Remarkable Trial

OF

JEAN MAXWELL,

THE

Galloway Sorceress;

Which took place at KIRKCUDBRIGHT on the Twenty-eighth day of June last,

1805;

For Pretending to Exercise

WITCHCRAFT, SORCERY, INCHANTMENT, CONJURATION, &c.

And that dull'd by Magic sights
Shall raise such artificial sprights,
As by the strength of their illusion
Shall draw him on to his confusion.

MACBETH.

KIRKCUDBRIGHT:
PRINTED BY ALEXANDER GORDON.
1805.

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PREFACE

MAGIC, the ſcience and doctrine of the Perſian philoſophers, was originally innocent, laudable, and ſublime; ſignifying the ſtudy of wiſdom, and the knowledge of celeſtial bodies. But when the Magi came to intereſt themſelves in chimeras of aſtrology, divination, ſorcery, &c. the word *magic* in time became odious, and was only uſed to ſignify an unlawful and diabolical kind of art, depending on the pretended aſſiſtance of the devil and departed ſouls. This degenerated magic, there is every reaſon to believe, had its origin in Egypt: at leaſt the firſt magicians mentioned in hiſtory were Egyptians; and that people ſo famed for early wiſdom believed not only in the exiſtance of dæmons but alſo, that different orders of theſe ſpirits preſided over the affairs and perſons of men. Hence this deceitful ſcience ſpread, and in its progreſs became the medium of religious and political as well as pecuniary frauds; practised in all its parts, from the *rod of Pharoah's*

magician, to the *pin-ſtuck packet of Jean Maxwell.* But the revival of learning, and the ſucceſs with which the laws of nature have been inveſtigated, have long ago baniſhed from the enlightened nations of Europe, the moſt important of theſe ancient impoſitions. No longer the recourſe of the mighty Monarch, nor the practice of the myſterious Monk, the *vagabond pauper* alone remains the unrivaled profeſſor of the myſtic arcanum.

It is ſaid that, "none but perſons groſsly illiterate pay the leaſt regard to magical charms." It would appear, however, that under the influence of certain paſſions, the human mind, in whatever is connected with theſe paſſions, may become the victim of the groſseſt deluſion. To this cauſe, and not to the *oil* of the impoſtor, may be aſcribed the infatuation of Jean Davidſon. That ſuch extraordinary ſimplicity may lead to the worſt conſequences, this Trial is a prominent proof: the printer of which aſſures the reader, that his principal reaſons for putting

it to the prefs are, to fhew to the Simple a real inftance of the dangerous extent of mifchief their credulity may bring upon them; to warn the love-ftruck maid as well as the childlefs husband of the folly of feeking affiftance from a miferable juggler; and to make even the moft ignorant among us exclaim in the language of Shakfpere, "Out of my door, you witch! "you hag, you baggage, poulcat, runaway! out, "out, I'll *conjure* you, I'll *fortunetell* you.

Kirkcudbright,
17th Dec. 1805

INDICTMENT.

JEAN MAXWELL, present prisoner in the Tolbooth of Kirkcudbright, you are Indicted at the instance of Robert Gordon, writer in Kirkcudbright, Procurator Fiscal of the Steward court of the Stewartry of Kirkcudbright, for his Majesty's interest; that albeit by the Act of Parliament passed in the ninth year of the Reign of King George the Second, Cap. 5th, entituled "An Act to repeal the Statute made in the first year of the Reign of James the first, intituled, an act against Conjuration, Witchcraft, and dealing with Evil and Witched Spirits; except so much thereof as repeals an act of the fifth year of the Reign of Queen Elizabeth, against Conjurations, Inchantments, and Witchcraft." And to repeal an Act passed in the Parliament of Scotland in the ninth Parliament of Queen Mary, intituled *anentis* Witchcraft; and for punishing such persons as pretend to exercise or use any kind of Witchcraft, Sorcery, Inchantment, or Conjuration." It is enacted, "That if any person shall from and after the twenty-fourth day of June next, pretend to exercise or use any kind of Witchcraft, Sorcery, Inchantment, or Conjuration, or *Undertake to tell Fortunes*, or pretend from his or her skill or knowledge in ocult or crafty science, to discover where or in what manner any goods or chattels supposed to have been lost, may be found; every person so offending, being thereof lawfully convicted on Indictment of Information, in that part

of Great Britain called England; or on Indictment or Libel, in that part of Great Britain called Scotland, ſhall for every ſuch offence ſuffer Impriſonment for the ſpace of one whole year without Bail or Mainprize; and once in every Quarter of the ſaid year, in ſome Market Town of the proper County, upon the market day there, ſtand openly on the Pillory for the ſpace of One hour; and alſo ſhall, (if the Court by which ſuch Judgement ſhall be given think fit.) be obliged to give ſurety for his or her good behaviour, in ſuch ſum, and for ſuch time as the ſaid Court ſhall judge proper, according to the circumſtances of the offence; and in ſuch caſe ſhall be further impriſoned until ſuch ſureties be given." Notwithſtanding of the ſaid Act of Parliament, you, the ſaid Jean Maxwell, are Guilty, Actor, Art and Part of pretending to exerciſe *Witchcraft, Sorcery, Inchantment, and Conjuration;* and of *Undertaking to Tell Fortunes, &c. &c.* (in the manner particularly mentioned in the Depoſition of Jean Davidſon hereto annexed.) In ſo far as you the ſaid Jean Maxwell, did, upon thurſday the twenty-ſeventh, friday the twenty-eighth, and ſaturday the twenty-ninth days of December laſt, in the year one thouſand eight hundred and four, and upon tueſday the firſt and tueſday the eighth days of January laſt, in the year one thouſand eight hundred and five, or upon ſome one or other of the days or nights of theſe months, or of the month of November immediately preceding, or of the month of February immediately following, at Little Cocklick in the pariſh of Urr and

Stewartry of Kirkcudbright, pretend to Tell Fortunes by Tea Cups and the grounds of Tea; and did tell to Jean Davidſon, ſervant to Francis Scott, farmer in Little Cocklick aforeſaid, that she would ſoon bear a Baſtard to a certain young man, Hugh Rafferton; which you ſaid you could prevent by certain means. And you the ſaid Jean Maxwell, cauſed the ſaid Jean Davidſon to rub, or anoint her forehead and other parts of her head with a liquid contained in a bottle produced by you, which ſo much intoxicated and diſordered the ſaid Jean Davidſon, that she would have done any thing that you the ſaid Jean Maxwell had asked her to do: and you the ſaid Jean Maxwell availing yourſelf of the ſituation that ſhe the ſaid Jean Davidſon was in, declared to her that the Devil would ſpeedily appear and tear her in pieces, unleſs ſhe obeyed you, the ſaid Jean Maxwell, in every particular. And you the ſaid Jean Maxwell, cauſed the ſaid Jean Davidſon take oaths of Secreſy for the purpoſe of concealing your wicked and felonious purpoſes. That on the ſaid twenty-ſeventh day of December laſt, you, the ſaid Jean Maxwell, cauſed the ſaid Jean Davidſon produce a Guinea Note, which you pretended to fold up in a ſmall bit of paper, putting round it ſome lint, and ſtitching in it nine pins; after which, you gave it to the ſaid Jean Davidſon, and ordered her to caſt it into the fire; which ſhe did accordingly. And you the ſaid Jean Maxwell, then ordered the ſaid Jean Davidſon to bring one of her ſhifts and three ſhillings with it, which you ſewed up in the tail of the ſhift and ſaid that

the ſhift was to be conſumed in the fire, as an Offering to the Devil, who was to appear at the time of the burning of the ſhift, in the ſhape of either a Bull or a Swine; and at the ſame time, you, the ſaid Jean Maxwell, gave to the ſaid Jean Davidſon a powder ſewed up in a piece of fine linen and ſtuck through with nine pins, which you injoined her to wear at her breaſt till the day of her death, and tell no mortal of it. That on the ſaid twenty-eighth day of December laſt, you the ſaid Jean Maxwell, told the ſaid Jean Davidſon, that the Devil had rejected two ſixpences of the money formerly ſent him in the tail of the ſhift; that he inſiſted in lieu of the ſixpences to have two Shillings with heads on them; and that he was up and ſtirring, and muſt be ſatisfied; and the ſaid Jean Davidſon having furniſhed the ſhillings, you the ſaid Jean Maxwell, after ſtamping on the ground twice or thrice with your foot, pretended to hand them to Satan, as if he had ſtood behind you. That on the ſaid twenty-ninth day of December laſt, you the ſaid Jean Maxwell, declared to the ſaid Jean Davidſon that, the Devil was ſtill up, and that he muſt have a man's ſhirt of plain linen, and in it a ſhoulder of Mutton; and the ſaid Jean Davidſon, terrified by your threats, gave you a check ſhirt of the ſaid Francis Scott's, her maſter, together with a ſhoulder of mutton alſo his property tied up in the ſhirt; and you the ſaid Jean Maxwell, tied up theſe articles in your own budget; and then telling the ſaid Jean Davidſon that, all this was inſufficient to lay the Devil, you aſked her for half a crown more; and the ſaid Jean

Davidſon in confuſion and fright gave you a Dollar, which you ſaid would do as well, and that at any rate it muſt not be taken back being once offered; and then you the ſaid Jean Maxwell, went to the back of the byre at Little Cocklick aforeſaid, and returned and told the ſaid Jean Davidſon, that you had laid the Devil ſo that he could not come nearer her than the back of the byre, but cautioned her ſtrongly not to travel that way, nor farther after it was dark. That on the ſaid firſt day of January laſt, you the ſaid Jean Maxwell returned to Little Cocklick aforeſaid, and told the ſaid Jean Davidſon, that Hugh Rafferton was to be with her on the thurſday enſuing, very loveingly, and ready to marry her, or do whatever ſhe ſhould aſk of him: and moreover, you the ſaid Jean Maxwell declared that, if the ſaid Jean Davidſon uſed Hugh Rafferton harſhly, and refuſed to marry him, Hugh Rafferton would loſe his reaſon and go ſtark mad at the end of eight weeks; that in the meantime however you muſt have another Guinea Note for the Devil, with a faced ſhilling in it; and the money was furniſhed by the ſaid Jean Davidſon; when you the ſaid Jean Maxwell clipped, or pretended to cut the Note in ſmall pieces with ſciſſors, pretending that in this manner it was to be preſented to the Devil alongſt with the faced ſhilling. That ſoon after this, you the ſaid Jean Maxwell, told the ſaid Jean Davidſon that the firſt Note was not accepted, and that you muſt have an Old and very Tattered Note, and three Shillings more; which having been furniſhed by the ſaid Jean Davidſon, you the ſaid

Jean Maxwell bound up the Note with paper and lint, and having ſtuck it with nine pins gave it to the ſaid Jean Davidſon who threw it into the fire; and you the ſaid Jean Maxwell, after ſtamping on the ground, handed the three ſhillings behind you ſo that Satan might receive them as you pretended he had received the former preſents; that theſe things being done, you the ſaid Jean Maxwell left the ſaid Jean Davidſon at her father's houſe at Killymingan, in the pariſh of Kirkgunzeon, on the ſaid firſt day of January laſt, declaring that Hugh Rafferton ſhould wait on her in deep humility on the thurſday enſuing; and that all the money offered to Satan ſhould be returned into the ſaid Jean Davidſon's Cheſt on the ſubſequent friday morning by ſun-riſing; and that all ſhould be, and really was, perfectly right. That on the ſaid eighth day of January laſt, you the ſaid Jean Maxwell again waited on the ſaid Jean Davidſon, at the houſe of the ſaid Francis Scott, in Little Cocklick aforeſaid, and told that, all was gone wrong; that the Devil had proved too ſtrong for you the ſaid Jean Maxwell, and had rent a check apron given you by the ſaid Jean Davidſon formerly for a burnt offering; and you the ſaid Jean Maxwell pretended to ſhew the diſtinct marks of Satan's Claws, and the mark of his Thumb on your arm, adding, that he could not be laid without the aid of John M'George, commonly called the Devil-Raiſer of Urr; and for that end, you the ſaid Jean Maxwell demanded Two Notes more, and three pieces of fleſh meat, one of them to be pork, which you pro-

posed to roll up at great peril in the check apron; and you the said Jean Maxwell also insisted to have the said Jean Davidson's Duffle Cloak, but the said Jean Davidson having by this time got into the use of her reason, and got the better of the terror of the oaths of secresy imposed upon her by you the said Jean Maxwell, managed so as to detain you until a Constable was sent for, who took you into custody and carried you before the Reverend Doctor James Muirhead of Logan, one of his Majesty's Justices of the Peace for the Stewartry of Kirkcudbright, in whose presence you emitted a Declaration, upon the ninth day of January last, in the year one thousand eight hundred and five, which Declaration is subscribed by your mark, and by the said Doctor James Muirhead, because you declared that you could not write; and the said declaration being to be used in evidence against you the said Jean Maxwell, will in due time be lodged with the Steward Clerk, that you may have an opportunity of seeing the same. At least times and place aforesaid, WITCHCRAFT, SORCERY, INCHANTMENT, and CONJURATION, were pretended to be exercised and used, and fortunes were undertaken to be told, all in manner particularly before mentioned; and you the said Jean Maxwell, are Guilty Actor, Art and Part of the said Crimes; All which, or part thereof, being found proven by the Verdict of an Assize before the Steward Depute of the Stewartry of Kirkcudbright, and his Substitutes, in a Court to be holden by them or

either of them within the Court houſe of Kirkcudbright, upon the twenty-firſt day of June, in the preſent year one thouſand eight hundred and five; you the ſaid Jean Maxwell, Ought to be Impriſoned in the Tolbooth of Kirkcudbright by the ſpace of one whole year without Bail or Mainprize; and once in every Quarter of the ſaid year, to ſtand Openly in the Jugs or Pillory, at the market croſs of the Burgh of Kirkcudbright, by the ſpace of one Hour; and to be farther impriſoned in the ſaid Tolbooth, until you give Sureties for your good behaviour, in ſuch ſum and for ſuch time as the ſaid Court ſhall judge proper, agreeably to the proviſions and enactments of the ſaid Act of Parliament, to deter others from committing the like crimes in time coming.

The Procurator Fiſcal adduced the following witneſſes for proving the Indictment at his inſtance againſt the Pannel, viz.

Compeared Jean Davidson, ſervant to Francis Scott, Farmer in Little Cocklick in the pariſh of Urr, who being ſolemnly ſworn, purged of malice, partial counsel, and interrogated, depones that, the Pannel was at the ſaid Francis Scot's houſe at Little Cocklick on new-years-day laſt; and ſhe was alſo there on old Chriſtmas day laſt: but on being again interrogated, the witneſs depones that, the Pannel firſt came to the houſe of Little Cocklick on a wedneſday before new-years-day laſt, new ſtile.—That the Pannel ſtaid at Little Cocklick all that night; and having heard that the Deponent and her Maſter had been detained late in the Town of Dumfries on that day, on account of a young man named Hugh Rafferton, the pannel on the thuriday morning, at breakfaſt, pretended to tell the Deponent's Fortune, and offered to caſt a Tea Cup for that purpoſe, and the Deponent having accepted the offer, the pannel proceeded to Caſt a cup, and thereafter told the deponent that her Fortune would be bad, and that Hugh Rafferton meant to deceive her. That in the evening of the ſame day, and after the ſaid Francis Scott and his wife had gone to bed, the pannel (who had remained at Little Cocklick all day) and the Deponent were in the kitchen together, when the pannel reſumed the ſtory of her skill in Fartune-telling, and mentioned that ſhe was an Oxford Scholar, and that by the death of a Couſin ſhe had got a book from which ſhe learned her skill, and for which ſhe had been offered Nine Pounds. That the pannel asked the deponent for three rags belonging to her, ſaying that it did nor matter how inſignificant they were; and the deponent gave her them accordingly. That when the pannel asked for the rags, ſhe ſaid ſhe meant to ſhew the deponent ſomething with them. That the pannel rubbed the deponent's forehead and the hind part of her head with a liquid reſembling oil, which ſhe took

from a ſmall bottle, and then ſhe plucked ſome hairs out of the deponent's head and put them into a ſmall box ſhe had with her, and then ſhe asked the deponent for ſome white money, and the deponent gave her three ſhillings in ſilver. That the pannel ſaid one of the ſhillings muſt be a faced one, and the deponent provided a faced ſhilling accordingly, and gave it her as one of the three. That the pannel took out of the box three powders which ſhe had previouſly prepared in three different papers, and ſhe lifted a part of each of theſe powders with the faced ſhil ing, and after having put them together, and ſewed them up in a rag of fine linen, and ſtuck them with nine pins, ſhe gave the parcel to the deponent, directing her to wear it in her boſom for nine days, and to change the pins from one end to the other at eleven o'clock before noon regularly every day; and the deponent agreed to do ſo, and actually did ſo. That immediately after this, the pannel ordered the deponent to bring one of her ſhifts half worn, and the deponent having brought it, the pannel cut nine holes in the tail of the ſhift, and put the pieces cut out into her pocket; and then the pannel ſewed the three ſhillings the deponent had given her, up in the shift, and rowed the ſhillings and the ſhift up in a napkin: and an apron alſo furniſhed by the deponent at her deſire.— That the pannel then told the deponent that, ſhe muſt purchaſe as much wheat ſtraw as would ſtuff the bundle in the ſhape of a woman, and go out at twelve o'clock of the night of the ſaturday immediately following, and burn them in the devil's name at the lee ſide of the farm ſteading at Little Cocklick, when the divel would appear, either in the ſhape of a Swine or a Bull, and that if the deponent ſtood it, it was well, but if ſhe fainted, or fell, the devil would tear her in pieces; but the deponent told her that ſhe dared not do ſo. That previous to this, and in the ſame evening, the pannel had ſworn the deponent to Secerſy, the import of which Oath was, that if the deponent revealed the pannel's

ſecrets, ſhe was never to enter heavens gates, or ſee her Maker's face in mercy. That the pannel alſo told the deponent, how a young woman had by her means loſt her Reaſon for not obeying the pannel's orders; and the pannel cautioned the deponent to be active in doing what ſhe deſired her, otherwiſe ſhe would get into the ſame ſituation: that this caution was given after the deponent had told the pannel that ſhe dared not burn the parcel in the ſhape of a woman in the devil's name, as before deponed to. That the pannel having heard the deponent read part of a news-paper in the fore night, ſhe told her that ſhe need not be afraid as ſhe was a ſcholar, but that if ſhe really durſt not burn the bundle, ſhe, the pannel, would carry it with her and burn it on the ſaturday night, at her convenience, and provide the ſtraw herſelf for ſtuffing it. That then the deponent, by the pannel's order, brought her a Guinea Note, which the pannel ſaid ſhe would not keep a Minute, and alſo ſome Lint ready for the heckling. That the pannel cauſed the deponent fold up the Guinea Note in a compact manner, and then ſhe took it from the deponent, and immediately thereafter, the pannel wrapt the Lint round ſomething, which ſhe pretended was the Guinea Note, and having ſewed it together, and ſtuck it with nine pins gave it to the deponent, who by the pannel's order threw it into the Fire. That at this time the deponent verily believed every thing that the pannel ſaid to her, and that the Guinea Note was contained in the parcel which by the pannel's directions ſhe had thrown into the Fire. That the deponent aſked the pannel if ſhe meant to take the Guinea Note out of the fire, and the pannel ordered her to hold her peace, and ſaid that every thing ſhe had got from the deponent ſhould be returned to her at the end of Nine days. That the deponent ſaw the parcel, thrown into the fire as aforeſaid, and which ſhe then believed to contain the Guinea Note, burn in the fire, and ſhe believed that it was conſumed; and notwithſtanding of this, ſhe alſo believed that it would be given back

to her at the end of Nine days as the pannel had assured her. That the pannel after all this went to bed and slept, but she ordered the deponent to sit up till one or two o'clock in the morning, and told her that if she did not do so, the Devil would tear her in pieces; because she had raised the Devil by her skill in the Oxford Art and he would not be laid. That the pannel and the deponent slept in seperate beds in the kitchen, and no person was in that apartment with them cxcept a little boy, the pannel's son. That the deponent continued to sit up in great fear and anxiety after the pannel went to bed, but fear prevented her from sleeping. That at this time no person was in the house, except the pannel, her son, the deponent, and her master and mistress, who slept in a closet up stairs adjoining to the room immediately above the kitchen: but her master and mistress, altho' sleeping in that closet, were within cry of the kitchen. That the pannel remained at Little Cocklick all the next day, which was friday; and after the deponent got out of bed on the friday morning, the pannel told her what a str ggle she had had with Satan to to prevent him from tearing the deponent in pieces after she was in bed, and how the pannel herself had been alarmed, and even sweated for fear, and how her little dog had also been frighted, and crept under the back side of her bed. That on the friday night after the deponent's master and mistress were in bed, a kitchen table placed next to the bed occupied by the pannel having mode a noise as if moved, the pannel said that it was the Devil who made the noise, and that he had thrown Peats at her. That the deponent believed that it was the Devil who had made the noise: that at the same time the pannel was not in bed. but her son was; and the kitchen table was placed so near the bed, that any person in the bed, might have moved it: that there was also a light in the kitchen; and altho, the deponent saw no peats thrown, yet she believed that they had been thrown, because the pannel told her so. Depones that

one of three ſhillings which the deponent gave to the pannel as already deponed to, conſiſted of two ſixpences; and after the noiſe happened in the kitchen on the friday night, the pannel ſaid that, the Devil was offended by the two ſix-pences, and that he inſiſted to have two faced ſhillings, which the deponent immediately procured and delivered to the pannel, who again anointed the deponent's head with the liquid taken from the bottle; and then ſtamping on the floor three times with her feet, the pannel held out the two ſhillings in her hand behind her, as if offering them to the Devil, who ſhe ſaid was there and received them: that this alſo happened in the kitchen whilſt both a fire and candle were burning; and the deponent believed that the Devil was actually in the kitchen and had received the ſhillings. That the pannel then went to bed, but ordered the deponent to ſit up till mid-night, otherwiſe Satan would tear her in pieces, and the deponent did ſo, and did not go to bed until ſhe aſked the pannel's permiſſion; and after ſhe was in bed ſhe ſlept little or none, becauſe of the fright ſhe was in. That when the deponent got out of bed on the ſaturday morning, the pannel again told her how ſhe had had another great ſtruggle with Satan to ſave her. That the deponent told the pannel that ſhe durſt not remain in the houſe, and the pannel deſired her to bring a Half-crown piece, and that ſhe would lay the devil, ſo that he ſhould not come near her, upon which the deponent went for the half-crown, but inſtead of it, brought a Dollar, which she delivered to the pannel, obſerving at the ſame time that it was not half-a-crown, and the pannel replied never mind, it will do as well, and that, ſince it has been offered, it may not be taken back. That the pannel then went out, and after ſome little time returned and told the deponent that, she had laid the Devil at the back of the Byre, and that she might go any where, except there, but that she muſt not go there after it was dark. That the pannel then ordered the deponent to bring a plain shirt of her Maſter's and alongſt with it a Shoulder of Mutton; and the

deponent brought her a check shirt belonging to her Maſter, and a Shoulder of Mutton alſo her Maſter's property, which the pannel put into her bundle; and the deponent believed that Satan was to get them alſo.—That the pannel then left Little Cocklick, and took with her the bundle that was to be burnt, as alſo the shoulder of mutton in the check shirt; and she ſaid that she was going to a cot-houſe in the parish of Irongray, where she was to remain until the monday morning. That when the deponent ſat up by the pannels orders, she allowed her to read, and the deponent in conſequence of the permiſſion read her Bible and took it with her to bed. That the deponent ſpent the Sunday by performing her ordinary avocations in the beſt way she could, and ſometimes reading her Bible. That the pannel returned to Little Cocklick on the evening of tueſday after it was dark, and brought with her the deponent's ſiſter, who having taken the deponent out of the houſe to ſpeak to the pannel, the pannel then told her that Satan had troubled her very much ſince she had left Little Cocklick, and that she had got no reſt for him, becauſe the Guinea Note which the deponent had given formerly, being a new one, would not be accepted; that the shoulder of mutton would not be accepted, becauſe it was broken, and not intire; that the deponent was to get from her ſiſter the key of the door of her Father's houſe, and to deſire her ſiſter to remain at Little Cocklick until the deponent should return to her; and then the pannel directed the deponent to bring with her another Guinea Note with a white shilling wrapped in the middle of it, and a pair of Sciſſors to cut the Note and the shilling in ſmall pieces; and the pannel at the ſame time deſired the deponent to bring an old tattered Note to be burnt in lieu of the new Guinea Note formerly burnt but not accepted of. That the deponent in conſequence gave the pannel a Guinea Note with a shilling in it accompanied with a pair of ſciſſors; and she does not know what the pannel made of them becauſe it was dark.—

That the deponent having no more Notes, mentioned her ſituation to the pannel, who peremptorily inſiſted on having the other Note, and told her she muſt borrow it; and the pannel accompanied the deponent to the houſe of Jenney Clark, near Kirkgunzeon Kirk, from whom the deponent borrowed a Pound Note and two Shillings in ſilver, which she delivered to the pannel; and then the pannel and the deponent went into the deponent's father's houſe, but the deponent's father was not at home, and her ſiſter was remaining all the while at little Cocklick. On recollection depones that the pannel ſaid that she would not, nor durſt not receive the money borrowed from Jenny Clark, until they got into the deponent's father's houſe, where the pannel cauſed the deponent to fold up the Note as she had done in a former inſtance, which the deponent did and handed it to her. That the deponent alſo at deſire of the pannel produced ſome Lint, which the Pannel wrapt about the Note; and there being no needle and thread about the houſe, the pannel after ſticking the parcel with nine pins gave it to the deponent, and ordered her to throw it into the fire in the Devil's name, as before, and the deponent accordingly did ſo. That the pannel then again rubbed the deponent's head with the liquid from the bottle, and cauſed the deponent deliver to her the two shillings borrowed from Jenny Clark, together with another shilling that the deponent had in her pocket; and the pannel handed theſe three shillings behind her, that Satan might receive them, as he had received the money formerly offered. Depones that she did not tell Jenny Clark, nor did Jenny inquire the reaſon why she borrowed the Pound Note and the two shillings. That she was abſent from her maſter's houſe all that night, and when she returned next morning, her maſter inquired where she had been, when she told him that she had been upon buſineſs which she was bound to conceal, and he aſked her no farther queſtions. Depones that, after she had given the pannel the Pound Note

and the three shillings in her father's house as before mentioned, the pannel told her that all would be well, that the Devil would trouble her no more; and that on the Ninth night from the pannel's first seeing the deponent, Hugh Rafferton was to come to her for the purpose of marrying her; and that if the deponent refused to marry him, he would go stark mad in the course of eight weeks: and the pannel moreover said that the money she had last received, together with what she had received formerly would all be replaced in the deponent's Chest, on the Tenth morning. That the deponent parted from the pannel at the deponent's fathers house on the wednesday morning, and she did not see the pannel again until the night of the tuesday following, when the pannel returned to Little Cocklick, having alongst with her the deponent's sister, who came into the house and desired the deponent to go out and speak to the pannel. That the deponent accordingly went out, when the pannel told her that all was again gone wrong; that Satan was again up and stirring, and was too strong for her; and that she had been applying to John M'George, an Oxford Scholar, commonly called the Devil-Raiser of Urr, for assistance; and the pannel shewed a mark upon her arm, which she said was the mark of Satan's claws; and she also shewed the check Apron got from the deponent, which was rent, and which the pannel said had been torn by the Devil. Depones that the pannel then demanded Two Notes more, and Three pieces of flesh meat, one of them to be Pork, to be wrapped up in the apron; and she also demanded the deponent's duffle Cloak; but the deponent by this time having begun to suspect that the pannel was imposing upher. took out her Cloak and the pieces of meat to amuse the pannel, until the deponent's master and mistress returned from the farm house of Clathenwarren, scarcely half a mile off: that on the friday preceding, the deponent had told her master and mistress what had passed betwixt her and the pannel; and she mentioned all the circumstances to them, except the having taken one of her master's shirts which she was ashamed to mention. That when her master came home from Clathenwarren, he caused the pannel to be taken into custody, and detained her until a Constable was sent for, who came and carried her before the Rev. Dr. Muirhead of Logan, one of his Majesty's Justices of the peace Being interrogated by the Procurator for the pannel, depones that, she and Francis Scott her master, were detained in Dumfries late on wednesday before new-years-day last on account of a young man named Hugh Rafferton, who had formerly been a servant at Little Cocklick, and who consequently was an intimate acquaintance of Francis Scott as well as of the deponent. That the pannel when telling her that her fortune would be bad, after casting the cup at Little Cocklick, ex-

that the deponent was to bear a child to Hugh Rafferton, but did not mention when, nor could the devil have told her so, because Hugh Rafferton and the deponent had never faulted for it. That it was to prevent the bad fortune with Hugh Rafferton spoken of by the pannel, that she followed the orders of the pannel in the manner before deponed to. That the deponent had no reason to fear, neither did she fear that she was to have a child to Hugh Rafferton, but she did not know what might come afterward. That she cannot tell whether the rubbing her head with the liquid had the effect of stupifying her, but she certainly was very much discomposed, otherwise she would not have done what she did. That she is twenty-five years of age. That she has been brought up in the Christian Religion, and has regularly attended Church ordinances. That the said Francis Scot was present, at least coming and going, when she was examined in the precognition taken by Dr. Muirhead; and John M' Lean, Constable at Haugh of Urr, was present also. Being again interrogated for the pursuer, depones that she got back no part of the money or the cloaths or other articles given by her to the pannel, except the check Apron which the pannel said had been torn in pieces by the devil; and the duffle Cloak and the three pieces of meat which the pannel demanded and received on the day that she was taken into custody. That altho' no illicit connection had taken place betwixt Hugh Rafferton and the deponent, yet they had been in terms of Courtship together for sometime. Being again interrogated for the pannel, depones that she did not upon either of the two occasions when her sister came to her at Little Cocklick, mention to her sister what was going on betwixt her and the pannel; and all this is truth as she shall answer to God. (Signed) Jean Davidson.

The said Francis Scott being solemnly sworn, depones that Jean Davidson the preceding witness, was his servant at Little Cocklick, in the months of December and January last, and is so still. That on monday before the pannel was apprehended, the said Jean Davidson having told the deponent's wife, who told him what had taken place betwixt the said Jean Davidson and the pannel, he, the deponent, asked the said Jean Davidson if she had got that unlucky affair over, and Jean Davidson answered that she had. That the deponent replied, he doubted that the pannel would return for the purpose of extorting more money from her, and he desired Jean Davidson to let him know when the pannel did return, that he might get her apprehended and committed to prison. That next day the deponent and his wife were at Clashenwarren, when his servant man came and informed him that Jean Davidson had sent to desire him to come home, because the pannel was again come to the house; and the deponent immediately went home, and sent his servant man for

John M'Lean, Conſtable. That when the deponent arrived at Little Cocklick, he found the pannel ſitting at the back of one of the offices. That the deponent charged the pannel with having been guilty of improper practices, and threatened to have her ſent to priſon; but the pannel denied every thing, and ſaid ſhe was not affraid of the priſon, becauſe ſhe had done nothing ſhe had to be aſhamed of. That Jean Davidſon alſo charged the pannel in the deponent's preſence, with having returned for the purpoſe of extorting two more Notes from her, beſides the cloak and three pieces of meat; and the pannel did not deny the charge made aagainſt her, nor did ſhe alledge that the duffle cloak, then on her back, was her own property. That the cloak and the three pieces of fleſh meat were taken from the pannel; and the deponent knew the cloak to be the property of Jean Davidſon. That the three pieces of fleſh meat above mentioned, were not taken upon the perſon of the pannel, but upon her Son, a boy apparently about eight ornine years of age. And being interrogated, whether for ſeveral days previous to the apprehenſion of the pannel, he obſerved any thing particular in the manner or behaviour of his ſervant Jean Davidſon? depones that for ſeveral days before the pannel was apprehended, Jean Davidſon appeared to him to be in a very confuſed ſtate; and ſhe was incapable of performing her work as uſual. Depones that it conſiſts with his knowledge, that the pannel came to his houſe in the evening of the wedneſday that he and Jean Davidſon came late from Dumfries, and ſhe remained there till ſaturday; and previous to that, the pannel had been two nights in the deponent's houſe, on one of which nights, Jean Davidſon was abſent at the Salt water. That during the pannel's ſtay from wedneſday to ſaturday in his houſe, ſhe aſſiſted to mend Sacks, and the boy, her ſon, aſſiſted to winnow Corn. Being examined for the pannel, Depones that altho' he obſerved Jean Davidſon to be in a diſordered ſtate, he did not ſuſpect any thing improper betwixt the pannel and her, until he was told what had taken place on the monday as already mentioned. And all this is truth, &c.

(Signed) Francis Scott.

COMPEARED the Rev. Doctor JAMES MUIRHEAD, who being ſolemnly ſworn, Depones that the pannel, Jean Maxwell, was Judicially examined before him; and the Declaration now in Court ſubſcribed by him, and marked by the Pannel, becauſe ſhe declared ſhe could not write, was Freely and Voluntarily emitted by the Pannel.

(Signed) James Muirhead.

George Blair confirms the Depoſition of the Reverend Doctor Muirhead.

The Procurator Fiſcal concluded his Proof, and the Steward Depute remitted the Cauſe to the verdict of the Aſſize.

The Perſons that paſſed upon the Aſſize of the ſaid Jean Maxwell, returned their Verdict to the Court; and the tenor thereof is as follows.

At KIRKCUDBRIGHT, the 21ſt Day of June, 1805, the Aſſize being encloſed, did make choice of Alexander Melville of Barwhar to be their Chancellor, and William Mure, Factor for the Earl of Selkirk, to be their Clerk; and having conſidered the Indictment raiſed at the inſtance of Robert Gordon, Writer in Kirkcudbright, Procurator Fiſcal of Court for His Majeſty's Intereſt, againſt Jean Maxwell, preſent priſoner in the Tolbooth of Kirkcudbright, the Pannel, with the Interlocutor of the Steward Depute of the Stewartry of Kirkcudbright thereon, and the whole Proof adduced, they Unanimouſly Find the ſaid Jean Maxwell Guilty of the Crimes charged againſt her in the ſaid Indictment. In Teſtimony whereof, &c.

(Signed) } Alexr. Melville, Chancellor.
} Will. Mure, Clerk.

Court adjourned for a Week.

Kirkcudbright, 28th June, 1805.

The Steward Depute having conſidered the Verdict of the Aſſize bearing date the 21ſt Day of June current, and returned into Court, that Day againſt Jean Maxwell, the Pannel, wherebyſhe is found Guilty of pretending to exerciſe WITCHCRAFT, SORCERY, INCHANTMENT, and CONJURATION, and of undertaking to tell Fortunes, contrary to the Enactments and Proviſions of the Act of Parliament paſſed in the 9th year of the Reign of King George the Second, Chapter fifth, in the manner charged againſt her in the Indictment, at inſtance of the Procurator Fiſcal of Court; the Steward Depute, in reſpect of the ſaid Verdict, Decerns and Adjudges the ſaid Jean Maxwell to be carried backfrom the Bar to the Tolbooth of Kirkcudbright, and to be Impriſoned therein for the ſpace One Whole Year, without Bail or Mainprize; and Once in every Quarter of the ſaid year, to ſtand openly upon a Market day in the Jugs or Pillory, at the Market Croſs of the Burgh of Kirkcudbright, for the ſpace of one Hour, &c.

(Signed) ALEXR. GORDON.

END.