

WILLIAM WAST OF
PENNAN

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Court of William West or West 1752.

Present - The Sheriff Depute of Aberdeen.
 The Sheriff Depute of Banff.
 The Sheriff Depute of Kincardine.

Intran - William West or West, late in Seatoun Of Auchmedden (Pennan), now a prisoner within the Tollbooth of Aberdeen, of accused at instance of William Grant of Preston Grange - his Majesty's Advocate for his Majesty's interest for the wilful and premeditated homicide or murder of his wife in the manner mentioned in the criminal judgement contained in the ????? for the Shore Of Aberdeen raised at his instance against him there among.

For the prosecutor --- In Defence.
 Mr. John Grant --- Mr. John Dalrymple, Advocate.
 Advocate Depute --- Mr. Alexander Gordon, Advocate.

Dalrymple for the Panel (from here to be known as the defendant) denied the libel and acknowledged that he (William West) was in no ways guilty or accessory to the murder of his wife or anyways concerned therein or that any accident that had happened to her the night of the time libelled, was owing to the misfortunate woman herself, who at that time was in liquor and drunk, and indeed this was practise of hers on several occasions, that being in this situation, she fell over upon trees or boards that were about the house and cut and fractured her skull which occasioned her death.

The advocate depute answered that the facts alleged by the defendant he had grown to believe were in no ways true, and appeared to him to be almost scandalous and injurious to be fiction thrown out against the unfortunate woman now deceased; void of all manner of foundation, in points of fact; as by all the information he could get she had been a most sober, discreet well behaved woman all her lifetime, and at the same time had been frequently beat and abused by the defendant her husband, who had never acted ??? that part, he as such ought to have done to her. However he did not oppose the defendant being allowed a proof of his allegiance and indeed of all facts might find that it was contrary to the libel which he (feared) might be found relevant and permit to the knowledge of the trial.

The Lord Commissioners, having considered the criminal indictment pursued at the instance of William Grant of Preston Grange Esq., his Majesty's advocate for his majesty's interest against William West or West late of Seatoun of Auchmedden, now prisoner in the Tollbooth of Aberdeen. Defendant, with the foregoing debate they find the said libel and indictment. That the said William West or West, defendant, time and place libelled, murdered Jean Gatt his wife or that he was guilty (Actor or Art) and part there-of, relevant to infer the pains of law, but allow the defendant to prove all facts and circumstances that may tend to alleviate or exclude him of the guilt of the crime charged against him and repel the objection against the form of the libel and permit the defendant with the libel as found relevant to the knowledge of trial.

Signed
 Alexander Fraser..

The Lords made the choice of the following persons to sit on the trial of the William West or West defendant :-

Hugh Forbes	
Thomas Forbes	Waterton.
John Gordon	Crathienaird.
Andrew Walker	Aberdeen.
John Nice	Merchant.
Hugh Jaffray	Merchant.
John Wilson	
Hugh Gordon	Watchmaker.
Alexander Gordon	Shoemaker.
Joseph Forbes	Wright.
John Docker	Merchant.
Robert Crombie	Farmer.
Sir. William Ogilvie	
James Nicolson	
John Arbuthnot	

The above jury form no objection to the contrary. The prosecutor for proving the libel.

Jean Adamson lately servant to the said William West or West, defendant, aged 26 years, unmarried, who being solemnly sworn. Charged of malice and (partial council) examined and interrogated, testified that about 12 months ago the witness served the wife of William West the defendant about a quarter of a year and while the witness was in her service one night, being in bed, she was awakened by the defendant who was quite drunk, beating his wife who was also drunk at the same time, that when the witness was awake she saw the defendant strike his wife two different times or give her two strokes but did not see Jean Gatt the defendant's wife strike him again. That she never observed any difference between the defendant and wife but at that time, which was accessioned by the defendant's wife wanting to keep up a bed which the defendant wanted to take down to lend to a neighbour. But the defendant's wife, not getting her will, she left the house and went away and did not return for 20 days or thereabouts.

Jean ???? servant to spouse of Black William West in ???? aged 37 years who being solemnly sworn, purged, examined and interrogated, testifies that about Lammas or the beginning of harvest 1751 the deceased Jean Gatt, the defendant's wife, having run away from him, came to the witness's house where she remained for about 4 days and while she was there, the witness's neighbours advised her to return home again to her husband, but she declined to do it, saying that her life was in danger and that her husband was very undutiful to her and that an Evil Spirit was upon him, for that two mornings before she left the defendant's house, he got out of his bed and walked up to the door of her room and looked in upon her lying in bed and spoke nothing but she believed that her life was in danger for her husband looked angry like. The witness testified that she knew the deceased Jean Gatt who to her observations was always a sober, orderly woman. The witness stated that she had often visited Jean Gatt's house and had never seen her concerned with or the worse of drink, and this is the truth or I shall answer to God. She stated she cannot write.

Elizabeth Wast or West in Doune (known as Macduff after 1783), sister to Black William Wast aged 20 years, unmarried who being solemnly sworn, purged of partial council or malice, examined and interrogated testified that upon a Thursday about the beginning of harvest 1751 the deceased Jean Gatt came to their house (she stayed with her brother John West) and having called her out of the house, she told her that she had left her husband and would go anywhere rather than return to or remain with him, for that her life was in danger. That the following Monday morning the said Jean Gatt returned to their house in Doune and wanted to stay there until next Thursday, that the minister was due to call then. She declared that when Jean Gatt was at their house she heard her say again that her life was in danger from her husband as he was possessed by an Evil Spirit, that she remained in their house and later returned to her own house in Seatown of Auchmeddan upon the said Thursday. Elizabeth West also testified that about three or four years ago she served the said Jean Gatt for about a year and a half and during all that space of time that she was with her the deceased behaved like a peaceable and well disposed woman, but that it was reported in the country that Wast did not make her a good husband (the truth so help me God). She further declared that sometime after the above period the deceased Jean Gatt came to their house in Doune, and asked her to come into a back room of the house to speak with her, which she accordingly did, and while they were both there the defendant Wast came into the house and asked where that 'Hell Serpent' was. When Jean Gatt answered, the defendant ran up to her and gave her a kick upon the breast with his foot upon which she cried. Upon this, his brother John West, taking him by the shoulders, sat him down in a chair and said "you shall not strike your wife here", upon which the defendant said "I wish I had taken her life twenty years ago and I have a good mind to do it yet." After this the said Jean Gatt pressed the witness to go part of the road with her towards Auchmeddan (Pennan) but the witness declined to do this suspecting the defendant might follow them and do them harm, and this is the truth as I shall answer to God.

Robert Barron in Doune aged 52 years, married, who being solemnly sworn, testifies that much about this time about twelve months ago the witness was informed that there had happened some quarrel between the defendant and the deceased Jean Gatt his wife, that he saw upon the said Jean Gatt's head the mark of a stroke which she told the witness was given her by her husband the defendant William Wast with a pewter tankard which he the defendant had in his hand, and the defendant acknowledged to the witness that he had given his wife this stroke as above and the witness believes the grounds of the quarrel was that the said Jean Gatt had given away some draff (chaff of corn used for filling a mattress) without his the defendant's consent and depones that while he the witness was acquainted with the defendant and his wife it was reputed in the country that the defendant frequently maltreated his wife although she appeared to the witness to be a good humoured well disposed woman as ever he knew and no ways addicted to drink.

Marjory Adamson Druggist. Relief of the deceased Walter Philip?? in Banff, scholar aged 46 years who being solemnly sworn - testifies that she was acquainted with the defendant and that upon the Thursday before his wife's death she had a conversation with him when he desired her to get a powder and make it up in a paper and convey it to him, that he would need this in a bottle from her to make away with that woman meaning his wife. But she the witness refused to do so saying she would not do it for the world. Upon which he desired her again to do it but she still refused. Whereupon the defendant said he would buy another bottle of brandy and knock off the head of it and set it by her bedside and make her drink herself dead of it. The witness having said his wife would take care of that, then said the defendant would run her through!

Andrew West in the Sea town of Auchmeddan (Pennan) aged 46 years, married who being solemnly sworn - testifies that he is acquainted with the defendant who was his next door neighbour at the Sea Town of Auchmeddan and that all the time libelled, about 12 o'clock at night - he being fast asleep, his wife wakened him and told him that there was somebody knocking at the door of his house pretty strongly. Upon getting up the witness asked who was there? By the answer which was made he understood it to be the defendant whose voice he knew. The defendant William Wast asked the witness if his wife was in his house and he answered she was not, to which the defendant replied and insisted he knew for a fact she was in the house. But the witness again answered him that she was not there, the defendant then asked the witness if he knew where she was, to which he answered he did not, unless she might be in his neighbour Alexander West's house, upon which the defendant left the witness's door. When Wast was going by the window of Andrew West's house he was heard by him to say 'God dam her blood, if I had once hold of her (meaning as the witness understood, his wife,) he would make her remember the day of the month! That some little time after this about 3/4 of an hour he thinks, the witness being called to get up and go to sea and fishing, when he came out of his own house for that purpose, he met the defendant's wife Jean Gatt and informed her that her husband had been calling for her at his house very hard, to which she answered :- 'Has he been calling for me?, very well', and then she went down to her own house. At this time the witness testified that Jean Gatt appeared to be perfectly sober. The witness then testified that when he came ashore from the sea later in the day, his wife according to custom, met him at the shore and acquainted him with the news that the defendant, sometime after the witness had gone to sea, had returned to his house and had knocked at the door several times asking her if she was asleep, but she being afraid made him no answer till after daylight. She said the sun was shining when she observed the defendant walking backwards and forewards across the window which was open. The defendant again having knocked at the door as he had done several times during that period, she then answered and asked him what he wanted with her. He answered that if she would get out of bed - come round to his house with him - he would show her a 'Fairy'. That she then got up - put on her clothes and went into her neighbour Alex. West's house. The defendant Wast immediately followed her, repeating his desire that she should go to his house. But she being apprehensive, would not go unless Alex. West's wife would go with her. Accordingly she, Alex. West's wife and the defendant Wast went along to his house and upon entering in at the door, she saw the defendant's wife lying upon the floor in a most miserable condition, speechless, the hair on her head all clotted with blood. On raising Jean Gatt up she gave a great groan, but she could not speak. Turning to the defendant she said to him - 'Oh William - you have done a foul deed this morning!' To which he answered that he would neither justify nor condemn himself - but desired her assistance to carry his wife to bed, which she refused to do till more witnesses should be brought. Upon this being done she and they carried Jean Gatt to her bed and laid her in it.

That upon receiving this account from his wife which greatly surprised him the witness (Andrew West) came up to the town and, although the women were afraid to go back to the defendant's house it being reputed he had weapons, he resolved to go to the house and accordingly went hither. When he arrived at Wast's house he found the defendant lying in a bed just opposite to another in which his wife's corpse - for he can call it by no other name - was lying. He said to the defendant he was sorry that he had carried out such a deed to which he answered - 'Do you take me to have been guilty of it?' The witness replied that it could have been no other, for he had met his wife Jean Gatt about one o'clock in the morning and at that time she was well and in good health and if she had fallen over the rocks (Wast had declared that his wife's injuries were caused by her falling over the rocks) she could be in no worse condition than she was in now, and that she would have been unable to get home because of her injuries.

The defendant then said he would neither justify nor condemn himself. The witness then asked him at what hour he had come out of Banff the night before which he then told the witness, although he cannot remember the time he said. (Banff is 12 miles from Pennan.) Wast then declared to the witness 'I wish to God my body were floating upon the river of Banff and then I would not have met with this most unfortunate morning! After this the witness left and did not see the deceased Jean Gatt till about one o'clock the Sunday morning next thereafter, when he having observed to the defendant that his wife had the 'dead rattle' in her throat, the defendant said he did not believe it, for it was nothing but something stuck in her throat which the witness might clear with a spoon which was lying beside them, but the witness told him it was nothing but death that was ailing with her, and she accordingly died at five o'clock that afternoon. Andrew West also testified that Doctor Finlay being called to the defendant's wife, he desired him to take care of the defendant Wast so as that he might not escape. After the doctor had gone the said Jean Gatt being yet alive, William Wast asked Andrew what he thought would be come of him. To which Andrew answered that he would not be his judge, but he thought that the defendant would first be sent to gaol in Aberdeen and then be tried for his life and receive for his sentence to be put to death if he were found guilty. As there was no servant or other person living in the family with the defendant and his wife at the time there was no one else who could have committed the crime. Andrew also stated that when he had this conversation with the defendant, he recollects that he told him that he had been married to Jean Gatt for 37 years, but that the second day after his marriage the Devil had entered into him and had tempted him to kill his wife. That he had witnessed with the Son of Jesus Christ to enable him to resist that temptation which he had resisted till this morning when the Devil had got the better of him. He had suffered to work that work this terrible morning and now his wife was dead. After this conversation Wast attempted to get out of bed and make his escape and to use force to that end, but Andrew told him that as he had been left in charge of him it would be needless for him to get up, for there were men enough about the town to bind him which they would do if he attempted to escape, upon which the defendant desisted and was quiet.

Margaret Watt spouse to the previous witness Andrew West, aged 42 years who being solemnly sworn, testifies that the time libelled the defendant came at one o'clock in the morning and knocked hard at her and her husband's door several times. That she having wakened her husband, asked who was there. The defendant answered and asked if our Jeanie (meaning his wife) was there, and being told she was not, he insisted she was there. But being assured she was not, but might possibly be next door in Alexander West's house. The defendant then left the door and as he was going by the window of their house she heard him distinctly say 'God dam my blood if I find her, but I'll make her (meaning as she understood his wife) remember the day of this month! That her husband being called to sea, he desired her to take care to shut the door herself after him for he was sure West would come back again which accordingly happened 3/4 of an hour later. Knocking hard on the door he called upon her by name, she answered him and desired to know what he wanted with her. He replied that if she would get up and go with him down to his house he would show her a fairy. This she refused to do. That the defendant several times afterwards and even until the sun came up knocked at her door and desired her to come down as aforesaid. She had reason to believe that West was about her house during the whole of the night because when she observed the sun shining she got up and, having opened her door, she saw him walking next to her house as if he had been possessed with an Evil Spirit! The witness stated that she went directly into her neighbour Alex. West's house and told his wife what she had observed, and told her she believed the defendant had little good in his hand this morning. Upon this being said, the defendant now entered the house and said to the witness 'Now Peggy (Margaret Watt) now that I have got you out of bed go down to my house with me. But the witness refused to go with him. Again West asked her to go with him adding that Jean his wife was not well. 'Woe's me' said the witness, had I known that Jean was ill I would have gone down to see her. Margaret now asked Alex West's wife to go with her to see Jean, to which she agreed, but West seemed rather determined that the witness should go with him alone so accordingly off they went. Upon entering the door of West's house they saw his wife lying upon the floor in a miserable condition without her mutch (woman's cap) or her napkin which were lying at some distance all bloody, the hair of her head among her eyes full of what appeared to be blood, her face disfigured with blood and her eyes as if they were sunk into her head. Upon the witness raising her a little from the ground she gave a great groan and Margaret believes that Jean was not able to speak. Turning to West she said 'Oh William what awful deed have you been doing this morning' to which West replied 'what, do you take me to be the author of the deed?' 'Yes said she I do'. 'If I had', said he, 'I should have been dammed if I had stayed here till morning'. After this the defendant desired her to assist her to carry his wife to bed, to which she refused to do until more witnesses were brought and she having gone to fetch them, when she returned she observed that West had carried or dragged his wife further into the house. She also observed he was holding his wife's head between his knees, and he asked Margaret to open her mouth and give her a dram which she refused to do. She told him it was quite needless for his wife was not able to drink it, her jaws being quiet shut. But on a dram being brought by another person, West attempted to give it to her, but none of it passed her lips, it just ran down about her neck and breast. Margaret assumed that he tried to give her a dram to make her smell of drink and then to lay the blame on herself for being drunk. After this some of the people who were there carried Jean and laid her in a bed, but she seemed quite insensible of the assistance that was given her. She appeared to the witness to be quite a murdered woman and never to her observation moved eye nor lip at this time. Margaret stated that Jean died about 5 o'clock on the Sunday and was buried next day.

Sarah Gordon spouse to James Forbes of Nethermill of Auchmedden (the farm 1/2 mile to the west of Pennan at what is now called the Mull shore) aged 24 who being solemnly sworn; testifies that upon hearing it rumoured that the defendant had killed his wife, she went to his house upon the 20th. June where she saw Jean Gatt lying in bed with her body bloated, speechless and senseless. Sarah stated that she and several other persons there at the time spoke to her and endeavoured to make her speak, but to no purpose. She also observed two cuts in the deceased's brow, one very deep on the right and another less so upon the left and a small cut on the crown of her head. Jean's clothing were all spoiled by vomiting, with blood on several parts of them and that her face might be said to be one wound or bruise. That there were many bruises on the said Jean Gatt's arms and body which the witness had occasion to see. There was likewise blood upon several parts of the floor and on several sticks that were standing at the door. The defendant showed Sarah one particular stick on which there was blood which he believed his wife had got her deadly wound, but denied that he had struck her with any of the sticks. He said that his wife had fallen and had hurt herself. But the witness did not think it possible for any but a fool to have hurt themselves so badly in an accident. Sarah said she was present when Dr. Findlay, the surgeon from Fraserburgh examined the deceased's wound she had on the right side of the brow where the bone of the skull appeared. He showed the wound to the witness and she observed the skull to be broken and fractured.

Alexander Findlay surgeon in Fraserburgh aged 30 years, unmarried being solemnly sworn -- testified that the defendant William Wast called upon a Saturday night, he thinks 20th. June, to visit his wife Jean Gatt now deceased, that he went to his house in Auchmeddan where he found her lying in bed almost quite dead without any symptoms of life except a little breathing. That he examined the said Jean Gatt's wounds and bruises which she had upon her body and head. He found she had received a wound upon the edge of her brow with what appeared to have been a blunt instrument, in which wound the skull was laid bare and fractured. That he found that the deceased Jean Gatt had a wound above the right eyebrow which he thought had also been done with a blunt instrument, but which did not lay the bone bare. That she had likewise contusion and apparent depression of the skull above one of her ears and several other marks of violence upon other parts of her head and face.

When after a proof being led, the jury returned their verdict, unanimously finding the defendant guilty. The Lords sentenced him to be hanged on the Gallowhills on Friday the 24th. November and thereafter to be 'hung in chains'. As this was a wilful murder, the Judges recommended to the magistrates to cause him to be fed on bread and water only and to confide him to a cell by himself till the day of his death.

7th. October 1752.

On Friday 24th. November William Wast was brought down from prison to the Council House in order to give him an opportunity of declaring his penitence etc. previous to his execution. Wast, after being addressed in a most serious and awful manner by the Provost and Ministers, stood unmoved and protested his innocence of the crime he was condemned for, and being asked if he inclined to pray said he would do it afterwards. He was then carried to the Gallowgate; the place of execution where the minister prayed with him. Wast being earnestly desired to confess his capital crime denied it to the last. He acknowledged he had been a great sinner in general terms and prayed for himself in a few words, seeming so unconcerned that he offered the executioner his assistance in fixing the rope. Wast (as the sea-phrase is) died hard. After hanging half an hour Wast was taken down, and after a suit of irons fitted on, he was hung up again.

(The courts in the 18th. century had several options open to them if a criminal was sentenced to be hanged. For lesser crimes (sheep stealing etc.) the still figures would be taken down after not less than half an hour. The clothes became the hangman's perquisite, and the body could be claimed by family or friends for burial, but might equally go to the surgeons for public anatomising. To be 'hung in chains' was reserved for the worst form of criminal. In this case, after the body was taken down the naked corpse would be wrapped in tarred canvas and hung in chains (in fact suits of metal bands) on a gibbet at the roadside where it would hang for months until it had rotted away as a warning to others. Such was the fate of William Wast of Pennan!)