



Absolute Pardon



FINDINGS OF THE BARONS COURTS

On 27th July 2004 in the Trinity Session of our Baron Courts of Prestoungrange and Dolphinstoun we *pronounce* the following interlocutor [EIL. 53. 2004 P&D. 02]:

Finds in Fact:

- 1) That it appears that a gross miscarriage of justice was inflicted upon many persons convicted of 'conjunction or sorcery' within the jurisdiction of the Baron Courts of Prestoungrange and Dolphinstoun and executed for the same before the enactment of *The Witchcraft Act 1735*.
- 2) THAT before the enactment of *The Witchcraft Act, 1735*, thousands of people through out Scotland and their cats, were executed for 'conjunction or sorcery' under the Statute 1603, 1 Jac. I, c. 12, upon legally insufficient 'spectral evidence' under Scots Law: That is to say, the 'voices' or actions of 'spirits' given as 'evidence' of the 'guilt' of the accused.
- 3) THAT those persons condemned for witchcraft within the jurisdiction of the Baron Courts of Prestoungrange and Dolphinstoun were convicted on the basis of 'spectral evidence', that is to say, the 'voices' or actions of 'spirits' given as 'evidence' of the 'guilt' of the accused.
- 4) THAT this gave rise to a situation of waging private vendettas by accusing one's enemies of witchcraft.
- 5) THAT all those persons and their cats were convicted of 'conjunction or sorcery' within the jurisdiction of the Baron Courts of Prestoungrange and Dolphinstoun and executed for the same were convicted on the basis of legally insufficient "spectral evidence" and were probably the victims of personal vendettas by personal enemies who alleged the commission of 'Witchcraft' solely as a means to getting rid of the accused.

Finds in Law:

- 1) THAT 'spectral evidence', consisting of the 'voices' or 'actions' of evil spirits, is impossible to prove or to disprove in a court of law; nor is it possible for the accused to cross-examine the 'spirit' concerned: One is convicted upon the

In Remembrance

Margaret Aitchesoun	1590T	Ewfame McCalzean	1590T
Masie Aitchesoun	1590T	(Euphemia McLean)	
Agnes Aird	1661	Catherine McGill	1590T
Marjorie Andersone	1678B	Gilbert McGill	1590T
Margaret Auchinmoutie	1661	Johnne McGill	1590T
Marioun Bailzie (Baillie)	1590T	Barbara Mathie	1628B
Christian Blaikie	1661	Wife of George Moitis	1590T
Meg Bogtoun	1590T	Wife of Nichol Murray	1590T
Janet Boyd	1628B	Ane Nairn	1591T
Bessie Broune (Brown)	1590T	Jonett Nicolsoun	1590T
Thomas Brounhill (Brownhill)	1590T	Marioun Nicolsoun	1590T
Wife of the above	1590T	Margaret Oliver	1628B
Duncan Buchquhannan	1590T	Marie Patersoune	1590T
Margaret Butter	1661	Portar of Seton, wife	1590T
Martha Butter	1659	Helen Quhyte (White)	1590T
Jonett Campbell	1590T	Alexander Cuihytelaw (Whitelaw)	1590T
Elspeth Cheuslie	1679	Wife of John Ramsay	1590T
Thomas Cockburn	1590T	Marion Ranking	1590T
Marloun Conglton	1590T	Janet Reid	1628B
Bessie Cowane	1590T	Bessie Riddell	1628B
Beatrix Cuthbertson	1628B	Margaret Rldpeth	1628B
Janet Darlig	1628B	Donald Robinson	1590T
Agnes Dempstar	1628B	Anny Rycheson	1590T
Gellie Duncan	1591T	Daughters of Agnes Sampson	1590T
Catherine Duncane	1590T	Agnes Sampson	1590T
Thomas Fean	1591T	Marioune Schaw	1590T
John Flan or Fiene	1590T	Ane Simson	1591T
Jonett Gall	1590T	Wife of Smythe	1590T
Malle Geddie	1590T	Elizabeth Steven	1629
Helen Ghesone (Gibson)	1661	Jonett Stralton	1590T
Johnne Gordon	1590T	Janet Strauchane (Strachan)	1628B
Catherene Gray	1590T	Margrett Thomson	1590T
Jonnett Gray	1661	Bessie Thomsoune	1590T
Robert Griersoune	1591T	Katherine Wallace	1590T
Issobell Griersoune	1607	Charles Wat	1591T
Issobell Gylloun	1590T	Bessie Wrycht (Wright)	1590T
Margaret Hall	1661	Margaret Young	1628B
Agnes Kelly	1678		
Cristian Kerington	1590T		
Helene Lauder	1590T		
Issobell Lauder	1590T		
Agnes Liddell	1628B		
Katherine Liddell	1678		
Jonett Logan	1590T		

Notes

- B = Tried by local commission ordered by the Privy Council or the Committee of Estates acting for Parliament
T = Treason and witchcraft

very making of such charges without any possibility of offering a defence against such 'spectral evidence'.

- 2) That, at the least, the verdict of "Not Proven" should have been rendered in all cases and situation where those accused of witchcraft were convicted on the basis of legally insufficient 'spectral evidence'.
- 3) That all those persons and their cats convicted of 'conjunction or sorcery' within the jurisdiction of the Baron Courts of Prestoungrange and Dolphinstoun and executed for the same were wrongly convicted upon the basis of "spectral evidence" legally insufficient under Scots law to sustain a conviction.

HELD:

- 1) The Baron Courts of Prestoungrange and Dolphinstoun rule that weightily and sufficient grounds of both fact and law exist for vacating the conviction of all those persons and their cats who were convicted of 'conjunction or sorcery' within the jurisdiction of the Baron Courts of Prestoungrange and Dolphinstoun and executed for the same before the enactment of *The Witchcraft Act 1735*: In all cases such convictions were based upon 'spectral evidence' legally insufficient under Scots law to sustain a conviction. In all such cases the verdict of "Not Proven" ought to have been rendered by the Baron Courts of the day.
- 2) Accordingly, the Baron Courts of Prestoungrange and Dolphinstoun grant an Absolute Pardon to those persons convicted of 'conjunction or sorcery' within their jurisdiction before the enactment of *The Witchcraft Act 1735* as well as to the cats concerned.
- 3) Furthermore, the Baron Courts order that this most unfortunate carriage of justice inflicted upon such persons and their cats be remembered: (i) in murals to be painted in the baronies depicting their plight; (ii) by an historical record being published that both recounts their alleged crimes and punishments and records such Absolute Pardon; and that (iii) the tragic events involved be re-enacted each year on Hallowe'en and from time to time as a living reminder of this earlier process of justice in Scotland.