

# TRIAL SENTENCE.

**A Full and Particular Account of the Trial and Sentence of ANDREW EWART, who is to be Executed at Edinburgh, on Wednesday the 19th March next, for Murder, and his body to be given for Public Dissection.**

At Edinburgh, on Monday the 11th February, 1828; came on, before the High Court of Justiciary, the trial of Andrew Ewart, labourer, lately residing at Broken Bridge, in the parish of Libberton, and county of Edinburgh, accused of having "on the night of the 4th of December, 1827, or, on the morning of the 5th, within or near the church-yard of the parish of Libberton, and county of Edinburgh, wickedly and feloniously discharge a gun, loaded with powder and swan shot or slugs at Henry Pennycook, weaver, formerly residing at Libberton aforesaid, now deceased; and the shot or slug from the said gun did immediately enter the right arm or right shoulder of the said Henry Pennycook, by which he was severely and mortally wounded, and continued to languish until the 8th day of the said month of December, or about that time, when he died in consequence of the wounds thus inflicted, and was thereby murdered." To which the pannel pled not guilty.

The circumstances of the case were shortly these: The prisoner, along with several others, happened to be in the watch-house, on Tuesday evening, the 4th December, and went to take a turn round the church-yard at Libberton, on the night libelled on, from which a body had been attempted to be raised the week before, and some of his companions thinking he had been rather long out, two of them proceeded to look for him; but the one going before the other, they accidentally took opposite directions. The night was cloudy and windy, with some lightning, and as Ewart was turning a corner at the church, the deceased Pennycook approached him. Ewart, believing the deceased to be a resurrectionist, called out to him three different times, and, receiving no answer, fired at him; but just as the shot went off, Pennycook said, "Andrew you'll no shoot me," and fell.

There was no malice nor ill-will, nor any pre-meditated intention of injury, in any sense of the word, alleged against the pannel, but the Solicitor-General maintained, that it was illegal to use fire-arms in watching a church-yard, consequently in shooting a man, on the supposition that he was a resurrectionist, was murder. This view of the law was supported by the unanimous opinion of the court. The Jury, therefore, by a large majority, found the pannel guilty of murder, but unanimously recommended him to mercy.

The presiding Judge, Lord Gillies, after a solemn address, sentenced Ewart to be Executed at Edinburgh, on Wednesday the 19th March next, at the usual place of execution, and his body to be delivered for dissection.

The prisoner is a decent looking man, and appeared to be very much affected when the awful sentence of death was pronounced against him.

