

SCENE 2

[Curtains open to a stage containing the seven seated witnesses, the serjeand, the lockman and the two prisoners. Loud knocking at side door takes the serjeand across stage to open it and lead the assyse on stage. As before, Sir Alexander precedes, followed by Patrick Broune, Robert Martin, James Buchan]

[Serjeand moves centre stage ~~very well lit~~]

Serjeand: All rise! Hear ye, hear ye, this assyse is now in session.

[The assyse is seated]

Serjeand *[To the audience]* Please be seated.

Sir Alex: This assyse will now hear the testimonies and dispositions of the witnesses. The clerk of court will read their names.

Martin: Here present this day to give witness to this assyse: Janet Kemp, Robert Robison, Barbara Spence, William Colme, his spouse Janet Wyllie, Martha Simpson and Margaret Johnston, indwellers and residenters of the parish of Prestonpans.

Sir Alex: Thank ye, Maister Martin. I now call upon Maister Patrick Broune, procurator fiscal to resume the proceedings.

Broune: Thank ye, sir. All witnesses present shall rise.

[They stand]

Ye here gathered this day shall speak the truth, the whole truth and nothing but the truth. Do ye so swear?

Witnesses: *[In unison]* I so swear

Broune: I call the first witnesses, Mistress Janet Kemp and Maister Robert Robison.

[Kemp and Robison approach bench]

Broune: As ye have both spoken before at this assyse, we may dispense with the preliminaries. The assyse is also acquainted with the quarrel that took place between ye and Agnes Kelly. Mayhap ye wish to add to your earlier testimonies concerning the incident about whose turn twas to sweep the dung and filth from your houses, their doorsteps and the pavements.

Kemp: Twas as the minister sayed and whit he had wrote doon in his buik. Bot Ah didnae tell him a' that day he spoke wi' me.

Broune: So ye have more to tell this assyse?

Kemp: Aye, sir. Agnes Kemp cried me an' ill-getted bitch, a slut, a slattern. Ah cried her a liar and telt her she had ideas above hir station, for she wis bot a widow-wummin as masel'. We wis baith in sair humour that evil day, bot twere hir that started it. She cried me ane incarnate de'il and that the de'il wad pey me oot, for he was hir maister.

Broune: These were her precise words? Ye did not say so before?

Kemp: Ah forgot, sir.

Broune: And what was your answer?

Kemp: Ah sayed she wad have nae luck and that the maisters wad see tae it that she were punishit fur her slander o' ma guid name. Then hir servant Marjory Anderson cam' at me wi' a besom and callit me names. Ma son Robert cam oot the hoose and tak frae her the besom an' he brake it ower his knee, saying 'Witch, ye sall not abuse ma mither so.' Whereupon Agnes Kelly said he would repent o' that.

Broune: Will the clerk of court consult the book of adjournal that he may verify the words?

Martin: *[Leafing through the pages]* Aye, sir, these were the words spoken be Maister Robison.

Broune: And does the record show the names Agnes Kelly called Mistress Kemp and her son?

Martin: Aye, sir. Agnes Kelly called Mistress Kemp a hoor and Robert Robison a hoorson for breaking her besom. And that the Devil would see that he suffered in Hell. Agnes Kelly nixt said these words:
'See that none hear you say that I am a witch, as others have said, for they have suffered for it.'

Broune: Maister Robison, what did ye say next?

Robison: Aye, sir. It is as Ah said a whiles ago, when Maister Buchan the meenister was readin' frae his buik. She wis a wanton bitch for tae shew hirsell' in sic lewd manner

Broune: Now, Maister Robison, what befell ye after the argument?

Robison: Why sir, Ah fell seik bot a week on. Ah wis ta'en wi' the sweatin' seikness. That same nicht, as Ah got up tae attend a call o' nature, Ah lookit oot the windae and saw Marjory Anderson in the back gren jinkin' and jowkin' I' the grass, shoutin' inco words, liftin' up her claes and waivin' her airms. Ah heered hir say 'Ah telt ye, Ah telt ye that ye wad be peyed oot fur hermin' ma mistress. Ah shook ma fist at hir bot Ah was that seik, Ah couldnae leave the hoose to deal wi' her. Then the seikness got worse an' Ah cannae recall whit happened in the nixt days and nichts. Ye maun ax ma mither the wey o' it, how the seikness clouded ma mind.

Broune: So, Mistress Kemp, shall ye advise the assyse on this matter of your son's sickness?

Kemp: Oh, aye, sir. Ah wis that feared for ma laddie's life. He wis sae ill fur the nixt seven days and nichts. Why, upon the fourth day, Ah watched him meltin' awa like a burnin's caundle afore my een. Upon the fifth day, he opened his een and he sayed these words:
'She telt me the faggots o' hell wad burn me, that hell's cauldron wad see the me and use me up, though I be a Christian God-fearin' man.'
Then upon the sixth day, he did sit up in his bed and did tak a bowl o' ma broth, the sweatin's broke. And he sayed that he heered Agnes Kelly say tae him in his sleep 'Ye foul thief, that braks a widow's besom and insults ma servant. Nane sall tak ma precious burd Marjory frae me, no, nor dae unto her mischief, for she is ma fine burd, mair like to be ma dochter than ma servant.'



Broune: Marjory Anderson, did ye or your mistress or together, lay the sickness upon Maister Robison?

Anderson: Nay. Twas his ain doin' for he is wont tae sit oot in the cauld at his weavin. He hasnae the wits tae sit be the fire on a cauld day.

Broune: Have ye anything further to say, Mistress Kemp?

Kemp: Aye, sir. Ah heered Agnes Kemp and Marjory Anderson mak a charm. Ah wis at ma lad's bedside feedin' him broth upon the seventh day when Ah heered baith Agnes Kelly and Marjory Anderson chantin this charm in the back green whiles they hung oot the linen:

'He's lyin' in his bed
An' he is sick and sair,
May he lie anudder day
An' then lie there nae mair.'

Broune: Maister Robison, was that the charm or incantation ye heard?

Robison: Aye, sir.

Broune: Agnes Kelly and Marjory Anderson, did ye make this incantation?

Kelly: Ah cannae recall it.

Anderson: Ah cannae recall it. The man wis seik an' oot o' his wits, o' which he has nae muckle. Even when he isnae seik

Broune: I have warned ye afore to keep a civil tongue, woman! I put it to ye both once more. Did ye make this incantation upon the day afore Maister Robison rose from his sick bed?

Kelly: Ah disremeber.

Broune: How say ye, Marjorie Anderson?

Anderson: Tis as ma mistress sayed. Robert Robison is addled in his heid.

Broune: Let the clerk of court record the incantation and the accused's denials.
I call upon the next witness, Margaret Johnston.

[Johnston approaches the bench (with his hat in his hands)]

Robert!

Broune: Pray state your name, age and occupation

Johnston: Margaret Johnston, spinster o' age 50 years, cairtin' saut.

Broune: So Mistress Johnston, ye carry salt from the salt pans in this parish?

Johnston: Aye, sir, syne Ah wis a young wumman.

Broune: Ye will advise the assyse how the accused put mischief upon ye?

Johnston: Twere in the year past, when Ah owed Agnes Kelly sax pennies for plants Ah had bocht off her upon May Day.

Broune: So ye were in her debt?

Johnston: Aye, sir, bot the bargain struck wis that Ah should pay her upon Candlemas Day

Broune: That being the first day of February of this year, is it not?

Johnston: Aye, sir. Bot she cam tae ma door axing fur the money at Yule, full six weeks afore the sum were due her.

- Broune:** And what did ye say to her?
- Johnston:** Ah reminded her o' the bargain, that the money wisnae due until Candlemas.
- Broune:** And what did she say?
- Johnston:** She said she wadnae move from aff ma step until she got her dues, the money owin' tae her. Again, Ah reminded her o' the bargain. Whereupon she flew into a rage, callit me a thief that uses auld widow women that cannae defend thirsels. Ah lost ma temper and Ah cried at her:
'Awa ye frae ma door, ye witch carlin'. Devil a farthing sall ye get until the day tis due.'
- Broune:** And what did she next?
- Johnston:** She went awa but cam back at nicht, whereupon she sat on ma stair a'the nicht, makin's ane grit and fearful noise, wailin' unco words, her long hair in her haunds, tearin' at it. She sayed Ah wad ne'er thrive and cursed me an' ma bairns, saying they wad gae without meat afore long. She cursed me an' sayed that ma horse – him that Ah uses tae cairry the saut wad ne'er get hame on the morrow, for its leg wad be broke. Ah wis in sic fear an' tremblin' that Ah gied the saxpence there and then for her to quit ma doorstep. As she went awa', she said twas too late tae save ma horse an' that it wad dee the morn.
- Broune:** And what came to pass on the morrow?
- Johnston:** Ah was deliverin' saut tae the fisher fowk at Seton when Ah had tae leave the cart tae attend a call o' nature. When Ah cam back, Ah saw Agnes Kelly and Marjory Anderson staunin' be ma horse. They were whisperin' in his ear, the horse. Ah telt them tae leave him alane and they walked awa' laughin' and bletherin'. Then on the road tae Seton, ma horse did fa' and brake its leg an' the beast had tae be pit doon, for there was nae savin' o' it. Twas as Agnes Kelly had said twould be.
- Broune:** What have ye to say to this, Agnes Kelly.
- Kelly:** Ah am verily sorry that Mistress Johnston, her horse wis killed. Ye see, Ah had gaun tae her hoose for to get ma money owed that Ah micht pey Mistress Simpson, the widow o' John Grieve for ane boll o' oats that Ah had bocht aff her fur ma ain horse. Mistress Simpson had callit at ma door for her siller, which was sax pennies. Ah said Ah had nae money i' the hoose bot that Ah wis owed the amount be Mistress Johnston. Mistress Simpson swore at me, for Ah had been owin' the money fur a whiles back. She said she wad get ane boll o' coal tae burn me with, which was whit she sayed Ah deserved.
- Broune:** And what did ye next?
- Kelly:** Ah got intil a sair humour and cursed her tae the De'il that she wad come upon a poor widow's hoose upon Yule Day, the day of the Lord's birth, tae get her money. Ah cursed her in ma ill humour and said she and hers wad ne'er threave. That was afore Ah went to Mistress Johnston, her hoose, for tae get the siller she wis owin' me.
- Broune:** And when Mistress Johnston refused ye the siller, ye cursed her horse and caused it to fall and break its leg upon the next day?

Kelly: Nay sir, twere not the wey o' it. The horse did brake its leg on the morrow bot it was the snaw and ice that did for it, an' the heavy load Mistress Johnston made for it tae bear.

Broune: Ye and Marjory Anderson were seen beside the horse, saying words to it that very morning the horse broke its leg. What were the words?

Kelly: They were bot words o' comfort, sir. An' Marjory had ta'en it some stale breid for tae feed it, for it is weel kenned that Mistress Johnston starved the brute. We wis bot soothin' the puir beastie that had tae labour sae sair upon the Lord's Birthday.

Broune: Be that as it may, but ye foretold the horse would come to grief upon that very day.

Kelly: Twas sayed in ill humour.

Broune: But ye said it nonetheless and it did come to pass. Let the record state that Agnes Kelly has admitted her guilt in the matter of Mistress Johnston, her horse. The witness is dismissed.

[Turning to Kelly and Anderson]

Broune: Do ye and your servant Marjory Anderson celebrate Yule as a holiday? I remind ye that ye are on oath.

Kelly: Nay, sir, for abody kens the Kirk forbids it, for it is a festival only celebrated by them o' the auld religion.

Broune: Ye mean Papistry?

Kelly: Aye, sir. An' me and ma servant are nae Papists. We worship the true religion

Broune: Perhaps we shall presently learn the nature of the religion ye speak of. I next call upon Martha Simpson, relict of John Grieve, portioner of Prestoungrange Farm.

Who's Kelly Simpson
[Kelly approaches the bench]

Broune: Pray state your name, age and occupation

Simpson: I am Martha Simpson, of age 56, relict o' John Grieve, portioner at Prestoungrange ferm.

Broune: Your deceased husband John Grieve was a portioner or tenant farmer of Sir Alexander Morrison?

Simpson: Aye sir, that he was and a verray guid maister he was to me and mine.

[Sir Alex nods to her]

Broune: Will ye relate the circumstances that brought ye to Agnes Kelly, her door?

Simpson: Aye, sir. Agnes Kelly comed tae the ferm for tae purchase ane boll o' oats for hir horse bot that she couldnae pay for the oats until she wis peyed money owin' till her by another. Ma husband John that de'ed six months syne said he wad wait a whiles for his siller, but no' for lang.

- Broune:** Did ye hear her say that she would not be able to pay your spouse John Grieve until Candlemas Day?
- Simpson:** Ay, sir. She did bot say that when the siller was in her ain hand, she wad pey me the very same day she had gotten it. Ma man had waited on the siller since Lammas Day last an' thocht it was lang owerdue which is why I callit upon Agnes Kelly, in her hoose, upon Yule Day evenin'. When Ah got tae her door, twas her servant, Marjory Anderson that opened it. Ah stated ma business and askit tae see her mistress.
- Broune:** In what manner did she reply?
- Simpson:** She said her mistress was no' at hame and askit whit manner o' Christian called upon a widow wummin for tae seek siller on the eve o' the Lord's Birthday. Ah said the day meant naught tae me, for Ah follow the true religion that frowns upon sic Papish holidays. Ah askit her were she ane o' that persuasion, that she took it ill that Ah wis seekin' ma ain money upon the day?
- Broune:** And what said she to that?
- Simpson:** She sayed her religion wis her business and it mattered nane in whit manner she served God. Then she sayed again Ah wis nae Christian that wad seek tae gain siller upon the eve o' the Lord's Birthday. She sayed she was a follower o' the true religion an' that her Maister wad look efter her and Agnes Kelly, the baith o' them.
- Broune:** Did ye ask of her the name of her Maister?
- Simpson:** Aye, sir, Ah did.
- Broune:** What did she then?
- Simpson:** Why, sir, she flew intil sic a rage and sayed that her Maister wad see tae me and mine in time comin' and that Ah wad niver threave, nor ma wife and bairns. She sayed ane o' them wad suffer the agonies o' Hell an' that faggots wad be lichted in the belly o' someone o' mine. That he or she micht ken a wee bit o' the sufferin' o' them that are askit fir siller on an ill-gotten debt upon the eve o' the Lord's Birthday.
- Broune:** And did the curse come to pass?
- Simpson:** Aye, sir, it cam near a sixmonth after, as Sir Alexander Morrison weel kens, for ma man that wis servant tae Sir Alexander deed in the month o' March this year.
- Broune:** And what was the cause of his death?
- Grieve:** He took tae his bed complainin' o' grit red-hot paines i' the belly. Ah sent fur the doctor but he could dae nuthin', though he did confess that in his seikness, ma man had telt him she had seen the face o' Marjory Anderson. He de'ed the next week an' was buried be Maister Buchan bot five weeks' syne.
- Broune:** What have ye to say to this charge, Marjory Anderson?
- Anderson:** Ah micht hae sayed whit she says Ah sayed. Ah cannae write and even if Ah could, Ah widnae keep a book on what Ah said.
- Broune:** Woman, keep a civil tongue. I have warned ye for the last time on your insolence and your contumacy! Now, do ye practice the true religion and that ye celebrate not Yule, which is a Papist festival?
- Anderson:** Whit Ah practise is atween me an' ma God.

ring them

Broune: *[Enraged]* Will ye give answer or be damned?
Anderson: Ah wis baptised in the name o' the Lord, as befits the true religion.
Broune: Ah, I am pleased that ye have spoken of your baptism, for ye are charged with the renouncing of it. Ye cannot follow the true religion, which is the religion of the Kirk of Scotland if ye have renounced your baptism. Is that not a contradiction in terms? Do ye practice of the true religion?
Anderson: Ah sayed whit Ah practice is atween me an' God
Broune: Will ye answer aye or nay?
Anderson: Aye or nay.

[Broune quivering with anger leaps to his feet]

Broune: Confess that ye are a true Christian follower of the true religion! If ye do not, I shall have the serjeand and the lockman take ye from this assyse where they will flog it out of ye. I order ye to tell this assyse the manner of your religion!
Anderson: Ah attend the Kirk o' Scotland, as does my mistress.
Broune: And ye worship in the manner prescribed, in the manner of the true religion?
Anderson: Ah have said as muckle.
Broune: Not to my satisfaction or this assyse. Maister Buchan shall ye say whether these women are regular church attenders?
Buchan: Weel, sir, no' regular. There have been lapses. Both women have been disciplined for their lack be the Session. They were rebuked on the stool of penitence and fined as is required
Broune: Now, Marjory Anderson, as to the matter of your baptism. Ye are charged with the renouncing of it. Have ye reconciled yourself to God since ye renounced it?
Anderson: Nay, Ah hae not.
Buchan *[Gasping]* Oh Lord have mercy upon her! Sir Alexander, may I intervene? I kenned that the accused had renounced her baptism but she said that she had resumed it at the hands of the former minister, a man who is gone to his maker and therefore cannot bear witness. The same was told to me by Agnes Kelly. The Session is not at fault, nor am I myself. We are diligent about such things. I took these women at their word.
Broune: Sir Alex, may I resume questions?
Sir Alex: Pray continue, Maister Broune.
Broune: How came ye to renounce your baptism Marjory Anderson?
Anderson: Twas on the day ma mither was tae'n frae me in seikness. Ah was bot a bairn. Ah renounced it through grief. When Ah was tae'n in by Mistress Kelly whae wis ma mither's best freend, she said she wad renounce hir baptism as weel, and that she and no' the Lord wad care for me.

[At this, Janet Wyllie, wife to William Colme jumps up, shrieking]

Wyllie: They are evil, they are baith witches! They are unclean and the Deil's servants.

They cause tae droon ma son, John. Why dae ye bother wi' a trial, Maisters? They are guilty witches an' they maun be punished.

Broune: Mistress Wyllie, ye will come to order. Pray be seated. Ye must compose yourself. The assyse will hear your testimony in due course.

Wyllie: Ah am sorry, Sir. In ma sorrow an' grief.

Broune: Never fear, Mistress. Justice shall be done this day. *[Turning to Agnes Kelly]* I put it to ye that as this young woman's employer, twas your Christian duty to see that she renew her baptism and attend the kirk each Sabbath day. But ye saw fit to do nothing, even unto renouncing your own baptism. That is an evil which cannot now be put right. Have ye anything to say?

Kelly: Aye, Ah have. Mony years syne, Ah was the freend o' Marjory's mither an' a promised her that Ah wad tak care o' the wee lass, should onythin' come tae pass that she should become orphan. Twas a promise upon her death bed. She, Marjory, has aye been ma precious burd syne that day tae this. She might be servant but she is mair like ma dochter, for Ah never had a bairn o' mine ain.

Broune: So much the more ye should have protected her against the workings of the Devil by having her baptism restored to her, that her soul may be saved and kept pure. The fact that ye also renounced your baptism proves much and explains her and you own behaviour, behaviour which has brought ye afore this assyse in the first place.

I have no further questions. Will the clerk of court record that the accused made no attempt to restore their baptisms and that they stand unclean to this day, at the mercy of the Devil and his disciples.

Broune: I call upon the next witness, Mistress Spence.

[Barbara Spence approaches the bench]

Broune: Pray state your name, age and occupation.

Spence: Barbara Spence, of age 60, spinster and hen-wife.

Broune: Ye keep the hens and market eggs at the mercat cross each market day?

Spence: That I do, Maister. An' Ah hae providit Sir Alexander Morrison wi' mony a fat chicken for his denner.

[Sir Alex smiles weakly and nods to her]

Broune: Will ye inform this assyse how ye come to be here this day?

Spence: Aye, Maister. Ah come tae speak against the evil wrought upon me an' ma chickens be Agnes Kelly an' her servant, Marjory Anderson.

Broune: And what is the manner of that evil?

Spence: Weel Maister, twa summers syne, Agnes Kelly bocht aff me a score o' pullet chickens. A twelvemonth syne, she cam tae me, at ma hoose and sayed the chickens were pur layers, that she had gotten few eggs aff them an' that Ah had sellt her a weak clutch o' the creatures. Ah askit her if she had bocht ane cockerel tae serve them aright. She said she had bot it had seikened and de'ed. So Ah sez till her, mayhap twere the cockerel that wis at fault, no' ma burdies. Ah sayed Ah

could sell her a fine cock bot she flew intil a distemper, sayin' twas ma hens that were seikly. Ah sayed that they had been guid layers in ma care. She wis sair ill-humoured and cursed me for a cheat an' a liar that had selt her dud guid. She sayed for that Ah wad niver threave. She said the Deil wad pey me oot. Then she went hame.

Broune: And what happened next

Spence: A few weeks syne that day, Ah saw her servant, Marjory Anderson at ma henhouse door. She had a bag o' meal in her haund. Weel, Ah thocht twas meal bot when Ah went tae her, she closit it up. Ah cannae swear tae it bot Ah thocht it wis some concoction she had contrived frae the hedgerow flooers. Oft hae Ah seen her gatherin the wayside flo'ers an' herbs for tae mak some concoction. Ah askit her aince whit she did an' she sayed twere nane o' ma business bot that the flooers and siclike went intil her stew for tae taste it. Then she said 'Aye, and tae gie others a taste o' something else if they harm me or ma mistress.'

Broune: Marjory Anderson, is this the way of it?

Anderson: Aye, for ma mither teacht me aboot the herbs that can pit a flavour in ane stew.

Broune: And others that might cause harm?

Anderson: Ah ken naught what ye mean.

Broune: I think ye well ken it. Now Mistress Spence, after ye saw Marjory Anderson at your hen house, what transpired?

Spence: Beggin' yir pairdon sir?

Broune: What happened next to the chickens?

Spence: Oh, Maister, ane by ane they a' de'ed in bot a week. Ah went tae Agnes Kelly tae ask her whit it was that hir servant had done tae ma burds an' she jist laughed and sayed that she had kenned a' along that Ah had seik chickens. Ah said she wad regret that and dammed her for a witch. She sayed this tae me:

'If Ah were a witch, ye and yours wad hae better cause tae callit me sic.'

Broune: And what followed?

Spence: Weel, Maister, a nicht efter that cam a muckle grit toad intae ma hearthside and sat be the fire an' fixed its een on me. Ah took ma besom and sweepit it oot the hoose, rank evil brute that it wis. As a wis sweepin' it awa, a sair pain gripped me in the side. Twas that sair Ah had tae sit doon tae get ma breath. The pain stayt till the nixt day when Ah saw Agnes Kelly in the street. Ah callit tae her and sayed her servant had been tae visit me. She made tae say that her lass Marjory had niver been ower the door for twa days an' that Ah must be mistaken. Ah said not that twere nae her lass but hir uther servant, the toad that cam frae her maister, the De'il and hae pit pain intae ma side. She laughed in ma face. She sayed this tae me. *'Weel Barbara, ye maun noo consider the evil o' yir weys, bot Ah took yir advice. Ah bocht a cockerel twa weeks past an' the pullets are layin' weel. So the pain shall leave ye presently.'*

And ye ken, Maister, the pain twas gone in thrie days.

Broune: Thank you Mistress Spence. Pray be seated. The clerk shall record that sickness was laid on the witness then taken off as Agnes Kelly had said it would. I next call upon William Colme.



[Brian approaches the bench]

Colme

Broune: Pray state your name, age and occupation.

Colme: William Colme, age of 46, carter in employ of Prestonpans Parish.

Broune: Pray state your dealings with the accused.

Colme: Weel, sir, twas when Ah first cam tae Prestonpans frae Tranent for work. That wis twa years past. In my post as carter, tis ma duty tae keep the streets clean. Ane day, Ah wis shovellin' the dung frae Agnes Kelly, hir hoose front when she cam tae her door wi a besom an' bucket tae sweep up the dung oot o' the road. Ah sayed it wis her title tae shovel the muck at her doorstep but the muck in the road belonged tae the toon.

Broune: How did she answer ye?

Colme: She sayed it wis hir due, that it lay afore her door and the ither carter had let her hae the sweepins' fur her gairden. Ah sayed that wisnae the wey on it, that it was toon property for sale tae the fermers. Ah remindit her that the money wad be set against the rates, so she and other parishioners in the toon wad gain frae the sale.

Broune: What happened next?

Colme: She said 'Fie on ye Maister Colme, liar that ye are. Tis for yir ain gairden. Or mayhap ye sall sell it tae yir freend Jock Grieve, the fermer up at Prestoungrange. For Ah hae seen ye daen business wi' him and siller chinging hauns.'

Broune: William Colme, is it not your bounden duty to collect the road sweepings' and deposit them in the toon's yard, that the burgh council may decide the manner of its disposal?

Colme: Aye sir.

Broune: The accused has said that she saw ye take money from Maister Grieve in the street. Is that right and proper? Should not the burgh treasurer or his clerk receive the money?

Colme: Aye sir. Bot on that day, the treasurer was seik an' his clerk was havin' his denner, so Ah wis obleeged tae tak the siller as Maister Grieve wished tae be on his wey. He sayed he had crops tae pit doon an' that he had nae time tae await a wee snotty-nosed creature o' a clerk. They were his words, sir.

Broune: And ye did hand the money to the clerk?

Colme: Aye, sir. Twid be mair than ma job's worth tae withhold the toon's siller.

Buchan: *[The Minister, rises]* May I say a word on behalf of this man, Maister Broune?

Broune: Ye may.

Buchan: In the time I have known William Colme, I can say that the man is honesty itself. Why sir, he found two shillings in the kirkyard that a parishioner had lost and he handed it in though no one witnessed the find. That occurred in the first month I was incumbent in this parish.

Broune: My thanks to ye, Maister Buchan. Let the record show that this man is honest and above reproach. *[Turning to Colme]*

So ye sold the sweepings and Maister Grieve carted it away?



Colme: Ah sold them bot Maister Grieve, his cart, had cast a wheel so Ah took it tae his ferm in ma cart. On the wey tae the ferm, Agnes Kelly wis oot walkin' and she followit me tae the ferm, abusin' me, sayin' that Ah wis sellin' her widow's mite tae ane fermer wi' mair money than she wad ever see in her life. She said Ah wad be dammit tae Hell for ma thievin' an' that Ah wad never threave. Maister Grieve was witness tae her abuse, God rest his pair soul. He telt her tae get aff his land or he wad hae the Maisters on her. As she went awa', she sayed if Ah crossed her again, Ah wid be sorry for it. That wis the first time we had words.

Broune: And the second time?

Colme: Twas a few weeks on, when she cam tae ma hoose and askit if she micht graze her two three sheeps in the common land, on the loan. Ah telt her she couldnae as the land wis tae be kept fallow on the orders o' the toon clerk, Dominie Broun. He had sayed the gress wis ower grazed and it needed to restore itsel. She swore at me an' sayed if I done her wrong a third time, me an mine wad suffer. Then she laughed an unco coarse laugh that made me a-feared and sayed ma son should tak care whiles he was aboard his ship that wis leavin' that week for the Baltic.

Broune: Did she curse your son?

Colme: No' in words. Twas her laugh that made me feared, for ma son was takin' ship that verry eve.

Broune: Did ye go to the quay to say farewell to your son the day he went to sea?

Colme: Nay sir, Ah had work tae dae. Ye maun askit ma wife Janet on that matter.

Broune: I call Janet Wyllie.

[Wyllie approaches bench]

Broune: Please state your name, age and occupation.

Wyllie: Janet Wyllie, spouse o' William Colme, of age 43, housewife.

Broune: Ye are acquaint with the matters that passed between your husband and Agnes Kelly.

Wyllie: That Ah am. And mair, muckle mair.

Broune: Pray advise the assyse of the other matters.

Wyllie: Twas only ane, bot sic a sair ane, for Agnes Kelly caused ma son, John, his death at sea.

[Cries of 'Shame! Burn the witch!' come from the other witnesses. Sir Alex wraps on the table with his gavel]

Sir Alex: Ye will come to order! Silence, so that Maister Broune may establish the matter of this charge.

Broune: I am indebted to ye, sir. Now Mistress Wyllie, pray continue.

Wyllie: Upon the nicht that John took ship, Ah went tae Seton for tae say farewell tae John. He was but 18 years of age and sae gled that he wis embarkin' on that ship, his first on the sea. The ship wis bound fir the Baltic a far country John had niver seen, so he was that gled tae see the warld, for his faither had niver been oot o' Haddingtonshire. *[She breaks down and points at Kelly screaming in her grief]*

That wumman kilt ma laddie! An' a' the bonnie Christian lads frae Prestonpans and Seton that went doon wi' the ship! Her evil did fur that bonnie ship and ma bonnie lad that wis on it! May ye burn in the fires o' Hell, ye rank witch!

Broune: Pray compose yourself, Mistress Wyllie. Ye may be seated while giving your evidence. *[She, weeping quietly, sits]* Shall I continue, Mistress Wyllie? Do ye feel able? *[She nods]*

Wyllie Aye, sir, Ah sall, for the stayin' o' the coort's haun gies her longer time on this earth. Ah'm fine.

Broune: Pray inform the assyse of the events that took place upon the night your son John boarded his ship.

Wyllie: Twas growin' dark as the skipper cast aff. Ah embraced ma son an' sayed goodbye tae him. Tho' it wis dark, Ah saw Agnes Kelly and Marjory Anderson staunin' on the quayside. They wis makin' oot that they were present for tae buy fish. Bot as Ah said goodbye tae John, they wis that close that Ah heered Agnes Kelly say tae Marjory Anderson: '*She maun tak a long whiles tae say farewell, for it sall be a long goodbye.*' Then they walkit awa tae the foreshore. Ah waved ma lad awa then Ah followit them. Alang the foreshore. Ye see sir, Ah kenned in ma hert that they meant tae dae ill tae John and his shipmates. Ah kenned Ah wis richt tae follow them. Ah hid ahent a rock at the foreshore so they thocht they were on thir ain, wi nane tae witness whit they did there.

Broune: And what was that?

Wyllie: Agnes Kelly brocht frae under her apron ane deid cat and she did cast it upon the waters, sayin' that it was her loved puss that the rank fiend William Colme had kilt under his cairtwheels that very day. As she sayed it, she said jist as William Colme had kilt ane in her hoose, she wad kill in his. She sayed unco words the manner o' which Ah cannae say, then as she cast the cat upon the waters, she orderit her servant tae cast stanes upon the waters.

Broune: *[Turning to Colme]* Ye did not advert to this in your testimony, Maister Colme. Did ye kill Agnes Kelly, her cat?

Colme Aye sir. Bot Ah didnae ken twas her cat. If Ah had, Ah widnae hae hermed the beast for fear o' ma son. The cat it rin oot frae ane hedge richt intil ma cairt wheels. Ah didnae ken twas Agnes Kelly's cat, for twas black, like mony others in this toon.

[Turning to Wyllie]

Broune: I accept what your husband has said. May the record show it also. Did Agnes Kelly say further words?

Wyllie: Aye, sir. She sayed the stanes wad cause a grit storm and that nae salt water wad bear the weight o' that ship. She further sayed that it wad gae tae the bottom o' the sea an' that the partans wad eat of the crew, their flesh.

Broune: She said that the crabs at the bottom of the sea would devour them?

Wyllie: Aye sir.

- Broune:** Mistress Wyllie, can ye recall the precise words that Agnes Kelly said, that they may be recorded in the book o' adjournal? Tis a most important point.
- Wyllie:** Aye, that Ah can, sir. Agnes Kelly, she did say they words:
'May the salt water seas no' bear the ship upon which John Colme sails. May the partans feast on the crew at the bottom o' the sea which sall become wild as Hell's cauldron afore the dawn break.'
- Broune:** The Clerk shall enter these words in the book of adjournal. *[Turning to Agnes Kelly]* Were these your words upon that night.
- Kelly:** Ah cannae recall them, though Ah confess that upon that nicht, Ah took ma dear puss Tibbs tae the sea, her body for tae bury, her that was cruelly slain be William Colme, his cairt.
- Broune:** And did ye order your servant Marjory Anderson to cast stones into the waves?
- Kelly:** Aye, that Ah did. For twas tae keep the pur wee beastie in the sea, that it didnae cam oot agen for that wad hae grieved me sair, seein' it deid.
- Broune:** Is that the wey of it Marjory Anderson?
- Anderson:** Aye. Twould hae broken ma mistresses hert for tae see the beastie deid.
- Broune:** I put it to ye that the stones were cast into the water to create a storm. Tis a well kent ploy of those that are witches. Why did ye not weigh the beast with stones?
- Anderson:** Ma mistress wadnae hear o' it.
- Broune:** Let the record show that the ship carrying John Colme and other Christian souls perished furth of the Isle of May in the German Ocean upon the night of departure from the port of Seton. That it perished in a great storm which the skies had not forewarned of the night the ship set sail. I have no further questions for ye Mistress Wyllie. May I thank ye for your forbearance in this matter, for the loss of your only son, John. I have no further questions for the witnesses.
- Sir Alex:** This assyse shall now retire to consider the evidence and to decide upon the verdict. *[He stands and bids the others to follow him, leaving only the lockman holding the accused and the seven witnesses on stage. The serjeand moves centre stage]*
- Serjeand:** All rise. Ye sall await the decision of this assyse in due course.
- We hope!*
[Curtains close the audience clap!]
- Roy Pugh:** Ladies and gentlemen, please keep your seats. It is clear that the evidence presented is of such damning nature which will allow the assyse to come to a swift conclusion.