative of the estates and also included members who represented a wider area in terms of geography, including some areas that provided high numbers of cases of witchcraft than the sub-committee of the Committee of Estates.

Larner claims that this committee was not very effective, and that it was dissolved in November 1650.<sup>139</sup> The Committee of Bills was to take over the consideration of witchcraft cases from the May committee. However, the witch-hunt appears to have diminished by this time as the last commission in 1650 was granted by Parliament on 2 December, which signifies a return to the conventional procedure of the main central institutions being in control of granting commissions.<sup>140</sup> There appears to be no records of the workings of this committee apart from a report concerning Isobel Alexander in Peebles on 31 May 1650. The commissioners appointed to try Isobel Alexander petitioned the Privy Council stating that there was not sufficient proof as to her guilt and requested that she be tried in her own parish and appealed against the letters of horning pronounced against them for not proceeding with the trial.<sup>141</sup> The petition came before the parliamentary committee on 30 May

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<sup>136</sup> Ibid, p.271.

<sup>137</sup> APS VII II p.565.

<sup>138</sup> *Synod of Lothian and Tweeddale* p.272.

<sup>139</sup> Larner, *Enemies of God* pp.74-75.

<sup>140</sup> See Young, "The Scottish Parliament and Witch-hunting"

<sup>141</sup> *RPCS II VII* p.236.

1650, who recommended that the letters of horning be suspended and that all papers relating to Alexander's case be submitted before the sub-committee.<sup>142</sup> The estates of Parliament approved the order on 31 May 1650.<sup>143</sup> There is evidence that papers concerning witches were still being submitted to the committee in June 1650,<sup>144</sup> but on 20 November the estates ordered that the Committee of Bills was to deal with papers concerning witches.<sup>145</sup>

Although no records of the operations of these two committees survive, and indeed Larner has questioned whether the parliamentary committee provided a useful function or not,<sup>146</sup> the very fact that both the Committee of Estates and Parliament found it necessary to establish such committees suggests that demand for commissions to try witches increased in the spring of 1650. The establishment of these two committees, and the appointment of influential members of the radical regime such as Wariston and Lorne to the committees, also indicates that the radical regime viewed the punishment of witchcraft as an important part of governing the country. It also reflects a longer-term trend of the central authorities' struggle to cope during outbreaks of widespread witch-hunting and represents an attempt to change the procedure for prosecuting witches. It would appear that in the previous panic years of 1590-91, 1597 and 1628-30 the demand for commissions to try witches put too much stress on the existing method of processing cases of witchcraft and so temporary measures were adopted in order to relieve stress on the system and the 1649-50 witch-hunt was no different. The only truly unique feature of the 1649-50 witch-hunt in terms of procedure is the absence of the Privy Council in proceedings and the overall control of Parliament and the Committee of Estates. No long-term change was facilitated by the creation of the two committees on witches despite the

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<sup>142</sup> The warrant was signed by Torpichan "IPC", meaning "in presence of the committee" – in other words in presence of the committee on witches. See Stevenson, *Government Under the Covenanters* for a list of abbreviations and terminology used in the manuscript records.

<sup>143</sup> Ibid p.236. See also *APS VII II* p.571.

<sup>144</sup> Ibid p.579. The committee was ordered to meet on 14 June 1650 at 2pm.

<sup>145</sup> Ibid p.608. The committee of bills may have been dealing with applications to try witches before this warrant was issued. The petition of Christian Clerk is included in the warrants of the committee of estates and dated 12 November 1650. Clerk was ordered to be put to liberty on 12 November 1650. See PA12/5.

<sup>146</sup> Larner, *Enemies of God* p.75.

fact that consideration of a more permanent change in procedure was one of the remits of the parliamentary committee and the next significant outbreak of witch-hunting in 1661-62 saw the newly restored Privy Council once more in control of granting commissions to try witches.

### *Conclusion*

This chapter has discussed the legislation and trial procedure behind the 1649-50 witch-hunt. It is clear that throughout the period of witch-hunting in Scotland there were repeated attempts to establish a set form of procedure for prosecuting suspected witches, and that these attempts were usually in response to mass outbreaks of witch-hunting in the regions as the central authorities struggled to cope with the demand for trials. In taking a top-down approach in this chapter, the legislation and procedure for witch-hunting has been examined. It has been important to clarify exactly how requests for commissions to try suspected witches were handled in 1649-50, given the confusion at the time whether the Committee of Estates or the Privy Council was responsible for granting commissions during the parliamentary recess. In discussing the role of Parliament and in its recess the Committee of Estates as the institutions responsible for granting commissions to try witches, this chapter has sought to clarify the political and institutional situation in 1649-50 and outline how it was unique in comparison with earlier and later periods. An understanding of how the central institutions interacted in the complex nature of the covenanting government is fundamental to an understanding of how the 1649-50 witch-hunt was to an extent controlled centrally. The response of the central institutions is also significant in understanding how witch-hunting was viewed as part of a wider problem with morality in Scottish society and not an isolated phenomenon. The new act against witchcraft passed in February 1649 was part of a programme of legislation designed to enforce a new moral code on Scottish society and should be viewed in this context and not as a standalone act.

The following chapter will discuss an overview of the witch-hunt at a national level, and will show how the various measures introduced by the central authorities that have been discussed in this chapter served to not only control the outbreak of witch-hunting in the localities, but also kept the witch-hunt from spiralling out of control in the light of new political events, such as the collapse of the radical regime and the haunting spectre of Cromwell and the new threat of invasion and conquest.



# **Chapter Three: The 1649-50 witch-hunt: an overview**

### Chapter Three: The 1649-50 witch-hunt: an overview

During the period from the spring of 1649 to the summer of 1650, Scotland experienced an intense level of witch-hunting. The central authorities, already under immense pressure following the failure of the Engagement, the subsequent purging of Parliament and the army of Engagers and the ungodly, and the execution of Charles I on 30 January 1649, were under pressure to respond to and control the outbreak of witch-hunting in the regions. This chapter will discuss how one of the central institutions – Parliament, the Committee of Estates and the Privy Council – responded to the outbreak of witch-hunting, examining the role played by the committee in granting commissions to try suspected witches.

This chapter discusses the 1649 witch-hunt in terms of its chronological and geographical distribution, identifying the “peaks” during this particular hunt, and also areas which experienced comparatively high levels of witch-hunting at this time. This chapter will also discuss this particular hunt in terms of chronology, and describe how the hunt was not confined to the “peak” year of 1649, rather that the hunt continued into 1650. It will also discuss how the cases in 1650 were not merely “aftershocks” of the “main” hunt in 1649<sup>1</sup>, but a continuation of the 1649 hunt. It will also show how there was a rise in the number of cases in June and July of 1650, when the witch-hunt could have potentially reached the same intensity that it did in 1649, but that it was cut short by the suspension of presbytery business by the arrival of troops in key areas where the witch-hunt was concentrated in preparation for invasion by Cromwell’s forces. This chapter will also identify key areas where the 1649-50 witch-hunt was concentrated, in the eastern lowlands, eastern borders, Fife, and in 1650, Irvine in Ayrshire in the south-west of the country. It will also discuss the key role played by the presbyteries in co-ordinating and controlling the outbreak of witch-hunting in 1649-50.

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<sup>1</sup> Macdonald, *Witches of Fife*, p.25

The presbyteries enjoyed an unprecedented level of power during the 1640s following the abolition of the Episcopal structure of the Scottish Kirk in 1638. This was a time when the presbyteries were at the peak of their powers. For the first time since the 1590s, presbyteries were free to meet independently of the bishops. During the 1640s the presbyteries and kirk sessions met regularly and frequently. This meant that a local unit existed which was kept aware and informed of the movements and activities of members of the community. Presbyteries and kirk sessions monitored and punished the behaviour of parishioners, and also attempted to regulate their behaviour. It was often the kirk session which was the first official body to hear of an accusation of witchcraft. Often a parishioner or group of parishioners would complain to the session of a suspected witch in the parish. In some cases the accused would bring the case to the attention of the session in form of a complaint of slander. In any case, the session would appeal for witnesses and examine evidence and inform the presbytery of instances of witchcraft. Once evidence was compiled, the presbyteries evaluated and “attested” the evidence as to whether it was sufficient for “suiting” or requesting a commission for a trial from the central institutions. In 1649-50, the presbyteries performed an important function. They acted as a sort of “middle man” between the local investigation and the official trial. Almost all of the commissions granted by the Committee of Estates in 1649 refer to the suspects as belonging to presbyteries as opposed to parishes, counties, towns or burghs. This suggests that the Committee of Estates categorised witchcraft accusations by presbytery and assigned commissions in this way.<sup>2</sup>

As discussed in chapter 2, the most unique feature of the 1649-50 witch-hunt was that the Committee of Estates was responsible for issuing the majority of commissions, as opposed to the Privy Council. The Privy Council was normally the institution responsible for granting commissions to try witches, with commissions

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<sup>2</sup> A transcript of the commissions granted by the Committee of Estates is included as an appendix in accompaniment to this chapter. This is a transcript of the commissions found in the manuscript registers of the Committee of Estates at the National Archives of Scotland. See appendix 2.

occasionally being granted by Parliament, as in 1628-30 and 1661-62.<sup>3</sup> However, the powers of the Privy Council had been greatly reduced during the constitutional settlement of 1640-41 when the Privy Council as a key governing body was weakened in favour of government by Parliament and its various committees, especially the Committee of Estates.<sup>4</sup> By the time widespread witch-hunting broke out in 1649 the Privy Council had been reduced to a nominal institution of government and Parliament, and the Committee of Estates during the parliamentary recess, took over the administration of commissions to try witches. The *Survey of Scottish Witchcraft* conducted by Julian Goodare, Louise Yeoman, Joyce Miller and Lauren Martin lists 616 entries for the 1649-50 witch-hunt. Of these 616 entries, 55 are unnamed individuals whose parish of residence are not known. Thus the Survey shows a total of 562 named individuals who were investigated for witchcraft in 1649-50.<sup>5</sup>

This chapter also identifies areas which experienced high numbers of witchcraft accusations. The 1649-50 witch-hunt was dominated by some key areas – notably Haddington, Dalkeith, Dunfermline and Irvine. The regional analysis which forms the second part of this chapter will identify key areas in 1649-50, and justify the selection of the synod of Lothian and Tweeddale as a regional case study which forms section two of this thesis.

### ***Chronology of the 1649-50 witch-hunt***

Chart 3.1 shows a chronological distribution of accused witches in 1649-50. This chart is based on records of accused witches compiled from the Survey of Scottish Witchcraft, and cross referenced with accused witches named on commissions granted by the Committee of Estates, and accused witches named in

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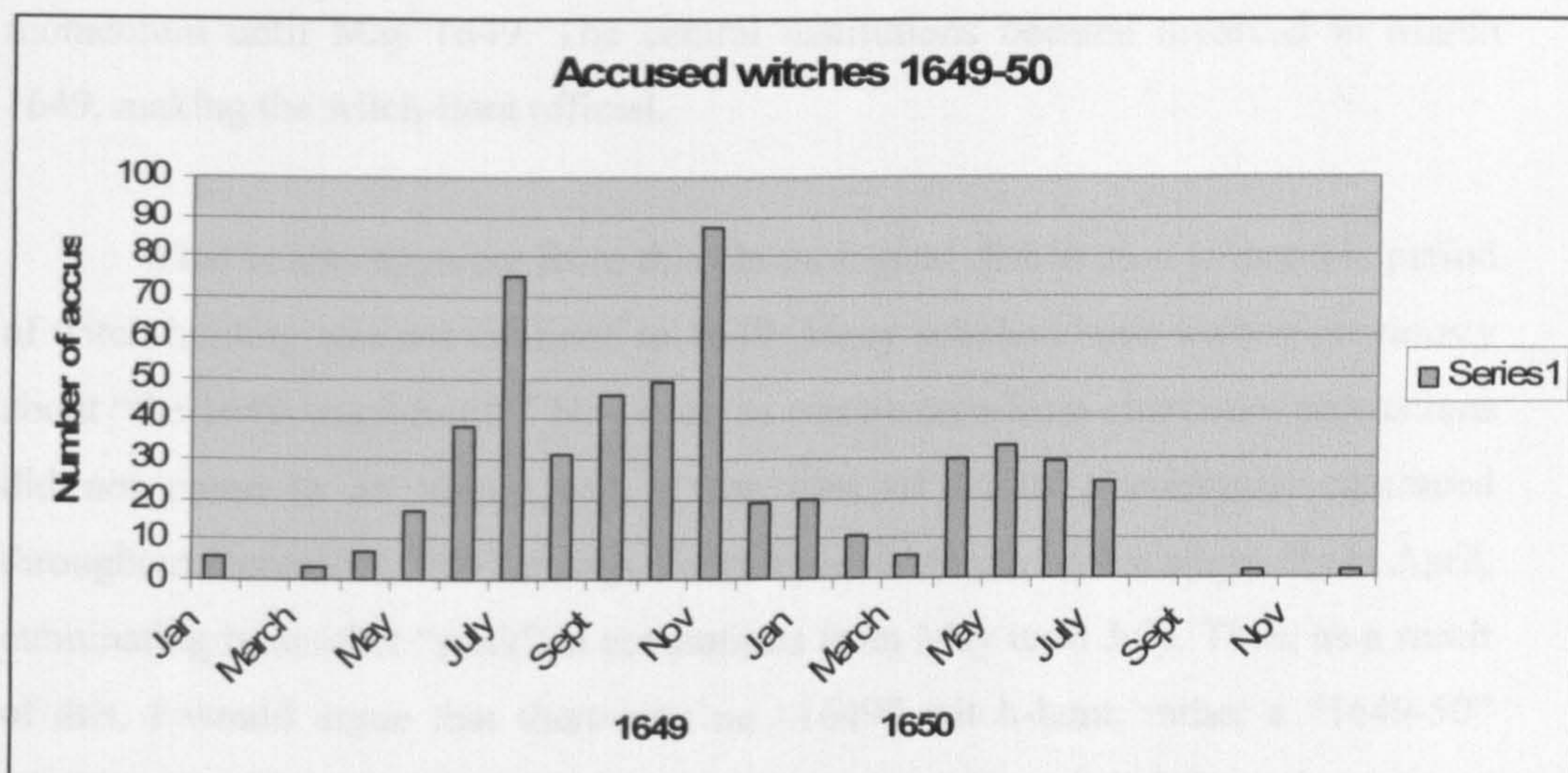
<sup>3</sup> Goodare, “Witch-hunting and the Scottish state” p.136; Lerner, *Enemies of God* pp.36, 74.

<sup>4</sup> See Brown, *Kingdom or Province?* pp.23-24; D. Stevenson (ed), *The Government of Scotland under the Covenanters: 1637-1651* (Edinburgh, 1982) p.xlvii; Young, *The Scottish Parliament* pp.40-41, 54-55.

<sup>5</sup> Goodare et al, *Survey of Scottish Witchcraft*.

the records of kirk sessions and presbyteries within the synod of Lothian and Tweeddale. This chart shows the chronological distribution of the 562 accused witches in 1649-50.

**Chart 3.1: Accused witches 1649-50**



As can be seen from chart 3.1, there were two distinct “peaks” in instances of witchcraft accusations in 1649-50. The first peak, or wave, of witchcraft accusations lasted from June until November 1649. The second peak lasted from March until July 1650. The “high” point of accusations came in November 1649. This month saw 87 people accused of witchcraft.

The first recorded instances of witchcraft accusations in 1649-50 occurred in January 1649 in the presbyteries of Cupar and Dunfermline in Fife.<sup>6</sup> In January 1649, there were six recorded cases of witchcraft; two in Cupar (Helen Young and Helen Small), three in Dunfermline (Katherine Greive, Isobel Leitch and Margaret Martin) and one in Haddington (Elspeth Stith (sic)). Stuart Macdonald provides

<sup>6</sup> Goodare et al, *Survey of Scottish Witchcraft*.

more information on the beginnings of the witch-hunt in Fife. Macdonald describes a “massive hunt”<sup>7</sup> in the presbytery of Dunfermline in 1649-50 and tells of how the presbytery “fought .... to maintain control of both the process and the incarcerated suspects”, a situation which was to be repeated throughout the areas most affected by outbreaks of witch-hunting in 1649-50 and which will be discussed in more detail in section two.<sup>8</sup> Despite these initial cases, the witch-hunt did not gather momentum until May 1649. The central institutions became involved in March 1649, making the witch-hunt official.

What is also apparent from this chronological distribution is that this period of witch-hunting was not confined to 1649. Many scholars have written previously about “the 1649 witch-hunt”.<sup>9</sup> However, as can be seen from chart one, accusations did not come to an abrupt end at the start of 1650. Accusations continued throughout December, into January, February and March, with a slight dip in April, culminating in another “peak” in accusations from May until July. Thus, as a result of this, I would argue that there was no “1649” witch-hunt, rather a “1649-50” witch-hunt, which was not a continuous, national, uniform witch-hunt, but more a case of a series of local hunts that spread into one another as accusations crossed parish, town and county borders. What happened in 1649-50 was a culmination of 10 years of dominance of political and religious life by Presbyterian radicals with apocalyptic visions and an impending sense that the nation’s troubles resulted from the scourge of the ungodly threatening to subvert a covenanted and godly nation.<sup>10</sup>

The Committee of Estates granted the first commission for the trial of a suspected witch in the 1649-50 hunt on 20 April 1649 for the trial of Jean Craig in

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<sup>7</sup> Macdonald, *Witches of Fife*, p.108.

<sup>8</sup> *Ibid*, p.113, also see pp. 100-108.

<sup>9</sup> See introduction.

<sup>10</sup> For more discussion on the context of godly discipline and witchcraft in Scotland during the 1640s see J. R. Young, “The Covenanters and the Scottish Parliament: The Rule of the Godly and the ‘Second Reformation’” in E. Boran and C. Gribben (eds), *Enforcing Reformation in Ireland and Scotland, 1550-1700* (Aldershot, 2006) pp. 131-158, see also J. R. Young, “The Scottish Parliament and witch-hunting in Scotland under the Covenanters” in *Parliaments, Estates and Representation* 26, (2006) pp. 53-65 at pp. 56-57.

the parish of Tranent in East Lothian for witchcraft.<sup>11</sup> The last commission to try a witch in 1649-50 was granted by Parliament on 2 December 1650, for the trial of John McWilliam, Margaret McInlay and Margaret McMurich in Dumbarton.<sup>12</sup>

The majority of commissions to try witches were granted between May and December 1649 during the third session of the second triennial Parliament and by the Committee of Estates that was appointed on 7 August and which remained in place until 7 March 1650. No commissions are recorded as having been granted by the Committee of Estates after December 1649, but demand for commissions was evidently on the increase as Nicholson, Carmichael and Coupar were commissioned to sign commissions on 19 February 1650, and by 10 April 1650 the Committee was forced to establish a sub-committee whose sole responsibility was to hear requests for commissions to try witches. It is difficult to quantify whether Parliament or the Committee of Estates granted the highest number of commissions in 1649 due to the way in which commissions granted are recorded in the main parliamentary records. The commissions granted by Parliament as listed in the printed *Acts of Parliament* contain very little detail, providing the name of the parish or Presbytery in which the suspected witch was to be tried but no name of suspect or commissioners to try her. For example, this commission granted on 5 July 1649 is typical of the form that commissions granted by Parliament took:

THE QUHILK DAY Comissioun wes grantit be the Parliament to certaine persouns for administrating Justice vpon some persons guiltie of the cryme of witchcraft within Aberdour and Innerkeithin Haymouth and Dirltoun.<sup>13</sup>

Details of some witchcraft cases from 1649-50 are detailed in the printed *Registers of the Privy Council*. It also appears that there was confusion at the

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<sup>11</sup> PA11/8 Registers of the Committee of Estates, 5 January 1649-27 November 1649 f49r. Her trial was held at the Justiciary court, see J. Irvine Smith (ed) *Selected Justiciary Cases 1624-1650* (Edinburgh, 1973) pp812-815. See also NAS JC2/8 High Court Books of Adjournal 1637-1650 and JC26/13 Process Papers.

<sup>12</sup> APS VI II p.614.

<sup>13</sup> APS VI II p.463.

presbytery level as to which institution to apply to for a commission. For example, on 11 April 1649 the presbytery of Haddington was to petition the Privy Council “or whom it concerns” for a commission to try Jean Craig.<sup>14</sup> However, the cases mentioned in the *Registers of the Privy Council* can be linked to cases brought before Parliament. These cases are printed in the miscellaneous papers section of the register, and there are no actual Privy Council minutes available from 1646 to 1661, which perhaps suggests that the minutes were either lost or that the Privy Council during this period did not conduct any significant business. The Committee of Estates also took over from the Privy Council in settling disputes in cases of witchcraft. For example, the Committee of Estates intervened in the dispute between the presbytery of Dunfermline and Marjory Durie when Durie’s husband complained to Parliament about the presbytery’s treatment of his wife they ordered the presbytery to grant her husband access to her after which she escaped.<sup>15</sup> There are no commissions listed as being granted by the Privy Council in the *Registers of the Privy Council*, except the commission granted for the trial of Janet Murray, Elspet Ronaldson and Agnes Waterstoun on 27 September 1649, which is a duplication of the commission granted by the Committee of Estates and signed as such.<sup>16</sup> A total of 65 witches are mentioned in the *Register of the Privy Council*, which contains a number of depositions and confessions from the pre-trial stage. The manuscript registers and warrants of the Committee of Estates list 183 accused witches. It is not possible at present to list the number of witches mentioned in the parliamentary records because the vast majority of commissions were issued to try “many witches” or “witches” in various regions.

As discussed above, the first commission granted in the 1649-50 hunt was by the Committee of Estates for the trial of Jean Craig in Tranent on 20 April 1649. Parliament was in recess from 16 March until 22 May during which time the Committee of Estates that was appointed on 16 March was responsible for the government of the country. During this recess the Committee of Estates granted a

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<sup>14</sup> CH2/185/6 p.29.

<sup>15</sup> See PA11/8 135, 157; PA12/4, warrants for September; and PA7/6 paper 148<sup>2</sup>.

<sup>16</sup> *RPCS* II VII p.200. See also PA11/8 f 169r and appendix 2 commission 21.



further five commissions for the trial of one witch within the presbytery of Dunfermline, one in the presbytery of Kelso, five in the presbytery of Linlithgow and five in the presbytery of Haddington on 2 May, 4 May, 11 May and 22 May.<sup>17</sup>

During the third session of the second triennial Parliament commissions were granted on 30 May, 21 June, 29 June, 5 July, 12 July, 17 July, 19 July, 26 July, 27 July, 30 July, 31 July, 1 August, 2 August and 7 August.<sup>18</sup> The majority of the commissions listed in the parliamentary records do not contain the names of the accused witches. One commission was granted on 21 June 1649 was issued to try Agnes Hunter, Margaret Dickson and Isobel Murray in the presbytery of Haddington.<sup>19</sup> An act and warrant was given to the Lord Advocate, Thomas Nicholson, and the justice deputes to prosecute Margaret Henderson, Lady Pittadro, on 19 July 1649. Another commission was issued on 20 December 1650 to try and execute John McWilliam, Margaret McInlay and Margaret McMurich. Isobel Alexander was named in a report received from the committee for witches on 31 May 1650. The full report concerning Isobel Alexander is contained in the Privy Council records.<sup>20</sup>

The first witchcraft commission granted by Parliament was on 30 May 1649. There are a few duplicated commissions within the *Acts of Parliament*. A commission for “doeing Justice wpon thrie witches” in the presbytery of Haddington was granted on 21 June.<sup>21</sup> Another commission is printed at the back of the volume for the same date to try Agnes Hunter, Margaret Dickson and Issobell Murray in Haddington.<sup>22</sup> Two commissions are printed in the main minutes for 21 June 1649, one for trying three witches in Haddington, the other for trying “some woman” in Eyemouth,<sup>23</sup> therefore the commission for trial of three witches in

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<sup>17</sup> See Appendix 2 Commissions granted by the Committee of Estates, commissions 2-6. See also PA11/8 ff62v-63r, 68r, 72r, 90r-v.

<sup>18</sup> See *APS VI II* pp.420, 458, 463, 479, 490, 497, 498, 506, 510, 516, 518, 538, 727, 732-733.

<sup>19</sup> *Ibid*, p.420.

<sup>20</sup> *RPCS II VII* p.236.

<sup>21</sup> *APS VI II* p.420.

<sup>22</sup> *Ibid* p.722-723.

<sup>23</sup> *Ibid* p.420

Haddington and the commission for trial of Agnes Hunter, Margaret Dickson and Isobel Murray can be counted as one commission rather than two separate ones. Hunter, Dickson and Murray's confessions are also included in the miscellaneous papers section of the printed *Registers of the Privy Council*.<sup>24</sup> The manuscript supplementary parliamentary papers for 1649 also contain a commission dated 21 June for the trial of Margaret Dobson in Eyemouth in Berwickshire. This commission appears to have been a fuller version of the commission printed in the main acts for the trial of "some woman" in Eyemouth.<sup>25</sup> Margaret Dobson's confession is also included in the miscellaneous papers section of the *Registers of the Privy Council* along with the confessions of another two witches from Eyemouth – Isobel Brown and Helen Tailor.<sup>26</sup>

A total of 65 witches are named in the Privy Council records. The confessions of six of these witches are printed in the *Registers of the Privy Council*, but their commissions were granted by the other institutions – Agnes Hunter, Margaret Dickson and Isobel Murray were named in commissions granted by Parliament and Janet Murray, Elspeth Ronaldson and Agnes Waterston were named in commissions granted by the Committee of Estates. The majority of the confessions printed in the Privy Council records refer to witches whose commissions were granted by other institutions. The commission granted by Parliament on 21 June 1649 for the trial of "some woman" in Eyemouth was for the trial of Margaret Dobson, whose confession is included in the Privy Council records.<sup>27</sup> The commissioners who were appointed to try her were instructed to report back to Parliament. The confessions of Isobel Brown and Helen Tailor, also from Eyemouth, are dated 2 July and 8 July respectively, but there is a note added to Brown's confession dated 5 July 1649 saying that the estates "grant commission" to try her. This date and the use of "the estates" indicate that this confession was submitted to Parliament and the commission was included in those granted on 5

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<sup>24</sup> See *RPCS II VII* pp.190-193.

<sup>25</sup> See *APS VI II* p.420 and PA7/6, paper 78.

<sup>26</sup> See *RPCS II VII* pp.195-197.

<sup>27</sup> *Ibid* p.195. See PA7/6 for the commission.

July 1649.<sup>28</sup> The commission granted by Parliament on 5 July 1649 was for the trial of persons within Aberour, Inverkeithing, Eyemouth and Dirleton.<sup>29</sup> This commission may also refer to Manie Haliburton in Dirleton, East Lothian whose confession, dated June 1649 is also printed in the *Registers of the Privy Council*.<sup>30</sup> Parliament also granted a commission “for trying and putting to execution cartaine persouns guiltie of the cryme of witchcraft” in Burntisland and Dalgaty in Fife, and Coldingham in Berwickshire on 12 July 1649.<sup>31</sup> Margaret Dobson from Eyemouth who was to be tried by an earlier commission granted on 21 June named Isobel Brown, Alison Cairns, Helen Taylor and Beatrix Young, all in the parish of Coldinghame in Berwickshire, as witches in her confession.<sup>32</sup> Helen Taylor, also in Eyemouth, named the same individuals with the addition of one Marion Robison; whose confession dated 8 July 1649 is also printed in the *Register of the Privy Council*.<sup>33</sup> The commission granted by Parliament on 12 July may have included those individuals named by Margaret Dobson and Helen Tailor. The confession of Margaret Vaith (or Veitch) in Haddington is also included in the Privy Council records dated 13 July 1649.<sup>34</sup> It is possible that she was included in the commission granted on 17 July for the trial of witches in Costorphine and Haddington, or the commission issued on 19 July 1649 for the trial of witches in North Berwick, Bo’ness, Queensferry and Haddington.<sup>35</sup> However, given that there are additions to her confession dated 16 and 18 July, it is more perhaps likely that she was included in the commission granted on 19 July.<sup>36</sup>

A numerical analysis of the commissions granted by the Committee of Estates is more possible than a numerical analysis of the commissions granted by Parliament, purely because the commissions granted by the Committee of Estates

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<sup>28</sup> *RPCS II VII p.195.*

<sup>29</sup> *APS VI II p.458.*

<sup>30</sup> *RPCS II VII p.194.*

<sup>31</sup> *APS VI II p.479.*

<sup>32</sup> *RPCS II VII p.195.*

<sup>33</sup> *Ibid, pp.196-197.*

<sup>34</sup> *Ibid, pp.197-198.*

<sup>35</sup> *APS VI II pp.484, 490 .*

<sup>36</sup> *RPCS II VII pp.197-198.* It appears that she was re-interrogated and led to name another alleged witch, Margaret Robertson.

contain more detail, both in terms of location and individuals to be tried. The commissions granted by the Committee of Estates, for the most part, referred to the presbyteries in which the suspected witches resided. A breakdown of the 58 commissions granted by presbytery shows, as can be seen in table 3.1 below,<sup>37</sup> that there was a concentration of cases in the presbyteries of Dalkeith with 16 (27.5%) commissions and Haddington with 11 (18.9%) commissions. This breakdown of cases suggests that there was a concentration of cases in the Lothians and Borders areas, which reflects what Christina Lerner said about the 1649 witch-hunt in *Enemies of God*.<sup>38</sup> However, what is not reflected by these figures is that there was a concentration of witchcraft cases in the Fife area. The parliamentary commissions on the other hand, do show a concentration of cases in the Fife region as a number of commissions were granted for the trial of witches in parishes in Fife by Parliament during 1649.<sup>39</sup>

In total 180 witches were recorded in the Committee of Estates records in 1649-50, 175 of which (plus the unspecified number to be tried in Peebles) were to be tried under commissions granted in 1649, three were to be tried in a commission granted in August 1650 and the other two were women from Dunfermline who petitioned the committee in September 1649 complaining that they had been ill treated by members of the presbytery there after they had been imprisoned under suspicion of witchcraft.<sup>40</sup> In *Enemies of God*, Christina Lerner claimed that “during the summer recess of Parliament, the Committee of Estates granted “over 350 separate commissions for trials, nearly all in the area of East Lothian and Berwickshire”, 157 of which were supposedly granted during the second half of

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<sup>37</sup> Based on commissions in the two registers from 1649: PA11/8 and PA11/9. This table is an analysis of the commissions granted by presbytery. However of the 56 presbyteries in existence in 1649, only sixteen received commissions to try witches. The reason I have analysed the commissions by presbytery rather than by shire or burgh is that the commissions specified which presbyteries the suspected witches resided in.

<sup>38</sup> Lerner, *Enemies of God* p.80. Lerner stated that the “1649 outbreak was almost entirely confined to Fife, the Lothians, and the Borders, with a few cases in Aberdeenshire, Kincardineshire, and Stirling”.

<sup>39</sup> Commissions were granted for the trial of witches in parishes in Fife on 5 July, 12 July, 19 July, 27 July, 31 July, and 7 August 1649. See *APS VI*, II pp463, 479, 490, 498, 510 and 538.

<sup>40</sup> PA7/6, PA12/4 and PA11/8.

1649.<sup>41</sup> On the basis of these figures she claimed that 1649 was the year “that may have seen the greatest number of executions in the whole history of Scottish witch-hunting.”<sup>42</sup> This was indeed a strong assertion and may have led to a perception that the 1649-50 witch-hunt was bigger than it actually was. The main problem with Larner’s assertion is that her figure of 350 commissions granted by the Committee of Estates does not tally with the *Source-book of Scottish Witchcraft*, which she cites as the reference for this figure.<sup>43</sup> The *Source-book*, however, lists 171 witches from the Committee of Estates records.<sup>44</sup>

Over half of all commissions granted by the Committee of Estates were multiple commissions for the trial of two or more individuals. If Larner’s figure of 157 did refer to commissions for trial rather than individual cases then the 1649 witch-hunt would indeed have been much bigger than it was. However, it is likely that her figure of 157 was in reference to individual witches rather than commissions. Her figure of 350 commissions overall granted by the Committee of Estates, of which 250 were supposedly assigned within the East Lothian area, is much more difficult to account for. Nowhere near 350 commissions were granted by the Committee of Estates in 1649, only 58 in total were granted. It is possible that this figure refers to the total number of witches to be tried by commissions granted by Parliament and the Committee of Estates in 1649, but the Committee of Estates certainly did not grant 350 commissions in 1649.

In total, 58 commissions for the trial of 180 witches were granted by the Committees of Estates in 1649-50. Eight of these commissions were granted by the Committee of Estates appointed on 14 March 1649 and 50 were granted by the

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<sup>41</sup> Larner, *Enemies of God* pp36 and 74. See also C. Larner, *Witchcraft and Religion: The Politics of Popular Belief* p30, in which she claimed that “over 250 commissions were issued to the small county of East Lothian near Edinburgh in one year, 1649”.

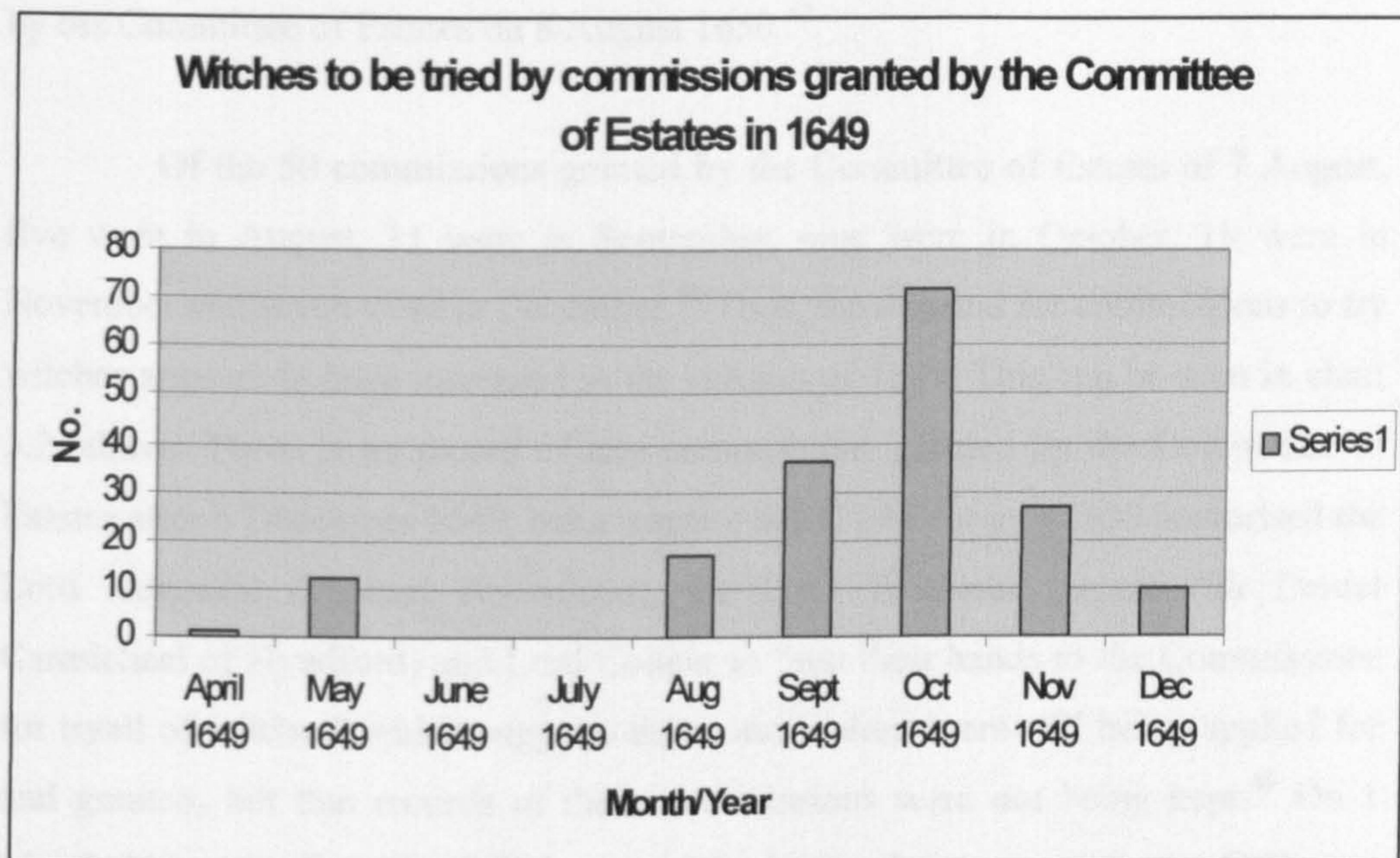
<sup>42</sup> Larner, *Enemies of God* p74.

<sup>43</sup> C. Larner, C. H. Lee and H. McLachlan, *A Source-book of Scottish Witchcraft* (Glasgow, 1977).

<sup>44</sup> *Ibid.*, pp158-171. The *Source-book* cites only the two registers PA11/8 and PA11/9. The manuscript warrants PA12/3, PA12/4 and PA12/5 were not checked.

committee appointed on 7 August 1649. Chart 3.2 shows the number of witches to be tried by commissions granted by the two Committees of Estates in 1649:<sup>45</sup>

**Chart 3.2: Number of witches to be tried by commissions granted by the Committee of Estates, 1649**



As can be seen from chart 3.2, the number of witches to be tried peaked in October 1649 with 72 witches named on commissions granted in that month. No commissions would have been granted by the committee between 23 May and 7 August as Parliament was in session, and took over co-ordinating the witch-hunt, granting a number of commissions during this period. There is a difficulty in calculating how many witches were tried by commissions granted by Parliament in 1649 as the vast majority of those commissions granted by Parliament did not give details of individual witches who were to be tried beyond the parishes or presbyteries within which they resided. For example, a commission was granted on

<sup>45</sup> Based on commissions in the two registers of the Committees of Estates for 1649-50: PA11/8 and PA11/9.

12 July 1649 for “trying and putting to execution certaine persouns guiltie of the cryme of witchcraft within the paroches of Bruntylland, Dalgatie and Coldingame”.<sup>46</sup> The total number to be tried in 1649 by commissions granted by the Committees of Estates was 175. A further two witches were named in supplications to the Committee of Estates, the other three were named on a commission granted by the Committee of Estates on 8 August 1650.<sup>47</sup>

Of the 50 commissions granted by the Committee of Estates of 7 August, five were in August, 11 were in September, nine were in October, 19 were in November and seven were in December.<sup>48</sup> Thus, the demand for commissions to try witches appears to have increased in the autumn of 1649. This can be seen in chart 3.2, above. There is no record of any commissions granted by the Committee of Estates after 6 December 1649, but a warrant dated 19 February 1650 authorised the Lord Advocate (Thomas Nocholson), the Lord Treasurer Depute (Sir Daniel Carmichael of Hyndford) and Lord Couper to “sett their hands to the Commissions for tryall of witches” which suggests that commissions were still being applied for and granted, but that records of these commissions were not being kept.<sup>49</sup> On 1 March Alexander Colville of Blair, one of the justice deutes, was sent to Galloway “and other places neidfull” by the Committee of Estates to try witches.<sup>50</sup> One commission was granted during the short session of Parliament from 7-8 March 1650 for the trial of Hector Storie, Christian Hog and Margaret Sasyde in Jedburgh.<sup>51</sup> A new Committee of Estates was appointed on 8 March 1650 and ruled until Parliament convened on 15 May 1650. There are no records that this Committee of Estates granted any commissions to try witches. However, evidence suggests that requests for commissions were still being sent to the committee

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<sup>46</sup> APS VI, II p479.

<sup>47</sup> See PA12/5 Warrants of the Committee of Estates, 3 January 1650 – 20 December 1650, Minutes for August 1650 (folios not numbered).

<sup>48</sup> See Appendix I and PA11/8 ff101r-v, 114v-115r, 123v, 134r, 143v, 163r, 163r, 168v, 169r, 172r, 174r, 179r, 181r, 184r, 187v-188r, 189r-v, 190v, 195r-v, 196r; and PA11/9 ff2v, 4v-5v, 7r-v.

<sup>49</sup> PA12/5, February warrants.

<sup>50</sup> PA12/5 March warrants.

<sup>51</sup> PA3/2 Minutes of Parliament 1650-1651, March warrants f32. The warrant is dated March 1650, but it does not specify whether the commission was granted on 7 or 8 March 1650. This commission is not printed in APS VI II.

because on 10 April 1650 the committee established a sub-committee to consider requests for commissions to try witches.<sup>52</sup>

A new session of Parliament convened on 15 May 1650 and lasted until 5 July 1650. During this parliamentary session a committee on witches was created on 18 May 1650, and replaced that created by the Committee of Estates.<sup>53</sup> Unfortunately no records of either the sub-committee of the Committee of Estates or the parliamentary committee survive. A new Committee of Estates was appointed to rule from 5 July 1650 until 26 November 1650. This Committee of Estates granted a further two commissions to try witches – one on 8 August 1650 for the trial of Janet Ryoach, Barbara Mellin, James Black and Jimmy [Furey]; the other on 12 November 1650 for the trial of Janet Mcquarter in Largs.<sup>54</sup> Parliament reconvened on 26 November 1650. During this session of Parliament the Committee for Bills was ordered to consider requests for commissions to try witches – evidently the parliamentary committee on witches established on 18 May had been dissolved.<sup>55</sup> The last commission to be granted in 1650 was granted by Parliament on 2 December 1650 for the trial of John McWilliam, Margaret McInlay and Margaret McMurich in Dumbarton.<sup>56</sup>

A number of witches mentioned in the sources do not belong to any commissions granted. The petitions of Bessie Mastertoun and Marjory Durie complaining against the treatment they received at the hands of the Presbytery of Dunfermline are included in the manuscript registers of the Committee of Estates, but there is no record of a commission being granted by the Committee of Estates for their trial.<sup>57</sup> The confession of Mald Galt in Kilbarchan, Renfrewshire, dated

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<sup>52</sup> PA12/5. See also section II above.

<sup>53</sup> APS VI II pp.564-566.

<sup>54</sup> PA12/5, November warrants. See also appendix 2, commissions 57 and 58.

<sup>55</sup> APS VI II p.608. See also Lerner, *Enemies of God* p.75.

<sup>56</sup> APS VI II, p.614.

<sup>57</sup> See PA11/8 ff135, 185; PA12/4, September warrants; and PA7/6 paper 148<sup>2</sup>. Durie's complaint was initially presented to Parliament but was passed on to the Committee of Estates for investigation during the parliamentary recess. It is possible that Durie and Masterton were included in the



September 1649 is printed in the *Registers of the Privy Council*, along with witness testimonies and a supplication from the presbytery of Glasgow to “the rycht honorable Comite of Estaites or Lords of His majesties Priwie Council” requesting a commission to try her, which again shows that there was some confusion in 1649 as to which institution to apply to for a commission.<sup>58</sup> There is no record of a commission granted by the Privy Council or Committee of Estates to try Galt. A further 31 witches are listed in the registers of the Privy Council as having confessed, but no date or location is given.<sup>59</sup> Further local research may provide more information on these suspected witches. Evidence relating to another two witches is contained in the Privy Council records. Margaret Finlayson’s confession and depositions against her dated February and March 1650 are included. The application for a commission was addressed to the “rycht honorabill Committee of Estates of Parliament or the Lords of the Secret Counsall” on 21 March 1650.<sup>60</sup> Her case was passed to the sub-committee set up by Parliament to consider papers concerning witches in May 1650. The committee did not hear her case until 29 June 1650, who then recommended the justice depute to consider the case and report back.<sup>61</sup> A supplication from the commissioners assigned to try Isobel Alexander in Peebles is printed in the *Registers of the Privy Council*; a manuscript copy is also included in the supplementary parliamentary papers.<sup>62</sup> It is likely that the parliamentary committee on witches granted the commission to try her.

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commission granted by Parliament on 31 July 1649 for the apprehension of some of the wives of some of the magistrates and others in Inverkeithing. See *APS VI II*, p.510.

<sup>58</sup> *RPCS II VII* pp.198-204.

<sup>59</sup>The paper is undated from 1649 and names George Huston, Isobel Hutson, Marion Hutson, Euphame Haliburton, Marion Wood, Begs Bathcat, Jean Deans, Agnes Murray, Agnes Williamson, Helen Deans, Anna Pilmore, Elspeth Baillie, Isobel Richardson, Elisabeth Lawson, George Milton, Christine Black, Patrick Mekkie, Helen Reid, Janet West, Isobel Cathie, Janet Kenp, Susanna Bannytyne, Adam Harlaw, John Home, Margaret Black, Helen Sharpe and Isobel Cairnes “and utheris”. Another two names are listed but were deleted: Nicoll Stillie and Isobel Stillie. It is possible that these individuals were in Haddington as a list of commissioners given at the end of the list of names lists individuals such as Alexander Borthwick and William Seton who were elders in parishes in Haddington and served on commissions granted by the Committee of Estates. *Ibid* pp.204-205.

<sup>60</sup> *Ibid*, pp.211-235.

<sup>61</sup> *Ibid*, p.235.

<sup>62</sup> See *RPCS II VII* p.236 and PA7/7, paper 44<sup>2</sup>.

It has been noted that a high number of multiple commissions – commissions for the trial of two or more witches – were granted in 1649.<sup>63</sup> Of the 58 commissions granted by the Committee of Estates, 31 were multiple commissions, the majority of which were to try three or more witches, and one commission was issued to the presbytery of Peebles to try 39 witches.<sup>64</sup> One general commission was granted on 4 December for the trial of people in Biggar who had been accused of witchcraft by Janet Coutts from Peebles.<sup>65</sup> Coutts was to be confronted with the people in Biggar that she had accused of witchcraft and those who she confirmed as witches were to be tried by the commissioners named on the commission. Three witches mentioned in the records were not mentioned in commissions issued. Bessie Masterton and Marjory (also referred to as Marion) Durie both petitioned the Committee of Estates claiming ill treatment by the presbytery of Dunfermline.<sup>66</sup> Christine Clerk petitioned the Committee of Estates in November 1650 as she had been imprisoned for witchcraft but had not confessed, nor had any witnesses testified that she was a witch. The committee ordered her to be put to liberty upon caution.<sup>67</sup>

It is apparent that commissions were carefully considered before they were granted by the Committee of Estates and clear instructions were given to the commissioners on how to proceed.<sup>68</sup> Of the 58 commissions granted by the

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<sup>63</sup> Macdonald, *Witches of Fife* p19.

<sup>64</sup> See Appendix 2, commission number 35 “Commission for tryall of John Sibbald and vthers”, PA11/8 f188 r-v.

<sup>65</sup> PA11/9 f3 r.

<sup>66</sup> Marjorie Durie’s petition is included in PA7/6 Supplementary Parliamentary Papers 1649 and includes the names of another two witches in Dunfermline – Beatrix Douglas and Catherine Smyth, the petition of the elder of the kirk session of Inverkeithing against Durie and her husband, Robert Brown is contained in PA7/6 and dated 9 September 1649, the petition of the presbytery of Dunfermline against her is contained in PA12/4, dated 12 September 1649. Bessie Mastertoun’s petition is also included in PA12/4, dated September 1649. The supplementary papers also contain a supplication from the presbytery of Dunfermline dated 12 July 1649 requesting a standing commission for the trial of witches in the area to spare the expense of seeking individual commissions.

<sup>67</sup> PA12/5, November warrants.

<sup>68</sup> Again, it is difficult to say whether this was also the case for commissions granted by Parliament due to the nature of how commissions were recorded. However, the concern expressed at the potential use of torture to extract confessions and the clear remit given to the May 1650 committee,

Committee of Estates in 1649-50, 19 were for administering justice, seven were specifically for burning and 32 were specified as commissions against individuals. Sixteen of the 58 commissions contained an order for the commissioners to take an inventory of goods owned by the suspected witches to be tried. For example, the commission granted on 26 October 1649 for the trial of Allan and Marion Lawder, a brother and sister in Ayrshire, included a reference to the commissioners to

take exact tryell of all the corne cattle hors malt sheip mailles  
fermes and dewties of landes debts soumes of money in  
sight plenshing [furnishings] and other goods and quheir  
whatsomever perteaning to the said Allane and Marioune  
Lawder.<sup>69</sup>

The wordings of these commissions indicate that each commission was issued on its own merit. For example, of the five commissions issued on 4 December 1649, only one commission contained the order to take an inventory of the accused's belongings.<sup>70</sup> The inclusion of a reference to take inventory of the accused witch's belongings may indicate that some of the witches to be tried may have been moderately wealthy compared to others. Forty-seven of the commissions note that the depositions against and confessions of the witches were either subscribed, attested or revised by the presbytery, indicating that the presbytery had a significant role in the pre-trial stage of the prosecution of witches in 1649-50.

### *Regional distribution of the 1649-50 witch-hunt*

Although it is difficult to quantify exactly how many witches were to be tried by commissions granted by Parliament in 1649-50, areas that experienced significant numbers of suspected witches can be identified. Both Parliament and the

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it is likely that Parliament gave the same level of consideration and instruction in each case that the Committee of Estates did.

<sup>69</sup> PA11/8 f181. See also appendix 2, commission 30.

<sup>70</sup> PA11/9 f3r-6r. The commission that included the order to take inventory of goods was the commission to try Bigs Flager. See also appendix 2, commission 51.

Committee of Estates assigned commissions within parishes or presbyteries rather than shires or burghs, so for clarity this breakdown of regions takes account of the instances of witch-hunting in presbyteries rather than shires. The fact that both Parliament and the Committee of Estates assigned commissions in this way is another indicator of the key role played by the presbyteries in co-ordinating the witch-hunt at a local level in 1649-50. What is also apparent from the commissions granted by the central institutions is that there was a significant concentration of cases in the Lothian area, and specifically the area covered by the synod of Lothian and Tweeddale. Over 50% of cases of witchcraft in 1649-50 occurred within this synod.<sup>71</sup> This fact alone brings into question the “national” nature of the 1649-50 witch-hunt.

The presbytery that received the highest number of commissions granted by Parliament was the presbytery of Haddington in East Lothian, with eight parishes within the presbytery mentioned in commissions. Commissions were granted by parliament to seven parishes within the presbytery of Dunfermline in Fife. Four parishes in the presbytery of Chirnside in the Borders region received commissions from Parliament. Commissions were also granted to two parishes within the presbytery of Dalkeith in Midlothian, two parishes within the presbytery of Linlithgow in West Lothian, one parish in the presbytery of Edinburgh, one in the presbytery of Glasgow, one within the presbytery of Kirkcaldy in Fife and one within the presbytery of Galloway. One commission issued did not specifically mention to which region it was issued.

Table 3.1 shows a breakdown of the number of commissions granted by the Committee of Estates by presbytery. As can be seen from table 3.1 the presbytery that received the highest number of commissions from the Committee of Estates was Dalkeith, with 16. The second highest number of commissions was assigned within the presbytery of Haddington, which received 11, the presbytery of Linlithgow received six and the presbytery of Jedburgh received five commissions.

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<sup>71</sup> See discussion below and chapter four.

This is not surprising, as the witch-hunt in Scotland in general was usually concentrated in the Lothians, Fife and the Borders areas, with sporadic outbreaks in the west of Scotland. Lerner has claimed that the 1649 hunt in particular was concentrated in East Lothian, Fife and Berwickshire with some cases in Aberdeenshire and Stirling, while Stuart Macdonald has recently noted that the 1649 witch-hunt was concentrated in Fife and the Lothians and claims that the cases that occurred outside this area after the main outbreak of witch-hunting occurred in Fife and the Lothians as “aftershocks”.<sup>72</sup>

**Table 3.1: Commissions granted by presbytery**

<u>PRESBYTERY</u>	<u>COMMISSIONS ISSUED</u>
Dalkeith	16
Haddington	11
Linlithgow	6
Jedburgh	5
Peebles	3
Edinburgh	2
Kirkcaldy	2
Selkirk	2
Biggar	1
Chirnside	1
Dumfries	1
Dunbar	1
Dunfermline	1
Irvine	1
Kelso	1
Paisley	1
Unknown	3
<b><u>TOTAL</u></b>	<b>58</b>

<sup>72</sup> See Macdonald, *Witches of Fife* p.25 and Lerner, *Enemies of God* pp.80-88.

Evidence suggests, however, that the 1649-50 witch-hunt was concentrated in the Lothians. Table 3.1 shows that the majority of commissions granted by the Committee of Estates were to the Lothians. Eighteen were granted to presbyteries in Mid-Lothian: the presbytery of Dalkeith received 16 and Edinburgh received two. Twelve were granted to presbyteries in East Lothian: the presbytery of Haddington received eleven and the presbytery of Dunbar received one. Six commissions were granted to the presbytery of Linlithgow in West Lothian. Three commissions granted did not specifically mention the presbytery to which it was issued. The Borders region received eight commissions from the Committee of Estates; one in the presbytery of Chimeside, five in the presbytery of Jedburgh and two in the presbytery of Selkirk.

Table 3.2 shows a breakdown of the number of witches in the Committee of Estates records by presbytery. Although only three commissions were granted within the presbytery of Peebles, the total number of witches to be tried there was 44. One commission granted on 6 November 1649 was for the trial of 39 individuals.<sup>73</sup> The presbytery of Dalkeith had 33 witches, Haddington had 31, Jedburgh had 16 and Lithgow had 14. With the exception of Peebles, there seems to be a concentration of cases in the Lothians. In East Lothian there was a total of 40 named witches, there were 36 in Mid-Lothian and 14 in West Lothian. There were five named witches in the commissions issued to Fife, plus an additional two (Bessie Mastertoun and Marjorie Durie) named in supplications to the committee. An unspecified number of witches were to be tried by the general commission granted to the presbytery of Biggar and a total of 14 named witches were in unspecified regions.

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<sup>73</sup> PA11/8 f188. See also Appendix 2 commission 35.

**Table 3.2: Number of witches to be tried by presbytery**

<b><u>PRESBYTERY</u></b>	<b>NUMBER OF WITCHES</b>
Peebles	44
Haddington	37
Dalkeith	33
Jedburgh	16
Linlithgow	14
Kirkcaldy	4
Selkirk	4
Dunbar	3
Edinburgh	3
Dumfries	2
Chirnside	1
Dunfermline	1
Irvine	1
Kelso	1
Paisley	1
Biggar	Unspecified
Unknown	13
<b><u>TOTAL</u></b>	<b>180</b>

Table 3.2 shows a breakdown of the number of individual witches to be tried by Committee of Estates commissions by presbytery. There was a significant concentration of cases in the Lothian and Tweeddale areas. Of the 180 named witches, 134 or 74% of the witches to be tried by commissions granted by the Committee of Estates resided within the bounds of the seven presbyteries that formed the synod of Lothian and Tweeddale: Biggar, Dalkeith, Dunbar, Edinburgh, Haddington, Linlithgow and Peebles.

This regional breakdown suggests that there was a concentration of cases within presbyteries within the areas covered by the synod of Lothian and

Tweeddale. There were seven presbyteries within the synod of Lothian and Tweeddale – Linlithgow, Edinburgh, Dalkeith, Haddington, Dunbar, Biggar and Peebles – all of which experienced significant numbers of cases in 1649-50. The concentration of cases in the Lothians is not surprising given that most of the cases came from areas within close proximity to Edinburgh where local witch-hunters had relatively easy access to the Parliament and Committee of Estates.<sup>74</sup> The concentration of cases in East Lothian in 1649-50 is also not surprising given that this area experienced intense witch-hunting in the previous witch-hunts of 1590-91, 1597, 1628-30. The 1661-61 hunt was also concentrated in East Lothian.<sup>75</sup>

### *Conclusion*

This chapter has discussed the 1649-50 witch-hunt from the perspective of the central authorities. The first commission to be granted in this particular witch-hunt was on 20 April 1649 by the Committee of Estates. The last commission was granted by Parliament on 2 December 1650. Between 20 April 1649 and 12 November 1650 the Committee of Estates granted 58 commissions for the trial of 180 witches. Parliament granted a number of commissions for the trial of witches in 1649 but as has been discussed, due to the way in which these commissions are recorded in the main parliamentary records it is impossible to quantify how many witches were to be tried by parliamentary commissions without further research on local records. However, areas that experienced intense witch-hunting can be inferred from both the parliamentary records and the records of the Committee of Estates. As discussed above, the Fife, Lothians and Borders regions appear to have experienced high numbers of cases of witchcraft in 1649-50. A geographical breakdown of the commissions granted by the Committee of Estates shows that presbyteries within the synod of Lothian and Tweeddale applied for the greatest

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<sup>74</sup> Larner cites this factor as a reason why the witch-hunt as a whole was concentrated in this area. See Larner, *Enemies of God* p.80.

<sup>75</sup> Ibid, pp.80, 86. See also B.P. Levack, "The Great Scottish Witch hunt of 1661-1662" in Levack, (ed) *Articles on Witchcraft, Magic and Demonology: Volume & - Witchcraft in Scotland* (London, 1992) pp.256-274.



number of commissions – 40 of the 58 commissions (69%) granted by the Committee of Estates were to presbyteries within the Synod of Lothian and Tweeddale for the trial of 136 witches plus an unspecified number to be tried by the general commission for the trial of witches in Biggar. As this thesis will include a regional case study of the 1649-50 hunt, the evidence presented here justifies the choice of the synod of Lothian and Tweeddale as the case study to be used. The Survey of Scottish Witchcraft also shows that of the 561 named individuals who were investigated for witchcraft in 1649-50, 295 (52.5%) were resident within the synod of Lothian and Tweeddale. Thus meaning that around half of known cases in 1649-50 came from one synod area. This is further justification for the choice of this synod for a regional study in this thesis.

This is not to say of course that other areas did not experience intense levels of witch-hunting in 1649-50. For example the presbytery of Dunfermline produced 46 witches and the presbytery of Kirkcaldy produced 20 witches. The presbytery of Irvine saw 32 individuals investigated for witchcraft in 1650. The presbytery of Jedburgh saw 15 individuals investigated for witchcraft.<sup>76</sup>

This chapter has discussed the 1649-50 witch-hunt from a top-down perspective. It would appear that the church pressured the central authorities throughout the 1640s for action to be taken on the threat of witchcraft in the country. It may be argued that the 1649-50 witch-hunt was to an extent inevitable because the church campaigned throughout the 1640s for action to be taken on witchcraft. This chapter has discussed how attempts were made in 1649 to change both the legislation against witchcraft and the procedure for dealing with witches. It has also discussed the chronology of the witch-hunt. It is evident that the witch-hunt can be divided into two phases. The first phase was from May to December 1649 when the witch-hunting was a key priority for the radical regime as is evident by the stringent record keeping and intensity of demand for commissions to try witches. The second phase was from January to July 1650 when the breakdown in relations

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<sup>76</sup> Goodare et al, *Survey of Scottish Witchcraft*.

with Cromwell, negotiations with Charles II and another royalist rising led by Montrose diverted the regime's attention away from the pursuit of witches. This is evident in the lack of quantitative evidence of commissions being granted. However, it is apparent that witch-hunting was still going on because there are references to commissions being granted, and a warrant issued to send Alexander Colville of Blair, one of the justice deputes to Galloway to try suspects there and two committees were created in April and May whose sole purpose was to consider evidence against witches and grant commissions for the trial of witches. By June 1650 the regime was concerned with purging of the army and preparing for an anticipated invasion by Cromwell's forces after the successful conquest of Ireland. By July 1650 Cromwell's forces had crossed the border, and passed into the Borders and Lothians regions where the witch-hunt had been intense. The presence of enemy troops in these localities provided the ordinary folk with a more tangible and much more immediately dangerous enemy than the conceptual enemy of witches in the community. The other effect that the presence of the army had was that elders and ministers who sat on the presbyteries had to abandon their meetings for almost a full year in some areas, which effectively removed the most important local administrative unit in combating witchcraft. For example, the presbytery book for Haddington records that there were no meetings of the Presbytery from 17 July 1650 to 13 August 1651 "in respect of the present troubles and violence of war".<sup>77</sup> Further research of local records, in particular those of the presbyteries and kirk sessions within the synod of Lothian and Tweeddale will provide a fuller explanation of how and why the 1649-50 witch-hunt came to an end.

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<sup>77</sup> CH2/185/6 p.124

## **Section Two: The 1649-50 witch-hunt in the synod of Lothian and Tweeddale**

**Chapter Four: The 1649-50 witch-hunt in  
the synod of Lothian and Tweeddale: an  
overview**

## Chapter Four: The 1649-50 witch-hunt in the synod of Lothian and Tweeddale: an overview

“Every parish had a tyrant, who made the greatest lord in his district stoop to his authority. The kirk was the place where he kept his court; the pulpit, his throne, or tribunal, from whence he issued his terrible decrees; and twelve or fourteen sour enthusiasts, under the title of elders, composed his council.”<sup>1</sup>

The above quotation, taken from the *Domestic Annals of Scotland* from 1649, indicates a typical assumption about the power of the Kirk in Scotland during the late 1640s. Following the establishment of a Presbyterian church system as agreed by the General Assembly in 1638 and the removal of the clerical estate from Parliament in 1640, the presbyteries were free to meet whenever they pleased, without sanction from the Bishops. During the following decade, presbyteries and kirk sessions had an unprecedented level of power and met frequently with the aim of monitoring and regulating the moral conduct of the local community and carrying out the day to day mission of creating a godly commonwealth as envisaged by the radical Covenanting regime.<sup>2</sup> The common perception of kirk sessions and presbyteries at this time was of a “tyrannical” and godly minister backed by the “sour enthusiasts” of the elders, with the minister being the most powerful man on the session. However, the minister would be outnumbered by the lay elders on the session and the elders were in some instances more zealous in punishing the ungodly than ministers were. Kirk sessions and presbyteries were charged with

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<sup>1</sup> R. Chambers, *Domestic Annals of Scotland from the Reformation to the Revolution* Volume II 1625-1688 (Edinburgh, 1858) p.173.

<sup>2</sup> See J.R. Young, “The Scottish Parliament and witch-hunting in Scotland under the Covenanters” in *Parliaments, Estates and Representation* 26 (2006) pp53-65; J.R. Young, “The Covenanters and the Scottish Parliament, 1639-1651: The Rule of the Godly and the ‘Second Reformation’”, in E. Boran, and C. Gibbon, *Enforcing Reformation in Ireland and Scotland, 1550-1700* (Aldershot, 2006) pp 131-158; Stevenson, *Revolution and Counter-Revolution* pp118-121; L. Henderson and E.J. Cowan, *Scottish Fairy Belief: A History* (East Linton, 2004) pp106-138; and Larner, *Enemies of God* pp53-59, esp p58.

regulating the morality and behaviour of the community and examples of this can be seen in the kirk session and presbytery books with people being admonished and punished for indulging in certain types of behaviour which was not acceptable to the Church. In the daily war against sin, ministers and elders were the first guard against the onslaught of the ungodly, who had to be rooted out and purged from local communities. Of these ungodly, suspected witches were the worst kind of sinner. Not only had they caused destruction, illness and fear within the community, they were also guilty of the most horrifying betrayal of their religion by renouncing their baptisms and entering into league with the devil.

Between the summers of 1649 and 1650 the central authorities in Scotland experienced a renewed sense of panic over the prevalence of witchcraft in the regions. This chapter discusses the 1649-50 witch-hunt from the perspective of the synod of Lothian and Tweeddale. An analysis of the records of central government for this period indicates that the synod of Lothian and Tweeddale experienced intense witch-hunting in 1649-50 and that the bulk of commissions for the trial of witches granted by the central institutions were assigned within this area.<sup>3</sup> On eleven separate occasions Parliament granted commissions for the trial of witches in the synod of Lothian and Tweeddale.<sup>4</sup> Of the 58 commissions for granted by the Committee of Estates, 40 of these commissions were assigned within the area covered by the synod of Lothian and Tweeddale. One hundred and thirty six individuals were to be tried under these commissions. A general commission was also granted on 4 December 1649 for the trial of an unspecified number of accused witches in the presbytery of Biggar.<sup>5</sup>

The *Survey of Scottish Witchcraft* database shows a total of 616 recorded cases of witchcraft for the 1649-50 witch-hunt.<sup>6</sup> Of these 616 cases, 561 are named

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<sup>3</sup> For further discussion of the response of the central authorities and the complex nature of controlling the witch-hunt from the centre see chapter three, above.

<sup>4</sup> See *APS VI II* pp420, 463, 484, 490, 497, 506, 518, 538, 732, 733.

<sup>5</sup> NAS PA11/9 Register of the Committee of Estates, 4 December 1649 – 26 February 1650 f3. See also appendix 2.

<sup>6</sup> Goodare et al, *The Survey of Scottish Witchcraft*.

individuals.<sup>7</sup> For the purposes of this section, and this thesis, only the 561 individuals whose identities are known and can be confirmed (see table 4.1 below) have been included. Of these 561 individuals, 307 (approximately 54.7%) came from the seven presbyteries within the synod of Lothian and Tweeddale – Biggar, Dalkeith, Dunbar, Edinburgh, Haddington, Linlithgow and Peebles. This is further supporting evidence that the synod of Lothian and Tweeddale was the area that experienced the most intense level of witch-hunting in 1649-50 with over half of the cases occurring there and is further justification for the choice of Lothian and Tweeddale as a case study for this thesis.

**Table 4.1: Accused witches in Lothian and Tweeddale 1649-50**

	Number of witches
Presbytery of Haddington	154
Presbytery of Dalkeith	61
Presbytery of Peebles	42
Presbytery of Linlithgow	25
Presbytery of Edinburgh	17
Presbytery of Dunbar	7
Presbytery of Biggar	1
Total number of named witches in Lothian and Tweeddale 1649-50	307

This apparent intensity of cases in this area in 1649-50 is reflective of the concentration of witchcraft cases in the Lothians throughout the sixteenth and seventeenth centuries. A new evaluation of the period as a whole by Lauren Martin has shown that the Lothians, and particularly the Haddington area, dominated the

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<sup>7</sup> The other 55 cases are of groups of individuals or unknown individuals, most of which are duplicate cases, for example those that are the records of the unknown individuals to be tried by commissions granted by Parliament in 1649.

Scottish witch-hunt.<sup>8</sup> Martin shows that throughout the period of the Scottish witch-hunt, one third of those accused of witchcraft came from the Lothian area and that “[in] many ways, the so-called ‘national’ chronological pattern of witchcraft prosecution is really the Lothians’ pattern writ large”.<sup>9</sup> In questioning the supposed “national” nature of Scottish witch-hunting, Martin suggests that the term “national witch-hunt” is misleading, citing regional variations in prosecution rates. Rather, Martin suggests that the 5 “national” peaks of witch-hunting described by Lerner were dominated by two or three regions at most.<sup>10</sup> This is reflective of what can be found in the central and local records for the 1649-50 witch-hunt. This particular hunt was concentrated in the Lothian, eastern Borders, Fife, and in 1650, Ayrshire. Thus, the 1649-50 witch-hunt was a chain of regional hunts rather than a uniform national hunt.

In examining the 1649-50 witch-hunt in Lothian and Tweeddale, this chapter includes a discussion of three of the presbyteries that experienced a high proportion of witchcraft cases in 1649-50 – Haddington, Linlithgow and Peebles. The other presbyteries in the synod – Dalkeith, Edinburgh, Dunbar and Biggar – will be considered within the wider context of the synod as a whole. The main reason for focussing closely on Haddington, Linlithgow and Peebles is that the records for these three presbyteries were more detailed than the others.<sup>11</sup> Another reason is that the three presbyteries chosen demonstrate a variety of reactions to the outbreak of witch-hunting within their bounds. Biggar presbytery’s reaction to the outbreak of witch-hunting will be discussed alongside the presbytery of Peebles as the witches accused in Biggar had been named by a witch who was resident in and

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<sup>8</sup> L. Martin, “Scottish Witchcraft Panics Re-examined” in J. Goodare, L. Martin, and Joyce Miller (eds), *Witchcraft and Belief in Early Modern Scotland* (Basingstoke, 2008) pp.119-143. See also L. Martin and J. Miller, “Some Findings from the Survey of Scottish Witchcraft” in *Ibid* pp51-70. The Lothians area Martin refers to includes Haddington to the east, Edinburgh, Dalkeith, and Linlithgow to the west.

<sup>9</sup> Martin, “Scottish Witchcraft Panics” pp124-125.

<sup>10</sup> *Ibid*, p126, table 5.3. In the table Martin shows that the Lothian area accounted for 40% of accusations in 1649 and 40% in 1650; the eastern Borders accounted for 26% of suspects in 1649 (this area includes Peebles and Biggar); the Fife area accounted for 18% of suspects in 1649; and the Strathclyde area (including Ayrshire) accounted for 38% of accusations in 1650.

<sup>11</sup> There are no surviving presbytery records for Dunbar or Edinburgh for this period. The Dalkeith records contain no qualitative information on individual cases.



had initially been apprehended and interrogated in Peebles and the two presbyteries eventually had to work together. The role of the presbytery as an administrative unit of the Church in controlling the witch-hunt in 1649-50 will also be considered. As has been suggested in chapter three, the presbytery was the most significant local body in the witch-hunting process in 1649-50, as it considered cases from accusation to the stage at which it was decided if there was enough information to apply to the central authorities for a commission to try a suspected witch. A number of individuals who had a role to play in the witch-hunt in Lothian and Tweeddale in 1649-50 will also be highlighted. The witch-hunting process was as much about the witch-hunters as the witches themselves. Without committed individuals within the local institutions who genuinely believed in a satanic conspiracy many cases would not have reached the trial stage.

### *The 1649-50 witch-hunt in Lothian and Tweeddale: The role of the presbytery*

One might wonder what impact the events of high politics and ecclesiastical affairs discussed in the preceding two chapters had on ordinary folk. One way that this affected them was that there was an influx of personnel to office who were responsive to some of the policies concerning morality and behaviour favoured by the Kirk. Throughout the 1640s the governing body of the Scottish Church, the General Assembly, repeatedly encouraged ministers and Kirk elders to be concerned with the moral conduct and behaviour of their parishioners. The Commission of the Kirk repeatedly petitioned Parliament throughout the 1640s on behalf of the General Assembly for renewal of legislation concerning morality enacted at the Reformation to which Parliament responded by passing 12 acts concerning morality, including acts against Sabbath breaking, drunkenness, blasphemy, adultery, fornication, incest and witchcraft in the first few months of 1649. The heightened interest in the punishment of ungodly behaviour at the central level was mirrored by a closer scrutiny by the Kirk sessions of their parishioners' moral conduct. Ministers and readers frequently lectured parishioners on proper conduct

during sermons and actively encouraged them to inform the session if any of their neighbours were involved in ungodly behaviour. Those who breached the strict moral code were forced to publicly repent their sins during sermon in front of the congregation. The suppression and eradication of witchcraft and superstitious and magical practices was an essential part of creating the godly commonwealth that the Covenanted regime strove to establish.

The system of church courts of kirk sessions and presbyteries in early modern Scotland played a vital role in the witch-hunting process. Stuart Macdonald's study of witch-hunting in Fife between 1560 and 1710 identified the key role played by kirk sessions in apprehending and "watching" of suspected witches in the pre-trial stage of conviction.<sup>12</sup> This thesis has concluded that the presbyteries also played a key administrative role in the trial process during the 1649-50 witch-hunt by hearing evidence gathered by the sessions and judging whether the evidence provided suitable grounds for appealing to the central authorities for a commission to try suspected witches. The presbyteries' involvement did not end when the evidence had been sent to the central authorities to appeal for a commission to be granted. For example, the presbytery of Peebles closely dealt with the commissioners involved in the trial of Janet Coutts and Marion Tweedy, often preaching to the commissioners and sending a representative of the presbytery to report on the progress of the trial.

Each presbytery within the synod experienced differing levels of witch-hunting during 1649-50, but all seven presbyteries produced cases of witchcraft. The synod of Lothian and Tweeddale was conveniently placed for access to the capital, which may explain the high number of individual commissions as opposed to commissions granted for the trial of groups of witches, as local officials would not have too far to travel to the central institutions. Lothian and Tweeddale was also one of the most important synods at the time in terms of the structure and administration of the Church of Scotland as a whole. The synod was heavily

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<sup>12</sup> See Macdonald, *Witches of Fife*.

represented on the General Assembly, the Commission of the Kirk, and on the Committee of Estates. The synod was surrounded by three other synods – Glasgow to the west, Merse and Teviotdale to the south east and Fife to the north – and there is evidence of local hunts within certain presbyteries crossing into these other synods. For example James Hill, one of the bailies of South Queensferry reported to the kirk session there on 12 June 1649 that Andrew Dauling, having been in Inverkeithing in Fife and going to visit some witches who had been apprehended there, reported that one of the witches said to him “Why gaze ye on vs (sic) Goe and gaze on your ovn vitches in the ferrie”.<sup>13</sup> As a result two witches were investigated. This is further reinforced by the accusations made by Janet Coutts against people in Lanark (within the neighbouring synod of Glasgow) and in Jedburgh (in the synod of Merse and Teviotdale). The location of the synod was also significant in terms of the arrival of Cromwell’s forces in Scotland in 1650, as can be seen in the abandoning of kirk session and presbytery meetings from the summer of 1650 for up to a year in some places, which may have been instrumental in bringing the 1649-50 hunt to a close. There was also a significant concentration of personnel within the synod, and a good mix of high profile engagers and radicals, which encouraged conflict within the local institutions, especially in Linlithgow.

Another important function that the presbyteries served was in the spread of accusations from parish to parish, as names of apprehended witches were announced in other parishes within the presbytery as advertisement for witnesses to come forward against the accused. The synod would also circulate news of fugitive witches who had either escaped from custody or who fled before they could be apprehended to every parish within the boundaries of the synod and the names of the fugitives were to be read out during sermon so that parishioners could be on the look out for them.

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<sup>13</sup> NAS CH2/689/1 p122. When Dauling asked the witches in Inverkeithing “vhat vitches of ours?”, they replied by naming Janet Stein and Janet Cant. On the same day Robert Bisset (one of the elders of the parish?) reported that Janet Cant had remarked to him a few days previously “Sham or the devell tak the veather for I can neither get bidden vithin nor vithout for it”, *ibid* p122. There is no further record of any confession made by Cant or Stein.

The synod of Lothian and Tweeddale was made up of a network of Kirk sessions and presbyteries and each unit played a part in the daily war against sin and superstition. The presbyteries performed a key function of being a sort of “middle man” between the local burgh and Kirk session courts and the central authorities. As has been discussed in previous chapters, during the decade of the 1640s presbyteries enjoyed an unprecedented level of power due to the removal of Bishops from the government of the Church. This section will now discuss the activities of three of the presbyteries in the synod, Haddington, Linlithgow and Peebles, and their differing responses to the outbreak of witch-hunting within their bounds.

### *The presbytery of Haddington*

The presbytery of Haddington experienced the highest level of witch-hunting in 1649-50. The Committee of Estates granted 12 commissions for the trial of 38 suspected witches in the presbytery of Haddington in 1649. Commissions were also granted by Parliament to try witches in Haddington in June and July 1649. One witch, Jean Craig from Tranent, was tried before the Justiciary court on 27 April 1649.<sup>14</sup> The commission to try her was granted by the Committee of Estates on 20 April 1649.<sup>15</sup> A further three witches are mentioned in the depositions against her as having been burned for witchcraft at Prestonpans but are not mentioned by name in any other source.<sup>16</sup> The confessions of six witches from Haddington are contained in the registers of the Privy Council but the commissions to try them appear to have been granted by Parliament.

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<sup>14</sup>J. Irvine Smith (ed) *Selected Justiciary Cases 1624-1650* (Edinburgh, 1973) pp812-815. See also NAS JC2/8 High Court Books of Adjournal 1637-1650 and JC26/13 Process Papers.

<sup>15</sup> NAS PA11/8 f49r.

<sup>16</sup> *Selected Justiciary Cases* pp813-814. The other three witches were Beigis Wallace, Margaret Mathiesone and Janet Reid.

The presbytery book of Haddington shows that the confessions and depositions of 122 suspected witches were processed in 1649-50.<sup>17</sup> A further 17 suspected witches in Haddington are named in commissions granted by the Committee of Estates and the confessions of a further three are recorded in the Register of the Privy Council. Thus the total number of witches processed in Haddington in 1649-50, including the three named in the depositions against Jean Craig, was 154.

The 1649-50 witch-hunt in Haddington was relatively widespread across the parishes within the presbytery. There were 15 parishes within the presbytery at this time,<sup>18</sup> eleven of which had one or more suspected witches. The parish that appears to have experienced the most intense witch-hunting was Pencaitland. Of the 122 confessions attested by the presbytery, 34 were from Pencaitland. The Committee of Estates granted commissions for the trial of a further nine witches in Pencaitland who were not named in the presbytery book. Haddington parish experienced the second most intense level of witch-hunting within the presbytery in 1649-50. Twenty-five of the 122 confessions attested by the presbytery were of witches in the parish of Haddington. The Committee of Estates granted a commission for the trial of a further two individuals and the Registers of the Privy Council contain the confessions of another two witches within the parish who were not mentioned in the presbytery book. The parish of North Berwick had the third highest number of witches – 20 of the 122 confessions came from North Berwick. Fourteen of the 122 confessions came from Humbie, seven came from Aberlady, five came from Dirleton plus an additional two contained in the Privy Council records. Only two of the confessions in the Presbytery book came from Tranent, but a further five were to be tried by a commission granted by the Committee of Estates. Two of the confessions were from Saltoun and the parishes of Bara and Bathans both produced

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<sup>17</sup> NAS CH2/185/6 Presbytery of Haddington, 1648-1661. As the book only lists infrequent references to executions it is not possible at present to calculate exactly how many of these suspected witches were executed, but it would be fair to assume that the vast majority of them were executed.

<sup>18</sup> Aberlady, Athelstaneford, Bara, Bolton, Dirleton, Garvald, Haddington, Humbie (sometimes referred to as Keithmarischall), Morham, North Berwick, Pencaitland, Prestonpans (sometimes referred to as Saltpreston), Saltoun, Tranent and Seton, and Yester.

one witch each. Ten of the confessions came from witches whose parish of residence was not specified.

The first suspected witch in Haddington in 1649-50 was Jean Craig. The minister at Tranent, Robert Balcanquhall, reported to the presbytery on 21 March 1649 that he had obtained a warrant from the Lord Chancellor to apprehend her for witchcraft and bring her to a confession. The presbytery ordered John Oswald, minister at Prestonpans, and Archibald Douglas, minister at Saltoun, to assist him.<sup>19</sup> This appears to have been the initial case in the Haddington witch-hunt. She was accused of a number of acts of malefice, including stealing a cow's milk, and of murdering a child by her "sorcerie and witchcraft" as well as entering a demonic pact.<sup>20</sup> She was sentenced to death on 27 April 1649. No other witches were mentioned in the presbytery book until 17 June 1649. However, the depositions against Jean indicate that another three witches, including her mother, Beigis Wallace, were executed at Prestonpans, possibly as a result of her interrogation. It is also possible that Jean named the five witches who were to be tried by a commission granted by the Committee of Estates on 22 May 1649.<sup>21</sup> Although there is a gap of two months between the cases in Tranent and the more general outbreak throughout the presbytery from 17 June onwards, it is unlikely that the Tranent cases are not linked to the outbreak of witch-hunting in other parishes. Robert Balcanquhall, who had been minister of Tranent parish since 1618, was, from November 1648 until his removal in August 1649, among a number of pro-Engagement ministers under investigation by the presbytery.<sup>22</sup> He was still under investigation while pursuing Jean Craig for witchcraft. It is possible that he actively

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<sup>19</sup> NAS CH2/185/6 p26.

<sup>20</sup> *Selected Justiciary Cases* p813.

<sup>21</sup> NAS PA11/8 f90v. The five witches to be tried were Agnes Affleck, Catherine Craig, Margaret Strachan, Margaret Gibson and Margaret Allan. It is also possible that she named witches in Peebles. The presbytery of Peebles resolved to write to Robert Balcanquhall on 17 May 1649 to enquire about confessing witches in Tranent who had apparently named other witches in Peebles. He replied on 14 June that none of the apprehended witches had accused any residents of Peebles. NAS CH2/295/4 p114

<sup>22</sup> NAS CH2/185/6 p2, 14-19. The other ministers under investigation were William Trent, second charge at Haddington, Andrew Bannatyne, minister at Garvald and James Calderwood, minister at Humble.

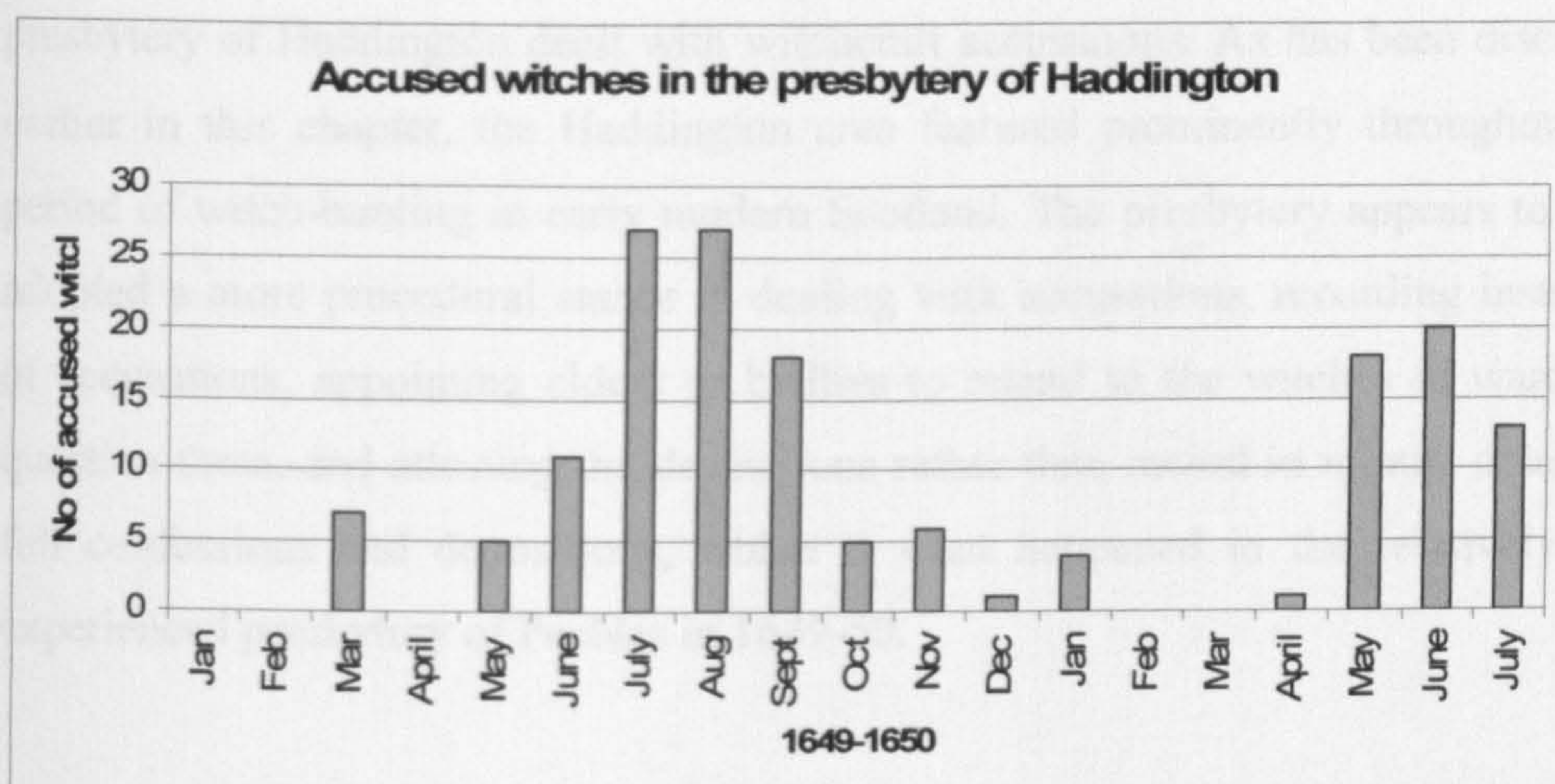
pursued Jean in order to divert attention from himself, much in the same way that Walter Bruce, minister of Inverkeithing pursued suspected witches in the parish of Inverkeithing across the Forth in Fife, particularly Margaret Henderson, Lady Pittadro.<sup>23</sup> Also, the presence of ministers from other parishes during the interrogation of Jean and the other witches tried in Tranent may account for the spread of accusations to other parishes. When Balcanquhall was finally deprived of his parish in August 1649 ministers from other parishes were sent to Tranent to preach there until a new minister was appointed. The movement of ministers within the presbytery appears to have been a factor in the spread of witchcraft accusations in Haddington in 1649-50. Tranent was not the only vacant parish within the presbytery – North Berwick was also without a minister for much of 1649-50 due to the ill health and subsequent death of Henry Aitkenhead the resident minister in February 1649. The new minister, Archibald Turner, was not appointed until December so Tranent was supplied by ministers from other parishes for much of 1649.

From June 1649 through to January 1650 the presbytery dealt with confessions of suspected witches on a fairly regular basis. In February and March 1650 there were no new confessions, but April through to July saw another increase in the number of confessions processed by the Presbytery. Thus particular hunt in Haddington lasted from March 1649 to July 1650 when it was brought to an abrupt end by the presence of Cromwell's army in the area. As can be seen from chart 4.1 below, during the period March 1649-July 1650 there were two peaks of witch-hunting in Haddington.

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<sup>23</sup> See Macdonald, *The Witches of Fife* pp. 100-108. Macdonald suggests that Bruce, as the "key player" in the Dunfermline hunt in 1649-50, had actively pursued suspected witches there as a means of restoring his position within the presbytery. This desire, coupled with a committed belief in the existence of a conspiracy of witches led to Bruce's pursuing of witches. Louise Yeoman also discusses Bruce in "Hunting the Rich Witch" in Goodare (ed), *Scottish witch-hunt in context* pp106-121 at pp118-119, casting Bruce as a witch-hunter in the mould of an early modern "superhero", charged with saving the community from the dangers of witches and witchcraft.

**Chart 4.1: Accused witches in the presbytery of Haddington**



The first peak was in July and August 1649, which saw 27 and 20 suspects respectively. The second peak was in May, June and July 1650, which saw 18, 20 and 13 suspects respectively. These figures reflect what was happening at a national level in 1649 and 1650. Parliament granted a number of commissions in July and the beginning of August 1649. When Parliament was in recess the Committee of Estates took over and granted 58 commissions to try 175 witches between May and December 1649. On 2 April 1650 the Committee of Estates set up a sub-committee whose sole purpose was to examine supplications for commissions to try witches until Parliament or the Privy Council established a more permanent way of granting commissions.<sup>24</sup>

Between the summer of 1649 and the summer of 1650 the presbytery of Haddington experienced witch-hunting on a massive scale. The trend of witch-hunting in this area reflected the national trend. The sheer quantity of witches processed by the presbytery means that very little detail about the cases were

<sup>24</sup> See Appendix 3. Although there are no individual commissions listed in either source for April or May 1650, the mere fact that these two committees were created suggests that there was a significant increase in supplications for commissions to try suspected witches at a national level at this time. See also chapter 2, above.



recorded in the presbytery book. The lack of detail and the way in which cases were recorded in the presbytery book also indicates the experienced way in which the presbytery of Haddington dealt with witchcraft accusations. As has been discussed earlier in this chapter, the Haddington area featured prominently throughout the period of witch-hunting in early modern Scotland. The presbytery appears to have adopted a more procedural stance in dealing with accusations, recording instances of accusations, appointing elders or baillies to attend to the witches in ward and question them, and attesting the depositions rather than record in minute detail the full confessions and depositions, which is what happened in the relatively less experienced presbytery of Peebles in 1649-50.

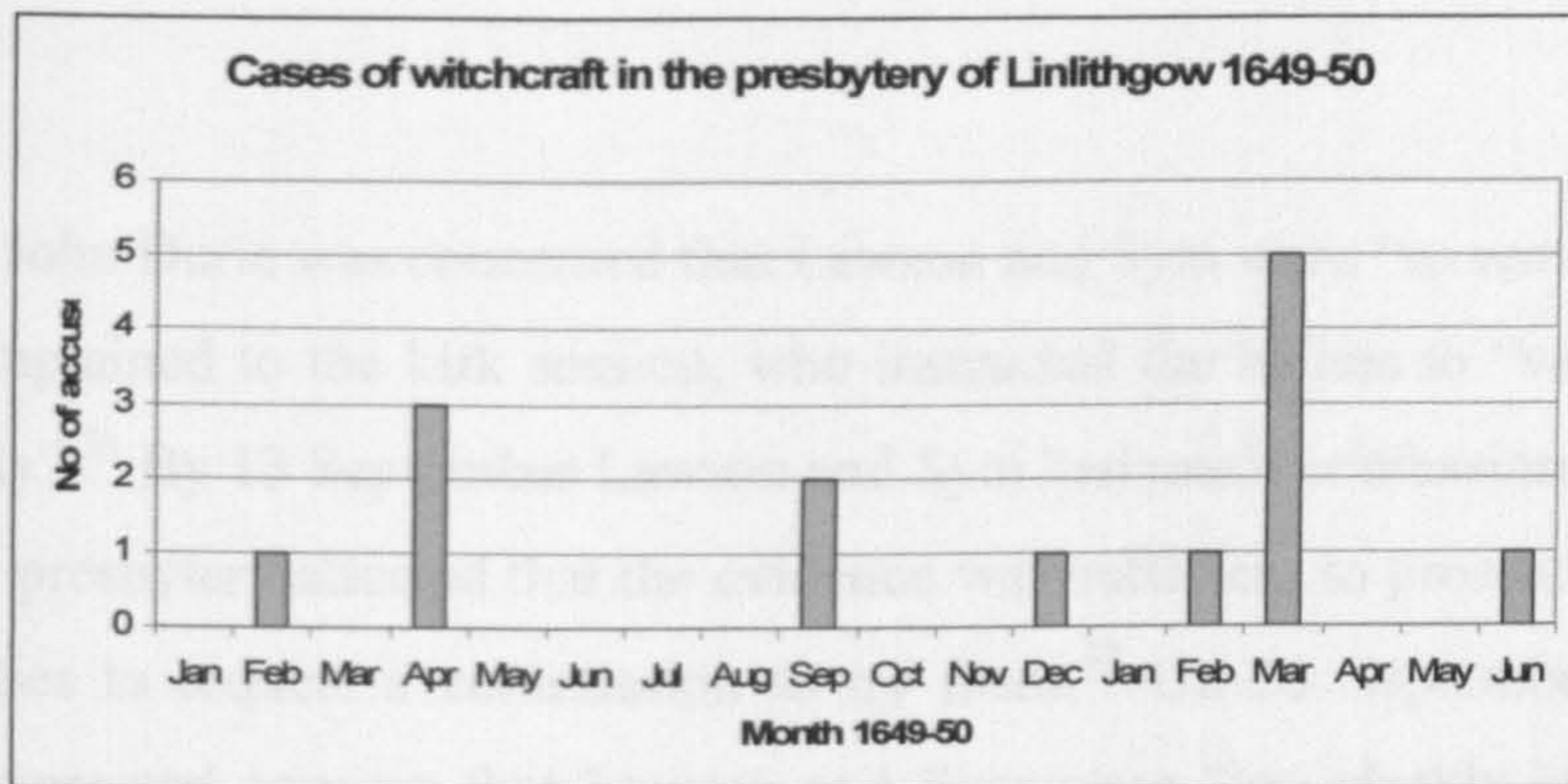
### *The presbytery of Linlithgow*

In 1649-50, the presbytery of Linlithgow (which covered the area now known as West Lothian) experienced a moderate level of witch-hunting in comparison with the presbytery of Haddington. During the period 14 February 1649 to 19 June 1650, 27 people in this area were investigated for witchcraft. Fifteen of these people are mentioned in the main presbytery book,<sup>25</sup> a further two are named in the kirk session book of South Queensferry, and a further 10 are named in commissions granted by the Committee of Estates. There were also two complaints of slander to the South Queensferry kirk session involving allegations of witchcraft, but neither resulted in an investigation by the session into the alleged witches. The 1649-50 witch-hunt in Linlithgow began on 14 February 1649 and lasted until 19 June 1650. As can be seen from chart 4.2 below, the Linlithgow hunt peaked in April 1649 and March 1650, reflecting the two peaks in witch-hunting in the presbytery of Haddington.

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<sup>25</sup> NAS CH2/242/3 The Presbytery of Linlithgow, Volume III 1639-1653.

**Chart 4.2: Accused witches in the presbytery of Linlithgow**



There were two particularly noteworthy cases of witchcraft in Linlithgow. The first was Agnes Lawson “a voman infamous be reason of the bruit of witchcraft”,<sup>26</sup> in the parish of South Queensferry. The session’s investigation into her alleged witchcraft began on 5 June 1649 when the session was “recommended” to make enquiry “and search out if ther could be any presumptions of witchcraft fund out” against Lawson and Christian Sym, “two infamous women” who had been named by some witched who had been apprehended in the parish of Dalmeny.<sup>27</sup> While the investigation into her alleged witchcraft was going on, Agnes was cited to appear before the session for “flytting”, or arguing, with another woman. When she appeared before them on 11 June, the session found her to be “a voman given to threatening and menacing speeches”.<sup>28</sup> It certainly seems that Agnes would fit in with the witch stereotype of the shap-tongued woman. Agnes’ disposition towards inflammatory speech got her into trouble again on 18 June when she was accused of cursing “upon the open streets on her barr knees” Mr John Durie, the minister at Dalmeny. She denied cursing Durie, but admitted that she cursed “these who vatched the vitches in Damanie”. As punishment she was

<sup>26</sup> NAS CH2/689/1 p123.

<sup>27</sup> Ibid p122. The apprehended witches in Dalmeny who named Agnes and Christian possibly included Annabel Ewing who was ordered to be apprehended on 4 April 1649, ibid p119 and NAS CH2/242/3 Presbytery of Linlithgow p308.

<sup>28</sup> NAS CH2/689/1 p122.

ordered to pay 10 merks or be warded.<sup>29</sup> However, the bailies in Dalmeny informed the session that they had apprehended and put a watch on Lawson and Sym on 26 June.<sup>30</sup>

John Durie was concerned that Lawson and Sym were “so remissly vatched” and complained to the kirk session, who instructed the bailies to “vatch them mor narrowly”.<sup>31</sup> By 13 September Lawson and Sym had made confession of witchcraft, and the presbytery attested that the evidence was sufficient to present to the central authorities to request a commission to try them.<sup>32</sup> On 16 September the session again expressed concern that Lawson and Sym were “too slackly keepit”. It was decreed that one of the elders should be present to “look over them” every night and Robert Hill, an elder and also one of the town bailies and also one of the commissioners who would be appointed for their trial, was appointed to take the first watch.<sup>33</sup> The Committee of Estates granted a commission for the trial of Lawson and Sym on 27 September.<sup>34</sup> The men who were appointed as commissioners for their trial were: George Dundas of Dundas senior, George Dundas of Dundas younger, George Dundas of Duddingston, (who was shire commissioner to Parliament for Linlithgowshire in 1650)<sup>35</sup> Sir Robert Drummond of Nedop, William Dundas, Robert Hill, George Painton, James Hill and John Dick. Robert Hill, George Painton, James Hill and John Dick were all bailies in South Queensferry, Robert Hill also being an elder on the South Queensferry session. Lawson and Sym had been tried by the commission, found guilty and executed by 2 October 1649. On that day the session discussed the “great expense of moneys” it

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<sup>29</sup> Ibid p123.

<sup>30</sup> Ibid p123.

<sup>31</sup> Ibid p124.

<sup>32</sup> NAS CH2/242/3 p332. The note in the presbytery book says that the case was referred to the “Lords of Counsell”, meaning the Privy Council. However, the commission to try them was granted by the Committee of Estates on 27 September, NAS PA11/8 f169. This indicates that there may have been some confusion at the local level as to which institution was responsible for granting commissions to try witches following the administrative changes wrought by the radical regime. For a further discussion, see chapter one.

<sup>33</sup> NAS CH2/689/1 p127.

<sup>34</sup> NAS PA11/8 f169.

<sup>35</sup> M. Young (ed), *The Parliaments of Scotland: Burgh and Shire Commissioners* (Edinburgh, 1992) pp215-216. He was also on the shire committee of war in 1649.

had cost them “in entertaining” Lawson and Sym in prison and their trial and execution. They ordered a collection to be made throughout the town “for refunding the expense”, and James Hill and John Dick, two of the town bailies and two of the commissioners who tried Lawson and Sym, were responsible for collecting the money.<sup>36</sup>

The fact that not every accusation of witchcraft resulted in a trial indicates that the hunt in Linlithgow never entered a true “panic” phase where anyone and everyone could be a witch. The elders and ministers were still able to evaluate accusations on a case by case basis and whether or not an investigation took place was largely dependent on the reputation of the person accused. For example, William Arnot successfully defended himself against an accusation of witchcraft in December 1649 backed by positive testimonies of members of the presbytery as to his “zeal and forwardness in bearing down sin in these parts”.<sup>37</sup>

For ordinary parishioners accused of witchcraft who did not have the support of the brethren of the kirk session or presbytery, one way that someone under a “presumption” of witchcraft could defend themselves against such an accusation was by making a counter accusation of slander. The South Queensferry session saw two cases of slander involving accusations of witchcraft in 1649-50. Margaret Bisset complained to the session in April 1649 that Helen Dauling had called her a witch. Many witnesses testified to hearing Dauling call Bisset a witch, including Robert Bisset who was related to Bisset and sat on the session, but no formal investigation was brought against Bisset. Dauling on the other hand faced banishment due to repeated complaints of her argumentative nature.<sup>38</sup> The other case of slander in South Queensferry involved a group of women in March 1650 who were reported to the session for staying away from communion after an argument. Among these women was Elspeth Johnston, who claimed that Helen

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<sup>36</sup> NAS CH2/689/1 p128.

<sup>37</sup> NAS CH2/242/3 p341. See also chapter 5 below.

<sup>38</sup> NAS CH2/689/1 p119.

Ramsay and her servant Margaret Lowry had called her a witch.<sup>39</sup> Ramsay and Lowry both denied calling her a witch and witnesses no witnesses supported Johnston's claims. The dispute between the three women was never resolved as Johnston refused to repent fully and clear Ramsay and Lowry of the slander.<sup>40</sup>

During the period that the presbytery was involved in witch-hunting in 1649-50, national political events also had an impact in Linlithgow. After the failure of the Engagement, those who had supported the ill fated venture on behalf of Charles I were to be removed from national and local offices. There was a high proportion of pro-Engagement elders within the Linlithgow kirk session and a number of these elders had refused to depart from office. On 12 February 1649 the kirk session "and others eminent in the congregation" met at Linlithgow to discuss "the affairs of the church but more speciallie for takeing Notice and tryell of the cariage guiltiness and activenes of the session councell and congregation of Linlithgow in relation to the late sinfull engadgement".<sup>41</sup> A number of elders were declared guilty of accession to the Engagement and removed. Of the original elders within the session, only three remained in office after the Engagers had been purged; Lewis Monteith, the provost, William Bell and Andrew Ross.<sup>42</sup>

A number of ministers were also purged from their parishes for either supporting or refusing to preach against the Engagement: Andrew Kier, minister at Carriden from 1621-1648 was deprived of his office for preaching in favour of the Engagement and was replaced by Robert Steadman in 1650, who remained in office until he was deprived in 1661 for not conforming to Episcopacy.<sup>43</sup> David Drummond, minister at Linlithgow from 1646-1648 and Thomas Inglis, also minister at Linlithgow from April 1649-September 1648, were both deprived of office for refusing to preach against the Engagement and replaced by Ephraim

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<sup>39</sup> Ibid p140.

<sup>40</sup> See also chapter 5, below.

<sup>41</sup> Ibid pp33-35.

<sup>42</sup> Ibid p35.

<sup>43</sup> *Fasti Ecclesiae Scoticae: The Succession of Ministers in the Church of Scotland* Vol. I: The Synod of Lothian and Tweeddale (Edinburgh, 1915) p198.

Melville, who remained in office until his death in 1653; and Alexander Keith, minister at Uphall was deprived in July 1649.<sup>44</sup> It is also interesting to note the religious affiliations of those ministers who replaced pro-Engager ministers. Both Robert Steadman, who took over at Carriden, and Ephraim Melville, who took over at Linlithgow were supporters of the Protesters in 1650.

Linlithgow saw a moderate level of witch-hunting in 1649-50. There is also evidence of failed accusations in Linlithgow and South Queensferry, showing that not all accusations of witchcraft resulted in a trial. Of course, two of the instances of failed accusations involved people who were relatively well connected within the town. The panic in Linlithgow had not reached the level of intensity of that in Haddington because the authorities were still able to question the validity of claims of witchcraft. Julian Goodare has suggested that during very intense witch panics the witch stereotype would start to break down, going through stages until anyone could potentially be seen as a witch.<sup>45</sup> The cases in Linlithgow also show evidence of communication with other parishes, most notably Dalgety and Inverkeithing across the Forth. This demonstrates that news of cases of witchcraft crossed not only parish boundaries, but also presbytery boundaries, county boundaries and synod boundaries. Evidence of this can also be seen elsewhere. The readiness of this particular region to the outbreak of witch-hunting may have been reinforced by the residual memory of a panic over charming in 1644-45 which was led by Ephraim Melville, minister at Linlithgow.<sup>46</sup>

### *The presbyteries of Peebles and Biggar*

The presbytery of Biggar was created in 1644 and consisted of parishes formerly belonging to the neighbouring presbyteries of Peebles and Lanark. The

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<sup>44</sup> Ibid pp139, 215 and 218.

<sup>45</sup> See Julian Goodare, "Women and the witch-hunt in Scotland" in *Social History* 23 (1998) pp288-308 at p289.

<sup>46</sup> See NAS CH2/242/3 pp127-128, 137-139, and 141-147.

witch-hunt in the presbyteries of Peebles and Biggar centred around the accusations made against two individuals – Marion Tweedy and Janet Coutts. The way in which the two presbyteries dealt with the outbreak of witch-hunting in 1649-50 (see below) suggests that these two presbyteries were relatively inexperienced in dealing with witchcraft accusations, unlike the presbyteries of Haddington, Dalkeith and Linlithgow. This section discusses the presbyteries of Biggar and Peebles together as without events in Peebles there would have been no witch-hunt in Biggar, and the events that unfolded after Janet Coutts was transferred to Biggar brought the witch-hunt in both presbyteries to an end.

The minister at Kirkorde, Alexander Dickson, reported to the presbytery at Peebles on 17 May 1649 that one of his parishioners, Robert Millar, had claimed that Marion Tweedy, a woman “of ane evill name for witchcraft”,<sup>47</sup> had caused the death of his wife and child by witchcraft. Tweedy appeared before the presbytery on 17 May to answer to the accusation and to accusations of charming, which she denied despite witness testimonies to the contrary. Agnes Stuart, who had her own interest in the case, further told of how “she being angrie att the said Marioun for some miscarriage to her self” (which was not specified) “she returned threatening words promiseing her ane evill turne” and that bad things happened after this exchange. She also claimed that Tweedy confessed to her that she had said to Robert Millar “That he should see a cold fight on the thing that he loves best”.<sup>48</sup> Robert Millar testified that he believed Tweedy was the cause of the tragedy because she had made threatening speeches to him after he had struck her son she told him that “he should see a shamefull fight on them q[uo]m he loved best”.<sup>49</sup> He also claimed that if the presbytery would investigate her they would find her to be a reputed charmer “and manie other evils spoken of her because of her threatening words qlk often came to pass”.<sup>50</sup>

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<sup>47</sup> NAS CH2/295/3 Presbytery of Peebles 1644-1649 p112.

<sup>48</sup> Ibid pp112-112a.

<sup>49</sup> Ibid, p112a. See also chapter 5, below.

<sup>50</sup> Ibid p112a.

Tweedy was brought before the presbytery again and “gravelie exhorted to confess ingeniouslie her guiltiness in the crime of witchcraft”.<sup>51</sup> She denied, saying that she had heard that Millar’s wife had killed her own child and that she went to Millar’s wife and cursed her in anger “but never did her more harm”.<sup>52</sup> Perhaps, given that Tweedy had claimed that Millar’s wife had killed the child, it is not difficult to see why he bore Marion such a grudge if he believed that she was spreading it around that his wife had killed her own child.<sup>53</sup> The presbytery then “resolved to enter in process for her triecall” and requested that the magistrates of Peebles put Tweedy in ward “that they might get the readier enformation” (in other words, to extract a confession) and appointed the ministers to seek information about the matter in their parishes.<sup>54</sup>

On 31 May Alexander Dickson produced “a beig scrowl of enformatiouns” against Tweedy that he had obtained from parishioners in Kirkorde and Newlands, and four ministers were appointed confront her with the allegations and report back to the Presbytery. The ministers reported that they could not bring her to a confession at the prison, except in the instances of charming claimed against her.<sup>55</sup> The presbytery again prayed for her and “gravelie exhorted [her] to confess” but she still denied all charges.<sup>56</sup> The presbytery then appointed the minister of Peebles and three elders - William Thomson, James Smythe and Alexander Spittell (who would later be on the commission that tried her) - as a committee to meet at Peebles and examine the witnesses against Tweedy.<sup>57</sup> A “committee” was appointed on 14 June for the interrogation of Tweedy. The committee reported their “diligence” in keeping their meeting appointed for 4 June, but that some witnesses were still to be examined and that “manie” had not appeared before them.

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<sup>51</sup> Ibid p112a.

<sup>52</sup> Ibid p112a.

<sup>53</sup> Ibid p112a.

<sup>54</sup> Ibid p112a.

<sup>55</sup> Ibid p113a-114.

<sup>56</sup> Ibid p114.

<sup>57</sup> Ibid p114.



On the same day Dickson reported a complaint had been made against Janet Coutts for causing the death of Katherine Allan's son by the use of witchcraft.<sup>58</sup> Katherine claimed that her son, John Symington, and Coutts had been "flytting" when she remarked "she should garr a man miskenn him on a Mirk Moonday" and that he developed a sickness a few days later and died, blaming her for his illness before he died.<sup>59</sup> Upon hearing that John had blamed her for his illness, Coutts appeared at his house on the morning of his funeral and "fell in cursing" beside his coffin saying "God be itt [him] never get [rest in hallowed mulles] till he mak me a mends for his laying of his death upon me".<sup>60</sup> At this point, witnesses claimed that the body started to bleed and it spilled out of the coffin and continued to do so for as long as she followed the funeral procession. She followed them for about half a mile until she was threatened to leave them alone.

Further reports were made that Coutts had been selling off her belongings upon hearing that she was to be investigated as a witch, and it was widely believed that she was planning to flee from the town. She apprehended by the magistrates and brought before the presbytery and examined upon the evidence that had been presented against her.<sup>61</sup> When she was asked about her attempts to from prison by "giving her pleades in long [targatts] escape; thereby to lett her selfe down over the walls that she might escape, she answered that she had done so because "They say that thaw will tak my life".<sup>62</sup> Clearly she knew what would happen to her if found guilty and had attempted to escape. She was then asked about the other claims made against her. She denied threatening John Symington. She admitted that she followed the funeral procession, but that she only asked them forgiveness "for the evill of her heart and tongue".<sup>63</sup> She was also confronted with evidence that she had cursed one James Ferguson and scolded him. She claimed that she "uttered evill words" to him after he struck her, but denied that she said "she should garr his legg flee in the ayre

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<sup>58</sup> Ibid p115.

<sup>59</sup> Ibid p115.

<sup>60</sup> Ibid p115.

<sup>61</sup> Ibid p115a.

<sup>62</sup> Ibid p115a.

<sup>63</sup> Ibid p115a.

like a bagg of maiths (maggots)”, as he had claimed, after which he swent lame in one leg.<sup>64</sup> She was so adamant that she did not put a curse on Ferguson that she remarked to the brethren “if it should be made guid that she had done him anie evill she should be content to suffer as a witche”.<sup>65</sup>

After the presbytery had heard the evidence presented against Marion Tweedy and Janet Coutts on 14 June, Robert Elliott and Alexander Dickson were appointed as a ministerial committee to call before them and examine witnesses against them.<sup>66</sup> They reported back to the presbytery on 28 June. Present at the examination of witnesses were Theodore Hay, John Hay, Patrick Fleming, William Thomson, James Smith, Alexander Spittel, Hugh Gray, Alexander Dickson and Patrick Purdie.<sup>67</sup> Concerning Marion Tweedy, they found that “besides the crying bruit that she is a witch thes manie years bygane” (in other words that she had a long standing reputation as a witch), that the witnesses “deponed universally” that all of their neighbours in Netherorde “have allwayes been affraide to have any meddling with her”.<sup>68</sup> Marion seems to have been an experienced charmer, skilled in the knowledge of curing minor ailments. She may have been viewed as a useful member of the community up until the point where misfortune followed her assistance. She was blamed for the death of Janet Richieson, wife of Robert Millar and it was claimed that there had been longstanding bad blood between Millar and Tweedy. It was also claimed that she had also threatened James Mark who had a dispute with Marion over the use of a field she said to him “ere it were longhe should get gretter skaythe (harm)”, after which his bags of meal had burned and his horse died.<sup>69</sup> She also threatened George Mark elder and younger, as she was believed to have been responsible for causing Mark elder’s house to burn down and

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<sup>64</sup> Ibid p115a.

<sup>65</sup> Ibid p115a.

<sup>66</sup> Ibid p115a.

<sup>67</sup> Of these men, John Hay and Alexander Spittel were also named on the commission granted by the Committee of Estates for her trial. See NAS PA11/8 f184.

<sup>68</sup> NAS CH2/295/4 p116a.

<sup>69</sup> Ibid p117.

for causing illness of Mark younger and his wife.<sup>70</sup> Further claims included that she threatened a young boy for running through her lint patch, saying that she hoped he would break his leg, after which he did; that she threatened Elspeth Graham whose husband looked after the cows for herding them through her crops, after which their son and five horses died and that she also threatened Agnes Stuart who fired her son from her domestic service that “I hope a worse sall befall yow”, after which her mother, visiting from plague-infested Edinburgh, died, her house “through cleansing” took fire, then her husband Mark Hamilton was killed at the battle of Philliphaugh, and that Agnes herself then “fell in uncleanness, as is thought adulterie”.<sup>71</sup> She also threatened one of Agnes’ servants when he came to collect rent and meal from her saying “yow ar very bussie craveing maills, yow will able never crave any more” after which he took ill and died.<sup>72</sup>

The committee also reported on the claims made against Janet Coutts. They presented “the crying bruit that she is a witche, and hes allwayes ane evill tongue” evidence of two malefices in causing the death of John Symington and the sickness of James Ferguson. The committee further reported to the presbytery that she had confessed to selling her goods to raise enough money to escape before she was apprehended, and also that she had plotted to escape from prison “for fear of her life” after she had been apprehended.<sup>73</sup> The presbytery resolved to have all the evidence drawn together and sent to Edinburgh with the commissioners for the General Assembly to be advised “quhat further is to be done in the samyne”.<sup>74</sup>

Theodore Hay, one of the ministers at Peebles parish reported on 18 July 1649 that he had been “dealling” with Coutts and Tweedy but that he had not yet brought them to confession. The presbytery noted that no advice had been got from

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<sup>70</sup> Ibid p117. The description of events surrounding the house fire indicates that the house may have been struck by lightening. The witnesses described “flashes of fire” and that Marion’s daughter Katherine remarked that “there is iron on the night heer” just before the house went on fire. Ibid p117.

<sup>71</sup> Ibid p117.

<sup>72</sup> Ibid p117.

<sup>73</sup> Ibid p118.

<sup>74</sup> Ibid p118.

Edinburgh because the draft of evidence that they had sent to Edinburgh was so long, “that the justice said he could not spare tyme on it to read it”.<sup>75</sup> Thus the presbytery resolved that the clerk should draw up the “process” again, “so short as it might be mentioneing nothing in it, but quhat wes either confest of proven” and send it to Edinburgh, which he had done by 2 August.<sup>76</sup> There was a sense of urgency surrounding the trial of Coutts and Tweedy, as it is recorded in the presbytery book that “the presbytery longed to hear anent the advice geven there comissionars anent the foresaid process” and “ordained [letters] to be sent unto them there about”.<sup>77</sup> On the same day the presbytery complained that they “ar the more slacklie dealth with, and the seldomer visited” due to Alexander Dickson and John Hay being in Edinburgh at the General Assembly, and ordered Alexander Spittel and Patrick Purdie “to goe in to the prisone and deall with them for confessioun, immediatly efter the rising of prbry”.<sup>78</sup> They proved to be unsuccessful and Spittel and Purdie informed the presbytery on 16 August that they had still not been brought to a confession.<sup>79</sup> On the same day Robert Dalglish the commissioner who had been sent to present the evidence to the king’s advocate, Thomas Nicholson, reported that no commission could be granted “except it wer for further triecall of the saids persons” of “such gentlemen of the shyre” deemed “fitt” by the Committee of Estates.<sup>80</sup> Thus Andrew Watson was sent to Edinburgh for that purpose. On 20 September Watson reported to the presbytery that he had obtained a commission from the Committee of Estates for further trial of Coutts and Tweedy. The presbytery noted that two of the commissioners, James Cockburn, bailie of Skirling and William Lowes one of the bailies of Peebles “desired advice of the presbytery anent there proceeding in obedience to there commission. The presbytery advised them to set the first date for their meeting and “promised” their “concurrence and assistance” to them, and appointed Alexander Dickson, Patrick

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<sup>75</sup> Ibid p118.

<sup>76</sup> Ibid p119, 119a.

<sup>77</sup> Ibid p119a.

<sup>78</sup> Ibid p119a.

<sup>79</sup> Ibid p120.

<sup>80</sup> Ibid p120.

Purdie and Alexander Spittel to be present at that first meeting with all the evidence that had been gathered against them.<sup>81</sup>

Meanwhile, Coutts and Tweedy still refused to confess. The presbytery had “small hopes to prevail with them”, but “hearing of the course taken in other partes for there triall by the marke” decided to change tactics with them and on 6 September sent Alexander Spittel and Alexander Dickson to see Agnes Stuart as the “liferentrix” of the land where they were resident, to send “for the man quho looks for the marke”.<sup>82</sup> The committee for the trial of Coutts and Tweedy reported that “The man quho looks for the Devills marke upon the Bodies of thes that ar charged with the crime of witchcraft”, George Cathie, had declared to the committee for their trial “That to his certaine knowledge he found that marke bothe upon the one and the other”.<sup>83</sup> Upon hearing this, the presbytery sent Alexander Dickson and William Thomson to “concur” with the committee.<sup>84</sup> Given the amount of detail concerning the activities of the commissioners in the presbytery book it would be a fair assumption to say that the presbytery took a very hands-on role in the prosecution of Coutts and Tweedy. It also seems to have been a welcome interference as the commissioners regularly updated and asked assistance of the presbytery.

The arrival of Cathie proved to be a turning point in the cases against Tweedy and Coutts and on 25 October 1649, the ministers who had been appointed to assist the commissioners reported that “there (sic) laboures wer not in vaine, for it had pleased God to open the mouth of Jonnett Coutts in confessioun by the [means] of prayers without using anie hard dealling with her att all, not onlie of her awne guiltiness that way in thes things layde to her charge butt of diverse others her consortes in the same crime in manie other malefices”.<sup>85</sup> Prayers of thanks were

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<sup>81</sup> Ibid p123a.

<sup>82</sup> Ibid p121a. It appears that Agnes may have been reluctant to do so because on 20 September the presbytery sent James Douglas to “require” her to do so. Ibid p124.

<sup>83</sup> Ibid p125a.

<sup>84</sup> Ibid p125a.

<sup>85</sup> Ibid p127a.

given as not only had she confessed to being a witch, and that she had committed many other malefices than those already laid at her charge, but had also provided the names of other “witches”, her “consortes in the same crime”. Andrew Watson, who had been acting as clerk to the committee for Coutts’s trial, reported her confession to the presbytery. She had confessed on 25 September the truth of her witchcraft and charming, and that she had made a “covenant” with the devil 26 years previously.<sup>86</sup>

On the same day the confessions of Bessie Forrest, Marion Watson, Bessie Ewmond, Thomas Shanks and Marion Robieson were reported. Bessie Forrest confessed to “charming, sorcerie and witchcraft” and “of murther committed by her and her consortes”.<sup>87</sup> She was one of the witches named by Coutts, and had been confronted with her, who confirmed that she was a witch.<sup>88</sup> Marion Watson was also named as a witch by Coutts and confessed to being with her at a witches meeting on the Gallowberry Hill. Bessie Ewmond was confronted with Marion Watson as to a charming of a body, but it is not recorded whether she confessed or denied.<sup>89</sup> Thomas Shanks confessed to compacting with the Devil and that he was at the meeting on the Gallowberry Hill.<sup>90</sup> Marion Robieson confessed that she was a witch and a consort of Janet Coutts.<sup>91</sup>

On the same day the ministers who had been “assisting” the commissioners in the trial of Coutts and Tweedy complained that so many suspected witches had been apprehended and imprisoned “That there ar not prisones or keeping of them severallie and aparte” and that they did not have hope of bringing them to a confession and resolved to ask the shire committee of war for advice.<sup>92</sup> The Shire committee recommended that the prison house be divided for keeping the incarcerated witches apart, and that if there still wasn’t enough room then the

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<sup>86</sup> For further discussion of Janet’s pact with the Devil see chapter 5, below.

<sup>87</sup> Ibid p128a.

<sup>88</sup> Ibid p129.

<sup>89</sup> Ibid p129.

<sup>90</sup> Ibid p129a.

<sup>91</sup> Ibid p129a.

<sup>92</sup> Ibid p129a.

heritors of the parishes in which the suspected witches resided were to arrange to take vaults or other “waste” houses in which to imprison them. And that the neighbouring parishes were to send men to Peebles to assist with the watching of the incarcerated witches.<sup>93</sup>

The Committee of Estates granted a commission for the trial of Janet Coutts, Bessie Forrest, Thomas Shanks and Marion Robieson on 1 November 1649, with a recommendation that Janet was not to be burned until she had been confronted with the persons she named.<sup>94</sup> The commission for the trial of Marion Tweedy was granted on 13 November.<sup>95</sup> Their trials were concluded by 14 November and the commissioners for their trial requested the ministers to advertise this information from the pulpit and to ask whether anyone had further information against any of them, and the elders searched the accused witches’ houses for evidence of their witchcraft and charming.<sup>96</sup> The presbytery reported on 21 November that the elders found nothing to prove them guilty of witchcraft or charming. The presbytery also complained that “discipline and exercise hes been necessarily hindered by the brethrens daylie attending on the manie persones incarcerat in Pebles for that abhominable crime of witchcraft” and that an extra meeting was to be held the next day to deal with presbyterial affairs.<sup>97</sup> On 22 November, Patrick Fleming, John Hay and William Thomson were sent to assist the commissioners for the trial of the witches to bring them to further confession by prayers and exhortation and “prepareing of them for death”.<sup>98</sup> On 3 January 1650, James Douglas and Andrew Watson from the ministerial committee for witches requested “constant assistance” from the presbytery in dealing with the suspected witches, “for they said that there (sic) paines wes all for nought quhen they had not the help of the ministers”.<sup>99</sup> The

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<sup>93</sup> Ibid pp129a-130.

<sup>94</sup> NAS PA11/8 f184. See also appendix 2.

<sup>95</sup> Ibid f189.

<sup>96</sup> NAS CH2/295/4 Presbytery of Peebles 1649-1688 pp1-1a.

<sup>97</sup> Ibid p1a.

<sup>98</sup> Ibid p2.

<sup>99</sup> Ibid p6.

presbytery instructed the ministers whose parish which the suspects belonged to were to deal with their parishioners in ward.<sup>100</sup>

A dispute occurred between the presbyteries of Peebles and Biggar concerning Coutts in December when the commissioners on her trial refused to allow her to be brought to Biggar to be confronted with those she had accused there. The moderator of the presbytery of Biggar then wrote to Sir John Cheisley to request the assistance of the Committee of Estates in the matter.<sup>101</sup> The Committee responded on 6 December by granting a commission for her removal to Biggar and for the trial of people she had accused there.<sup>102</sup> The elders at Biggar were apparently “greatly disappointed and dissatisfied”<sup>103</sup> with Janet as on 4 January 1650 the presbytery at Biggar reported her “inconstancie in delateing and passing frae her delatiouns againe”.<sup>104</sup> Janet was brought in and questioned on her inconstancy at Biggar and claimed that she had got confused because she had known people who moved to Biggar and also that she passed from Agnes Stuart because she had been “dashed” and threatened by some of the commissioners.<sup>105</sup> She was questioned as to the truth of her claims but “she varied so often now fylling her and then cleanseing her That the presbytery could tak no hold of quhat she said of the said Agnes Stuarde, butt that in the end she said she wes free of witchcraft”.<sup>106</sup> The presbytery then went over the list of people that she had named in Peebles “she passed for the most parte notwithstanding she had before not onlie delated them, but wes confronted with them And to there face had enformed manie particulars against them and asked of a reasone quhy she had lied upon so manie of Gods people? She could give none”, but claimed that the devil appeared to her while she was in ward

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<sup>100</sup> Ibid p6.

<sup>101</sup> Ibid p303.

<sup>102</sup> NAS PA11/9 f3. See also appendix 2.

<sup>103</sup> *Biggar and the House of Fleming* pp384-389 gives an account of Janet’s confusion at Biggar. However, the author appears to be confused at some points referring to her as Janet Bowis and Janet Coutts. The author also claims that the elders wrote to Sir John Christie for assistance, when in fact they wrote to Sir John Cheisly.

<sup>104</sup> NAS CH2/295/4 p6a.

<sup>105</sup> Ibid p6a.

<sup>106</sup> Ibid p7.



and made her lie and name people as witches, “butt refused to tell for quhat end”.<sup>107</sup> She was removed and the presbytery exhorted the commissioners to “tak speedie course for executioun of justice upon her, as one desperatlie sent to devill.”<sup>108</sup>

The blame of the false accusations was laid firmly upon Coutts. However, George Cathie was certainly complicit in, if not responsible for, her naming of so many individuals. On 10 January she declared before the commissioners for her trial that “the chief motive [and] prinicpall inticer of hir to delate innocent persons as guiltie of witchcraft was George Kathie who within 3 dayes of hir first confession entered in a bargane [and] contract with the deponer that she sould dilate manie persons whom he might be put to trie anent the witches mark [and] so profite therby [and] he would indeavour to get hir life prolonged long enough (sic).”<sup>109</sup> This information was circulated to the presbytery of Haddington as Cathie was a resident of Tranent. He was called before the presbytery there to answer whether this was true. At first he refused to appear, perhaps conscious of his own guiltiness in the matter, but after the presbytery threatened to request that the magistrates arrest him, he appeared before them on 1 May 1650.<sup>110</sup> He denied that he had made a deal with her and was referred to appear before the presbytery of Peebles.<sup>111</sup> There is no further record of what happened to Cathie, but this scandal seems to have put an end to his career as a witch pricker.

The witch-hunt in the presbyteries of Peebles and Biggar centred on the trials of Janet Coutts and Marion Tweedy, the most significant case being that of Janet Coutts. Without her false accusations there would have been no witch-hunt to speak of in Peebles or Biggar. Janet was responsible for naming approximately 88 people in Peebles, Biggar, Lanark and Jedburgh of witchcraft, including the other 39 individuals to be tried in Peebles. The fallout from the scandal of Coutts’ false

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<sup>107</sup> Ibid p7.

<sup>108</sup> Ibid p7. She had also cleared “about fortie eight” people that she had named in Biggar, saying that she had “condemned her awin sillies awl in speaking falslie”. NAS CH2/35/1 p303.

<sup>109</sup> NAS CH2/185/6 p110.

<sup>110</sup> Ibid pp114-115.

<sup>111</sup> Ibid p115.

accusations continued after her execution, which happened at some point in either February or March 1650, and on 18 April a number of those whom she had accused petitioned the presbytery to receive the sacrament (as persons under an accusation of witchcraft, they would have been excluded from receiving the sacrament).<sup>112</sup> Janet had also falsely accused a number of individuals in Lanark and Jedburgh.<sup>113</sup> The presbytery ordered the ministers of the parishes where these people were resident to investigate them and to admit those whom they could find “no evil” against.<sup>114</sup>

### *Individuals involved in prosecuting suspected witches in Lothian and Tweeddale*

The outbreak of witch-hunting in 1649-50 unfolded against a backdrop of political, social and economic upheaval as well as a mass displacement of personnel within the political and ecclesiastical institutions following the passing of the Act of Classes in January 1649, which called for the removal of those who had supported or preached in favour of the Engagement. When news of the defeat of the Engagers at Preston reached Scotland, a group of western radicals marched on Edinburgh and seized control of Parliament. This radical regime quickly established itself as the governing party, led by Archibald Campbell, Marquis of Argyll. The backlash against the Engagement in Parliament came in the form of the expulsion of many Engagers from office under the terms of the 1649 Act of Classes. Pro-Engagers were expelled from Parliament and were also barred from holding office on local councils and in local. The Kirk also took action against ministers and elders who supported the Engagement which led to the removal of ministers and elders from office to be replaced by those who were more in keeping with the agenda of the radical regime. This mass displacement of personnel had a huge impact on the regions. This meant that an influx of new office holders, many adhering to the radical agenda of the ruling party took up office within the regions.

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<sup>112</sup> NAS CH2/295/4 p14a.

<sup>113</sup> See chapter 5 below for a further discussion of Janet’s false accusations.

<sup>114</sup> Ibid p14a.

This change in personnel and conceived increase in power of the Kirk had led to the new regime being termed the “Kirk party”, implying that the new regime was subservient to the will of the Kirk. While the new regime certainly was sympathetic to the demands of the General Assembly and the Commission of the Kirk, the radical regime which seized control in September 1648 was by no means subservient to the Kirk. This view seems to ignore the fact that the lay membership of both the General Assembly and the Commission of the Kirk was dominated by a group of radical men. In this sense, rather than a Kirk party dominated by men subject to the whims of the ministers being in charge of the political institutions, the governing institutions of the Kirk were dominated by lay members who had radical political and religious opinions. The witch-hunt in the synod of Lothian and Tweeddale was regulated by Kirk institutions but the lay members of these institutions were as influential in the witch-hunting process as the ministers.

From the commissions granted by the Committee of Estates, which list the commissioners to try each case, it is also possible to identify individuals involved in witch-hunting at a local level in 1649-50. For the purposes of this thesis, key individuals within the synod of Lothian and Tweeddale can be identified. Of the 16 commissions granted within the presbytery of Dalkeith, one commissioner, James Scot was appointed to five commissions.<sup>115</sup> William Ker was appointed to four commissions and Alexander Calderwood, one of the baillies of Dalkeith, William Scot, Andrew Borthwick and Thomas Meggot were named on three commissions.<sup>116</sup> Of the eleven commissions granted within the presbytery of Haddington a group of commissioners can be identified as being included in a number of commissions. James Skirving, Richard Skirving and Alexander Borthwick were named on five separate commissions.<sup>117</sup> Patrick Abernethie and John Blair were both appointed to four commissions and William Skirving, James

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<sup>115</sup> See appendix 2, commissions 19, 26, 28, 33 and 34. See also NAS PA11/8 ff169, 179, 188.

<sup>116</sup> See appendix 2, commissions 15, 16, 19, 24, 25, 26, 28, 33, 49, 51 and 55. See also NAS PA11/8 ff 163, 169, 174, 179, 188, 196 and NAS PA11/9 ff5, 7.

<sup>117</sup> See appendix 2, commissions 7, 8, 9, 12 and 53. See also NAS PA11/8 ff 101, 115, 144 and NAS PA11/9 f5.

Borthwick and Robert Cairns were appointed to three commissions.<sup>118</sup> James Skirving, Alexander Borthwick, Richard Skirving, John Blair, Robert Cairns and James Johnston were also named on commissions granted within the presbytery of Dalkeith.<sup>119</sup> George Dundas of Dundas elder, who was a parliamentary commissioner for Linlithgowshire in 1639-41, 1643-44 and 1650 and was also a member of the Committee of Estates of 7 August 1649,<sup>120</sup> and George Dundas of Dundas younger and Sir Robert Drummond of Medop were named on five of the six commissions granted by the Committee of Estates within the presbytery of Linlithgow.<sup>121</sup> George Allan was named on four of the commissions and George Dundas of Duddingston who was also a parliamentary commissioner for Linlithgowshire in 1649-50 and also a member of the Committee of Estates of 7 August 1649,<sup>122</sup> John Dick and James Allan were named on three of the commissions.<sup>123</sup> Sir Alexander Murray of Blackbarony, who was a parliamentary commissioner for Peebleshire in 1639-41,<sup>124</sup> Andrew Hay of Hayston, Mr Michael Scot in Stobo, Mr Alexander Spittell younger, James Horseburgh, a baillie in Peebles, and John Lewis, a former provost of Peebles, were all named on the three commissions granted within the presbytery of Peebles.<sup>125</sup> The appointment of the same men to commissions ensured that there was an element of continuity in the investigation and trial of suspected witches in these areas.

Julian Goodare has recently suggested that there may be many differing types of witch-hunter, just as there may be differing stereotypes of witches – there is the type who goes out of his way to prosecute witches; some who may have a genuine belief in and fear of the presence of a conspiracy of witches in the community; those who may only be interested in one particular individual; and

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<sup>118</sup> See appendix 2, commissions 8, 9, 11, 12, 20 and 53. See also NAS PA11/8 ff115, 144, 169 and NAS PA11/9 f5.

<sup>119</sup> See appendix 2, commission 29. See also NAS PA11/8 f179.

<sup>120</sup> M. Young, *The Parliaments of Scotland* p.796.

<sup>121</sup> See appendix 2, commissions 4, 5, 14, 22 and 42. See also NAS PA11/8 ff72, 90, 144, 169, 195.

<sup>122</sup> M. Young, *The Parliaments of Scotland* p.796.

<sup>123</sup> See appendix 2, commissions 4, 5, 14, 22 and 42. See also NAS PA11/8 ff72, 90, 144, 169, 195.

<sup>124</sup> M. Young, *The Parliaments of Scotland* p.797.

<sup>125</sup> See appendix 2, commissions 32, 35 and 40. See also NAS PA11/8 ff184, 188, 191.

those who prosecuted cases of witchcraft because it was part of their job (for example advocates).<sup>126</sup> In her article “Hunting the Rich Witch in Scotland”, Louise Yeoman identified some of the key characteristics of a certain type of witch-hunter, suggesting that he could often be a quarrelsome individual, acting out a “fantasy of saving the community from the forces of ultimate evil”, in other words, witches. A number of men fitting these descriptions can be identified as operating during the 1649-50 witch-hunt.

### **Alexander Colville of Blair**

Alexander Colville of Blair was one of the justice deputes (an advocate for the crown), entering office in 1633 and remaining there until the 1660s. He was also a ruling elder in Stirling. In the office of justice depute, Colville was involved in criminal trials in the central court of Justiciary. He was also involved in a number of witchcraft trials during the 1628-30, 1649-50 and 1661-62 witch-hunts in his capacity as justice depute, and was also involved in the pre-trial investigation of a number of trials in Stirling in both the 1628-30 and 1661-62 witch-hunts as an elder. During the 1649-50 witch-hunt, his activities seem to be more widespread, rather than confined to his own parish. For example, in March 1650 he was sent by the Committee of Estates to Galloway and “other places neidfull neidfull for ministering of Justice vpon malefactors there And especially for thair tryall of the Cryme of Witchcraft Recomends him to the Exchekker (sic) for his Charges”. He was also named on a subcommittee established by the Committee of Estates on 12 April 1650 whose sole remit was to consider cases of witchcraft, and was also a member of the parliamentary committee set up for dealing with witchcraft cases on 18 May 1650.

It seems that Colville was a faithful servant of the radical regime, serving on the Committee of Estates, the Commission of the Kirk, and as a ruling elder in the

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<sup>126</sup> J. Goodare, “Men and the Witch-hunt in Scotland”, unpublished paper presented at *Witchcraft and Masculinities* conference, University of Essex, April 2006.

General Assembly. He also seems to have been working throughout 1649-50 without payment as he petitioned Parliament on a number of occasions early in 1650 complaining that he had not been paid for the year. Although it might be claimed that Colville's involvement in a number of trials during these witch-hunts was merely part of his job description as justice depute, it seems that he had a genuine interest in the suppression of witchcraft.

### **Robert Balcanquhall**

An example of a witch-hunter who may have become involved in a particular case to improve his standing within the community was Robert Balcanquhall. Robert Balcanquhall was minister at Tranent parish in the presbytery of Haddington from 1618 until his removal in August 1649 for his support of the Engagement. From November 1648, Balcanquhall was among a number of pro-Engagement ministers under investigation by the presbytery. On 21 March 1649, Balcanquhall reported to the presbytery of Haddington that Jean Craig in the parish of Tranent had been apprehended and incarcerated for witchcraft and requested attendance of some of the "Brethren" of the presbytery to assist in bringing her to confession. News of Craig's confession spread to Peebles, and the moderator of the presbytery there wrote to Balcanquhall enquiring if Jean had named any witches in Peebles. He replied that "none were given up". This may suggest that he was only interested in pursuing Jean and the five witches that she named in Tranent. While he was pursuing Jean, Balcanquhall himself was being investigated by the presbytery. As well as preaching in favour of the Engagement, he was also charged with speaking against the General Assembly and remarking that the National Covenant and Solemn League and Covenant were not worth the paper that they were written on. Considering that the radicals were obsessed with upholding the Covenants and viewed the Engagement as a huge public betrayal of them, you can imagine that the radical members of the presbytery would not have been best pleased with Balcanquhall's remarks and he was duly removed from his parish. Although it is not overtly suggested in the presbytery book whether Balcanquhall pursued Jean

Craig as a means by which to divert attention from his behaviour, I would suggest that his activities in pursuing Jean may have been an attempt to court the favour of the presbytery and demonstrate his godliness by his relentless pursuit of a known witch within his bounds.

### **George Cathie**

One of the most interesting men involved in the 1649-50 witch-hunt was George Cathie. George Cathie was a witch pricker from Tranent who travelled between many parishes in central and eastern areas of the country during the course of the 1649-50 witch-hunt, searching suspects for the devil's mark. There is evidence that Cathie was active in the Lanark, Peebles, Biggar, Haddington and Jedburgh areas. His career was, compared to that of other witch prickers, unremarkable until he was called upon by the presbytery of Peebles in September 1649 to search Janet Coutts. Janet had attempted to flee after she had been apprehended and those involved in her interrogation had trouble in bringing her to a confession. After Cathie had searched for, and found the mark on Janet, her interrogators reported to the presbytery that she had confessed and named around 80 other witches in Peebles, Lanark, Biggar and Jedburgh. She was transported to Biggar and Jedburgh to be further examined about the individuals that she had named in those areas. On 4 January 1650 the presbytery of Biggar wrote to the presbytery of Peebles informing them about Janet's "inconstancie in delateing and passing from her delateiouns" against individuals she had previously named when confronted with them. The brethren at Peebles responded to this news by "exhorting" the commissioners who were appointed to try Janet "to tak speedie course for execution of justice upon her, as one desperatlie sent to the devil". Further correspondence between the presbyteries led to a further examination of Cathie's role in bringing Janet to a confession and naming of other witches.<sup>127</sup>

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<sup>127</sup> Ibid pp114-115.

The brethren at Jedburgh passed this information on to the presbytery of Haddington (because he was resident there) and he was called to appear before them on 17 April. He did not appear and the presbytery sent one of the ministers to Tranent “to deall with the civil magistrate” to ensure his attendance before them. He eventually appeared before the presbytery on 1 May and denied that he had struck a deal with Janet that she would name other witches “so that he might get his implyment”. The presbytery ordained that James Smith, one of the elders at Tranent was to deal with the baillies of Tranent to bring Cathie to appear before the presbytery of Peebles. There is no further record of what happened to Cathie, but it would be a fair assumption that this incident put a stop to his career. The people that Janet had falsely accused were exonerated, but Janet was still sent to the stake.

### *Conclusion*

Between the summer of 1649 and 1650 the synod of Lothian and Tweeddale experienced intense levels of witch-hunting. Across the synod however, the seven presbyteries that made up the synod experienced differing levels of intensity. The presbytery of Haddington, an area that had experienced many intense outbreaks of witch-hunting, along with the presbytery of Dalkeith had the most intense witch-hunt. The presbyteries of Biggar, Peebles and Linlithgow both experienced a moderate level of witch-hunting in 1649-50. The presbyteries of Dunbar and Edinburgh experienced low levels of witch-hunting during this period. This indicates that the 1649-50 witch-hunt was not a uniform national hunt, it was concentrated in a few areas.

A striking feature of the 1649-50 witch-hunt in the synod of Lothian and Tweeddale is the differing ways in which each presbytery responded to and dealt with the outbreak of witch-hunting. For the presbyteries of Haddington and Dalkeith, which had both experienced intense levels of witch-hunting in the previous major outbreak in 1628-30, the sheer numbers of witches involved in the



hunt in both these presbyteries meant that the names and dates of their confessions are listed in the presbytery books. By contrast the presbytery of Peebles meticulously recorded their dealings with Marion Tweedy and Janet Coutts indicating perhaps that this particular presbytery was not experienced in dealing with witches.

During this period, which saw a major regime change at the national level and a mass displacement of personnel within the regions there was also a heightened perception of the prevalence of sin and witchcraft. Parliament renewed and expanded the legislation against immorality and witchcraft, and the General Assembly reasserted its position on many offences. The presbyteries and sessions also reported an perceived increase in sin, and in particular, witchcraft.

Another striking feature of the 1649-50 witch-hunt in the synod of Lothian and Tweeddale is how national events permeated through to the local level. The removal of pro-Engagers from office and their punishment was felt at the local level. In this period many Engagers were punished by the presbyteries and excluded from the covenant, to be readmitted only when they publicly repented for their involvement in the Engagement. Pro-Engagement ministers were deprived of their parish. For example, Robert Balcanquhall, the minister at Tranent, was deprived after a long investigation into his practice. It emerged that not only had he publicly spoken against the Solemn League and Covenant, but he had also refused to denounce the Engagement. Another example would be the pro-Engagement session at Linlithgow, which refused to remove from office leading to a brief period where two kirk sessions were in existence at Linlithgow.<sup>128</sup> However, whilst national events certainly had an impact on regional authorities, it appears that there was no temptation to politicise witch trials in 1649-50.<sup>129</sup> To date I have found no evidence

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<sup>128</sup> George Bell, the burgh MP for Linlithgow from 1640 until 1648 was an Engager. He was also an elder of the kirk session at Linlithgow, but was among a number of elders who were removed between 12 February and 16 April 1649. See NAS CH2/740/1 pp33-35.

<sup>129</sup> This is in contrast to many of the Matthew Hopkins trials in East Anglia in 1644-45. See D Purkiss, *The English Civil War: Papists, Gentlewomen, Soldiers and Witchfinders in the Birth of Modern Britain* (New York, 2006) pp382-388

of specific witches being blamed for military defeats, accusations centre on neighbourhood squabbles, instances of charming and personal misfortunes.

National events did, however, have a bearing on the course of the witch-hunt in 1649-50. The arrival of Cromwell's forces in the eastern shires brought disruption to the workings of the local authorities. This led to the suspension of many presbytery and kirk session meetings for up to a year in some areas. As the sessions and presbyteries were instrumental in gathering evidence against suspected witches before referring them to the central authorities for trial, the arrival of Cromwell's troops effectively brought the witch-hunt to an end in the synod of Lothian and Tweeddale as the apparatus for organising witnesses and gathering of evidence was no longer in operation.

**Chapter Five: Continuity and change in  
witchcraft belief and the experience of  
accused witches in the synod of Lothian and  
Tweeddale, 1649-50**

**Chapter Five: Continuity and change in witchcraft belief and the experiences of accused witches in the synod of Lothian and Tweeddale, 1649-50**

“The devil in shape of ane man cloathed in green cloathe came to her, embraced her, made her ent[er] into a covenant w<sup>t</sup> him, by renunceing her baptisme, and all right she could have in or clame to Christ; And delivering her selfe bothe bodie and soull to him by giving to his service all betwixt the [crown] of her head and the sole of her foot; Efter quhich he gave her [three] kisses, and a mark upon her neck and shoulder.”<sup>1</sup>

In order to obtain a commission from the central authorities for the trial of a suspected witch, local authorities had to gather specific types of evidence against the suspect. Witnesses would provide details of acts of malefice and also testify to the reputation of the suspect. The most important type of evidence from the point of view of the central authorities, however, was the confession of the witch herself. The key feature of the confession was the demonic pact, when the witch renounced her baptism and entered into a pact, or covenant, with the Devil. The types of evidence gathered both in witness depositions and confessions reveal information about local society, how members of the community interacted with each other and how bad feeling between members of the community could escalate. The depositions and confessions also reveal how witch beliefs among the local elites and ordinary folk adapted over time.

By the time of the outbreak of witch-hunting in 1649-50, Scottish witchcraft beliefs were well established.<sup>2</sup> Common features of witchcraft confessions involved accounts of meeting the Devil, entering into his service and meetings with other witches. Accusations of witchcraft involved accounts of revenge, reputations for

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<sup>1</sup> Extract from the confession of Janet Coutts 25 September 1649, NAS CH2/295/3 Presbytery of Peebles, 1644-1649 p128a.

<sup>2</sup> This point has also been argued in Levack, *Witch-hunting in Scotland* p66.

witchcraft and acts of malefice. The confession, combined with testimonies from witnesses, produced a wealth of information about how not only the elites but ordinary folk viewed and feared witchcraft. The elite view of witchcraft as a secret demonic conspiracy had integrated with popular visions of the witch as a figure of fear within the community.

This chapter will discuss the nature of continuity and change in witch beliefs as evidenced in the experiences of accused witches in the synod of Lothian and Tweeddale. Key themes that will be considered are the demonic pact and the context of the covenant, the importance of reputation, the theme of revenge, and tensions within the community. Examples will be drawn from witness depositions and confessions of accused witches in consideration of these themes. False accusations, the language of witchcraft confessions and accusations and examples of charming will also be considered.

### *The Demonic Pact*

The demonic pact was a common feature not only in Scottish witch trials, but also in continental trials. The theory of the demonic pact originated in continental Europe and is widely believed to have been transported to Scotland after James VI witnessed some witch trials in Denmark. The first appearances of the demonic pact as evidence against suspected witches in Scotland occurred during the 1590-91 witch-hunt. The centrality of the pact to accusations and trials was further cemented by James VI's tract *Daemonology*, published in 1597. Larner identified the demonic pact as "the single most essential element in an indictment" and that this was common in all parts of Europe that experienced witch-hunting in the sixteenth and seventeenth centuries.<sup>3</sup> For both Larner and Levack the demonic pact was the legal basis for the crime of witchcraft, making the crime in a judicial sense, that of being a witch, rather than a practitioner of magic and was also central to the

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<sup>3</sup> See Larner, *Enemies of God* p145.

notion of witchcraft as being a religious crime.<sup>4</sup> This reflected the view of witchcraft “from above” as a secret conspiracy and a threat to a godly society, whose main aim was to serve the Devil in overthrowing Christianity. The conspiracy theory of witchcraft took on a new meaning in 1649-50 as the radical Covenanters who had taken control of the governing of the country were determined to root out those who had publicly betrayed the covenants. The idea of witches secretly renouncing their baptism and entering into a new pact or covenant with the Devil represented an attack on the covenants on a personal level.

In Scottish trials, the main feature of a confession was the demonic pact. This involved the witch renouncing her baptism and entering into a new pact with the Devil, usually receiving a mark as a sign of the pact and in some cases receiving a new name or consummating the pact. The pact with the Devil could represent an inversion of many facets of Christianity. Lerner discusses the pact in terms of an inversion of baptism and as being representative of a “standard feudal relationship” based on the modest promises made by the Devil.<sup>5</sup> More recently Lauren Martin has challenged Lerner’s view of the pact as a “standard feudal relationship” and discussed the pact in terms of an inversion of Christian marriage as “the demonic pact involved heterosexual, affinal ‘kinship’ (related by marriage)”.<sup>6</sup> Within the context of 1649-50, the significance of the pact as an inversion of the covenants is also important, and the substitution of the term “covenant” for “pact” or “compact” is significant indeed. As David Stevenson has stated: “what could be more sinful than the compact with the devil which is was supposed to involve a hellish counterpart to the covenants with God?”.<sup>7</sup> Both Lerner and Martin agree with the notion of the pact representing an inversion of covenant theology, though in terms

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<sup>4</sup> See *ibid* pp145-156 and Levack, *Witch-hunt in Early Modern Europe* pp37-40. See also Levack, *Witch-hunting in Scotland* pp7-14 for further discussion of witchcraft as a religious crime and the centrality of themes of compaction with the Devil as being central to the concept of witchcraft as a religious crime.

<sup>5</sup> Lerner, *Enemies of God* pp149-50 and 164.

<sup>6</sup> Martin, “Witchcraft, quarrels and women’s work” p79. Levack also links the “emphasis” in confessions in the consummation of the pact with the renewed attack by the Kirk on sexual offences in 1649, see Levack, *Witch-hunting in Scotland* pp66-67.

<sup>7</sup> Stevenson, *Revolution and Counter-revolution* p120.

not solely restricted to the context of 1649-40.<sup>8</sup> The notion of a witch entering into a “covenant” with the Devil represented a private betrayal of both of the covenants. As both national and local authorities were particularly sensitive regarding betrayals of the covenants on both a public and private level, a witch who renounced her baptism and covenant with Jesus and entered into a new covenant with the Devil represented a more profound and theoretical threat to the sanctity of the covenants. This is because it undermined the very basis of the covenants as a contract between god and a godly and morally pure Scottish nation.

In 1649-50, the theme of the demonic pact was consistent throughout Lothian and Tweeddale. Accounts of the pact consisted of the Devil appearing to the witch, the witch renouncing her baptism and receiving a mark and consummating the pact. Some accounts also detailed meetings with the Devil. The imagery of the demonic pact may have varied from place to place, but there were certainly some startling consistencies in confessions in terms of the form in which the Devil appeared to the suspected witch, the form of the pact, and the language used in the pact.

In June 1649, a number of suspected witches were interrogated by members of the presbytery of Haddington, and produced confessions detailing how they met the Devil. On 7 June, Agnes Clarkson confessed that the Devil first appeared to her “in the liknesse of a black dun dogge”, which then turned into “the liknesse of a black man”.<sup>9</sup> She also described him as appearing at a witches meeting “in the liknesse of a black man with a staffe in his hand, wherewith he knocked their heads”.<sup>10</sup> On 8 June Agnes Hunter also confessed that she encountered the Devil, who appeared first as a “gentleman” then “ane meikle greyhound”.<sup>11</sup> She also described a later appearance by the devil as a man “in grein cloathes”.<sup>12</sup> In total, Agnes Hunter confessed to meeting the devil on five separate occasions. Margaret

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<sup>8</sup> See Lerner, *Enemies of God* p172 and Martin, “Witchcraft, quarrels and women’s work” p80.

<sup>9</sup> *RPCS* p189.

<sup>10</sup> *Ibid* p189.

<sup>11</sup> *Ibid* p190.

<sup>12</sup> *Ibid* p190.

Dickson also described the Devil as a gentleman in green clothes.<sup>13</sup> Issobell Murray's confession, dated 9 June, also detailed her meeting the Devil for the first time. She claimed that she was lying in bed one night when "the spireit took hir bed and she walked out of hir house about the yard", and that the Devil appeared to her as a "great black dog", and that after she entered into the pact with the Devil she returned home "in the lickness of ane catt".<sup>14</sup> In this particular group of confessions, animal imagery is very strong. Almost all of the accused described the Devil appearing to them as a dog, then turning into a man.

Another group of confessions, this time from Peebles, also shares some similarities in the form of the Devil. None of the Peebles witches described the Devil as appearing in the form of a dog, but many shared the theme of the Devil appearing as a man dressed in green. For example, Janet Coutts claimed that the Devil appeared to her "in shape of ane man cloathed in green".<sup>15</sup> Bessie Forrest claimed that the Devil appeared to her "like a mekle black man",<sup>16</sup> Marion Watson claimed that she saw the Devil at a meeting of witches, "cloathed in a green [gown] and a black coull on his head",<sup>17</sup> Thomas Shanks claimed that he encountered the Devil "in the likenes of a little man cloathed in blew with a blew bonnet and [a] black staffe in his hand".<sup>18</sup> The green and blue motifs in the Peebles confessions suggest that the suspects may have been drawing from fairy lore in their descriptions of the Devil.<sup>19</sup>

There has been much recent research on the appearance of the Devil in witchcraft cases. Stuart Macdonald has noted the apparent absence of the Devil in

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<sup>13</sup> Ibid p191.

<sup>14</sup> Ibid p192.

<sup>15</sup> NAS CH2/295/4 p128a.

<sup>16</sup> Ibid p129.

<sup>17</sup> Ibid p129.

<sup>18</sup> Ibid p129.

<sup>19</sup> For further discussion of interaction of folk belief and fairy lore being incorporated with demonology in early modern Scotland see Cowan and Henderson, *Scottish Fairy Belief* pp106-138, esp. at pp133-138. See also D. Purkiss, "Sounds of Silence: Fairies and Incest in Scottish Witchcraft Stories" in S. Clark (ed), *Languages of Witchcraft: Narrative, Ideology and Meaning in Early Modern Culture* (Basingstoke, 2001) pp81-98 especially pp88-89.



cases of witchcraft in Fife, claiming instead that many accounts of the Devil in confessions from Fife have more in common with fairy belief than any elite notions of diabolism.<sup>20</sup> Macdonald claims that the Devil was largely absent in local belief and only became an aspect of confessions once the central authorities became involved, and that, although he concedes that in other regions the Devil may have been more significant in concepts of witchcraft, the “Devil and belief in the demonic pact can no longer be used to explain the severity of the Scottish witch-hunt”.<sup>21</sup> While it is true that belief in the Devil and the demonic pact cannot be relied on as a sole explanation for the intensity of witch-hunting in Scotland, the importance of the pact as the central component of a confession of witchcraft in terms of the judicial process cannot be underestimated. It may be true that if the pact was not central to the evidence required in order to obtain a trial, then trials may have been granted more frequently. However, as will be discussed later in this chapter, the admission of a pact became more important than other aspects of witchcraft belief in the later stages of local witch-hunts. In the later stages of the witch-hunt many people who had no pre-existing reputation for witchcraft or sorcery were tried based on their confession that they had entered into a pact with the Devil.

This also seems to challenge Lerner’s assertion that, through the evidence gathered in witch trials, “[w]e know more about the way in which a seventeenth-century Scottish peasant saw the Devil than we do about the way in which he saw God”.<sup>22</sup> For Lerner, belief and concepts of the Devil were more exact as, in anthropological terms, the “rhetoric of the general good is much less specific than complaints of particular evils”.<sup>23</sup> More recently Joyce Millar has discussed the nature of the Devil as seen in popular culture.<sup>24</sup> Millar discusses the popular view of

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<sup>20</sup> See Macdonald, *Witches of Fife* pp178-182 and S. Macdonald, “In search of the Devil in Fife witchcraft cases, 1560-1705” in Goodare, *Scottish Witch-hunt in Context* pp33-50.

<sup>21</sup> *Ibid* p46.

<sup>22</sup> Lerner, *Enemies of God* p134.

<sup>23</sup> *Ibid* p134.

<sup>24</sup> J. Miller, “Men in Black: Appearances of the Devil in Early Modern Scottish Witchcraft Discourse” in Goodare et al, *Witchcraft and Belief in Early Modern Scotland* pp144-165.

the Devil as being different and more complex than elite views of the Devil as a red beast with cloven feet.<sup>25</sup> In a broader chronological survey of appearances of the Devil in testimonies Millar discusses the Devil appearing in forms similar to those testified by the Haddington and Peebles witches in 1649-50. For Millar, the Devil represented in Scottish witchcraft testimonies was “relatively ordinary”, and that the Devil was “a fundamental element of witchcraft belief”.<sup>26</sup>

The location of the suspects’ first encounters with the Devil is also interesting. Agnes Clarkson claimed that the Devil in the form of a dog came into her house “about the dead time of day”, Agnes Hunter claimed the Devil appeared to her in her garden, Margaret Dickson claimed the Devil appeared to her in her bed at midnight, Manie Haliburton claimed the Devil also appeared to her in her bed at dawn.<sup>27</sup> The Haddington group of witches all claimed that the Devil came into their homes or property. The Haddington witches also told of multiple meetings with the Devil, and attempts to deny him but submitting to his will on the third encounter. The Haddington witches also recounted examples of the Devil’s cruelty. For example, Margaret Dickson claimed that when she refused to have sex with the Devil for a second time, he “strak hir and flang at her lyk ane beast, quherby she became verrie seik and that she never saw him after that till she wes in Painstone, quher he fell upon hir in the nicht and band doune hir head till she cryed outt, being lyk to be oppressed with him”.<sup>28</sup> All of the Haddington witches also described the Devil as being cold. These depictions of the Devil as being cold, beastly and cruel seemed to confirm to the notion of the devil as being an unworldly and cruel being.

The Peebles group of witches also claimed to struggle with the Devil before submitting to a pact. Janet Coutts claimed that the Devil appeared to her in the mill after she had fought with her mother and “made her enter into a covenant with

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<sup>25</sup> Ibid p144.

<sup>26</sup> Ibid p160.

<sup>27</sup> *RPCS* pp190-196.

<sup>28</sup> Ibid, p192.

him”.<sup>29</sup> Bessie Forrest claimed that when she was going back to the house from the barn the Devil appeared to her and “struggled” with her and forced her to enter a covenant with him.<sup>30</sup> The idea of the struggle, together with the claims of attempts to refuse the Devil, suggest that the suspects perhaps wished to appeal for leniency, showing that they tried to refuse the devil but were ultimately overpowered and forced to submit to his will. The Peebles witches also claimed to have made the pacts with the devil in the past, admitting that they had been in his service for many years. Janet Coutts claimed she made her pact 26 years previously, Bessie Forrest claimed she made her pact when she “wes ane younge woman ... given to lust” and both Thomas Shanks and Marion Robison claimed to have made the pact “many years since”. The confessions of the Peebles witches that they were in the service of the Devil for years, lends weight to the idea that the presbytery at Peebles believed they uncovered a demonic conspiracy within the community.

In each account of the actual pact itself, each suspect in both of these groups confessed to renouncing their baptism and, with the exception of Thomas Shanks, to consummating the pact with the Devil. The Haddington group of witches also claimed that they received new names. For example Agnes Clark became Nan Clark, while Margaret Dickson became Marret.<sup>31</sup> In each case, the witch confessed to renouncing God and Christ and her baptism, receiving a mark from the devil and consummating the pact. In some of the confessions from Peebles, those of Thomas Shanks and Janet Coutts, the suspects confessed to “delivering her selfe bothe bodie and soull to him by giving to his service all betwixt the [croun] of her head and the sole of her foot”.<sup>32</sup> Thus the witch’s body and soul would belong to the devil. For Goodare, “the crime of witchcraft, for many women, was broadly equivalent to the crime of fornication with the Devil”.<sup>33</sup> In this respect it would appear that the pact

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<sup>29</sup> NAS CH2/295/4 p128a.

<sup>30</sup> Ibid p128.

<sup>31</sup> *RPCS* pp190-193.

<sup>32</sup> NAS CH2/295/4 p128a.

<sup>33</sup> J. Goodare, “Women and the witch-hunt in Scotland” p294.

did resemble a marriage of sorts, as the Devil was permitted to have regular sexual relations with the witch.<sup>34</sup>

On entering the pact, the witch would receive a mark, a point on the body which was insensitive to pain and did not bleed, which was a bodily symbol of the pact.<sup>35</sup> In continental theory and in English witchcraft theory, the Devil's mark would often serve the function of being a point of nourishment for a witch's familiar. A familiar spirit was a being that usually took the form of an animal and was a sort of companion to the witch.<sup>36</sup> It has generally been accepted that familiars were "not common"<sup>37</sup> in Scottish trials and indeed, none of the Lothian and Tweeddale claimed to have a familiar. It was also common in parts of England during the 1644-45 trials in East Anglia for the suspects to confess to having received the mark in their private parts in order to avoid being searched for the mark, and female examiners were employed to search for the mark in English suspects.<sup>38</sup> However, the Lothian and Tweeddale witches in 1649-50 all confessed to receiving the mark somewhere on their arms, shoulders or wrists. In Scotland in 1649-50 the confession of receiving the mark was a significant piece of evidence and one that both the central and local authorities viewed as important.<sup>39</sup> Official "witch prickers" were widely used and the evidence they gathered was admissible as evidence. The practice of pricking involved searching the suspected witch's body for a mark which was insensitive to pain or did not bleed when pricked with pins or nails, and had been in use as far back as the 1590-91 North Berwick trials.<sup>40</sup> The

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<sup>34</sup> See also Martin, "Witchcraft, quarrels and women's work" p82.

<sup>35</sup> See Levack, *Witch-hunt in Early Modern Europe* pp30 and 52 and Lerner, *Enemies of God* pp11 and 110-112.

<sup>36</sup> Levack, *Witch-hunt in Early Modern Europe* p93; Goodare, "Scottish Witchcraft in its European Context" pp35-36. See also Briggs, *Witches and Neighbours* pp23-24 and Sharpe, *Instruments of Darkness* pp71-74.

<sup>37</sup> Goodare, "Scottish Witchcraft in its European Context" p35.

<sup>38</sup> See J. Sharpe, *Instruments of Darkness* pp178-181 for a discussion of the employment of women as searchers for the Devil's mark in England. See also Goodare, "Women and the witch-hunt" p302 and C. Holmes, "Women: Witnesses and Witches", *Past and Present* 140 (1993) pp45-78 at p46.

<sup>39</sup> For example, the Committee of Estates ordered that the witches in Biggar who were named by Janet Coutts were to be searched for the mark. See NAS PA11/9 f3.

<sup>40</sup> Lerner, *Enemies of God* pp110-112 and Goodare, "Women and the witch-hunt" pp301-303. See also W.N. Neill, "The professional pricker and his test for witchcraft", *SHR* 19 (1922) and S.W.

practice of pricking a witch was barbaric and Levack has recently called into question the use of pricking as illegal and unsanctioned torture.<sup>41</sup> Agnes Clarkson received her mark on the back of her left arm, above her elbow, Margaret Dickson received her mark on the underside of her right arm, Isobel Murray received her mark on her left shoulder and Thomas Shanks received his mark on his right wrist. There does not appear to be any particular reason for the location of the mark in these cases. The Haddington witches were searched for the mark by John Kincaid, a witch pricker who was employed throughout the Lothian and Tweeddale areas in 1649-50 and 1661-62. Kincaid also testified before the presbytery of Haddington that he found the mark on Patrick Watson on his left shoulder, and on Manie Halliburton's left shoulder. The location of the mark on the Haddington witches may have been influenced by Kincaid as he had searched the entire group.<sup>42</sup>

After the witch had entered into the pact with the Devil it was believed that she was in his service and would have contact with him. This was central to the idea of a demonic conspiracy – the witch would have regular contact with the Devil in order to receive directions from him. Both the Haddington group of witches and the Peebles witches described mass meetings with the Devil. The Peebles witches told of a witches meeting on Gallowberry hill just outside the main parish of Peebles. Marion Watson claimed that Satan, dressed in a green gown with a black cap, was there and he sat at a long table upon which were “bannocks and cakes” and that there was meat roasting on a spit and six men with green “stoupes” filling ale and that she had some ale to drink.<sup>43</sup> In Haddington, Agnes Clarkson told of a meeting on the green at Dirleton at twilight 12 days before her confession on 7 June 1649. She told of the gathered witches dancing and the Devil dancing amongst them with his staff, “knocking them on their heads”.<sup>44</sup> Margaret Dickson also told of a meeting

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MacDonald, “The Devil’s mark and the witch-prickers of Scotland”, *Journal of the Royal Society of Medicine* 90 (1997).

<sup>41</sup> Levack, *Witch-hunting in Scotland* p23.

<sup>42</sup> Kincaid was also active in the 1661-62 hunt and became embroiled in an infamous scandal over the illegal use of torture. See Levack, *Witch-hunting in Scotland* pp94-95.

<sup>43</sup> NAS CH2/295/4 p129.

<sup>44</sup> RCPS p189.

of witches in the parish of Gladsmuir where they danced with the Devil and Agnes Hunter told of a meeting with the Devil at Thomas Dickson's house (another suspected witch) where they had food and drink.<sup>45</sup> In both of these claims the witches meeting seems to have been relatively modest affairs, with dancing and food and drink. Continental style tales of flying witches, orgies and cannibalism were absent in Scottish witch trials and 1649-50 was no exception. The tales of the witches meetings were quite modest in nature and reflected the modest terms of what the witches received from the Devil in entering the pact. Scottish suspects did not claim they would be promised untold riches, many claimed merely that they would be able to live comfortably and would "want for nothing". The accounts of these meetings from the two groups of suspects also do not indicate any conspiratorial behaviour and simply appeared to be accounts of people getting together and having a good time.

### *Reputation*

Alongside a witch's confession, one of the other most important features of a witch trial was whether or not the suspect had a long standing reputation for bad behaviour, or witchcraft. A reputation of being a witch would be built up over a number of years in what Lerner calls a "dynamic process of social interaction between witch and neighbours with steady mutual reinforcement".<sup>46</sup> An individual's reputation could serve to be either a good thing or a bad thing, in that it could cement a suspicion of witchcraft or could be a deciding factor for the local authorities not to proceed with an investigation. The synod of Lothian and Tweeddale produced a number of cases where the accused witches' reputations were key to either the success or failure of the investigations against them. If a suspected witch had a longstanding reputation as a witch or for being a troublesome member of the community then not only would those investigating the accusation

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<sup>45</sup> *RPCS* p189. See also Lerner, *Enemies of God* pp149-150

<sup>46</sup> *Ibid* p99.

take it more seriously, but also more people would be inclined to come forward to testify against them. Similarly if a suspect had a known connection with someone who had previously been accused of witchcraft either through blood relation, marriage or friendship then the presbytery would be more susceptible to believing their guilt.<sup>47</sup> In turn, if a suspected individual had a previously good reputation within the community this could work in their favour if an accusation was brought against them.

Many of the witches who were prosecuted in the initial stages of the outbreak of witch-hunting in 1649-50 had longstanding reputations as witches. For example, both Marion Tweedy and Janet Coutts, the initial suspects in the Peebles hunt were both reputed witches. The presbyterial committee who examined the witnesses against Marion Tweedy reported that they found that “besides the crying bruit that she is a witch thes manie years bygane” (in other words that she had a long standing reputation as a witch), that the witnesses “deponed universally” that all of their neighbours in Netherorde “have allwayes been affraide to have any meddling with her”.<sup>48</sup> In the initial report of her witchcraft she was noted as being “of ane evill name for witchcraft”.<sup>49</sup> Not only was she a reputed witch, but a figure of fear. It was claimed that Janet Coutts “hes allwayes ane evill tongue” and suffered “the crying bruit that she is a witche”.<sup>50</sup> Janet Coutts fits the model of the witch as a sharp tongued and quarrelsome woman. The many neighbours who testified against her told of arguments with her, after which many of them claimed to have suffered misfortune. Similarly, Jean Craig, the initial accused in the Haddington witch-hunt in 1649-50, was a reputed witch whose mother even testified against her. Believed to be a ring leader of sorts amongst her consorts, she

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<sup>47</sup> See here Lerner, *Enemies of God* pp98-99 for mother and daughter accusations and the concept of a witch’s “get” (offspring of a witch), Lerner also discusses “husband and wife teams” who were accused.

<sup>48</sup> CH2/295/4 p116a

<sup>49</sup> Ibid p112a.

<sup>50</sup> Ibid p116a.

was the first witch to be tried in Haddington and the first to be executed.<sup>51</sup> Agnes Lawson and Christian Sym in the parish of South Queensferry in Linlithgow were both noted as “two infamous women” and their reputation as witches had extended beyond the parish bounds across the Forth to Dalgety where the initial accusation against them came from.<sup>52</sup> Both Agnes and Christian had been reported to the kirk session previously for fighting and “scolding” with other members of the community.<sup>53</sup> It was also claimed that Agnes had openly cursed the minister at South Queensferry, John Durie, and the other men who had been watching over the witches in ward.<sup>54</sup> Janet Cant, another suspected witch who was apprehended at the same time as Agnes and Christian, was also named by the witches who had been apprehended in Dalgety and had also been in trouble with the session for fighting and cursing with others.<sup>55</sup> Records on the initial cases in the other presbyteries in the synod are scarce, especially in the presbytery of Dalkeith and Edinburgh. The initial case in Dalkeith was in February 1649, but later cases were more detailed. For example, there were numerous accusations made against Bessie Smith in August 1649, to which she confessed all points.<sup>56</sup>

Some of the accused witches in 1649 had connections to people who had been accused of witchcraft previously. For example, Beatrix Watson in the parish of Corstorphine in Edinburgh, who was accused in May 1649, was the mother of William and Bessie Scott who were accused of witchcraft.<sup>57</sup>

Not every accusation of witchcraft resulted in a trial. This was largely dependent on the person accused. On 12 December 1649 John Durie, minister at South Queensferry parish, reported to the presbytery of Linlithgow that William

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<sup>51</sup> See NAS CH2/185/6 pp26 and 34. See also NAS JC2/8 Books of Adjournal pp740-742. Further details of the claims made against Agnes are also to be found in NAS JC26/13 Process notes, Bundle B. See also the detailed entry on Jeane Craig (1649) in Goodare et al, *Survey of Scottish Witchcraft*.

<sup>52</sup> NAS CH2/689/1 South Queensferry Kirk session, 1635-1661 p122.

<sup>53</sup> See *ibid* p122.

<sup>54</sup> *Ibid* p123. She was fined 10 merks for cursing but was ordered to be arrested the next day for witchcraft.

<sup>55</sup> *Ibid* pp122-123.

<sup>56</sup> NAS CH2/424/3 p327.

<sup>57</sup> I am grateful to Norah Carlin for clearing up the familial relationship between these suspects.



Arnot wished to be cleared of “these foule aspersions and fearfull reputations” of witchcraft “quhich the envy of some malicious Witches had layd upon him” (possibly Agnes Lawson and Christian Sym). All evidence in his favour was presented to the presbytery, including letters from the ministers of Dalgety and Dunfermline. Good testimony of Arnot given by members of the presbytery for his “zeal and forwardness in bearing doun sin in these parts” and was cleared of any scandal.<sup>58</sup> This case was a successful defence against an accusation of witchcraft, but no accusation of slander against the witches who had named him was brought. In this case, members of the presbytery attested to Arnot’s good character and reputation for “zeal” and as an agent against sin and the very type of individuals that the kirk session were trying to exclude from the community. This type of counter claim was common in early modern Scottish and European witch trials. For ordinary parishioners accused of witchcraft who, unlike William Arnot in South Queensferry, did not have the support of the brethren of the kirk session or presbytery, one way that someone under a “presumption” of witchcraft could defend themselves against such an accusation was by making a counter accusation of witchcraft or bringing a claim of slander against the main accuser.

A pre-existing reputation for using witchcraft and being a figure of fear within the community was a significant aspect of accusation during the initial stages of a witch-hunt. As the witch-hunt progressed however, more individuals who had no reputation for malefice found themselves being investigated for witchcraft. Goodare attributes this to a “breakdown” of the conventional stereotype of the witch figure, as an old woman reputed to have magical powers, during the advanced stages of a witchcraft panic to the point at which “almost anyone could be a witch”.<sup>59</sup>

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<sup>58</sup> CH2/242/3, p341

<sup>59</sup> Goodare, “Women and the witch-hunt” p291. See also Martin, “Scottish Witchcraft Panics Re-examined” p121.

### *Tensions within the community*

There is also evidence from 1649-50 that tensions within the community could contribute to the reputation of locals and escalate to accusations of witchcraft. Cases like this were based not on a belief that the community was under attack from the legions of Satan, but were more of an opportunistic chance to rid the community of some of its more troublesome members, or for people to capitalise on grudges they had with others. Two examples of such cases occurred in South Queensferry. The first case is an example of a direct accusation of slander; the second case began as an attempt at an accusation of slander which escalated to a claim of witchcraft and a threat of banishment against the woman who brought the claim of slander before the kirk session.

Margaret Bisset complained to the South Queensferry kirk session on 22 April 1649 that Helen Dauling had called her a witch and a “drunken jadd”. Dauling appeared and denied calling Bisset a witch and a drunken “jadd”, but admitted calling Robert Bisset, one of the elders of the South Queensferry session, a “drunkard”, claiming that she did not need to provide witnesses to this “it was true enough”. Barbara Logy appeared on the same day and testified that Dauling called Bisset a witch, and that they both called each other a “drunken jadd”.<sup>60</sup> Witnesses were called on 22 April, and “they affirming littell or nothing to the purpose”, Robert Bisset was rejected by Dauling as a witness (possibly because he was a relation of Margaret) but the session decided he was to be called if he could “purg himself of malic and svear by the great name of god to tell nothing but the trueth and so should be received as a vitnes”. Bisset testified that Dauling had come to his house, after “they” had offered her a drink and she said “the dewill a drop of your drink vill I haue let them tak the drink vho gatt the meatt”. Bisset claimed that he and Gavin Simpson went to the door and heard her call Margaret a drunken “jadd” and a witch and claim that Margaret gave a drink to Magy Broun a woman who was imprisoned for witchcraft a drink that poisoned her. Andrew Bisset also testified

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<sup>60</sup> CH2/689/1 p119.

that he heard Dauling call Margaret a witch. The session took these testimonies as proof of the slander, and the minister inquired “what course should be taken for restraining that ewill womans tounge”, some argued for her to be banished “because of that and her other frequent miscarriages”, others arguing that she should be fined. Dauling ordered to pay 2 dollars as a fine and make public repentance, and to be put out of town on her next fault.<sup>61</sup> Dauling was in trouble with the session again on 9 September when Robert Bisset reported that he heard her say “at divers times” that “the devil stand up betuixt her and Androv Bisset that day they ver married”.<sup>62</sup> On 18 September Bisset passed from his complaint because his witnesses claimed that they could not remember Dauling saying this.<sup>63</sup> There is no further information on the slander case, but more instances of Dauling’s misbehaviour.

Another example of personal tensions comes from South Queensferry. On 10 March 1650, a number of women were reported to the session for staying away from communion after an argument. Among these women was Elspeth Johnston, who claimed that Helen Ramsay and her servant had called her a witch.<sup>64</sup> She appeared before the session on 19 March and affirmed that she stayed from the communion because Ramsay and her servant woman, Margaret Lowry, had called her a witch, and spread the rumour around the town that she was a witch and that she “conceaved [and] kepted malice at them for that”. She was to bring witnesses to the slander and Ramsay and Lowry were cited to appear before the session “to tell upon what grounds they had so bruted her”.<sup>65</sup> On 26 March George Telfor claimed that he never heard Ramsay or Lowry call Johnston a witch, but that he heard Johnston curse them for calling her a witch. Janet Penton claimed that she never heard Ramsay or Lowry call Johnston a witch, but that she heard Johnston say “God let them never be able to sen themselves out of the devils service vho called her a vitch”. Elspeth Brown claimed that she never heard Ramsay call Johnston a witch “in expresse terms”, but that she did hear her “vtter speches not far different that in

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<sup>61</sup> Ibid p120.

<sup>62</sup> Ibid p126.

<sup>63</sup> Ibid p127.

<sup>64</sup> Ibid p140.

<sup>65</sup> Ibid p141.

saying she was not canny". Lowry denied that she called Johnston a witch, but said "that som such expressions had com from her as these that she was not canny" because Johnston "was a voman who vused much the company of these who ver already apprehended and brunt for vitchcraft". She also claimed that Johnston had said within her hearing many years previously that Janet Mowbray, a woman who had been burned for witchcraft had consulted with her to get a marriage between her and an unnamed man. The session asked her to bring in witnesses to this. Johnston was brought back in and told that no witnesses could prove that Ramsay and Lowry had called her a witch. She claimed that she could bring others to testify the next day.<sup>66</sup> On 9 April, Johnston brought more witnesses, including her fellow servants at Mr James Whytford's house. Ramsay objected to these witnesses because they were Johnston's colleagues, and the session ordered Johnston to find other witnesses.<sup>67</sup> On 26 April, Johnston was seeking a ticket for communion. The minister asked her if she was free of malice towards Ramsay, but she "vttered expressions savouring of rank malice" and was refused a ticket. Ramsay also appeared and claimed she had no malice toward Johnston. John Mill and Thomas Bisset, two of the elders, were appointed to settle the dispute between Johnston and Ramsay, and to give communion tickets to whichever party put aside their malice.<sup>68</sup> On 27 April Mill and Bisset reported that Johnston could not give evidence that she had set aside her malice. It was also reported to the session that Johnston was discharged from the communion table and the kirk officer was to investigate and report back to the session.<sup>69</sup> There is no further information regarding this case in either the kirk session or presbytery book, and it would appear that Elspeth was never formally investigated for witchcraft.

These two examples of slander show how relations between members of the community could escalate into accusations of witchcraft. In both of these cases there was existing bad feeling between the parties concerned. What is interesting is

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<sup>66</sup> Ibid p142.

<sup>67</sup> Ibid p142.

<sup>68</sup> Ibid p144.

<sup>69</sup> Ibid p144.

that neither of these incidents resulted in a formal investigation of witchcraft even though the accusations occurred during a major outbreak of witch-hunting in the area.

### *False accusations*

One of the most interesting cases in 1649-50 was that of Janet Coutts. When she was first apprehended her story was very similar to that of other suspected witches. It was claimed that she had caused the death of a man by uttering threats to him, and that she was responsible for the illnesses of others. Janet's story took another direction with the involvement of George Cathie, a professional witch pricker from Tranent. Until Cathie's appearance in Peebles, neither Janet nor Marion Tweedy (whom she was incarcerated alongside) had confessed to witchcraft. However, after being seen by Cathie, Janet not only confessed to the points of witchcraft charged against her, but she had "also provided the names of other "witches", her "consortes in the same crime".<sup>70</sup> The exact number of people she accused is difficult to ascertain, however, her accusations reached as far as the neighbouring presbyteries of Biggar, Jedburgh and Lanark. On 8 November 1649 the presbytery of Lanark, in the neighbouring synod of Glasgow, reported that the Marquis of Douglas had apprehended some witches in the parish of Crawford Douglas after receiving news from Peebles that Janet Coutts had named them in her confession.<sup>71</sup> Given that Janet had confessed on 25 October, the news seemed to have travelled quite quickly to Lanark.

There was no doubt as to the verity of her claims until she had been transported to Biggar to be confronted with those she had named as witches there. There had initially been some difficulty in transporting Janet to Biggar as the presbytery at Peebles were reluctant to let her travel out of the bounds of the

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<sup>70</sup> NAS CH2/295/4 p127a.

<sup>71</sup> *Presbytery of Lanark* p74. It was claimed that she named 11 individuals in Lanark; Jonet McBirnie, Lilius Moffat, Helen Acheson, Marion Moffat, Male Laidlaw, Bessie Gibson, Jonet Acheson, Marion Hunter, Margaret Kilpatrick, Bessie Williamson and Marion Moffet.

presbytery, perhaps concerned that she would attempt to escape again, and the Committee of Estates finally had to be prevailed upon to settle the dispute between the two presbyteries.<sup>72</sup> It was reported by Robert Brown and John Crawford, ministers at Biggar who had been dealing with the presbytery of Peebles, on 12 December 1649 that the “saijs judges at Peeblis [the]r refuseing to send the said Jennet Coutts to Biggar” and that they had appealed to Sir John Cheisley as a member of the Committee of Estates for assistance in the matter.<sup>73</sup> The Committee of Estates responded by granting a commission for transporting Janet to Biggar to be confronted with those whom she had named there and for their trial.<sup>74</sup> The commissioners in Biggar who had been appointed to try her reported on 29 December that she

“had clearlie contradicted her selff in these dela[tio]nes in verie many points and that the most parte of her depositions wer full of varia[tio]nes bothe in regard of persones, names, tumes, places ... and circumstance all wiche having maid (sic) theme suspicious of her that schoe had lyed vpon some innocent persones and concealed the guyltines of others tending to the prejudice of the work of tryell and discoverie of that fearfull sinne and to the advantage of Satan”.<sup>75</sup>

Coutts was brought before the presbytery at Biggar and “after many exhorta[tio]nes” she “brust furth in [clamours] and tears and said that schoe had condemned her awin sillie sawle in speaking falslie” and cleared 48 of the people in Biggar whom she had named.<sup>76</sup>

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<sup>72</sup> NAS CH2/35/1pp302-303.

<sup>73</sup> Ibid p303.

<sup>74</sup> NAS PA11/9 f3. The commission had been granted on 4 December, ordering the presbytery and magistrates at Peebles to deliver Janet to Biggar. The entry in the presbytery book for 12 December seems to have been a retrospective report, confirming that Janet had been received in Biggar and that the appointed commissioners had been dealing with her. The presbytery of Lanark had also requested that she be transported there to be confronted with people she had accused but there is no record of her being in Lanark. See *Presbytery of Lanark*, p77. See also appendix 2.

<sup>75</sup> NAS CH2/35/1 p305.

<sup>76</sup> Ibid p305. Janet also cleared a number of the witches she had accused in Lanark, see *Presbytery of Lanark*, pp78 and 82.

On 4 January 1650 the presbytery Peebles received reports from Biggar concerning her “inconstancie in delateing and passing frae her delatiouns againe”.<sup>77</sup> Janet was brought in and questioned on her inconstancy at Biggar and claimed that she had got confused because she had known people who moved to Biggar and also that she passed from Agnes Stuart because she had been “dashed” and threatened by some of the commissioners.<sup>78</sup> She was questioned as to the truth of her claims but “she varied so often now fylling her and then cleanseing her That the presbytery could tak no hold of quhat she said of the said Agnes Stuarde, butt that in the end she said she wes free of witchcraft”.<sup>79</sup> The minister and elders then went through the list of people that she had named in Peebles and

she passed for the most parte notwithstanding she had before not onlie delated them, but wes confronted with them And to there face had enformed manie particulars against them and asked of a reasone quhy she had lied upon so manie of Gods people? She could give none.<sup>80</sup>

She also claimed that the Devil appeared to her while she was in prison and made her lie and name people as witches, “butt refused to tell for quhat end”.<sup>81</sup> She was removed and the presbytery exhorted the commissioners to “tak speedie course for executioun of justice upon her, as one desperatlie sent to devill.”<sup>82</sup>

The blame of the false accusations was laid firmly upon Coutts. However, it is possible that George Cathie was behind her naming of so many individuals. On 10 January she declared before the commissioners for her trial that “the chief motive [and] prinicpall inticer” of her naming so many suspected witches was George Cathie, who had bargained with her that he would endeavour to prolong her life.<sup>83</sup>

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<sup>77</sup> NAS CH2/295/4 p6a.

<sup>78</sup> Ibid p6a.

<sup>79</sup> Ibid p7.

<sup>80</sup> Ibid p7.

<sup>81</sup> Ibid p7.

<sup>82</sup> Ibid p7. She had also cleared “about fortie eight” people that she had named in Biggar, saying that she had “condemned her awin sillies awl in speaking falslie”. NAS CH2/35/1 p303.

<sup>83</sup> NAS CH2/185/6 p110.

## *Revenge*

The theme of revenge both in accusations and confessions of witchcraft was very common. In some cases, an accusation could be made in revenge for some other misdeed or wrongdoing, for example in the case of Agnes Stuart in Peebles, or the witness or "victim" in a case might claim that the accused had used witchcraft against him or her as revenge for something they might have done.

Agnes Stuart's motivation for testifying that Marion Tweedy was a witch was that after Agnes had fired Marion's son from her domestic service, Marion had told her that "I hope a worse sall befall yow", after which Agnes' mother, visiting from plague-infested Edinburgh, died, her house "through cleansing" took fire, then her husband Mark Hamilton was killed at the battle of Philliphaugh, and that Agnes herself then "fell in uncleanness, as is thought adulterie".<sup>84</sup> This was a long list of complaints indeed, and taken in isolation these events seem no more than mere coincidence; Agnes' mother had been infected by the plague and died in Agnes' house after which the house had to be burned to get rid of the infection, and then her husband was killed in battle. Agnes' main grudge against Marion, however, was that Marion's curse had also made her commit adultery while her husband was away. Whether or not this was a shirking of personal responsibility on the part of Agnes, or a genuine belief that she was cursed, it is clear that Agnes thought Marion would be the perfect scapegoat for all of the ills that had befallen her.<sup>85</sup> The main complaint against Marion, that she had killed Jonet Richieson and her baby, also featured the theme of revenge. It was claimed that Marion bore a longstanding grudge against Robert Millar, the deceased Jonet's husband, for his refusal to marry her daughter.

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<sup>84</sup> Ibid p117.

<sup>85</sup> There is no mention in the presbytery book of Agnes Stuart being investigated for adultery.



Similarly, many of the points claimed against Janet Coutts involved themes of revenge. The two main points of malefice claimed against her involved John Symington and James Ferguson. It was claimed that her dispute with John Symington started after he had quarrelled with her kinswoman Elspeth Cowper, calling her a witch “and all others comeing from the country [which] she came out of”.<sup>86</sup> On hearing this, Coutts went to Blythe, where Symington lived, and threatened him, saying “she should garr a man miskenn him on a mirk Moonday or a Satunday in the marcatt”.<sup>87</sup> Symington took ill a few days later and died “all the tyme of sicknes constantly laying his death upon Janet Coutts”.<sup>88</sup> Janet appeared at his house on the morning of his funeral and asked his mother, Katherine Allan, “hes your son left his death upon me? God lett him never get rest in hallowed mulles till he mak me a mends”.<sup>89</sup> The witnesses against her also claimed that Symington’s coffin started to bleed while she was following the funeral procession and continued to do so until she left them. In the instance of James Ferguson, both he and Coutts had been fighting and he hit her after which she threatened him with “ane evill turne”.<sup>90</sup> A short time later Ferguson fell ill “of ane uncouth desease” and was ill for four months. She had also had a dispute with Ferguson’s wife, one Janet Brown over a “hitch yonde” It was claimed that Janet said to her daughter, Janet Ferguson, “I hope thow sall meet with ane unsondy foot”, and that she being in Edinburgh some days later had a fall, and suffered a concussion.<sup>91</sup>

It was often these alleged acts of revenge which, taken together with the confession to entering into a pact with the Devil, would form the basis of an investigation of witchcraft. Only the witch herself could provide details of the pact but accounts of malefice and vengeful acts against others could be corroborated by witnesses from within the community.

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<sup>86</sup> Ibid p118.

<sup>87</sup> Ibid p118.

<sup>88</sup> Ibid p118.

<sup>89</sup> Ibid p118.

<sup>90</sup> Ibid p118.

<sup>91</sup> Ibid p118.

### *Charming and witchcraft accusations*

As discussed in chapter two, throughout the 1640s the central church authorities pressured Parliament for a clarification on the offence of charming. At a local level charming had always been viewed as a separate offence from witchcraft and treated as such. It was seen as a lesser offence and was punishable by public humiliation rather than execution.<sup>92</sup> The General Assembly had already instructed presbyteries and kirk sessions to treat charming as witchcraft but there is a lot of evidence to suggest that both the kirk sessions and presbyteries either ignored this directive or were reluctant to treat all instances of charming as witchcraft. What is clear is that a distinction between acts of witchcraft and acts of charming was still being made at the pre-trial stage. In some cases of witchcraft, accusations of charming could be used as further evidence that the accused was a witch, but accusations of charming could stand alone and be just that, an accusation of charming.

Despite repeated attempts by the General Assembly and the Commission of the Kirk to align charming with witchcraft throughout the 1640s,<sup>93</sup> in the midst of the 1649-50 witch-hunt charming was still viewed as a separate offence in some instances and treated as such. This is rather surprising considering that in some kirk sessions charmers and suspected witches were being dealt with on the same day. What is even more surprising is that despite the denouncing of charming as being witchcraft by the General Assembly in 1642 this idea had not filtered through to the presbyteries and kirk sessions.

On 17 May 1649, at the same time that preparations were being made for the examination of Marion Tweedy the presbytery of Peebles dealt with Agnes Bailey

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<sup>92</sup> Miller, "Devices and Directions" pp91-92.

<sup>93</sup> See chapter 2 above, also *Acts of the General Assembly of the Church of Scotland* pp44, 64; Peterkin, *Records of the Kirk of Scotland, containing the acts and proceedings of the General Assemblies* p354, and *Records of the Commissions of the General Assemblies of the Church of Scotland* p123.

and Isobel Alexander for their charming of a cow. Agnes had consulted with Isobel for assistance for her cow that had stopped producing milk.<sup>94</sup> Agnes was not brought before the presbytery again but Isobel was on 14 June and questioned about the advice she had given. Isobel admitted that she had given Agnes advice on how to deal with her cow but denied she had told her a charm or “aine pratique of witchcraft”.<sup>95</sup> There was no further mention of Isobel Alexander’s charming but it is possible that she was the same Isobel Alexander who was later tried by a commission granted by the Committee of Estates.<sup>96</sup> The presbytery of Dalkeith also saw isolated incidents of charming in 1649. Patrick Tait was called before the presbytery on 4 October for giving a healing drink to Marion Moffat.<sup>97</sup> There was no further mention of him in the presbytery book.

There were of course, however, some instances of charming being incorporated into evidence of witchcraft when it occurred alongside acts of malefice.<sup>98</sup> Much of the witness testimony against Marion Tweedy told of her use of charms and healing of others. It was claimed that she had told Marion Kady, whose cow had taken to giving blood instead of milk, to take the blood the cow passed and carry it around the cow and make a hole in the ground and pour it in.<sup>99</sup> It was also claimed that she had told Jean Clark to cure her sore breast by putting it in her husband’s left shoe three times,<sup>100</sup> and that she had cured a child of the brook by telling his mother to cover the child’s sores with butter and meal and mark it with a cross saying “God’s cross save thee”.<sup>101</sup> These accounts of charming coupled with Marion’s longstanding reputation as a witch and someone to be feared added weight to the evidence against her.

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<sup>94</sup> NAS CH2/295/4 p112a-113.

<sup>95</sup> Ibid p114a.

<sup>96</sup> NAS PA11/8 Commission for the trial of John Sibbald and others f188.

<sup>97</sup> NAS CH2/424/3 p342.

<sup>98</sup> See Miller, “Devices and Directions” pp92-93 and 104.

<sup>99</sup> NAS CH2/295/4 p116a.

<sup>100</sup> Ibid p116a.

<sup>101</sup> Ibid p116a.

Like Marion, Jean Craig in Tranent also faced accounts of charming in the accusations made against her. However, unlike the charges of charming against Marion which appeared to be attempts at helping people, the claims made against Jean tell of her using charms in a malevolent manner. One particularly horrific testimony told of how she used “enchanted stones” on a woman after she had given birth in order to kill the child.<sup>102</sup> Other charges against her included her throwing raw meat in a man’s house and causing him to have visions of spirits, and charming cows to make them pass blood instead of milk.

It appears that in some instances isolated reports of charming would not lead to a more serious charge of witchcraft, even in the midst of a major witch-hunt. However, where a user of charms had a pre-existing reputation for being a figure of fear within the community or if she was known as a quarrelsome or vengeful person then incidents of charming merely added to the dossier of evidence against them.

### *Gender*

No discussion of Scottish witch-hunting can ignore the fact that the majority of suspected witches were female. The *Survey of Scottish Witchcraft* has shown that 85% of all suspected witches were women.<sup>103</sup> Many reasons for the preponderance of female witches has been attempted, but the soundest explanation seems to be that the characteristics of female behaviour fit best with the stereotype of a witch. As Goodare has stated, women were more prone to acts of verbal aggression rather than physical aggression. While men were more likely to be involved in physical fights, women were more likely to engage in “flyting”, scolding and cursing at each other than resort to physical violence.<sup>104</sup> This can be seen in the high proportions of women brought before Kirk sessions for scolding and slander. During the period of

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<sup>102</sup> See JC records (also go back to original ms records for more detail).

<sup>103</sup> Goodare et al *Survey of Scottish Witchcraft*. See also Martin and Miler, “Some findings from the Survey of Scottish Witchcraft” pp51-70; Goodare, *Scottish witch-hunt in context* pp7-8 and Goodare, “Women and the witch-hunt” p289.

<sup>104</sup> Ibid p297 and Larner, *Enemies of God* p96.

the Scottish witch-hunt there was a general crackdown on behaviour, which was carried out by the church courts. People were punished for a variety of types of behaviour such as the use of foul language, Sabbath breaking, non-attendance at sermons, drunkenness, sexual impropriety and any other type of behaviour that could be deemed ungodly. The eradication of witchcraft was an integral part of the programme of creating a morally pure and godly society. It was not separate from the policy of discipline, it was part of it and much of the ideas behind witch-hunting were informed by the ideas behind the creation of a godly society. Witch-hunting certainly was a phenomenon in its own right, but it was also part of a much wider vision of society.

At a local level, certain people were more likely to be prone to accusation than others. While women were the most obvious group, certain types of women were more likely to be accused than others. Scolds were likely to be accused because they had a reputation for verbal aggression. This was usually in the form of threats of ill fortune. Slanderers were also vulnerable to accusation in the form of counter-accusation. An accused witch could complain against her accusers to the Kirk session or Presbytery for slander, and in some cases name her accuser as a witch. Those who were related to witches or were known associates of witches were also prone to accusation, and Lerner cites some examples of daughters of witches being accused and also some husbands of accused witches facing accusation themselves.<sup>105</sup> However, in panic periods, people who had no prior reputation for witchcraft (men and women) could be accused of witchcraft, as accusations reached fever pitch and witches being interrogated naming other people as witches at random. In fact, a high number of people who were accused of witchcraft were named by other suspected witches during interrogations in panic periods.<sup>106</sup>

Christina Lerner argued that the crime of witchcraft though not gender-specific was indeed gender-related. In light of this fact, it is also a truism that witch-

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<sup>105</sup> Ibid p99.

<sup>106</sup> Goodare, "Women and the witch-hunt" p301.

hunting (that is, the searching for, apprehension and trying of suspected witches) was a gender-specific activity. The very nature of political and ecclesiastical culture in early modern Scotland, both at the highest levels and in the regions, meant that the witch-hunting process was dominated by men. Although on an individual level they may have had their own reasons for being involved in trials, collectively they had a shared goal of purging society of sin and witchcraft, and in this they were expected to adhere to a specific type of godly masculinity, to act as moral fathers as the community, punishing their sins while conducting their own lives in such a way as to provide an example to their parishioners.

The elders and ministers of each parish and presbytery formed collective brethren who acted as moral fathers for the communities within their jurisdiction. Just as parishioners were expected to adhere to the strict moral code that the Kirk session was in charge of implementing, those men who sat on presbytery or Kirk session boards were expected to conduct themselves in a manner befitting those charged with the moral welfare of the community. Those who did not adhere to the strict code of behaviour or who were found to be lacking in punishing ungodly behaviour were subject to investigation by the presbytery. For example John Book, minister at Kirkliston parish in Linlithgow from 1611 until 1646, was investigated for laxity in his duties as minister in the summer of 1644.<sup>107</sup> His supposed negligence as minister came to light on 12 June 1644 when Charles Menzies claimed that Book had received 100 merks as a bribe from William Barton, a suspected warlock, to “stop his mouth and stand his friend”.<sup>108</sup> Various witnesses were called before the presbytery to testify whether Book had made an agreement with Barton. A visitation of Kirkliston was advised, during which it transpired that he was negligent in giving communion, that he relied upon his son in law George Thomson as reader to catechise for him, that when he did give sermons he repeated the same sermon over and over, that he did not take action against persons reported to have been caught drinking on the Sabbath and that he himself was known to

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<sup>107</sup> NAS CH2/242/3 pp150-153.

<sup>108</sup> Ibid p151.

drink a “pynt” after sermon on a Sunday (which he had apparently been warned about previously). The elders of the parish testified that Book “caryed himself verie partiallie” in Barton’s case, and did not interrogate him severely enough and that he had interfered with witnesses against Barton.<sup>109</sup> Book was eventually cleared of misconduct by the presbytery after a number of parishioners testified in his favour and he promised to “mend his fault of drinking” and he remained in office until 1646. It is interesting to note that, although he remained in office, the investigation into his conduct came after a complaint that he been lenient in dealing with a suspected warlock, which demonstrates how seriously the presbytery viewed the crime of witchcraft. It also demonstrates how ministers were not above investigation if they did not conduct themselves in a godly manner.

### *Conclusion*

In this chapter similarities and differences in accusations across the synod of Lothian and Tweeddale have been discussed. What is apparent is that the experiences of suspected witches shared common themes. Each suspect told of her encounter with the Devil and renouncing her baptism. Others confessed to using magic for ill gains. Some of the suspects had achieved notoriety for using charms and witchcraft and were well known within the community. Some were tainted by association with known witches, and some were merely caught up in the fervour in catching witches.

What has become clear in this study of Lothian and Tweeddale is that the central aspect of crime of witchcraft was the demonic pact and this was certainly no different in 1649-50. In fact, I would argue that in 1649-50 the demonic pact was even more significant as not only did it represent an inversion of Christianity, but it also represented a complete inversion and betrayal of the covenant with God, and therefore betrayed the fundamental tenet of the Covenanting ruling elites whom had

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<sup>109</sup> Ibid p153.

fought for a decade to preserve the sanctity of the National Covenant as a contract between the Scottish nation and God. Following the public betrayal of the covenants by the Engagers who were willing to give up the Solemn League and Covenant in exchange for a return to power for Charles I. For the radical Covenanters who seized control of the country and its governing institutions the preservation of the covenants was the paramount concern. The idea that the covenants were being betrayed on a personal level by ordinary people who opted out of the covenant with God and opted in to a covenant with the Devil was particularly appalling and was a fundamental threat to the aim of creating a morally pure and godly society.

This is not to say, however, that other aspects of witchcraft belief were not important during the 1649-50 hunt. Accounts of a witch's reputation and examples of using magic to inflict harm on others were still important pieces of evidence. These types of evidence had more weight in the initial cases of witchcraft. Once the witch-hunts had taken on a life of their own however, the onus was more on seeking out those who had made a secret pact with the Devil than on those who had cursed their neighbours.

What has also become apparent in this chapter is that there was a continuity of witchcraft beliefs both within the synod of Lothian and Tweeddale and throughout the period of witch-hunting in Scotland as a whole. Common themes included revenge, malefice (use of magic to inflict harm on others), accounts of meeting with the Devil and meetings with other witches. The stories of the accused witches in Lothian and Tweeddale shed some light on their experiences and that of their neighbours.



## **Conclusion**

## Conclusion

This thesis has examined the 1649-50 witch-hunt from both a top-down and bottom-up perspective. It has brought together a study of the technicalities of coordinating a witch-hunt at the central institutional level with a study of community fears and beliefs about witchcraft. The impact of national political events on the local communities in Lothian and Tweeddale has also been considered.

In dividing the thesis into two parts the two approaches to this thesis have been kept separate. Section one has examined the response of the central institutions to the demand for commissions to try witches in the wake of the failure of the Engagement and deteriorating relations with Cromwell. Chapter two has shown the moves for changes to the legislation and procedure in dealing with suspected witches throughout the 1640s was part of a longer term trend for trying to deal with outbreaks of witch-hunting that threatened to go out of control. The position of the Committee of Estates in relation to granting commissions has also been clarified in chapter two. This was a fundamental aim of this project and it is hoped that the clarification of the structure of government under the Covenanted movement has made the sources seem more accessible to historians of the witch-hunts.

What also became apparent in researching and writing this thesis was that the peak year of 1649 that Lamer referred to was actually a double peak year. This thesis has also clarified that the witch-hunt took place over 1649 and 1650 and was dominated by the Lothian and eastern Borders. In this respect the 1649-50 "Scottish" witch-hunt was not really Scottish in nature, rather it was more of an east and south east Scottish experience. This in fact holds true for the overall period of witch-hunting in early modern Scotland. There was no one unified witch-hunt. By its very nature, Scottish witch-hunting was a regional phenomenon. The regional nature of the 1649-50 witch-hunt was effectively what brought it to an end. The eastern Borders and Lothian area were in the path of Cromwell's invading forces who set up in the

towns and villages taking over church halls and suspending presbytery business in the presbyteries in Lothian and Tweeddale.

Section two has discussed the 1649-50 witch-hunt in the synod of Lothian and Tweeddale. As a case study, Lothian and Tweeddale allowed for the exploration of various themes. Perhaps the most interesting and significant finding from the case study was the different ways in which each presbytery dealt with the discovery of witches within their bounds. The presbytery of Haddington which had been at the heart of witch-hunting since the first major outbreak in 1590-91 processed its witches in a routine and almost mundane manner, as did the presbytery of Dalkeith. The presbytery of Linlithgow does not appear to have been caught up in the same fervour over witchcraft that the other presbyteries were. Even in the midst of the witch-hunt there distinctions were still made between charmers and witches and false accusations. The presbytery of Peebles on the other hand seemed to relish the discovery of witches in the area and recorded every minute detail in the cases brought before it. So much so in fact that when the presbytery sent the "beig scrowl" of evidence against Janet Coutts and Marion Tweedy to the Committee of Estates in request of a commission it was returned with a request to remove any unnecessary detail from the evidence as there was too much information for them to consider.

The function of the presbytery in during 1649-50 as an administrative unit in processing evidence against witches was crucial in the pre trial stage. The presbytery was responsible for co-ordinating efforts to apprehend and interrogate the suspects. In 1649-50 the presbytery was at the heart of the witch-hunting process acting almost as a "middle man" between the members of the community who made a complaint against witches in the area and the central authorities who were responsible for deciding whether a trial was necessary.

The consistency in confessions of suspected witches across the synod was also a significant finding. In particular, the centrality of the demonic pact to confessions in 1649-50 is significant indeed. As the witch-hunt became more intense in each locality

claims of malevolent behaviour and harming others through the use of magic became irrelevant as the local witch-hunters wanted evidence that the suspect had entered into a pact with the Devil and attended meetings with him and other witches. The confessions of the groups of witches in Haddington and Peebles discussed in chapter five were remarkably consistent. This may be in part due to the involvement of certain individuals at the stage when the witches were imprisoned and being interrogated. In particular the activities of the witch prickers John Kincaid and George Cathie resulted in the spread of accusations.

The stories of individual people involved in witch-hunting on both the sides of the hunters and the accused are interesting. The actions of George Cathie in the Janet Coutts case, in particular, is fascinating. There definitely was a meeting of minds when Cathie was brought in to search Janet for the mark. Prior to her arrest Janet had attempted to flee twice from the village of Kirkurd as she knew that she would likely be executed. She had also made an attempt to escape from the tollbooth by making a rope from her clothes in order to climb out of the window. Whether or not the deal made between them was Janet's or Cathie's idea will never be known. Both stood to benefit from the bargain but when Janet was discovered to be lying she lost her life and he lost his employment.

In researching this thesis possible avenues of further research have opened up. The localities experienced a fall out from the failure of the Engagement and the widespread purging of Engagers and the ungodly from local offices and the army. There is further scope for the study of how Engagers were punished locally and also the after effects of the Cromwellian invasion.

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# Appendices

## Appendix 1: The 1563 Witchcraft Act

4 June 1563 – *Act anent the using of witchcraftis, sorcarie and necromancie*

ITEM Forasmeikle as the Quenis Maiestie and thre Estatis in this present Parliament being informit that the hauy and abominabill superstitioun vsit be diuers of the lieges of this Realme be vsing of Witchcraftis Sorsarie and Necromancie and credence geuin theirto in tymes bygane againis the Law of God And for auoyding and away putting of all sic vane superstitioun in tymes to cum It is statute and ordainit be the Quenis Maiestie and thre Estatis forsaidis that na manner of persoun nor persounis of quhatsumever estate degree or condicioun they be of tak vpone hand in ony tymes heirefir to vse ony manner of Witchcraftis Sorsarie or Necromancie not gif thame selfis furth to haue ony sic craft or knowledge thair of thairthrow abusand the pepill Nor that na persoun seik ony help response or consultation at ony sic vsaris or abusaris foirsaidis of Witchcraftis Sorsarie or Necromancie vnder the paine of deid alsweill to be execute aganis the vsar abuser as the seikar of the response or consultatioun And this to be put to executioun be the Justice Schireffis Stewartis Baillies Lordis of Regalities and Rialteis thair Deputes and vthers Ordinar Jugeis competent within this Realme with all rigour hauing powar to execute the samin.

[Thomson (ed), *Acts of the Parliaments of Scotland* Vol II 1424-1527 (Edinburgh, 1814) p539]

**Appendix 2: Commissions granted by the Committee of Estates, 1649<sup>1</sup>**

**Register of the Committee of Estates 5 January 1649-27 November 1649**  
**NAS PA11/8**

20 April 1649

Sederunt:

Lord Chancellor Pr  
Argyle  
The Lord Generall  
Balmerino  
McCulloch  
Burghlie  
Craighall

Toftis  
Hartrie  
Colonell Scott  
Busbie  
  
Duddingston  
Sir James Hacket

Sir James Hope  
Sir John Smith  
Hew Kennedie  
James

1) 20 April 1649

*Warrant to the Justice deputtis concerning Jeane Craig (f 49)*

The Committee of Estates give Power and Commission to his Ma Justice Deputtis To repaire to Tranent and try and examine Jeane Craig [there] against quhom diverse accusations of the Cryme of Witchcraft are given in And to [administrat] and do justice vpon hir according to the Lawes of the Kingdome and practique thereof in the like caices.

2 May 1649

Sederunt:

Argyle Pr  
Lothian  
Burghlie  
Lord Register  
Advocat

Craighall  
Toftis  
Sir Charles Askyne  
Sir James Hope  
Hartrie  
Sir John Cheislie

Sir John Smith  
Robert Lockhart  
Gideon Jack  
John Williamsone  
James McCulloch

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<sup>1</sup> Commissions are transcribed as they appear in the original sources. Where a commission is untitled in this appendix, there was no title in the original source.



2) 2 May 1649

*Commission for burning of Robert Maxwell warlock (f 63)*

The Committee of Estates Having perused and considered the deposition of Robert Maxwell in Littlefordell within the barronie of Fordell quhereby hee acknowledges and confesses sundrie poyntis of the Cryme of Witchcraft as is attested vnder the hands of the Minister and Severall elders quhere the said Robert lives And also considering that the Presbytery of Dunfrmling (sic) having revised the said depositions have fund the samen sufficient for granting of a Commission and putting of the said Robert to the tryall and Knowledge of an assyse And the Committee being desirous to purge the land of Sinne and Wickednes And that such as are guiltie off the Cryme of Witchcraft may suffer death according to [ther demerits] Do therefore hireby grant Power Warrant and Commission to the Lairds of Fordell Hendersone elder and younger, Sir John [ ] of Otterstoun, Alexander Spittell of [Blanlogie], John Scot of [Spencerseill], Robert Logan of Cowstoun, Mr William Oliphant of [Drimmo], Andrew Dickson baillie of Innerkeithing, Alexander Hendersone dean of gild there, or anie ffyve of them, To sitt at [Littlefurdell] upon the day of or anie uther day or dayes to bee appointed be them, And there to call and convene before them the said Robert Maxwell for the sad Cryme of Witchcraft and cause the same Robert to bee accused therof And dittayes to bee given in against him therefore summond and examine winessed [lead] and vse all manner of Probation requisite thereanent Putt the said Robert to the Knowledge of ane assyse And if hee be fund culpable and guiltie of the Cryme of Witchcraft to convict and condemne him Pronunce and give furth the sentence of death against him cause strangle him and burne his bodie to the death And to that effect Justice Courts are or mae to Call affixe, affirme and the samen als oft as neid beis to continue creat als procurator fiscalls deputes dempsters officers and uther members of Court needful For quhom they shall bee answerable, summond ane Inquest of sufficient persones least suspected that best knowes the veritie in the sad matter To passe vopn the Assise of the sad Robert ilk Person vnder the paine of ane Hundreth merks And generallie all and sundrie vther thinges necessarie to do [?] and vse concerning the premises als freelie in all respects as anie vther Judges Delegates have done may do or might have done at anie tyme heretofore in the like caise promitten to hald firme and stable. Signed bee Argyle, Leven, Lothian, Burghlie, Craighall, Belsches (Toftis), John Cheisle, Gideon Jack, N: Campbell.

4 May 1649

Sederunt:

Argyll (Pr)  
Balmerino

Sir William Scot  
Sir John Cheislie

Sir John Smith  
Robert Lockhart

Burghlie  
Clerk Register  
[Pestirron]  
Swyntoun  
Sir James Hope

Hartrie  
Hilderstoun  
Busbie  
Sir Charles Erskyne  
Sir James Stewart

John Williamsone  
Gideon Jack  
Mr James Campbell  
James McCulloch

3) 4 May 1649

*Commission to Greenheid and vtheris oncerning Janet Fairlie (f 72)*

The Committee of Estates takeing vnto considertation certain Informations against Janet Fairlie spous to William Dickson Maltman in Kelso anent diverse pointes of Witchcraft and Depositions of Diverse witnesses against hir taken before the Minister of Kelso and diverse Famous witnesses vnder subscribing the samen the dait the eight of November last and some dayes followeing quchare likeways examined and attested by the presbytrie of Kelso vpon the 28<sup>th</sup> of the said moneth And the Committee being earnestlie desired by the said presbytrie for satisfying the desires of the people and removeing of the slander of Witchcraft that warrand may be given for tryall of the said partie Do heerby therefore give power warrand and Commission to Sir Andrew Ker of Greenheed knight, Barronet Andrew Ker of Lyntoun, Andrew Ker of Masondew and Nadrew Ker of Chatto Or anie three of them To meet and convene at Kelso vpon the            day of            or anie vther daye or dayes to be appointed by them And there to call before them the said Janet Fairlie And cause hir to bee accused of the Cryme of Witchcraft And to examine the dittayes to be given in against hir therefore summond and examine witnesses lead and deduce all manner of probation requisite thereanent And to that effect Iustice Courts and or mac be cald Creat Clerks procurator fiscals and vther members of Court needful And to do everie thing necessar and requisite anent the premisses And to report there diligence heiranent to the Committee of Estates with all convenience And to returne the haille proces with a true relation of all the circumstances in the said matter that such firther course may be taken theranent as the Committee shall find Iust. Argyle, Burghlie, Charles Arskyne, [?], Cheislie, John Dickson, Stewart, J: Smith N: Campbell.

11 May 1649

Sederunt:

Argyle  
Lord Generall  
Balmerino  
Burghlie  
Lord Register  
Advocat

Sir John Chisley  
Hartrie  
Sir James Hope  
Duddingston dundas  
Sir James Stewart  
Sir John Smith

Mr James Campbell  
James McCulloch  
Gideon Jack  
John Boswell

Toftis

4) 11 May 1649

*Commission for burning Libra Watt and vtheris (f 72)*

The Committee of Estates takeing into consideration that Libra Watt in Grangepannes, Catherine Wilsonne there, Margaret Somerwell in Murrayes and Agnes Scobie the parochie of Carridne have confessed and acknowledged severall pointes of the Cryme of Witchcraft attested be the Kirk session of Carriden and Presbytrie of Lithgow and that they are desired to grant a Commission for takeing tryall of the matter and minstring of Justice And the Committee being desirous to purge the land of wickednes And that such as are guiltie of the cryme of Witchcraft may suffer death according to there demerits Therefore they do hereby give power warrand and Commission to the Laird of Dundas elder and younger, Sir Robert Drummond of [Nedop], George Dundas of Duddingston, Mr William Sandieland of Hilderstounn, John Dick in Queensferrie, James Allan in Stackes, George Allan in Burrowstounness And Robert Cuthbertsone ther or anie Fyve of them To sitt at

And Sua furth according to the common forme. Signed be Argyle, Levein, Burghlie, John Dickson, J: Swyntoun, John Dickson, J: Scott, J: Smyth, N: Campbell.

22 May 1649

Sederunt:

Chancellor (Pr)	Craighall	Ormeistoun
Argyle	Cesnok	Hilderstoun
Lothian	Kinhilt	Sir William Dick
Angus	[Nerkingtoun]	Sir John Smith
Brechin	Sir James Hope	James [Sword?/Scott]
Clerk Register	Colonel Scot	Mr James Campbell
Advocat	Hartrie	James McCulloch

5) 22 May 1649

*Commission for burning Agnes Tulzeour (f 90)*

The Committee of Estates considering that Agnes Tailzeor spous to Richard Rutherford Indueller in Burrowstounness hes acknowledged and confest severall pointes of the cryme of Witchcraft before the Kirk session of Burrowstounesse attested be the Clerk of the same And that shee hes renewed the aforesd confession before the Minister elders and severall vthers of the said parochie attested vnder ther hands the 15<sup>th</sup> of this Instant and that the Presbytrie of Lithgow have desired that a

Commission for tryall of [these Agnes ingeht] bee granted And the Committee beeing desyrus to purge the land of sinne and wickedness And that such as are guiltie of the cryme of Witchcraft may suffer death according to their demerits Do therefore grant power and Commission to the Lairds of Dundas elder and younger, George Dundas of Duddingstoun, the Lairds of Maddox and Hilderstoun, James Allan in [Stackes], Thomas Knox and Alexander Gibb bailies of Burrowstounesse and Goerge Allan there Or anie five of them to sitt and sua furth according to the ordinarie forme of such Commissions. Signed bee Loudon Cancellarius, Argyle, Lothian, Burghlie, J: Johnstoun, J: Hope, John Dicksone, N: Campbell, Ja: [Sreed].

(Note at bottom of page says: Tranent)

6) 22 May 1649

*Commission for burning of Agnes Affleck and vtheris (f 91)*

A Commission given to Mr James Ramsay Barron baillie of Tranent the Laird of Elphingstoun John Seatoun of [Seuthgormaness (Southgormans?)] Robert Seatoun of Fentountorne Thomas Turnbull of [Skaitbush] and John [Idnistoun] of that ilk or anie thrie of them the said Mr James Ramsay being one To try and burne Agnes Affleck in Tranent Catharine Craig there Margaret Strachan there Margaret Gibsone there and Margaret Allan in Longniddrie in regard of ther confessing of sundrie pointes of the Crymes of Witchcraft attested vnder the hands of the Minister and severall elders of Tranent and revised be the presbytrie and be them find sufficient for [suting] of a Commission And sua futh as in the ordinarie forme. Signed by Loudon Cancellarius, Argyle, Burghlie, Lothian, J: Johnston, J: Hope, John Dicksone, N: Campbell, Ja: Sword.

5 August 1649

Sederunt:

Lord Chancellor	Thesaurer deputt	Greenock
Lord Generall	Libbertoun	Cesnok
Argyle	Scottiscraig	Sir Charles Erskine
Sutherland	Sir Robert Adair	Lievtennent Colonell
Cassillis	Sherref of Galloway	Ker of Newtoun
Lothian	Sir John Cheislie	Echt
Arbuthnott	Hartrie	Generall Major
Holburne		
Burghlie	[Obstail]	Generall of Artillerie
Couper	Gordonstoun	Generall quartermaster

Balcarres  
Clerk Register  
Advocat

[Dumbeath]  
Hilderstoun  
Wedderburne

Stewart

7) 5 August 1649

*Commission for Burning Janet Thompsone (f 101-102)*

Commission given to James [Skirving] of [Ror Plewlandhill] Alexander Borthwick in Johnstoun Burne and Richard Skirving in Overkeith or anie tree of them to tak justice courtes proceed and minister Iustice according to the lawes of the Kingdome against Janet Thompsone who wes not onlie delated for witchcraft but also had confest suche pointes therof as by her deposition.

(Not signed)

16 August 1649

Sederunt:

Lord Chancellor (Pr)  
Argyle  
Balmerino  
Clerk Register  
Advocat  
Thesaurer deputt

Toftis  
Libbertoun  
Hartrie  
Gordonstoun  
Generall of Artillerie  
Quartermaster generall

Provest of Edinburgh  
Sir William Dick  
James McCulloch

8) 16 August 1649

*Commission for burning of Patrick Anderson and Margaret Pringle (f 115)*

Forasmuch as Patrik Andersone and Margaret Pringle in Paistoun have confest severall points of the abominable cryme of Witchcraft As the depositions attested vnder the handes of the Minister and severall elders within the parochie of revised be the Presbytrie of Haddingtoun and by them fund sufficient for [suteing] a Commission to putt the said persones to tryall according to Law shewen to the Committee of Estates hes testified And therefore it is necessarie that Justice bee adminstred vpon the said persones conforme to the Lawes of the Kingdome ffor quhich effect the Committee of Estates Do herby Authorize with full power and Commission James Skirving of Plewlandhill, Alexander Borthwick of Johnstonburne, Richard Skirving in Overkeith, John Carnes in Ormeistoun, Robert Cairnes younger in Pencaitland and John Blair in Paistoun or anie three of them, To meet and conveene at

Vpon the        day of        or any vther day or dayes they shall appoint, call and conveene before them the said Padk Andersone and Margaret Pringle Cause them bee accused of the said Cryme of Witchcraft and dittayes to bee given in against them therefore Putt them to the knowledge of ane assyse, and if they bee fund guiltie and culpable of the said Cryme of Witchcraft to convict and condemne them Pronounce and give furth the sentence of death against them, Cause them bee strangled and thereafter ther bodies to bee burnt to the death And for this effect with power to the said Commissioners or quorum aforsaid to hold Iustice Courts ane or more and the samen als oft as neid beis to continuw Creat clerkes Procurator fiscalls officiares dempsters and vthers members of Court needful for quhom they will be ansrable take ther oaths [desideth] administratiōne And to summond warne and charge anie sufficient number of Persones of Inquest least suspect to passe vpon the Assyse of the said Partick and Margaret ilk persone vnder the paine of ffourtie pundes Scottis and generallie to do all and sundrie vther thinges quhich bee or might have beene lawfullie done at anie tyme [heerfore] bee anie vther Judge or Iudges delegated in the like caices Firme and stable holding [of].

(Not signed)

9) 16 August 1649

*Commission for burning Janet Carnecroce and vtheris (f 115)*

Commission given to James Skirving of Plewlandhill, Padrick Abernethie of Neithedenn, Alexander Borthwick in Johnstonburne, Richard Skirving in Neitherkeith, William Skirving in Ewingstoun, John Blair in Panstoun and James Borthwick in Whyteburgh or anie three of them To minister Iustice vpon Janet Carnecroce in Lystoun, Janet Patersone and Bessie Johnstoun, Andrew Johnstoun, Margaret Murray and Marion Lawrie all within the parochie of Humberie who have confest severall points of Witchcraft sufficientlie attested and revised by the Presbytrie of Haddingtoun and by them fund sufficient for putting the said persones to tryall according to Law, The Commission past in the ordinarie forme according to the preceeding Commission.

(Not signed)

21 August 1649

Sederunt:

Argyle Pre:  
Borthwick

Libbertoun  
Hartrie

Generall of artillerie  
quartermaster Generall

Forrester  
Thesaurer deputt  
Advocat

[Gorvustoun]  
Niddrie  
Busbie

Sir John Smith  
Sir William Dick  
Thomas McBirnie  
Mr James Campbell

10) 21 August 1649

*Commission against William and Bessie Scots, witches (f 124)*

Commission given to the Lord Forrester, George Foulles of Ravelstoun, Sir John Smith, John Watson, Mr James Watsone and James Watsone in Carstarphin or anie of them for ministering Iustice conforme to the Lawes of the Kingdome vpon William and Bessie Scots a Warlock and a witch in Corstorphin confest be themselfes and revised be the Presbytrie of Edinburgh, the Commission past in the ordinarie forme.

(Not signed)

28 August 1649

Sederunt:

Chancellor (Pr)  
Lord Generall  
Burghlie  
Jamesone  
Couper  
Leivtenant Generall  
Clerk Register  
Advocat  
Toftis  
Libbertoun

Major Generall Holburne  
Scottiscraig  
Moncreif  
  
Friedland  
Ffernie  
Niddrie  
Inglitoun  
Ffordell  
Sir John Smith

Patrick Rosse  
James Swart  
George

11) 28 August 1649

*Commission against James Dalgliesh and others (f 134)*

Commission given to Robert Sinclair brother germane to the Laird of Hermeistoun, Patrick Abernethie, John Pringle in Milnetoun and James Allan there or to anie thrie of them to minister Iustice vpon James Dalgleish, Geilles Wood, Rachael Horseburgh and Marion Broune in Westerpencaitland, Elizabeth Wilson in and Marion Broune in Woodhall all in the parochie of Pencaitland confessing witches Ther depositions revised be the Presbytrie of Hadingtoun and the Commission past in the ordinarie forme.

(Not signed)

28 August 1649

*Act in favour of Marion Durie (f 135)*

The Committee of estatis having Considered a supplication presented vnto them in name of Mariorie Durie spous to Robert Broun present baillie of Innerkeithen and the said Robert for his interest shewing that the said Mariorie hes beene seised vpon and comitted prisoner in the steipleheid of Innerkeithen wher she is keeped in great misery lyeing in the stockes and quherone vpon pretence that she is dilated as guilty of witchcraft And that she is threatened daylie with brandes and hes presently the sack gown vpon her and is lyeing in that miserable condition vpon the ground non of her friends having liberty to sie her nor so much as cloathes vpon her or anie other accommodation necesser And therfor earnestly intreating the said Committee ather to cause put her to present tryell or to cause put her to liberty vpon caution And the said Committee being with advice with the said supplicationer have ordained and appointed And heirby ordaines and appoints for the presbytrie of Dunfermeling to send in to them an extract of all tehe probation they have led against the supplicant for the said cryme of witchcraft beuixt and the tent day of September next And in the meane tyme ordaines her to be removed out of the steiple head wher she presently lyes and put in some other prisone house wher she may be safely kept that she escape not And further vnder all heist paines that after may follow the said Committee discharge any manner of tortering or hard vsage to her Bot on the contratrie Ordaines all neccessarie accommodation to be allowed her which is fitting for a prisoner And that her husband be allowed [fare?] accesse to her, the minister or on of the elders of the paroche being present with him And that this order be punctually observed in all the particulars therof.

(Not signed)

7 September 1649

Sederunt:

Chancellor ger	Advocat	Ormiestoun
Bacleuch	Toftis	Keith
Lothian	Libbertoun	Busbie
Twaddell	Hartrie	Sir John Smith
Borthwick	Cesnock	James McCulloch
Balmerino	Cunninghamheid	



Balcarres

Niddrie

12) 7 September 1649

*Commission for ministring Iustice vpon Issobell Keith and Utheris (f 144)*

Commission given to James Skirving of Plewlandhill Alexander Borthwick in Johnstounburne Richard Skirving in [ovebeith] John Blair in Paistoun Robert Cairnes younger in Pencaitland William Skirwing in Ewingstoun James Borthwick in Whyteburgh and James Jonstoun in Westbyres or to anir three of them To minister Iustice conforme to the Lawes of this Kingdome vpon Issobell Keith in [beithmayhall?] John Forrester in Laistoun Elspet Douglas spous to Thomas Hunter and Rachael Forrester in confessing witches Ther depositions revised be the Presbytrie of Haddingtoun and be them fund sufficient for putting the said persones to the tryall of ane assyse The said Commission past in the ordinarie forme and Sub<sup>t</sup> Loudoun Cancellarius, I.P.D.Com. [*in presentia dominorum comitorum*, meaning: in the presence of the lords of the committee]

13) 7 September 1649

*Commission for ministring Iustice vpon Janet Nicolsone (f 144)*

Commission given to Mr Johne Hepburne of Smetoun James Hepburne of Beinstoun William Whyte of Maikill James Miller of Gourlabank John Buttler in Benstounmilne and George Johnstoun in [Morlaine/Morlairie] or to anir thrie of them to Ministr Iustice Conforme to the Lawes of this Kingdome vpon Janet Nicolsone in Neitherhailles a confessing witch Her depositions attested be the minister of Prestoun [Paiston?] and diverse vthers in that parochie and revised be the Presbytrie of Haddingtoun and bee them fund sufficient for putting her to the tryall of an assyse Sub<sup>t</sup> So: Loundoun, Cancellarius, I.P.D.Com.

14) 7 September 1649

*Commission for ministring Iustice vpon Janet Small and vthers (f 144)*

Commission goven to Sir Robert Drummond of Medop, the Lairds of Dundas elder and younger, Mr James Eistoun of Cowstoun, James Campbell in Lithgow, Robert Cuthbertsone [younger/ther], John Dick in Queensferrie, George Allan in Burrowstonnesse, James Allan of Stales and Alexander Gib in and Florence Gardner in Grangepannes or to any ffyve of them To minister Iustice vpon Janet Small, Margaret Blair, Jean Walkie, Catharine Allan and Janet Robertsone in the parochie of Carridne confessing witches Ther depositions attested be the

Minister and diverse others in the said parochie and revised be the Presbytrie of Lithgow and the Commission past in the ordinarie forme and Sub<sup>t</sup> be Loudoun Cancellarius, I.P.D.Com.

13 September 1649

*Act Presbetrie of Dunfermling (f 157)*

The Committee of estates haveing considered a supplicatione presented vnto them by the Presbetrie of Dumfermling Showing that vpon misinformatione Robert Broun husband to Mariorie Durie apprehended and incarcerated in the steipleheid of Innerkeithen for the cryme of witchcraft, they wer ordained to bring vnto the said Committee all the probatiounes led against the said Mariorie betuixt and the tenth of September instant And to remove her out of the said steiple and put her in some other prison house And to afford her all nesser accomodation fitting for a prisoner And to suffer her husband to have accesse to her the minister and on of the elders being present Wherby the saides supplicants are much wronged be the said Robert he never complaining [to them] of any hard vsage not citing them to appeare befor the Committee for the same, and the work of God in discovering and punishing that abhominable sin greatly obstructed if ease and liberty be provided for any incuragement (sic) given to persones so [tainted] with that grosse abhominacione And seing the said Mariorie since she wes incarcerated bribed the watch and escaped and since hes beene taken agane at Bruntisland and the develles mark fund in diverse partes of her body Humbly therfor desiring the said Committee would take such course with the said [?] for [calumniating/culminating] the supplicants as they sould think fitt And to permit them to vse all lawfull meanes for bringing the said Mariorie and others incarcerate for the said cryme to a confession Without prescryveing a definite day bot leaveing them to the best opportunity according to the nature of the bussines And als that the said Robert might be ordained to pay the charges and expenses that must be layed out vpon her during the tryell As at mair lenth is conteaned in the said supplicatione And als having heard the report and relatione of the Lord Advocat in name of the sub committee who wer appointed to tak tryell of the said mater [Wheroite] the said Committee being fully advised They do ordaine the said Robert Broun partie complained vpon To pay the charges and expenses that is to be layed out during the tryell of his wiffe And declares his petition to be calumnious leaveing it to the said presbetrie of Dumfermling to enioyne him such satisfacione for his [alamnie] as they shall think fitt And the said Committee doeth render thanks to the presbetrie for thair care and faithfulness in the discoverie of the said cryme of witchcraft desyreing them to continew therin And recommendes to the said presbetrie to be spareing in causeing torture the persounes dilated for witchcraft.

13 September 1649

*Act Kirk session of Dumfermling (f 158)*

The Committee of estates having considered a supplicatione presented vnto them by the Ministers and elders of the Kirk session of Dumfermling showing That vpon a supplication presented to the Committee in name of Bessie Mastertoun relict of wmqhile Mr Johne Durie in Dumfermling Ather to cause put her to liberty vpon cautione or to put her to the present tryell of an assyse for the reasones contened in the supplicatione Wherupon the said Committee ordained the baillie of the regality of Dumfermling to appeare and produce befor them all the probationes depositions or other evidences of witchcraft against the said Bessie to be considered by them And ordained her to be removed out of the steeplehead and imprisoned in the tolbuith of the burgh Which supplicatione is grounded vpon alledged reasons which are vntreuths seing the probations given to the supplicants against the said Bessie hes beene bot lately taken and within a short space will come to a notable discovery of her witchcraft whilk would be altogether [marred] if she should be let out vpon cautione and sould be the strengthening of Satans Kingdome and a great discouragement and weakening of the handes of all good men from taking any paines in the tryell of sich vile and wicked persons Humbly therefor desyring That they may be permitted to vse all lawfull meanes for bringing the said Bessie Mastertoun to a confessioun without prescryveing to them a definite day bot leaveing them to the best opportunity according to the nature of the bussines And ales that the said Bessie be ordained to pay the charges and expenses that most be layed out vpon her during her tryell As at mair lenth is contained in the said supplicatione And ales having heard the report of the Lord Advocat in name of the subcommittee who wer appointed to tak tryell of the said mater [Wheroith] the said Committee being fully advised They doe ordaine the said Bessie Mastertoun to pay the charges and expenses that is to be layed out during her tryell And renders thames to the supplicant for their care and faithfulness in the discoverie of the said cryme of witchcraft desiring them to continea therin and recommendes to them to be spareing in causeing torture the persones dilated.

14 September 1649

Sederunt:

Lord Chancellor (Pr)	Libbertoun	Sir John Smith
Lord Generall	Cunninghamheid	Robert Davidsone
Lothain	Scottiscraig	George Gardyne
Balcarres	Cesnok	James McCulloch
Register	Fernie	William Glendoning
Advocat	Niddrie	James Campbell
Toftis	Sir John Cheislie	Generall quartermaster
Hoptoun	Busbie	

15) 14 September 1649

*Commission against Agnes Forsyth (f 163)*

Forasmuch as Agnes Forsyth in the parochine of Borthwick hes confest and acknowledged severall poyntes of the fearfull and abhominable cryme of witchcraft As her depositions attested vnder the handes of the Minister and severall of the elders of the said paroche of Borthwick and revised by the presbetrie of Dalkeith beares Therfor the Committee of estates doe heirby authorize with full power warrand and Comissioun Williame Ker in Halflandhill William Borthwick in Halheriot Robert Michelson and Alexander Calderwood baillies of Dalkeith Or any three of them to be a quorum To meit and convene as is in the Common forme as in any other Commissions and Sub<sup>t</sup> Louden Cancellarius, I.P.D.Com.

16) 14 September 1649

*Commission against Jonet Speid (f 163)*

Another Comissioun to Robert Calderwood James Broun Robert Strachan bailies of Musselburgh and Williame Scot Sumtyme baillie therof or any three of them to minister iustice vpon Jonet Speid in the parochine of                      within the presbetrie of Dalkeith, her depositions revised by the said presbetrie and the commission past in the ordinary form. Sub<sup>t</sup> by Loudoun Cancellarius, I.P.D.Com.

17) 14 September 1649

*Commission against Marion Robertson and others (f 163)*

Another Commission to Johne Hoome of Blaickader Sir Allexander Swintoun of that ilk George Hoome younger of Wedderburne Patrick Hoome elder of Coldinghamelaw the Laird of Johnstoun and Thomas Gray portioner of Haymouth or any three of them To minister justice vpon Marioun Robertson, Katherine Henderson, Beatrix Young and Jonet Gray within the presbetrie of Chirnesyde Thair depositions revised by the presbetrie Commission past in the ordinary forme. Sub<sup>t</sup> by Loudoun Cancellarius, I.P.D.Com.

18) 14 September 1649

*Commission against Thomas Wilson and others (f 163)*

Another Commission to Sir Williame Scot of Harden elder and younger, James Scot of Gallowsheilles, William Scot of Swintoun, Robert Pringill of Blindlie, James Pringill of Terwoodlie, Thomas Scot baillie of Selkirk and William Mabine Baillie of Gallowsheill or any three of them To minister iustice vpon Thomas Wilsoun, Margaret and Marioun Lyes within the parochie of Gallowsheill, thair depositions attested be the Minister and severall of the elders of the said parochie The Commission past in the ordinary formes and Sub<sup>t</sup> by Loudoun, Cancellarius, I.P.D.Com.

27 September 1649

Sederunt:

Lothian	Keith	Sir John Smith
Borthwick	Greenock	Generall Major Holburne
Clerk register	Scottiscraig	Generall quartermaster
Advocat	Cunninghamheid	
Libbertoun	Provost of Edinburgh	

19) 27 September 1649

*Commission for ministring Iustice vpon Margaret Adinstoun and others (f 169)*

Commission given to Samuel Mitchelstone of Midletounwester, James Scot of Lochgarrett, Mr Andrew Borthwick of Sauchnell, William Ker in [half flankill] and Alexander Calderwood baillie of Dalkeith or to anie thrie of them To minister Iustice Conforme to the Lawes of the Kingdome Vpone Margaret Adinstoun, Margaret Dick, Margaret Johnstoun and Janet Gibb within the parochie of Borthwick who have confest sundrie points of the abominable Cryme of Witchcraft attested be the Minister of the said parochie revised be the Presbytrie of Dalkeith The Commission past in the ordinarie forme and subscribed Sic: Lothain, I.P.D.Com.

20) 27 September 1649

*Commission for ministring Justice vpon Agnes Johnstoun and vthers (f 169)*

Commission given to Robert Sinclair brother to the Laird of Kermiestoun, Patrick Abernethie of Etterdaill, John Pringle of [Saltwes], James Allan in Wintoun and Robert Carnes elder portioner of Pencaitland or to anie three of them To minister Justice Conforme to the Lawes of the Kingdome Vpon Agnes Johnston, Janet Cockburne, Marjorie Hay, Margaret Temple, Margaret Hamiltoun, Cristian Forrest,

Agnes Cairnes and James Gourlay all within the Paroche of Pencaitland who have confest sundrie points of Witchcraft attested be the Minister and severall elders of the said paroche and revised by the Presbytrie of Haddingtoun The Commission past in the ordinarie forme and subscribed as the former.

21) 27 September 1649

*Commission for ministring Justice Vpon Janet Murray and vthers (f 169)*

Commission given to Sir James Melville of Bruntisland, Mr Robert Aytoun of [Juchdernie], Alexander Errock of that ilk, Robert Gill of Bading The present Baillies of Bruntisland or in vice of the present baillies, the baillies of the said toun to be chosen for the ensewing yeir Or anie of them To minister Iustice vpon Janet Murray in Bruntisland, Elspet Ronaldsone there and Agnes Waterstoun there Who have confest sundrie pointes of Witchcraft attested be the Ministers of Bruntisland and Kinghorne and revised be the Presbytrie of Kircaldie The Commission past in the ordinarie forme and subscribed as the two former commissiones.

22) 27 September 1649

*Commission for ministering Justice vpon Cristian Syme and Agnes Lasoun (f 169)*

Commission given to the Laird of Dundas elder and younger, George Dundas of Duddingstoun, Sir Robert Drummond of Nedop, William Dundas brother to the Laird of Duddingstoun, Robert Hill and George Paintoun baillies of the Queensferrie, John Dick and James Hill late baillies thereof or to anie ffyve of them vpon Christian Syme and Agnes Lasoun in the Queensferrie two confessing witches There depositions attested be the Minister of the Queensferrie and revised be the Presbytrie of Lithgow The Commission past in the ordinarie forme and subscribed as the thrie former.

4 October 1649

Sederunt:

Lothian (Pr)  
Libbertoun  
Scottiscraig  
Niddrie

Provest of Edinburgh  
Sir John Smith  
Robert Lockhart

Leivtenant Generall  
Quartermaster Generall

Cunnunghamheid

23) 4 October 1649

*Commission for ministring Justice vpon Robert Grieve and vthers (f 172)*

Commission given to Gilbert Lawder of Whiteshed, William Lawder in Parkbeth Baillies of Lawder Edzer younger of Wedderlie, Mr Alexander Hume of St Leonards, Mr Robert Hart of St Johnschappell And Thomas Cranstoun portioner of Birkinsyde or to anie two of them with the said two Baillies to minister Justice vpon Robert Grieve in , Johne Broune of Bourhunse, Janet Lyes in Wedderlie, Issobell Brotherstanes in Birkinsyde, Christian Smith in Lawder, Issobell Raich there and Margaret Dagleish there confessing Witches there depositions attested be Mr Thomas Byres Minister at [Ligertwood], Mr John Cleland Minister at Stow and Mr John Veitch Minitser at Bassindean as having power and authoritie from the Presbytrie of for [chaining] the said Witches and taking ther depositions The Commission past in the ordinarie formes And Subscribed So: Lothian, I.P.D.Com.

9 October 1649

Sederunt:

Lothain (Pr)	Niddrie
Borthwick	Ffernie
Clerk Register	Busbie
Advocat	Generall Major
Hopetoun	Generall Quartermaster
Cunninghanheid	Sir John Smith
Cesnok	

24) 9 October 1649

*Commission for ministring Justice vpon Janet Turnet (f 174)*

Forasmuch as Janet Turnet Widow in Shereffhall hes confest to and acknowledged severall pointes of the Cryme of Witchcraft As her depositions attested vnder the handes of Mr James Campbell Minister at Dalkeith, Mr Robert Minister at Newtown and Mr Robert Blaicklock Chaplaine to the Earle of Bacleuch and revised be the Presbytrie of Dalkeith shewen to the Committee of Estates hes testified Therefore the said Committee of Estates Doth hereby authorize with full power warrand and Commission Sir John Murray of Walkford, Patrik Scott of Thirlestoune, Robert Mitchelsone and Alexander Calderwood Baillies in dalkeith

Or anie thrie of them To meet and conveene at                      And sua furth according to the  
common forme of Such Commissions Subscryved So: Lothian, I.P.D.Com.

16 October 1649

Sederunt:

Lothian (Pr)	Niddrie	Provest of Edinburgh
Clerk Register	Swyntoun	Sir John Smith
Advocat	Holistoun	James McCulloch
Clerkingtoun	Busbie	

25) 16 October 1649

*Commission against Margaret Barbour and vthers – omitted 16 October (Included in records for 24 October) (f 179)*

Wheras Margaret Barbour widow in [Woolmat] and Jonet Thomsone spous to Williame [Ratchman] in Edingtoun have confessed and acknowledged severall points of the fearfull and abhominable cryme of witchcraft as ther depositions attested vnder the handes of the Minister and severall of the elders of the parochie wher they live and revused by the presbetrie of Dalkeith from the elevent of October instant bears Therfor the Committee of estates doe herby authorize with full power warrand and Commission Robert Veroun elder in Innersk, Thomas Forman ther, Thomas Suarth ther, William Scot in Musselburgh and William Dunicaine (Duncan) ther of any three of them To meit and convene [of/ten] the orinar forme This Commission Sub<sup>t</sup> by Lothian I.P.D.Com.

26) Omitted 16 October 1649 (Inserted 24 October)

Commission to                      Wauchope of Kakmoore,                      Scot of [Lockwar] of  
                    Scot of Haybar, Mr Andrew Borthwick of Sanchwell, John Hepburne of Turnedyke, Alexander Johnstoune in Eister Ethrightoun or anie three of them aganst Agnes Thomson, Issobell [Brauckinrigg] and Helen Atcheson in the parochie of Crichtoun attested be the Minister and elders of the parochie and revised be the presbetrie of Dalkeith Sub<sup>t</sup> be Lothian.

27) Omitted 16 October 1649 (Inserted 24 October)



Commission to Sir William Scot of Harden younger, James Pringill of Whytbank, James Pringill of Torwodlie, Robert Pringill of Bluidlie, William Scot of Swintoun, James Scot of Gallowsheills, Thomas Scot baillie of Selkirk, William Mayborne and Johne Cruikshank baillies of Gallowheills or any four of them Against Robert [Riniseme] in Gallowsheills paroche confest [being with a mare] [40 yeere/there since] and Katharine Fisher in the said paroche confest witchcraft depositions attested be the presbetrie of Selkirk Sub<sup>t</sup> as before.

24 October 1649

Sederunt:

Burghlie (Pr)	Scottiscraig	Hew Kennedie
Twaddell	Ormiestoun	George Porterfield
Balmerino	Pollock	Mr Robert Barclay
Forrester	Sir James Hacket	Gideon Jack
Lord Register	Kerswell	
Advocat	Busbie	

28) 24 October 1649

Commission against Robert Aereskyne in the pParoche of Borthwick, James Hugo ther and Christian Steill confest witchcraft ther depositions attested vnder the hand of the Minister of the paroche and revised be the presbetrie of Dalkeith To James Scot of Loch[?]arret, Samuell Mitchelsoun of Midletoun wester, Mr Andrew Borthwick of Sauchlam and Wiliame Ker of Halflandhill or anie three of them Sub<sup>t</sup> by Burghly.

29) 24 October 1649

Commission against Agnes Gray wyffe to Robert Cockburne in Ormestoun, Janet Sympsoun servetrix to Jonet Hunter ther, Marioun Halyburtoun, Jonet Paton spous to Andrew Thomsons in Pristoun, Margaret Oliver ther and Johne Steile Confesst witchcraft Thair depositions attested be the minister and some of the elders of the paroche wher they live revised by the presbetrie of Dalkeith To James Skirtoun of [Plourlandhill], Allexander Borthwick in Johnstounburne, Richard Skirvine in Overkeith, Robert Cairnes younger in Pencaitland, John Cairnes in Ormestoun, John Blair in Paistoun, James Johnstoun in Nestbyres Or any three of them This Commission past in the ordinar forme and Sub<sup>t</sup> as befor.

26 October 1649

Sederunt:

Lord Chancellor (Pr)	Ormeistoun	Hew Kennedie
Twaddell	Wachtoun	James Boswell
Arbuthnot	[Persirven]	George Porterfield
Balmerino	Busbie	Mr Robert Barclay
Clerk Register	Kerswell	James McCulloch
Advocat	Sir James Stewart	Gideon Jack
Thesaurer deputt	Sir William Dick	
Scottiscraig	Sir John Smith	
Pollock	Quartermaster Generall	

30) 26 October 1649

*Commission against Allane and Marioun Lauders (f 181)*

Commission to Robert Ker of Shaw, Johne Aerskyne of Skilfield, Williame Lawder of Glaidswode, Gilbert Hoome of Whitslaid and Thomas Halyburtoun in Banerfield or anie three of them to be a quorum for ministring iustice vpon Allane Lauder in the parochie of Mortoun and Marione Lawder his sister confessing witches, thair depositions attested vnder the handes of the minister and Clerk of the parochie of Mortoun With the claus suiointed to the Commission And the said Committee of Estates doe heirby ordaine and commande the Commissioners [rextreue] abonewritten or their quorum to take exact tryell of all the cornes cattell hors [nolt/malt] sheip mailles fermes and dewties of landes debts soumes of money in sight [plemshing] and others goods and quheir whatsomever perteanning to the said Allane and Marioune Lawder or anie of them, and of the true value of their estate And to make a prefyte inventar of the same and in whose custodie they are and how the same is resting With power to them to do every thing necessarie theranent And to report the same with thair diligence therin to the Lords of his Majesties exchequer betwixt and the tent day of December next. Sub<sup>t</sup> Loudoun Cancellarius, I.P.D.Com.

31) 26 October 1649

*Commission against Marioun Dobie*

Commissioun to Patrick Inglis of [Livingstoun], Sir Johne Sinclair of Harmeistoun, Johne Hepburne of Atherstoun, Johne Cockburne Provost of Hadingtoun and Johne Sleich baillie of Hadintoun or any three of them to be a quorum for ministring iustice vpon Marioun Dobie Meidwyffe a confessing witch, her depositions attested vnder the handes of the Minister of Hadintoun and revised by the presbetrie With

the lyke clause as in the former Commissioun And to report betwixt and the tent of December next Sic Sub<sup>r</sup> Loudoun Cancellarias, I.P.D.Com.

1 November 1649

Sederunt:

Cencellarius	Clerk Register	Nithrie	Gideon Jack
Cassillis	Toftis	Sir John Cheislie	Hugh Kennedie
Lothian	Broddie	Busbie	James
McCulloch			
Arbuthnet	Hoptoun	Ormeistoun	Mr Robert
Barclay			
Angus	Clerkingstoun	Provest Edinburgh	James Sword
Borthwick	Hartrey	Robert Davidson	John Forbes
Balmerino	Scotiscraig	George Porterfield	G. Maj.
Holburne			
Forrester	Hilderstoun	James Campbell	G'ral
Quar'master			

32) 1 November 1649

*Commission against Janet Coutts, Bessie Forrest and others (f 184)*

Commission to the Laird of Blackbaronny, Hay elder of Haystoun, Robert hunter of Polmonde, Mr Robert Douglas portioner of Lyntoun, Mr Michael Scot in Stobo, Mr Alexander Spittell younger, James Williamsone elder in Peiblis, James Horsburgh baillie ther and Johne Lowes Sumtyme Provest there or any five of them To minister iustice vpon Jonnet Coutts in [Netherbride], Bessie Forrest in Skirling, Thomas Shank Webster in Peibles, Marioun Robertsonsone spous to Thomas Crawford in Kirkbride With the clause for reporting to the exchequer betuixt and the tent of December next And a clause not to burne Janet Coutes til such persounes as she had delated wer confronted with her and until they wer warranted by furder order. Subt Loudoun Cancellarius.

6 November 1649

Sederunt:

Lothian Pr	Toftis	Greenock
Arbuthnot	Brodie	Keith
Borthwick	Hoptoun	George Porterfield

Balmerino	Hartrie	Mr Robert Barclay
Forrester	Scottiscraig	John Forbes
Register	Ormeistoun	James McCulloch
Thesaurer deputt	Wedderburne	Generall Quartermaster
Craighall	Hilderstoun	

33) 6 November 1649

*Commission for ministring Iustice vpon Janet Johnston (f 188)*

Commission given to James Scot of Lochquharret, John Borthwick in Newbyres, Robert Porteous in Newbottle, Thomas Meggot of Mastertoun, William Ker in Halflandhill and James Ramsay in Arniestoun Or anie thrie of them To minister Justice vpon Janet Johnstoun in the Paroche of Newbottle a confessing witch, Her depositions revised be the Presbytrie of Dalkeith The Commission past in the ordinarie forme with a clause adjoined Viz With power to the said Commissioners or anie thrie of them To take tryall of all the goodes and geare pertaining to the said Janet Johnstoun And in whose custodie and possession the samen were and to do everie thing necessarie for that effect And to report to the Exchequer their Diligence theranent betuix and the tenth of December next The Commission Sub<sup>t</sup> so: Lothian I.P.D.Com.

34) 6 November 1649

*Commission for ministring Iustice vpon Elizabeth Simpstone*

Commission to Sir John Weymes of Bogie, Sir James Melwill of Halhill, David Simpson of Monturpe, Mr David Weymes of Balfrag, Archibald Hacket and William Simpstone present baillies of Dysert Or to anie thrie of them To minister Iustice vpon Elizabeth Simpstone in Dysert a confessing witch Her depositions revised by the Presbytrie f Kirkaldie, The Comission extendit in the ordinarie forme with the clause for takeing tryall and putting vpon Inventar all the goodes and geare pertaining to the said Elizabeth And to report the same to the Exchequer betuix and the tenth of December next Subscryved Lothian I P D. com.

35) 6 November 1649

*Commission for tryall of John Sibbald and vthers*

Whereas John Sibbald in Ladieurde, Anna Alexander Spouse to John Law there, John Simpstone in Kirkurde, Jeane Forrester there, Elspet Grahame in Netherbride, Janet Broune Spous to James Ferguson (alias my Lord) there, Janet [Mark/Marle] widow there, Marion Veitch spous to Peter Forrester therem John Greig in Grange,

Jeane Rennick there, Elspet Gray in Beigend, Anna Hay in Romano, Christian Thomsonsone in Scotstoun, Isobell Alexander there, Isobell Dalmahog in Deanes, James Doddes in the parochie of Lyntoun, Cristian Thomsonsone his spouse, Janet Hendersone (nell) in Blyth, Janet Laidlaw spouse to Adam Bell at Tweidhopefoot, Isobell Greene in Overchartstaine, Margaret White there, Katharine Hyislop in Stainhope, Marion Laidlaw there, Janet Andersone (alias the Ley) in Drumalzeartoun, Reidfoord in Stobo, Bessie Veitch dwelling abone the Milne of Stobo, Jeane Abbot Spouse to Robert Walker Webster in the parochie of Lyne, Helen Thomsonsone in Wrae, Helen Thomsonsone relict of umqll John Fouller there, Katharine Govan in Wrae, Bessie Eumond Spouse to Thomas Johnstoun in Peebles, Marion Watsonsone widow there, Margaret Wilsonsone widow there, Alexander Warrock in Bolden, Jeane Threipland spouse to James Latimer there, John Leishman in Sirkefeild (sic), [unnamed] spouse to William Thomsonsone in Brugtounsheilles, Marion Watsonsone now in Cardone and Bessie Gibsonsone there, Are not onlie delated and suspect witchcraft But also diverse pregnant Presumptions thereof fund against them And the Committee of Estates beeing most willing that all lauffull meanes bee vsed for further tryall of the said persones Therefore the Committee of Estates Doth hereby give full power warrand and Commission to Sir Alexander Murray of Blackbarronie, Sir David Murray of Stanhope, Andrew Hay of Haystoun, Adam Murray of Cardone, John Murray younger of Romanno, The Laird of Polmunde, William Douglas of Spittlehauch, Mr Robert Douglas Portioner of Lyntoun, the Laird of Cardrona, The Laird of Pirne, the Laird of Kirkhouse, John Scott of Hundleshope, Mr Michael Scot, Mr Alexander Spittell younger, James Williamsone elder in Peebles, James Horseburgh Baillie in Peebles, Robert Thomsonsone Baillie there, & John Lewis elder Provest there or anie ffyve of them to meet and conveene at vpon the day of or anie vther day or dayes they shall appoint And take tryall if the said Persones bee guiltie of the said Cryme of Witchcraft And for that effect with power to them To call and conveene them before them the said persones, summond receive sweare and examine witnesses take the parties their owne Confessions, appoint Clerks Issue fourth warrands and precepts for summonding witnesses before them for that end And to do everie thing necessarie and lauffull quhich may [conduce] to the tryall of the said persones Provydeing they vse no torturing to force them to confesse And the said commissioners or their quorum aforesaid are to returne and accompte of their diligence in the premises with their hail proceedings therein, to the said Committee of Estates that such coursed may be taken theranent as is agreeable to Justice Sic Sub<sup>r</sup> Lothian, I.P.D.Com.

36) 6 November 1649

*Commission for ministring Iustice vpon Robert Garner and Nicolas Wichtman*

Commission given to Wauchop of Caikmiure, Scot of Lochquharret,  
Scot of Hagbray, Patrick Scot of Eister Crichtoun, Michael Dewer in

Crichtoun and Alexander Johnstoun in eister Crichtoun or to anie thrie of them To minister Iustice vpon Robert Garner and Nicolas Wichtman in the parochie of Chrichtoun confessing witches Their depositions revised be the Presbytrie of Dalkeith The Commission past in the ordinarie forme with a clause for taking tryall and putting vpon Inventar all guodes and geare belonging to the said Robert Garner and Nicolas Wichtman And to report the same to the Exchequer betuix and the tenth of December next. Sic Scribatur Lothian, I.P.D.Com.

9 November 1649

Sederunt:

Lothian Pr Cassilis Porterfield	Advocat Thesaurer deputt	Alveth Greenock	Sir John Smith George
Arbuthnot Barclay Forrester Quartermaster Balcarres	Craighall Brodie Scottiscraig	Hartwoodburne Ormeistoun Busbie	Mr Robert Gr <sup>ll</sup>

37) 9 November 1649

*Commission for ministring Justice vpon Elizabeth Grahame (f 189)*

The Committee of Estates Having considered the Reoprt of the Warrant [or] Commission issued fourth to the earle of Eglintoun and certaine vther persones therein mentioned for takeing tryall of Elizabeth Grahame Indweller in Kilwinning wes guiltie of the Cryme of Witchcraft As the said report vnder the hands of diverse of the Said Commissioners doth beare Together with ane letter from the Presbytrie of Irwing concerning the forsaid report and also bearing the said Elizabeth wes fund guiltie of the Cryme of Adulterie and being [rypelie therewith] advised The Said Committee of Estates Doth herby Authorize with full Power and Commission Alexander Earl of Eglintoun, Robert Fergushill of that Ilk, Hew Campbell elder of [Doucathall], Alexander Cunninghame of Corshill, Thomas Neving elder of Munkerdin, Thomas Niving younger therof And Mr Claud Hamiltoun Indewller in Kilwinning or anie thrie of them To meet and convene at Kilwinning vpon the day of or anie vther day or dayes they shall appoint Call and conveene before them the said Elizabeth Grahame [etc] And sua furth according to the common forme of Commissions against witches With a clause for takeing tryall and putting vpon Inventar all goodes and geare pertening to the said Elizabeth and reporting the same to the Exchequer betuix and the tenth of December next.

(Not signed)

38) 9 November 1649

*Commission for ministring Justice vpon Beatrix Dolsoun etc*

Commission to Mr James [Sydsorff/Sydserff] of Ruchlaw, Mr Alexander Hay of Baw, James Miller of Gourlabank, Georse Wood in Newmilne, John Johnstoun in Popill and Patrik Whixtlaw of that Ilk or to anie thrie of them To minister Justice vpon Marion Hunyman, Beatrix Dolsoun and Elspet Skougall in the Paroche of Whittinghame confessing witches Their depositions revised be the Presbytrie of Dunbar The Commission past in the ordinarie forme With a clause sujouyned for taking tryall of the goodes and geare belonging to the said Beatrix Dolsoun and Elspet Shougall And to report the Same to the Exchequer (sic) betuix and the tenth of December next Sub<sup>r</sup> Lothian, I.P.D.Com.

39) 9 November 1649

*Commission for ministring Justice vpon Eupham Drysdail*

Commission to the Lairds of Dundas elder and younger, Medox, George Dundas of Duddingstoun, Mr William Sandieland of Hilderstoun, Robert Cuthbertsone in Lithgow, George Allan in Burrowstounesse and Florence Gardner in Grangepannes or to anie ffyve of them, To minister Justice vpon Eupham Drysdail in the Paroche of Carridne a confessinf witch, Her depositions revised and attested be the Presbetrie of Lithgow The Commission past in the ordinarie forme With the ordinarie clause subjoined Viz And the Committee of Estates doth ordane the said Commissioners or their quorum to take exact tryall and put vpon Inventor all the goodes geare debts soumes of money insicht plemshoing and vthers whatsoever pertening to the said Eupham Drysdail And bee whom the said soumes pertening to her are resting And in whose possession and Custodie the sadi goodes and geare are With power to the said Commissioner or thaier Said quorum To do everie thing necessarie for that effect And to report the same to the Lords and vthers of his Majesties Exchequer betuix and the tenth of December next. Sic Sub<sup>r</sup> Lothian, I.P.D.Com.

13 November 1649

Sederunt:

Cancellarius Pr

Craighall

Greenock

Cassillis	Toftis	Keith
Lothain	Brodie	Busbie
Balmerino	Hartrie	John Forbes
Forrester	Scottiscraig	James McCulloch
Clerk Register	Alveth	
Advocat	Wdderburne	Generall Quartermaster
Thesaurer deputt	Ormeistoun	Mr Alexander Douglas

40) 13 November 1649

*Commission for ministring Justice vpon Matrion Twedie*

Commission to Sir Alexander Murray of Blackbarronie, Sir David Murray of Stanehope, Andrew Hay of Haystoun, the Laird of polmonde, Mr Richard Douglas Portioner of Lyntoun, Mr Michael Scot in Stobo, James Douglas of Cowchcope, Mr Alexander Spittell younger, James Horseburgh baillie in Peebles, John Lewis sometye Provest there and William Lewis there, or to anie ffyve of them, To minister Iustice vpon Marion Twedie in [Netherurde] a confessing witch The Commission past in the ordinarie forme With the ordinarie clause subjoined for takeing tryall and putting vpon inventar the hail goodes and geare belonging to the said Marion And to report the samen betuix and the tenth of December next. Sic Sub<sup>r</sup> Loudoun Cancellarius, I.P.D.Com.

41) 13 November 1649

*Commission for ministring Iustice vpon Geilles Gilchrist*

Commission to Thomas Leishman and Gilbert Mwir [Muir] baillies of Leith and George Elphingstoun of [Solines/Selines] Or to anie two of them To minister Justice vpon Geilles Gilchrist Spouse to John Watstone quarrier in Leith a confessing witch Her depositions revised be the Presbytrie of Edinburgh, The Commission past in the ordinarie forme, With the ordinarie clause subjoined to take tryall and putt vpon Inventar all the goodes and geare belonging to the said Geilles And to report the same to the Exchequer betuix and the tenth of December next. Subsribatur Loudoun Cancellarius, I.P.D.Com.

20 November 1649

Sederunt:

Cancellarius Pr	Scottiscraig	Provest of Edinburgh
Argyle. Cassillis	Pollock	Sir William Dick



Twaddell  
Register  
Thesaurer deputt  
Craighall  
Toftis  
Brodie  
Clerkingtoun  
Hartrie

Houstoun  
Greenheid  
Kerswell  
Niddrie  
Newtoun  
Cavers  
Greenock  
Duddingstoun  
Busbie

John Forbes  
Thomas Bruce  
Mr Alexander Douglas  
Mr James Campbell  
John Short  
Quartermaster Generall

42) 20 November 1649

*Commission for tryall Jeane Bining*

Commission for tryell of Jeane Binning in [Cairdgree/Caridgree] who wes not only suspect of witchcraft but diverse presumptiouns therof found against her given to the Lairds of Midhope Dundas elder and younger, Hilderstoun, Tobert Cuthbertsone in Lithgow, George Allane in Burrowstonnesse and Florence Gairdner of Grangepans or any three if them Sub<sup>t</sup> by Loudoun Cancellarius, Cassillis, D. Carmichael, J. Johnstoun, J. Broddie, S. J. Ker, Thomas Bruce, Alexander Douglas MD, John Short.

43) 20 November 1649

*Commission against Katharine Frater*

Commission for ministring iustice vpon Katharine Frater in Molderstanes within the paroche of Erlestoun witch; her depositions attested be the minister and others in the said paroche To Andrew Haithe of Sueip, Johne Broun elder portioner of Smailholme, Thomas Baillie in Melderstanes, Andrew Haithe in Phans, Thomas Cranstoun in Haitherwoode and James Hoome of Hardiesmilne of any three of them With the claus to reporte to the exchequer betuixt and the tenth of December next. Sub<sup>t</sup> as the preceeding Commission.

44) 20 November 1649

*Commission for tryall of Adam Kirkton and others*

Commission for tryell of Adam Kirkton, Adam Midlemest, Agnes Davidsoune and Issobell Allansone within the paroche of Jedburgh suspect of witchcraft To Sir Thomas Ker of Kavers, the Shirreff of Teviotdale younger, Patrick Scot of Thirlestane, John Rutherfoorde Provost of Jedburgh, Mr Johne Broun, Robert Rutherfoord and George Moscrobe Baillies of Jedburgh or any three of them. Sub<sup>t</sup>

by Loudoun Cancellarius, Cassillis, D. Carmichaell, J. Johnstoun, Greinock, John Cheislie, A. Douglas MD, Johne Short.

45) 20 November 1649

Commissioun against George Common in Overtoun a confessing witch; his depositions attested vnder the hand of the Clerk and severall elders of the parochie wher he lives, revised by the presbetrie of Jedburgh To Sir Thomas Ker of Kavers, the shirreff of Tiviotdale younger, Patrick Scot of Thirlestane, Johne Rutherford Provost of Jedburgh, George Moscrope Baillie or any three of them to minister iustice vpon jim conforme to the lawes of the Kingdome [With] the claus to reporte to the exchequer betuixt and the tent of January next. Sic Sub<sup>t</sup> Loudoun Cancellarius, Cassillis, D. Carmichael, A. Broddie, J. Johnstoun, S. Ker, A. Douglas MD, Thomas Bruce, John Short.

46) 20 November 1649

Commissioun against Marioun Turnbull, Issobell Seatoun, Jonet Young, Jeane Olipher, [Doine] Tullie, Issobell Wood and Bessie Wilsoun confessing witches; Ther depositions attested vnder the hand of the minister baillies and some of the elders of the parochie of Jedburgh, Revised by the presbetrie of Jedburgh To the earle of Lothian, Sir Thomas Ker of Kavers, the Shereff of Teviotdale younger, Patrick Scot of Thirlestane, John Rutherford Provost of Jedburgh, Robert Rutherford, Mr Johne Broune and George Moscrope Baillies or anie five of them to be a quorum to minister iustice vpon the forsaid persones conforme to the lawes of the Kingdome With the claus to reporte to the exchequer betuixt and the tent of January next. Sub<sup>t</sup> as the preceeding commission but instead of Broddie, John Cheislie.

47) 20 November 1649

Commissioun against Johne Andersone and Margaret Andersoun his sister within the parochie of Crailling and Marioun Thyn in [Ligertwoode] parochie confessing witches; thair depositions attested vnder the handes of the ministers of the paroches and revised by the presbetries of Jedburgh and [Erlestoun] To Harie Cranstoun vnclie to the Lord Cranstoun, John Rutherford of Ridhauch, Walter Riddell portioner of Bealie, Alexander Hunter of Wrangolme, Williame Bell of Racleuch or any three of them to be a quorum With the claus to reporte to the exchequer betuixt and the tent of January next. Sub<sup>t</sup> Loudoun Cancellarius,

Cassillis, D. Carmichaell, J. Johnstoun, A. Brodie, J. Greinock, A. Douglas MD, S. J. Ker, John Short.

48) 20 November 1649

Commissioun against Aleisone Cleuch in the parochie of Cockpen a confessing witch; her depositions revised by the Presbtrie of Dalkeith To the Earle of Lothian, the Laird of Cockpen, Patrick Eleis of Southsyde, Robert Porteous younger or any three of them with the claus to reporte to the exchequer betuixt and the tenth January next. Sub<sup>t</sup> by Loudoun Cancellarius, J. Johnstoun and no more.

49) 20 November 1649

Commissioun against Agnes Andersoun spous to John Adie in Wolmet a confessing witch; To Robert Dernour elder portioner of Innersk, Thomas Forman, Thomas Smith there, Williame Scot, Robert Strachane and James Broun baillies of Musleburgh or any three of them to be a quorum, her depositions attested and revised by the presbtrie of Dalkeith With the claus to report to the exchequer betuixt and the tuintie of December next. Sub<sup>t</sup> Loudoun Cancellarius, Cassillis, J. Johnstoun, Belshes (Toftis), S. Netherpollock, Sir John Cheislie, Sir John Houstoun, Hew Kennedy, Thomas Bruce, Johne Short.

**Register of the Committee of Estates 4 December 1649-26 February 1650**  
**NAS PA11/9**

4 December 1649

Sederunt:

Cancellarius Pr	Clerk Register	Hartwoodburne	M: R: Barclay
Cassillis	Craighall	Inglisoun	Geo: Porterfield
Bucleuch	Thesaurer deputt	Keith	Ro: Lockhart
Lothian	Toftis	Hilderstoun	Mr Ja: Campbell
Tweedell	Broddie	Busbie	
Breichin	Hoptoun	Kerswall	
Borthwick	Hartrie	Sir Jameas Stewart	
Coupar	Suintoun	John Forbes	
	Sir Thomas Ker	Heu Kennedy	

50) 4 December 1649

*Commission for transporting Janet Coutts to Biggar and for tryall of certaine persones delated by her (f 3)*

Wheras the Committee of estates Considering that Jonet Couttes now prisoner in the tolbuith of Peebles for the Cryme of witchcraft, hes not only confest her self guilty of the said cryme bot hes delated a great many others in severall parts of the kingdome, Have continewed the putting of her to the tryell of an assyse till she sould be confronted with those whom she hes delated, that therby the treuth of her delations may be the more Cleere And wheras diverse of the persons delated as said is have thair residence within the toun and presbetrie of Bigger ffor whose better tryell and better examination necesser it is that some perones of knowne worth and integritie be authorized with power and commissioun to the effect underjoined that for the said Committee of estates Doth heirby give warrand and command vnto the Comissioners (sic) of the Presbetrie and Magistrats of Peebles safely to convey the said Jonet Coutts to any of the parochines within the presbetrie of Biger And ther to deliver her to Johne Lord Fleeming, Sir David Murray of Stanehope, Sir James Murray of Skirling, Johne Moore of Amiestoun, William Broun of Dolphingtoun, Mr Henry Scott of Mosfennan, Christopher Baillie fiar of Walstoun,

Lindesay of Comttoun, Alexander Menzeis of Culterallers, Robert Chancellour of Scheilhill, James Threeland in Biger, Mr Williame Broune there, Johne Brouen in Cleuch, Adam Murray, [unnamed commissioner], Alexander Bailze of Callandes, Johne Bartrim in Carwood and Thomas Geddes in Mosfennam who or any five of them are heirby authorized to call and conveene befor them the forsaides persones delated by her to be guilty of the aforesaid cryme of witchcraft And to confront them with her incaice of her denyell And to appoint search to be made for the insensible marke called the develles marke in thair bodies Witnesses to receave and examine against them or ather of them vpon oath or without oath as the saides Comissioners or thair quorum shall think fit And according as they shall find by the tryell aforesaid any probable appeirance of guiltiness in the saides persones or anie of them With power to them or quorum forsaid to commit them to prison and sure firmance in such places as they shall think necesser And the said Committie Ordaines the aforesaid Comissioners or thair quorum in all thair examinations To require the presbetrie to appoint some of thair number to assist them And ordaines them to send in a report of thair wholl proceedings to the Committee of estates Together with the presbetries iudgement therof betuixt and the eight day of Januarie next.

(Not signed)

51) 4 December 1649

*Commissioun against Bigs Fflager (f 5)*

Wheras Bigs Flager within the parochie of Karingtoun hes confessed and acknowledged severall poyntes of the fearfull and abhominable cryme fo witchcraft As her depositions attested vnder the handes of the Minister and elders of the said parochie and revised by the presbetrie of Dalkeith showne to the Committee of estates beares Therefor the said Committie doe heirby authorize with full power warrand and commissioun Johne Ramesay of Whithill, Mr James Ramesay of [Pryolechim], Mr Lawrence Scot of Clerkingtoun, Thoumas Megat of Uterstoun, Thomas Boyd of Temple, Williame Ramesay of Hilhead, alexander Ramesay Baillie of Karingtoun and Williame Cunninghame there or any three of them to be a quorum To meit and conveene at \_\_\_\_\_ vpon the \_\_\_\_\_ day of \_\_\_\_\_ or any ather tyme or place they shall appoint And there to call and conveene befor them the said Bigs Flager And to cause her be accused of the said cryme of witchcraft by dittayes to be given in against her theranenet And to cause put her to the tryell and knowledge of an assyse And if she be fund guilty of the said cryme of witchcraft to cause doe justice vpon her Conform to the lawes of the Kingdome And for that effect With power to the saides Commissioners or thair quorum to hold iustice Courtes an or mae And the same als oft as neid beis to begin hold [affect] continew Clerkes officers dempsters and others members of court necesser to make and create for whou they shall be ansrable And to issue furth preceptes for warneing of an sufficient number of honest men least suspect to passe vpon the said assyse ilk persone vnder the paine of fourty pundes And generally all and sundrie other things necesser and requisite anent the premises to doe vse and execute ales fully and freely in all respectes as any other judges delegate in the lyk caces have or might have done at any tyme befor Conforme to the lawes of the Kingdome ffirmie and stable halding of And the said Committee of estates Doe heirby ordaine and command the Commissioners [rextive] [abovewrnd] or thair quorum to tak exact tryell of all the cornes cattell horse [nolt] sheip insight pleinshing debts soumes of money insight pleinshing and others goodes and geir whatsoever perteining to the said Bigs Flager and of the true value of her estate and how the same is resting With power to them to doe every thing necessary theranent And to reporte [the] same to the [said (deleted)] Commissioners of [estates (obscured and deleted)] Exchequer with their diligence theranent betuixt and the Tent of January next. Sub<sup>t</sup> Loudoun Cancellarius, Cassillis, Broddie, D. Carmichaell, J. Johnstoun, S. J. Ker, A. Douglas MD, Johne Short, Tho: Brune.

52) 4 December 1649

*Commission against Margaret Andersone*

Commissioun for ministring iustice vpon Margaret Andersone within the parochie of Heriot her depositions attested vnder the handes of the minister and sundrie of the

elders of the parochie and revised by the Presbetrie of Dalkeith To Williame Borthwick of Halheriot, Johne Pringill of Corkellferrie, James Pringle of Jeriotmyle, James Pringill or Halthrie and Thomas Adinstoun of Kirkat or any three of them With the claus to report to the exchequer betuixt and the tent of February next Sub<sup>t</sup> Loudoun Cancellarius, Lothian, Balmernoch, Coupar, J. Johnstoun, Belshes, J. Cheislie, Ja: McCulloch, Tho: Broune.

53) 4 December 1649

*Commission against Jonet Baird and Margaret Fothringhame*

Commission for ministring iustice vpon Jonet Baird and Margaret Fothringhame in Keithmarishall, confessing witches ther depositions attested vnder the handes of the Minister and some of the elders of the said parochie and revised by the presbetrie of Hadingtoun To Patrick Abernethie of Nethertoun, James Skirveing of Pleudlandhill, Alexander Borthwick in Johnstounburne, Richard Skirveing in Merkeith, Williame Skirveing in Elphingstoun, Jhone (sic) Blair in Paystoun and James Borthwick in Whytburgh or any three of them With the clause to report to the exchequer betuixt & the tenty of December instant Sub<sup>t</sup> as the former with the L: Borthwick.

54) 4 December 1649

*Commission for tryall of Catharine Bowie and Janet Wallace (f 6)*

Whereas Catharine Bowie in Quarrellwood and Janet Wallace [are] nominat the brightburd of Dalswyntoun are not onlie suspected of the Abominable Cryme of Witchcraft but also diverse pregnant presumptions thereof fund against them attested be the Presbetrie of Dumfreis And the Committee of Estates being most willing that all lafull meanes bee vsed for further tryall of the said persones Therefore the Committee of Estates doth hereby give full Power warrand and Commission to James Douglas of Mowsell, John Crichtoun of Crafurtoun, Thomas Fergusone of Caitloch, Thomas McBirnie Provest of Dumfreis, John burges and Robert Richardsone baillies there and James Grierson of Dalgme Or anie thrie of them To meet and conveene at            vpon the            day of            or anie vther day or dayes they shall appoint, And rake tryall if the said Catharine Bowie and Janet Wallace bee guiltie of the said Cryme of Witchcraft And for that effect with power to them to appoint Clerks call and conveene before them the sadi Catharine Bowie and Janet Wallace summond receive secure and examine witnesses take their depositions with the parties their owne confessions Issue fourth precepts and warrands for summonding the said witnesses for that effect vse all legall and accustomed wayes for tryall of the said persones according to the Lawes of the

Kingdome And Do everie vther thing necessarie and lafull which may [?] to the tryall of the said persones Provydeing torturing bee not vsit against them to force them to confesse And the said Commissioners or their said quorum are to returne to the Committee aforesaid or the Secret Councill their haill proceedings anent the premises that such course may bee taken theranent as is agreeable to Justice Sic Subr Loudoun Cancellarius, Lothian, Balmerino, Coupar, J. Johnston, Jo: Cheislie, Ro: Hepburne, tho: Bruce, J. McCulloch.

6 December 1649

Sederunt:

Cancellarius Pr	Brodie	Cavers	Tho: McBirnie
Cassillis	Libbertoun	Fordell	Gideon Jack
Lothian	Clerkingtoun	Busbie	Wm Glandoning
Borthwick	Hartrie	Sr Ja: Stewart	James
McCulloch			
Balmerino	Scottiscraig	Sr Jo: Smith	
Couper	Alveth	Mr Ro: Barclay	Generall Leiv <sup>t</sup>
Clerk Register	Wedderburne	Ro: Lockhart	Grall Quarterm <sup>f</sup>
Thesaurer deputt	Niddrie	Geo: Porterfield	
Craighall	Wachtoun	Tho: Bruce	
Toftis	Scottiscraig	Hew Kennedie	
	Keith	Jo: Forbes	
	Duddingstoun		
	Hilderstoun		
	Swintoun		

55) 6 December 1649

*Commission for ministering Justice vpon Cristian Rennick and vthers*

Forasmuch as Cristian Rennick in Outerstoun, Agnes Fleck and Barbara Patersone there Have confest sundrie points of the abominable Cryme of Witchcraft as their depositions attested be the Minister and some elders in the Paroche of Temple and revised by the Presbetrie of Dalkeith and by them fund sufficient for suting a Commission to jude the said Persones according to Law, shewen to the Committee of Estates beares And therefore it is necessarie that Justice bee administered vpon the said Persones Conforme to the Lawes of the Kingdome ffor which effect the Committee of Estates Doth heeby (sic) authorize with full power and Commission James Boyd of Temple, Laurence Scott fiar of Clerkingtoun, Thomas Meggott of Outerstoun, Robert Baxter baillie of Clerkingtoun, George Ronaldsone in Braidwood, Alexander Ramsay baillie of Harvingtoun and Samuel Mitchelsone

Portioner of Middletoun, or anie ffyve of them To meet and conveene at  
vpon the  
day of            or anie vther day or dayes they shall appoint Call and conveene  
before them the said Cristian Rennick, Agnes Fleck and Barbara Patersone, cause  
them to be accused of the said Cryme of Witchcraft and dittayes to be given in  
against them therefore Putt them to the knowledge of an Assyse And if they bee  
fund guiltie and culpable of the said Cryme to minister Justice vpon them Conforme  
to the Lawes of the kingdome And for this [effect (deleted)] Justice courts ane or  
mae to had And the samen als oft as need bees to continue creat Clerks Procurators  
fiscall [Serviands], Dempsters and vther members court needful for quhom they  
will bee answerable take their oaths desideth administration, Cause summond warne  
and charge ane sufficient number of Persones least suspect To passe vpon the  
Assyse of the said Witches ilk Persone vnder the paine of ffourtie Pund Scotts And  
generallie all and sundrie vther thinges to do [exerce (exercise?)] and vse  
concerning the premises quhich hes or must have beene lauffullie done at anie tyme  
bygone bee anie vther Judges delegated in the like mind ffirme and stable holding  
of And the said Committee of Estates doth ordaine the said Commissioners or  
quorum therof To take tryall of all goodes geare whatsoever belonging to the said  
Cristian, Agnes and Barbara And in whose custodie and possessioun the samen are  
and bee whom the said soumes are resting With power to the said Commissioners  
or quorum therof to do everie vther thing necessarie for that effect And to report  
their diligence to the Lordes and vthers of his Majesties exchequer betuix and the  
25<sup>th</sup> instant Sic Subr Loudoun Cancellarius, Cassillis, Lothian, Charles Aerskyn, Ja:  
Hope, D. Carmichaell, S Ja: Stewart, G Porterfield, Hew Kennedie, Gideon Jack.

56) 6 December 1649

*Commission for ministring Iustice vpon Catharine Veitch*

Commission to Patrick Abernethie of Netherdeane, James Skirving of Plewlandhill,  
Alexander Borthwick in Johnstonburne, Richared Skirving in Overkeith, William  
Skirving in Ewingstoun, John Blair in Paistoun and James Borthwick in  
Whyteburgh Or anie thrie of them To minister Justice Conforme to the Lawes of the  
Kingdome vpon Catharine Veitch in Keithmarshall a confessing Witch attested be  
the inister and some of the Parish of Keithmarshall and revised be the Presbytrie of  
Haddingtoun with the Clause for takeing tryall of her goodes and reporting the same  
to the Exchequer betuix and the 25<sup>th</sup> instant Sub<sup>t</sup> as the preceeding Commission  
except Sir James Stewart and the Commission in forme as the preceeding.



**PAGE**

**NUMBERING**

**AS ORIGINAL**

**Appendix 3: Warrant for a sub-committee of the Committee of Estates on witches**

**12 April 1650**

The Committee of estates taking to their consideration that the Long delayes of passing Commissions against Witches before the Secreit Counsell, doth occasion great grievances through the whole kingdome And that diverse persons sent to seek Commissions cannot be dispatched after long attendance, to the partyes great charges and the discontent of the Parishes who sent them, and entertain the Persons encarcerated, at great charges also And seing this delay of ministring Justice proceedeth merely from the infrequent meeting of the Secreit Counsell, whereof a Quorum can not allwayes be had so conveniently as of the Committee of estates As also that for the present there is a vacancy of the counsel, and a Recess of the Committee of estates, Therefore, And to the end Partyes may constantly be dispatched, and not forced to wait vpon the ordinary meetings of the said Committee which are taken vp with other matters The Committee aforesaid thinkes it necessary that some of their number be authorized, And heerby gives power, and Commission to the Lord Lorne, the Lord Register, the Lord Advocat, the Lord Thesaurer deput, the Lord Toftis, the Lord Hopton, Sir John Cheisley, Mr Alexander Colville, Mr James Robertsoun, the Provost of Edinburgh, Robert Lockhart, or any three of them, To consider and peruse the Papers brought in against any Witches wheirupon Commission is suited, And after Consideration thereof, to subscribe the same as they shall find just, Which Commissions subscribed as said is. With the papers and delations relating thereunto, The clerk is heerby ordained to carry and present to the Lord Chancellor (his being in toun) and to the other members of the Committee, who are heerby required and warranted to subscribe the said Commissions as well as if they were in a full meeting; And this present Commission to endure until the Parliament or Secreit Counsell shall take some other course, and onely to be extended to Confessing witches, and such against whom they shall find Malefices uteerly proven.

Loudoun Cancellarius  
I.P.D.Com.

Source: NAS PA12/5 Warrants of the Committee of Estates 3 January 1650 – 20 December 1650