

# THE ORKNEY WITCHCRAFT TRIALS

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Around 1830 a small boy was taken to Leith to see the great ships in the harbour. An old sailor took him on his knee and started to tell him stories. He asked the child where he came from, and Walter Traill Dennison said he lived in Orkney. The sailor immediately threw him off his knee and cried “O my lad, you hail from that lubber land where so many cursed witches dwell!”<sup>1</sup>

It seems that Orkney had a reputation for witchcraft. References to witches can be found in *Orkneyinga Saga* and throughout Orkney history. In the 1800s there were ‘storm witches’ busy in Stromness and belief in witches survived well into the 20<sup>th</sup> century. Often they were an accepted – or even respected – and useful member of their community, and it was only in the late 16<sup>th</sup> and first half of the 17<sup>th</sup> century that they were seriously persecuted. The records of some of the witchcraft trials that took place in Kirkwall have survived, so we know something about the people who were accused, and the activities that led them to be condemned for “the devilish and abominable crime of Superstition, Witchcraft and Sorcery”.

An *Act anentis Witchcraftis* was passed by the Scottish Parliament in 1563, just three years after it had “established” a presbyterian Church of Scotland as the national Kirk. The Act made practising witchcraft, claiming supernatural powers and consulting witches capital offences, but there were very few prosecutions under it until 1589. In that year James VI visited Denmark to marry Anne (the sister of King Christian IV) and apparently found it seething with suspicion of dark and diabolical doings. Their stormy journey home was blamed on witchcraft and on arriving in Scotland the paranoid (and seasick) king unleashed a hysterical bloodhunt against the “witches” who were plotting his death. Over 100 women were arrested in North Berwick and many of them confessed under torture to having met with the Devil and conspired to poison the king or sink his ship. James became so obsessed with witchcraft that in 1597 he wrote a treatise on it.

When he became king of England in 1603, James found the southern court much more sophisticated and more likely to laugh at than be impressed by his *Daemonologie*, but he had done the damage in Scotland. The high-profile trials in North Berwick had stirred up anti-witch feeling and sparked a wave of trials in Scotland. The Scottish Witchcraft Act was not repealed until 1736 and it has been estimated that somewhere between 3,000 and 4,000 witches were put to death in Scotland in the 170 years that it was on the statute books. The last one was Janet Thorne, accused of trying to turn her daughter into a pony with the help of the devil, and burned in Dornoch in 1722. Her daughter had a congenital deformity of the hands and feet.

Witches were not invariably women. Ernest Marwick found references to 72 named Orkney witches, from the 16th century onward, and his list includes 12 men. Among them are Thomas Swintone, who in 1689 was “made to answer [to the Session] for his scandall in raising the wind that stormie Sunday”.<sup>2</sup> The Accounts of the Burgh of Aberdeen include the bills for burning witches: 23 women and one man in the financial year 1596/97.<sup>3</sup> On average, about 15% of the witches prosecuted in Scotland

and in most of Europe were men, but there is an interesting issue of gender and geography here, because in Russia, Estonia and Finland the percentage of men was apparently much higher!<sup>4</sup>

Nobody, at this time, of any rank or education, had the slightest doubt that witches existed. A frequently-quoted Old Testament law states: “Thou shalt not suffer a witch to live”; ergo, witches **did** live, and should be put to death. There were intelligent and compassionate men like Judge George Mackenzie in Edinburgh who were concerned about women being condemned in error, or out of malice, but they never questioned that there were real witches who had powers which came from the Devil.<sup>5</sup>

The General Assembly of the Kirk followed up the Witchcraft Act with a series of its own Condemnatory Acts, “and with each act, cases and convictions increased”.<sup>6</sup> A copy of each Condemnatory Act would have been sent to every Presbytery telling them to search out and prosecute witches, so kirk ministers and elders were primed and ready to find evidence of witchcraft when tales were carried to them about a neighbour’s malevolence. We can see this happening in Orkney. A Condemnatory Act was passed in the Assembly of May 1643, for example, and Katherine Craigie and Jonet Reid were burned in Kirkwall that July.

The Kirk Sessions could interrogate and call witnesses, but they were not criminal courts. They could only punish, with fines or public penitence, sins like drunkenness or swearing or – by far the most common - fornication. Anyone accused of a more serious crime was handed over to the civil courts and taken to Kirkwall. This must have been a traumatic experience in itself: many of the witches were from country parishes or even the North Isles and had probably never been to Kirkwall in their lives. Before their trial, they were incarcerated in the cathedral in Marwick’s Hole, a particularly nasty totally dark bottle-dungeon which had been created in a small space between the walls of the south transept and the choir. From here they were dragged out – frozen with cold, half-starved and absolutely terrified - to face a court of 15 men: kirk elders, small landowners: the minor gentry of the county. No wonder that when Annie Taylor from Sanday was interrogated “she denied not but said she was uncouth [ignorant] and wist not what to say”.<sup>7</sup>

The court assembled in the south transept chapel, which the records often refer to as “the Wallhouse”. If it was the woman’s first trial and the accusations did not seem sufficiently weighty or credible, she might escape with banishment, from her parish or even the whole county. The Aberdeen accounts attest the practice of branding banished persons with a hot iron, so that there could be no possibility of them returning home undetected. “Item, to John Justice for burning upone the cheik of 4 several persones suspect of witchcraft, and baneschit, £1 6s 8d.”<sup>8</sup> In 1615 Jonet Drever in Westray was accused of conversing with fairies and fostering a bairn to them. She was sentenced to be scourged from one end of the town to the other and then banished, never to return, under pain of death.<sup>9</sup> Again, the Aberdeen accounts provide a chilling illustration of what happened to the women who were not condemned to death. “Item, for trailing of Manteith thro the streets of the toun in ane cart, who hangit herself in prison, and for burying her. 10 shillings.”<sup>10</sup> We have no idea how many others committed suicide after, or in fear of, their punishment.

If you were banished, the problem was removed to the next county, which did not want you either. In 1698 the Kirk Session of Wick minuted that: “Being informed likewise that sorcery and witchcraft abound so much in the parish – that sorcerors banished out of Orkney lurke there – they recommend seriously to the heritors and magistrate to banish all such out of the town and country.”<sup>11</sup> So where did you go? By law, paupers and beggars were obliged to stay in their own parish, and if you turned up homeless in another parish you would be arrested as a vagabond. There were Kirkwall statutes forbidding anyone to “support or grant hospitality to such persons, under pain of 40 shillings Scots. . . . and ordering them “to be punished in the joggs or stocks”.<sup>12</sup> (The joggs was an iron collar attached to a short chain which was stapled to a kirk wall or the mercat cross).

Judge George Mackenzie wrote of examining a woman who told him “she had not confest because she was guilty, but being a poor creature, who wrought for her meat, and being defam’ed for a witch she knew she would starve, for no person thereafter would either give her meat or lodging, and that all men would beat her, and hound Dogs at her, and that therefore she desired to be out of the World.”<sup>13</sup>

The surviving Kirkwall records include the trial of Marable Couper. Around 1620 she was accused of witchcraft and banished from Birsay, but she returned to the parish – she had a home and a husband and at least one child there after all – and when new accusations rolled in and she was arrested again the result was a foregone conclusion. “The Judge ordains the pannell [the accused] to be tane be the lockman, hir hands bund, and be carried to the head of the Loan, the place of execution, and thair to be knet to ane staik, wiried [strangled] to the death, and brunt in ashes.”<sup>14</sup>

So what had Marable and the other women who received this ghastly sentence actually done? This is a typical charge, (spelling modernised): *David and Margaret Mowat had three cows, but one died when she calved; the second cow calved a calf, but she never gave any milk, and the third cow for four years past never took [the]bull. And at the following Beltane, she [Margaret] had one cow and two young cattle that died. You [Marable] did not only do these things by your witchcraft and devilry, but made it public that you had the skill to do these things. Which, rank witch, you cannot deny.* The last words state volumes about the kind of justice that a woman accused of witchcraft could expect. There is no question of pussy-footing about with “Innocent until proved Guilty”. The trial has only just started and Sir John Buchanan, sheriff-principal of Orkney and Zetland, has made his judgement: *rank witch, you cannot deny!*

At least half of the surviving witchcraft charges relate to the sickness or death of cattle – a family’s most vital and vulnerable economic asset. Because people and animals were cramped together in insanitary conditions, disease was endemic, mortality very high, and cows unproductive because they were half-starved. I think it is a constant of the human condition that we want to find a cause for misfortune, someone or something to blame for apparently randomly afflicted tragedy, and the Mowats have suffered first-order economic catastrophe. They are living in the “Little Ice Age”, a time of particularly harsh weather and frequent crop failures when malnutrition is a norm and death from starvation not uncommon. Conditions in the 17<sup>th</sup> century are so bad that one of the Kirkwall statutes forbids anyone to recruit young men to go away to the fishing off Iceland or elsewhere, “forasmuch as the

lands are laid lay and waste by the frequent death of the labourers of the ground these years bygone, through the great scarcity, famine and dearth of the land.....”<sup>15</sup>

One can feel sympathy for the Mowats. Even today, modern veterinary science can often find no cause for sudden deaths of livestock, and their inexplicable misfortunes must have brought them to despair: no calf to sell, no milk for the family, no butter to pay the rent. One wonders what comfort the Kirk might be offering to people in their situation? Sunday after Sunday they are hearing that they are miserable sinners deserving punishment. So, if the cow dies, either God is punishing them for their sins, or the Devil is at work. It is easier to blame the Devil, or his accomplices.

It is interesting that Marable is charged with advertising that she had the skill to make the cows die. Probably no-one will employ her, so she is turning that round to make a living by her reputation, and she makes that even more scary by claiming that her “company” (coven) come and take her away with them every moon.<sup>16</sup> Sometimes one is not sure if the witch actually *believes* that she does have such power; is she mad, or hallucinating with hunger, or literally frightened out of her wits? Or is she running a protection racket, exploiting the credulity of her neighbours, so that they are afraid to refuse her when she comes whining round their door begging?

*William Fotheringhame said that Marion Richart came to his house to get alms, and his wife not being at leisure to give her alms, she went to the door and said that she should lose something else very shortly, and eight days after his best cow died.*

*David Peace said Catrine Miller had a son keeping his kye, and because he put away the boy from the kye, she said he should rue it, and immediately after the cow died, and short after, the rest died also.*<sup>17</sup>

These women do sound bad-tempered and embittered – perhaps with good reason; perhaps they were first cold-shouldered by their community just because they looked a bit odd, or had eccentric and unsocial habits. Annie Taylor does sound like the grumpy neighbour you do not want to get the wrong side of:

*Robert Miller refused you meal that he was grinding – you went away murmuring to yourself – Robert could not make the mill gang that day for all his skill.*

*Mareoun Paulsone took some meal from your girdel. You cursed her and she is dead.*

*You brought in peats to Annie Peace – she found fault with you and you said she would never burn the rest. The same night a great storm came and the sea washed away all the rest of the peats.*<sup>18</sup>

It was common knowledge that witches had powers to raise storms, and to still them, and one can understand that Annie Peace was desperate to find someone to blame for such a terrible disaster as the loss of the whole winter’s fuel supply.

Of course, people came to the witches of their own free will to obtain charms and spells. There was nowhere else to go to get any help. Katherine Craigie in Rousay loaned out a snood that she had taken from a dead woman when she laid her out for burial: it was known to be very effective against headaches and sciatica. Robert

Drever's wife lamented to Marion Richart that she had lost the profit of her milk (i.e. she could not make butter because it was too thin). Marion told her to go down to the sea, count nine waves, and take water from the next one home and put it into her kirn, and she would get profit again.

The power of salt water is frequently evoked in charms and healing spells. Katherine Craigie took a sick neighbour down to the shore at Saviskaill, before dawn, and poured 3 basinfulls of water over his head, "and everie day thairafter, he convalescit and becam better."<sup>19</sup>

As a result of Katherine's charm, the sick man got better. This is the aspect of the trials that I find particularly interesting, and tragic. Frequently the witch is *not* being blamed for causing misfortune, but for healing, or trying to heal, or for bringing good luck. Marion Richart came to David Joks house, and heard him complaining he had no luck fishing. She said that was easily mended, and called for the cat and said she would wash its head and feet in the bait water, and then cast the water about him and into his bait cubbie and he would get fish.<sup>20</sup> We are not told if David caught fish or not, but there is no suggestion that Marion did the charm with the cat for payment or any reason except to help a neighbour.

Healing spells are often recognised as being effective. Jonet Reid charmed Henrie Sowie, of his sciatica, "and Henry, being unable to stir out of his bed for the space of fourtein days befor, recoverit his health, and was abill for his work within twa dayis efter . . . whilk was done by your witchcraft and devillrie."<sup>21</sup> So it is not the fact that the witch is necessarily doing evil things, but that healing and recovery are as equally inexplicable as disease and death, and so can only be put down to witchcraft. It is a stark and unpalatable reflection on the theology that the Kirk was peddling at the time: in the 17th century, you did not expect God to do anything good.

The most unpleasant aspect of the trials is that it is these same neighbours who have had the good fortune to recover from sickness or have good luck fishing, who have gone voluntarily to the witch for charms and advice, who end up witnessing against them. At the beginning of all the trials the "witches" are accused of contravening the Witchcraft Act, but under the Act consulting a witch is also a capital offence. Clearly most of the witnesses are guilty of consulting, but they are not being charged. What is going on? The Kirk Session of course relied on informers, (there is an unpleasant resemblance to the Stasi), so one wonders if the witnesses were bribed by the Session, so that they could get their quota of convictions. Was there a quid pro quo: you won't be charged if you give evidence? Very often the "crimes" were committed eight, ten, fifteen years before the trial or even more. Jonet Drever – who was beaten through the town and banished – was accused of conversing with the Westray fairies **26 years** earlier. We would question how accurate people's memory was after that time, and why they suddenly decided that these events were evidence of witchcraft.

The selection of certain "witches" for trial and condemnation appears to be almost random. The charms and incantations that they used had been handed down to them through generations. The same, or very similar spells, were still in use at different times and places many generations later.<sup>22</sup> The "witches" who ended up in Marwick's Hole, or burned on Gallowha', were scapegoats for practices which were widespread and common and harmless. At Katherine Craigie's trial she tries to deflect the charges

by saying: It wasn't just me! *Margaret Ranie healed John Bell's cow, and Cristine Poke, charmed the sickness from an ox in Havaskaill, and got for doing it a plate of meal and a blood-pudding on top of it.*<sup>23</sup> She was paid for it, so why am I being blamed? Quite, it is just what we would say.

In Margaret Corston's deposition against Marable Couper, she relates that she had been ill for four months and could get no cure at home or when she was taken to Kirkwall. When she came home again, she passed Marable's house and called her a banished witch, and said that if she died, she would blame her death on her. *You, [Marable] said that she might have reproved her quietly if she had anything to say to her, and you took her into your house, and heated some ale and gave it to her to drink. Whereby, as by your witchcraft you caused the sickness, so by the same devilry she got her health.*<sup>24</sup> If Margaret **really** believed that Marable was a witch, why did she go into her house and drink her ale? It is as if someone is stirring up a case, and choosing not to notice that the witnesses' stories don't stack up.

Katherine Craigie, whose crimes seem to mostly consist of charms to help her neighbours, was burned at the stake in 1643. The Aberdeen accounts are chillingly stark about the whole process of burning a witch. "Item, for 16 loads of peats. £1 15s; for 4 loads of fir 16s; for 1 oil barrel 10s; 1 tar barrel 6s 8d; 3 fathoms of rope 3s; for the stake, carrying and setting it up 13s 4d; for carrying the peats, coals, and barrels to the hill 8s."<sup>25</sup> The thing that immediately strikes me is that this is massively over the top for just killing one woman. This is an enormous and expensive bonfire, it is a performance, a spectacle, a great theatrical statement about the power of Kirk and State to destroy the Devil and all his works. And the spectators are certainly there. This account includes 8s 8d for carrying 4 railings "to withstand the press of the people, whereof there was 2 broken" in the scrum trying to get a closer view, and Thomas Dickson needed a new halberd because it got broken in the crush. John Justice, the hangman, got a fee of 6s 8d for every execution, so he did well in 1596 when 24 people were burned, on some days two or three or even four women together.

A hundred years later, accusations of witchcraft were far less common. Presbyteries were less likely to accept accusations uncritically and tale-bearing was likely to rebound on the teller, as slander - taking away someone's good name - was regarded as a very serious offence by the Kirk Sessions. In 1688, for example, Hugh Moare of Orphir was put in Marwick's Hole for declaring that Barbara Hutchison was a witch and he had seen her in the company of fairies.<sup>26</sup>

One of Katherine Craigie's crimes was to try to cure a sick neighbour by walking with them around the Wasbuster loch in silence.<sup>27</sup> This case intrigues me because it is such a close parallel to the practice of walking around St Tredwell's Loch in Papay, which was famous for its curative powers. Less than 60 years after Katherine's execution, the Reverend John Brand was visiting Papay in his capacity as a Commissioner for the Kirk, with the brief of extirpating from Orkney *Heathenish and Popish rites*. The rituals at St Tredwell's clearly fall into this category, but it is evident in Brand's detailed account that he is actually quite intrigued by the evidence of cures.<sup>28</sup> While he is there to support the Presbyterian ministers in stamping out such practices, he sees them as ignorant rather than evil and his description is almost sympathetic. It does seem that, by 1700, the bonfires are at last dying down.

I would like to end with a quotation. It comes from a reference to witch-hunts in Sierra Leone and it struck me as appropriate, especially as we are watching a film about witches in Ghana tonight. This is the Mende witch finder speaking and I think his words could not be more universal.

*Witchcraft takes hold in people's lives when they are less than open-hearted. All wickedness is ultimately because people hate each other or are jealous or suspicious or afraid.*

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#### References

##### Abbreviations:

ACM = Maidment, J., and Turnbull, W., eds 1837 'Witchcraft Sorcery and Superstition in Orkney' in *Abbotsford Club Miscellany* vol I, pp.135-85 (Edinburgh)

OA = Marwick, E., 'Northern Witches' in Robertson, J., ed. *An Orkney Anthology: The Selected Works of Ernest Walker Marwick* (Edinburgh)

SCM = Stuart, J., ed., 1852 'Extracts from the accounts of the Burgh of Aberdeen' in *Miscellany of the Spalding Club* Vol.5 (Aberdeen)

<sup>1</sup> OA, p.368

<sup>2</sup> OA, p.374

<sup>3</sup> SCM pp.65-69

<sup>4</sup> According to the on-line Survey of Scottish Witchcraft (School of History and Classics, University of Edinburgh)

<sup>5</sup> OA, p.346

<sup>6</sup> OA, p.347 note A

<sup>7</sup> ACM, Trial of Anie Tailzeour p.144

<sup>8</sup> SCM p.69

<sup>9</sup> Barclay, R.S., ed., 1967 *The Court Books of Orkney and Shetland 1614-1615* (Edinburgh) pp. 18-20

<sup>10</sup> SCM p.65

<sup>11</sup> Caithness Presbytery Records in 'Some references to witchcraft and charming', *Old Lore Miscellany* vol.II (date), p.111

<sup>12</sup> 'Acts and Statutes of the Lawting Sheriff and Justice Courts within Orkney and Zetland MDCII – XLIV, Act no. 16, 1615: anent the resoirt of uncouth Beggarris', p.XLIX in *Maitland Club Miscellany* vol.II part I, 1840

<sup>13</sup> OA p.346

<sup>14</sup> ACM p.142

<sup>15</sup> Barry, G., *History of the Orkney Islands* 1805 (facs. repr. Edinburgh 1975), Appendix IX: 'The Acts of Bailyary for executing of Justice through the County of Orkney', Act no. 34:anent Fugative Servants and Young Men going to Zetland', pp.470-1

<sup>16</sup> ACM, Trial of Marable Couper, p.139

<sup>17</sup> ACM, Trial of Marion Richart, pp.155,159

<sup>18</sup> ACM, Trial of Anie Tailzeour

<sup>19</sup> ACM, Trial of Katherine Craigie, p.174

<sup>20</sup> ACM, Trial of Marion Richart, p.160

<sup>21</sup> ACM, Trial of Jonet Reid, p.184

<sup>22</sup> eg. a very similar charm to that used by Jonet Reid (burned 1643) to cure cardialgia was used in South Ronaldsay in the 19<sup>th</sup> century, OA p.358

<sup>23</sup> ACM, Trial of Katherine Craigie

<sup>24</sup> ACM, Trial of Marable Couper

<sup>25</sup> SCM p.67

<sup>26</sup> OA p.374

<sup>27</sup> ACM, Trial of Katherine Craigie, p.167

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<sup>28</sup> Brand, J., 1701 *A Brief Description of Orkney, Zetland, Pightland Firth and Caithness* (repr. Edinburgh 1883) pp.82,88-90