

PROGRAMME

Witch!

By Roy Pugh

Ane assize convened to examine the
confessions of Agnes Kelly
and
Marjorie Anderson

Induellars of the parish of Prestonpans accused of witchcraft, 1678 with the declaration of David Cowan of Winton, pricker and utheris called upon to depone in pe trial to be held on 18th May 1678 in Prestonpans tollbooth Judge presiding – Sir Alexander Morrison of Prestoungrange a trew examination of the said women discovering how they bewitched utheris, cause seiknes and death in beasts and fowles and such uther heinous crimes the like of which have not be heard of in this toun for mony years.

ane = a
uthers = others

induellar = resident
trew = true

utheris = others
seiknes = sickness

depone = give evidence

Members of Assize

Commissioners and Court Officers

Sir Alexander Morrison of Prestoungrange:

Patrick Broune Sheriff depute Haddington:

Robert Martin clerk of court:

Serjeand:

Played by

Baron Prestoungrange

Alex Hodgson

Allan Taylor

Andrew Crummie/Kenneth Thomson

in attendance James Buchanan M.A. minister of Prestonpans Kirk:

Accused: Agnes Kelly relict (widow) of one Broune:

Marjory Anderson her servant:

Witnesses: Janet Kemp relict(widow) of William Robison:

Robert Robison her son:

Barbera Spence spinster:

Jane Spence (her sister):

Martha Simpson spouse to John Greive portioner (tenant farmer):

William Combe carter:

Janet Wylie: Spouse to William Combe:

Margaret Johnston: spinster:

Douglas Gray

Janet Dow

Caroline Grant

Margaret Strachan

Sean Godsell

Ray Harris

Jean Thomson

Mary Vevers

Malcolm Whatcott

Sarah Lindsay

Angela Paul

Roy Pugh:

Continuity:

Lighting:

Himself

Helen Bathgate

Jim Strachen/ Steve Baines /

Ian Thomson

*Serjeand = officer to keep the peace and guard the prisoners

*Lockman= jailer and executioner

*Doomster = officer of the court who pronounces the verdict and sentence

Introduction

What you are about to witness today is a reconstruction of the trial of two women, Agnes Kelly and her servant Marjorie Anderson indwellers of Prestonpans in May 1678. It is only one of countless trials held in parishes the length and breadth of Scotland during the seventeenth century. These kangaroo courts – for that is what they were – were commissioned by the Privy Council in Edinburgh, the Scottish Executive of the day. Holding local trials was a useful and inexpensive way of dealing with local nuisances like witches; these also relieved pressure ^{on} of the high court in Edinburgh and the circuit courts or Justice Ayres which travelled about the country. The propaganda was of inestimable value to Kirk and state alike, as well as the local communities themselves. Justice was seen to be done by the parishioners, the trials often 'discovered' other witches in the area, the Kirk could exercise more control over the people and the so-called magistrates could demonstrate to the local people that they would be severely dealt with if they too practised witchcraft or consulted witches. There was no jury; only the assize which usually consisted of men who were landowners – and importantly, pillars ^{of} the church as heritors – with only biased witnesses ^{re} appearing to give evidence. It was no wonder that so many trials ended with a guilty verdict, the accused being summarily executed within a day of the hearing to keep down costs of feeding the prisoners etc.

Suspects were first interrogated by the local minister and Kirk Session – the elders – who while unable to use torture instruments – these were strictly controlled by the civil magistrates – could impose other more subtle forms of torture like sleep deprivation and a restricted diet of bread and water. After a few days of this treatment, suspects were so confused that they would confess to anything. Once the session had extracted a confession, the suspects were handed over to the civil authorities for trial under the witchcraft act of 1563, signed by Mary, Queen of Scots.

This then was the background to the witch hunt in Scotland. Suspects were usually pricked by the local witchpricker who endeavoured to locate the devil's mark on the person's body. There were two infamous prickers in East Lothian – John Kincaid of Tranent and David Cowan of Winton. It was a lucrative profession. A pricker was paid six shillings for every person pricked, twenty shillings more if the person was found guilty.

Prestonpans was at the forefront of the first phase of the Scottish witch hunt which lasted from 1590 to 1727. In 1590, an attempt was made on King James VI's life and that of his new queen, Anne of Denmark. The trial of over 120 people included many from Prestonpans – just how many is in some doubt but the figure is in the region of 70 or 80. Known to history as the case of the North Berwick witches – because they held ^{one} their covens there – most of the accused were executed for having caused violent storms which threatened King James and the Royal Fleet on its outward journey to collect Anne, then again on their return to Scotland. The plot was masterminded by Francis, 5th Earl of Bothwell whose family had cast jealous eyes on the crown for three generations. What began as a treason trial became one of witchcraft, which was also a capital offence under the Witchcraft Act of 1563.

Now we are about to witness the proceedings which took place in Prestonpans tolbooth in the month of May 1678. Although no records survive ⁱⁿ identifying the charges made or the evidence brought against Agnes Kelly and Marjory Anderson, these are based on common accusations and other trials, records of which do survive to this day. I leave you to draw your own conclusions about the legality of the proceedings and the justness of the sentence passed on these two unfortunate women.

SCENE 1

[A dimly-lit stage occupied by a long trestle-style table, a small side-table, each with chairs and a row of seven chairs to one side to accommodate seven witnesses. The serjeant bearing a lochaber axe enters and stands at side door to admit the assize]

[Loud knocking. Serjeant opens door to admit the assize members led by Sir Alexander Morrison of Prestoungrange; behind him is Patrick Brown of Coulston, Robert Martin, James Buchan and the Doomster. Serjeant moves centre stage and addresses audience]

Serjeant: All present be upstanding in the presence of his Grace, Sir Alexander Morrison of Prestoungrange and Maister Patrick Brown of Coulston, sheriff-depute of Haddingtonshire and procurator fiscal to this assize.

[Audience rises. Morrison et al are seated.]

Martin: *Sergeant.* Pray take your seats. Hear ye, hear ye. This assize now being in session, all shall come to order.

[Audience sits]

Sir Alexander: Thank you, serjeant. Pray command the lockman to bring forth the accused.

[Serjeant moves to side door to admit the lockman leading Agnes Kelly and Marjory Morrison in chains. They stand to one side of the trestle table or bench facing the audience. The lockman stands between the two women, one hand on each woman's shoulder. The serjeant stands beside them]

Sir Alex: I now call upon Maister Robert Martin, Clerk of Court, to intimate the terms of the commission lately granted by His Majesty's Lords of the Privy Council in Edinburgh. Pray proceed, Maister Martin.


Martin: From my Lords Privy Councillors in Edinburgh received by Sir Alexander Morrison's hand upon ye fourth day in May in the year of Our Lord sixteen hundred and seventy-aught. To wit: *[Reads from document]*

'Charles, by the Grace of God, King of Great Brittain, France and Ireland, Defender of the Faith, to all and sundry our liedges and subjects whom it effeirs, greeting. Forasmuch as the Lords of Our Privy Council are informed that Agnes Kelly, relict of one Broune in Prestonpans, and Marjorie Andersone, her servant, are apprehended and imprisoned in the Tolbuith of Prestonpans as suspect guilty of witchcraft by entering a paction with the Devill, renouncing their baptisme and committing several malefices, and, to the effect the said matter may be made manifest and justice administrat theirintill conforme to the laws of this kingdom, wee, with advice of the Lords of Our Privy Council, do hereby make and constitute

Sir Alexander Moriesone of Prestoungrange, Patrick Broune of Colstoun, Shireff Deputt of Haddingtoun ... and apoynts Maister Robert Martin, Clerk to the Justice Court, to be clerk to the said commissioners, with power to them to meet at such times and such places as they shall think expedient, and then and there to affix and hold courts, create serjeands, dempsters and other members of court needful, to call ane assyse and witnesses of persons best understanding the truth of the said matter, absents to amerciat, unlaws and amerciements to uplift and exact, and in the saids courts to call upon said Agnes Kelly and Marjorie Andersone and putt them to the tryall and knowledge of ane assyse, and, if they shall be found guilty upon voluntary confession without any sort of torture or indirect meanes used against them to bring them to ane confession ... and cause justice to be administrat upon them that conformes to the lawes of the kingdome ... the verdict of the court to be recorded in the books of adjournall.

Given under Our signet at Edinburgh, the second day of May, sixteen hundred and seventy eight, and of Our reign the threttieith year ...

Sir Alex:

I now call upon Maister Patrick Broune, sheriff-deputt of Haddingtonshire, appointed Procurator Fiscal to this assyse, to read the indictments against  the accused.

[Broune stands and faces the audience, reading from a document]

I, Patrick Broune of Colstoun, Procurator Fiscal lay the following indictments and charges upon Agnes Kelly, and Marjory Anderson, indwellers of the parish of Prestonpans who are accused of witchcrafts, sorcery, charms and other devilish practices offensive to God, scandalous to the trew religion and terrifying and abusing the poor, ignorant people of the toon of Prestonpans and other residents nearby. The charges are brought against the accused be Maister James Buchan, Minister of Prestonpans Kirk and the bretheren of the Kirk Session. Maister Buchan had lately acquainted Sir Alexander Morrison of Prestoungrange in his capacity as magistrate of this toon and heritor and benefactor of the Kirk of the charges made against these women and that the two women had confessed themselves guilty as witches afore the Kirk Session upon the first Sabbath day of the month of April in this year. Whereupon Sir Alexander, in accord with his duties, did seek to obtain a warrant from His Majesty's Privy Council in Edinburgh for to try them in ane assyse.

The charges under consideration of this assyse conforme to and are in accord with the Witchcraft Act of the year fifteen hundred and sixty three, in the third year of the reign of Her Gracious Majesty, Mary, Queen of Scotland, she of blessed memory. Further, the said minister and brethren have heard the testaments of the sundry persons who have been maligned and abused by the accused. Their testaments shall be pled in the course of this assyse.

[Turning now to the accused]

Ye, Agnes Kelly and Marjory Anderson, indwellers of this parish, having shaken off all fear of God and respect for the laws of this nation, by habit and evil repute callit be the name of witches and long suspectit of witchcrafts, ye have used uncouth words, gestures and practices, charms and spells that convinced the good folk of Prestonpans that ye are witches. Further, ye having continued under that ill fame and evil repute for many years without complaint to any magistrate of this parish that ye were callit witches, ye did not cease to use lewd words, devilish spells, incantations and wicked charmes and other witchcrafts to terrify the people of Prestonpans in and furth of the toon to their loss of beasts and the deaths of two parishioners. Forbye, ye baith did threaten and wreak damage upon those that stood against ye, whereof ye have deluded the people of Prestonpans by rendering them so superstitious that they doubted Almighty God for a time. The same people, being feared of your evil ministrations and witchcrafts, did seek solace from the Kirk and prayed so hard that they might protect themselves from ye.

This day, it is the duty of this assyse, a duty granted by His Majesty's Lords of the Privy Council to decide upon your guilt or innocence in the matters aforementioned.

I now call upon the clerk of court, Maister Robert Martin to read out the charges made against ye.

[Martin stands and reads from a document]

Martin: Agnes Kelly and Marjory Anderson, ye are togidder chairged with the following offences, namely:

- Item For renouncing your baptisms
- Item For abusing and cursing Janet Kemp and laying ane heavy disease upon her son Robert Robison
- Item For causing the death of Margaret Johnston, her horse
- Item For causing the death of Barbara Spence, her chickens and laying ane heavy disease upon her
- Item For slandering Martha Simpson and causing her spouse John Grieve his death be a spell
- Item For slandering William Colme and his spouse Janet Wyllie and causing the death of their son John Colme.

[Martin sits down on the bench]

Broune: Agnes Kelly, how do ye plead to these charges?

Kelly: No' guilty

Broune: Marjory Anderson, how do ye plead to these charges?

Anderson: As ma mistress sayed.

Broune: The prisoner shall answer in the proper manner.

Anderson: No' guilty

Broune: The Clerk of Court shall enter the pleas in the book of adjournal. I now call upon Maister James Buchan, Minister of Prestonpans Kirk

- Broune:** Now Maister Buchan, I remind ye of the terms of this assyse, its conditions. To wit, that no tortute or strict dealing was employed to gain confessions from the accused. Do ye swear this to be the truth?
- Buchan:** I so swear, sir. They were keepit in the kirk spire, though no harm came to their flesh, nor was any instrument used upon their bodies.
- Broune:** In what manner were they keepit?
- Buchan:** In the ways of those that are accused o' witchcraft. In the precise manner prescribed by the General Assembly of the Kirk of Scotland. They were ta'en to the spire where they were keepit gently, tho' on a strict diet o' bread and water, as is laid down. They were denied all company save those of the watchers, lest they infect others with their foul contagion.
- Broune:** For how long were they keepit there?
- Buchan:** For fourteen days and nights. They were watched be the elders and brethren in the usual manner, for fear that they might do unto themselves a mischief and thereby escape the justice that awaits them for their wickedness. The watchers began their duty at sax hours of evening until sax hours of morning. Then others took the place of the night watchers until sax hours of evening and so forth for fourteen days. Sleep was denied them, as is the custom, for tis when the servants of the devil are asleep that the devil may enter their souls.
- Broune:** That is in order. Now Maister Buchan, we shall –
- Buchan:** May I say to you a few words, sir?
- Broune:** Ye may, though make them brief Maister Buchan. We have much work to do upon this day.
- Buchan:** Weel, sir, in the time of the watching, I was put to mony thoughts and prayers, wherein I did engage myself to God, that I might find a way to give me and this assyse clearness, either by the accused's ain confession or otherwayes deemed just by the Good Lord. I recall that I prayed that Providence might aid me in the task. I promised the Lord that I should remark upon His advice as a singular favour and act of mercy. And after fourteen days and nights, Providence found a way, for it brought Agnes Kelly and Marjorie Anderson to their confession of guilt, which did convince me that it was the will and work of God manifest in their flesh.
- Broune:** This assyse thanks ye for these words. Now Maister Buchan, I call upon ye to speak on the charges made against these women, that this assyse may learn of the proceedings while the accused were in the custody of the brethren. But first, shall ye inform us of the time of your incumbency of the Kirk of Prestonpans?
- Buchan:** Since the year sixteen hundred and seventy six. Afore that, I was minister of the Kirk in Skirling Parish.
- Broune:** How came ye to be avised of the evils of which these women are accused?
- Buchan:** By word of mouth, sir. From diverse and sundry parishioners in my care. Several sought comfort from the Kirk as they were feared for their lives. They were of the names Janet Kemp, relict of William Robison, Robert Robison, her son, Barbara

Spence, spinster, Martha Simpson, relict of John Grieve, portioner, William Colme, carter, Janet Wyllie his spouse and Margaret Johnston, all residents and indwellers of this parish.

Broune: The Clerk of Court shall set down these names in the book of adjournal. Now, Maister Buchan, when did ye first have knowledge of the complaints against the accused?

Buchan: 'Twas in the month of March last. I recall it was the fourteenth day, for I informed the Session and set down the matter in the Kirk Session book. I have the book.
[Holds up a heavy tome]

Broune: I now charge ye to read from the book, that this assyse might be avised of the matter and the manner in which the Session proceeded.

Buchan: By your leave sir. *[Opens book and reads from it]*
This day, the fourteenth of March, the Session Clerk – who is myself-acquainted the Session at their sitting of a scandal and slander made against Janet Kemp be Agnes Kelly. The said Janet Kemp had come to the Session Clerk two days afore to complain that Agnes Kelly had ill-used her good name and cursed her. Forbye, her son Robert Robison made a complaint against Agnes Kelly, her servant, Marjorie Anderson who had threatened him and made lewd suggestions that might have led to illegal fornication. Forbye, he stated that she did bewitch him further by laying a heavy disease upon him that he could neither eat nor sleep for days in case she came to him in the night, they being neighbours. He was taken by the sweating sickness and lay swooning for a week until the curse was lifted by Agnes Kelly.

Broune: In what manner was the incantation lifted from Maister Robison, his body?

Buchan: By the manner of an incantation said at the bedroom window of his house.

Broune: For what reason did Agnes Kelly abuse Mistress Kemp?

Buchan: Twas on the matter of sweeping the dung from the front of their houses. The one said twas the other who should do the duty. Mistres Kemp swore that twas the turn of Agnes Kelly to sweep the dung. Agnes Kelly then callit her a slatternly slut and that the devil would see to her, for twas her turn to attend to the matter. The Session judged themselves bound to do something in these affairs and did therefore for that end appoint Mr Buchan to confer with Mistress Kelly and if need be, bring them to comply with the discipline of the church. The matter concerning her servant Marjory Anderson was more serious and would have to be investigated by the full Session and perhaps the Presbytery. Mr Buchan duly visited Mistress Kelly who gave her account of the cause of the slander. Agnes Kelly said it was not she who had slandered Mistress Kemp, but that it was the other way. She said she had sharp words with Mistress Kemp for not cleansing the street when it was her turn so to do, it being the custom that they took turns each week. Mistress Kelly had called upon her servant, Marjory Anderson to bear witness to the fact. I spoke with the servant who admitted she had shaken a besom or broom at Mistress Kelly to remind her of her duty and that she might remove herself from her mistress' doorstep. Whereupon Robert Robison came out of the house and took the besom from her hands and brake it upon his knee saying these words:

'Witch, ye sall not abuse my mither so'.

Whereupon Agnes Kelly said he would repent of his actions in time comings and that she would see to it herself.

Broune: Pray cease one moment, Maister Buchan. What were the words that Agnes Kelly said?

Buchan: They are not written in the book. I cannot recall them. Perhaps Robert Robison may recall the words.

Broune: Serjeand, pray bring Robert Robison before the assyse.

does so
[Serjeand ~~brings in Broune~~]

Broune: Pray state your name, age and occupation.

Robison: Robert Robison, son of William Robison who is deid, of age 20, by trade, weaver.

Broune: Do ye recall the quarrel that took place upon the day your mother and Agnes Kelly had words about the cleansing of the street?

Robison: That Ah dae, sir. Ah sall not forget them all ma days.

Broune: Can ye tell the assyse what Agnes Kelly said that day?

Robison: Agnes Kelly callit ma mither a hoor an' that Ah wis a hoor's son for brakin' her besom. That the brakin' o' it wad bring me ill luck and that the Deil wad see that Ah sufferit the fires o' Hell.

Broune: And what said ye to that?

Robison: Ah said she kenned a'about the Deil for she was ane o' his servants.

Broune: And how did she reply?

Robison: She said 'See that nane hear ye say Ah am witch, as others have said, for they hae sufferit for it.'

Broune: What said ye next?

Robison: Ah telt Agnes Kelly that if ony herm cam the way o' ma mither or me, it wouldnae be the Deil takin us, bot me takin' ma haund ower her face. Then her servant Marjory Anderson saided that were she a man, she wad maister me bot bein' a weak lass she had uther weys o' dealin' wi' me.

Broune: Did ye ask of her the manner of these ways?

Robison: Nay, sir, for Ah wis in a temper. Bot twa or three days efter, she bewitched me. She was in the dryin' green a-washin' the linen. She had her clouts pu'd up till her breech as she trampled the claes i' the tub. When she saw me, she showed her forkin' tae me and ...

Broune: Do ye allude to her female nature which common folk call forkin'?

Robison: Aye sir, her Jenny Willocks, as the country folk say in they pairts, beggin' yer pardon, sir. Then she said she wad tak the power oot o' me be the power in it, pointin' at her forkin'.

Broune: Are ye suggesting that she offered to fornicate with ye?

Robison: Ah canna richtly say sir, though mony a man wad hae said twere so. Then she laughed at me, sayin' she wad yet bring me tae shame for fearin' her mistress.

Broune: Did ye at any time touch her person?

Robison: Nay, sir. Ah went ben the hoose bot Ah wis tremblin' and shakin' wi' the fear and shame on ma thinkin' o' whit she had sayed and done. For days and nights, Ah couldnae pit her oot o' ma mind, the wanton witch.

Broune: Did ye have further words with Marjory Anderson after the incident?

Robison: Nay, sir. Ma mither made me swear Ah wad hae naught tae dae wi' her an' frae that day tae this, nae words or doins' hae passed atween us.

Broune: Marjory Anderson, I call upon ye to speak on this matter of lewdness. Was it in your mind to have illicit and abominable fornication with Maister Robison, a man who is not much more in years than yourself?

Did ye have intent on him that he might risk his Christian soul in scandal of illegal fornication? Answer me.

Anderson: Ach, he's touched in the heid. He has nae wits about him. He's nobbut a mither's laddie. Ah did nae sic a thing that he has sayed. Twas a' in his fancy, for he couldnae keep frae starin' at ma nakedness. Ah doot he had ever seen a wuman's pairt afore. A Jenny Willocks, as he sayed.

Broune: Ye are familiar with the term Jenny Willocks? Ye know what it means?

Anderson: *[laughing brazenly]* Aye and weel ye ken whit it means yersel, a man o' your years. Mayhap ye hae seen a few in yir time!

Broune: Hold your evil tongue, woman! Ye are lewd and filthy spoken. I remind ye this is a court of law. If ye do not behave, ye shall be dealt with severely. Ye do your case no good by these impudent words. Now Maister Buchan, pray continue.

Buchan: I heard the two sides of the quarrel and informed the parties I would report my findings to the Session in due course. I said they would be compeared to attend the Session upon the following Sabbath Day, upon its next sederunt or sitting, where they would answer for their behaviour.

Broune: Pray enlighten the assyse as to that hearing.

Buchan: *[Reading from the session minute book]* The Session, after hearing the words of Janet Kemp and Agnes Kelly, Robert Robison and Marjory Anderson rebuked all who had used the Devil's name, though it may have been in ill humour and temper. The Session bade the parties to shake hands and to undertake to be good neighbours in the future. Mistress Kemp and Mistress Kelly thereupon shook hands as did Marjory Anderson and Robert Robison. The Session declared themselves satisfied but warned them against further incidents that were contrary to neighbourliness and God's peace.

Broune: And that was the end of the matter?

Buchan: Nay, sir. An elder, the Dominie Brown heard Agnes Kelly say at the Kirk entrance as she was leaving that was but acting in obedience to the Kirk Session and that she would settle the score herself in her own time. It was said by some in the toon that Mistress Kemp bore Agnes Kelly ill-will, that William Robison, her husband had once lain with Agnes Kelly when she had bewitched him be a spell. That was three years past. The Session had no knowledge of it, so it is not recorded, for it may be but idle street gossip. It was before my incumbency in Prestonpans Kirk,

so I have nothing to say on the matter.

Broune:

Maister Buchan, I thank you for your testament. Pray be seated. I may call ye again in the matters of those witnesses who are come here today to give their testimonies. I now call upon Maister Cowan. Serjeand, pray bring him before the assyse.

[Serjeand goes to door and escorts Cowan to the Bench]

Broune:

Pray state your name, age and occupation.

Cowan:

I am callit David Cowan of Winton, of age 50, occupation, servant o' Seaton of St Germans, lately in the service of Lord Winton as pricker of witches, now in the service o' the justice court in Haddington.

Broune:

Now, Maister Cowan, how came ye to examine the accused?

Cowan:


Twere on the instructions of a magistrate in the parish.

Broune:

Pray give his name.

Cowan:

Seton of St Germans. Ah wis callit be Lord Seaton and Maister Broune two weeks syne, for to examine the bodies o' the accused for the deil's marks that might be upon their persons. Ah wis tae'n be the lockman tae thir cell in the Tolbuith tae conduct the search. The lockman wis present in the search a' the whiles. He may swear to this, my testimony, which follows. Ah had wi' me ma brass preen – beggin' yer pardon, sir, Ah mean ma pin which be the lawfu' instrument o' ma trade as pricker.

[Holds up the pin which is nine inches long with a  long wooden handle]

The preen or brod as tis otherwayes callit is needed for the examination of they that are accusit o' witchcraft. Ah examined Mistress Kelly furst. Ah fand the deil's mark upon her ridge-back. Twas a blue mark. Whereupon Ah pressed the preen intil it. Agnes Kelly wis nae sensible o' the the preen nor did she feel ony pain. Nor did blood follow when Ah withdrew the preen from her body. Maisters, this is proof that a witch hae been detected. Ma Maister, him that teachd me ma skill, John Kincaid o' Tranent, teachd me weel. Ah nixt examined Marjory Anderson, her body. Twere mair difficult, the fandin' o' hir mark. For twas upon her forkin' or near it as Ah sould say, hidden be the hair that is natural in that part. Marjory Anderson was nae sensible o' the preen that Ah put intil her, nor did ony blood flow when Ah drew it oot. Ah askit Agnes Kely how she cam be her mark. She sayed that she didnae ken, bot that she had been gripped be a foreign man in a close in Prestonpans mony years syne. She confessit that efter he held her, she wis in great pain for a whiles efter.

Broune:

And did ye ask the same of Marjory Anderson?

Cowan:

Aye, sir. She couldnae say the way of it getting' it, for though twere near her forkin', she hadnae kenned congress wi' ony man, for she sayed that mayhap if she had, twould answer the fact o' its bein' there.

Broune: The lockman shall approach the bench
[Lockman nods to Cowan as he does so]

Broune: Lockman, ye have heard the testimony of David Cowan, the witch pricker. Shall ye swear it is a true testament of the proceedings that ye were witness to in the Tolbooth?

Lockman: Aye, sir. Ah so swear it.

Broune: Pray let the record state this testimony. *[Turning to Sir Alex]* May it please your Grace, that this assyse may retire to consider these testimonies?

Sir Alex: Thank ye, Maister Broune. This assyse shall adjourn to consider the statements and depositions and other matters pertaining to this trial. Thereafter, the assyse will hear the testimonies of diverse witnesses that are brought here this day to advise the court upon the charges laid against the accused.

[Sir Alexander and the court officials rise and leave the stage in procession. Sir Alex leads, Patrick Broune follows, then Robert Martin and John Buchan. The serjeant goes to centre stage]

Serjeant: All rise! This assyse shall be convened in due time.

[Curtains close]

Roy Pugh: Ladies and gentlemen, may I draw to your attention that in the course of this part of the trial, particular attention was given to the fact that the confessions of Agnes Kelly and Marjory Anderson had not been extracted from them under torture. The judge was at pains to establish this fact. It was unusual for torture instruments not to be used but the fact that the Privy Council had expressly forbidden the use of torture indicates that a more enlightened view was emerging in the matter of prosecuting so-called witches. However, may I also remind you that when the suspects were held by the Kirk authorities, they were denied sleep for eight days and nights and restricted to a poor diet. Any modern physician will tell you that after 8 days of this treatment, the victim becomes disoriented and will confess to anything just to be allowed to sleep. So there was indeed a form of torture employed against the two women.

There will now be a short remission for refreshment. The assyse shall reconvene in thirty minutes, when we shall hear the depositions of the several witness brought to bear evidence against the accused. Please resume your seats in half an hour from now

Who's doing these?

