

ADDRESS

OF THE HONOURABLE CHIEF JUSTICE ROBINSON; ON PASSING SENTENCE OF DEATH UPON
SAMUEL LOUNT AND PETER MATTHEWS.

On Thursday, the 29th March instant, SAMUEL LOUNT and PETER MATTHEWS, who on the preceding Monday had pleaded GUILTY to the Indictment preferred against them for HIGH TREASON, were again placed at the BAR, when the ATTORNEY GENERAL moved for Judgment against them. Silence having been proclaimed, His Honor, the CHIEF JUSTICE, pronounced the awful sentence of the Law, preceded by the following impressive Address:

SAMUEL LOUNT and PETER MATTHEWS:

You have been arraigned upon several indictments charging you with High Treason. In accordance with the humane provisions of our law, many days have necessarily elapsed between the time of your being indicted and arraigned; and in that interval you were furnished with full and exact copies of the charges preferred against you, together with lists of the witnesses by whom those charges were to be proved, and with the names of the jurors who were to pronounce upon the awful question of your guilt or innocence. Having had all these advantages for disproving the charge, if that were possible, you have each of you upon your arraignment pleaded "guilty," that is, you have confessed that upon the day named in the indictments, you were in arms against your SOVEREIGN, and did traitorously levy war in this Province, for the purpose of subverting the constitution and government.

You are, neither of you, I dare say, so ill informed of the laws of your country as not to know that the offence of which you now stand convicted, upon your own confession, is the highest in the scale of crimes—so high, that the law annexes to it the severest punishment, and leaves to this Court no discretion to dispense with, or to mitigate its awful sentence. Whatever may have been your thoughts and feelings, while you were engaged in the wicked attempt to involve your country in confusion, nothing appeared in your conduct upon your arraignment to lead the Court to suppose that you are not now sensible of the enormity of your guilt; and I would willingly hope, that after all that you have witnessed, and after the reflections which must have forced themselves upon your minds, within the last three months, you do really see, and in your hearts acknowledge, the folly and the wickedness of your conduct. There is probably little that I could say on that head, which has not already been suggested to each of you by your own conscience,—a most faithful monitor, when it can make itself heard.

It may, therefore, not be necessary (and I hope it is not) that I should insist upon the enormity of your crime, with a view to convince you of the justice of that law under whose severest condemnation you have brought yourselves; nor would I do so from any desire to add to the misery of your apparently hopeless situation. That, you may be assured, is not the wish of any who are engaged in the administration of justice on this most painful occasion, however much they must all abhor the crime of which you stand convicted. But it may be of some public service, and possibly may in a small degree assist in turning others from the path which you have followed to your destruction, if I use this occasion for expressing some reflections to which your conduct and its consequences have very naturally given rise.

A few months ago, you were, both of you, living in the enjoyment of health and liberty, under circumstances as favourable, perhaps, to happiness, as the condition of human nature admits of. The wants of life cannot be supplied without labour; and in all countries the great majority of the inhabitants must, in some shape or other, make their living by their own exertion. No form of government can do away with this necessity; nor is that to be wished for, since there is little satisfaction or pleasure in mere idleness. On the contrary, the honest labourer, whose industry raises him above poverty, is frequently found among the most cheerful and contented members of the community; and here, as in all countries, where he is peaceful and well disposed, he is respectable and respected. But if the lot of the mere industrious labourer should seem a hard lot, you were, both of you, raised above that condition. A long residence in this Province had given you the opportunity of acquiring property, and had enabled you to find a suitable field for your exertion.

You were not the tenants of rigorous and exacting landlords; you were not burthened with taxes for the State, further than the payment perhaps of a few shillings in the year, to support the common expenses of the District in which you lived; you held that middle station of life than which none is happier; you were your own masters. Regularity and industry would always have ensured you a competency. Higher rank and greater wealth might have enabled you to live with less actual labour of your hands; but it is not certain that they would have increased your enjoyment. On the contrary, they often bring with them care and anxiety, while they attract jealousy and envy; and whoever will look with candour upon human life, will find that those who possess these supposed advantages, are not by any means the most contented.

When men are raised, as you were, above the danger of want, and above the evils of poverty and dependence, their happiness is for the most part in their own power. It depends upon the disposition of the mind and heart, upon their being grateful and contented, upon their "doing justly, loving mercy, and walking humbly with their God." Without these dispositions no condition of life can give happiness. With them, millions are contented and happy, who have far less to be thankful for than had fallen to your lot. You lived in a country where every man who obeys the laws is secure in the protection of life, liberty, and property; under a form of government, which has been the admiration of the world for ages. No man could deprive you, by force or fraud, of the smallest portion of the fruit of your labour, but you could appeal to a

Jury of your country for redress, with the certainty that you would have the same measure of justice dealt out to you, as if you were the highest and wealthiest persons in the Province. You have, yourselves, I dare say, exercised as Jurors the privilege of dispensing justice to others; and you must well know that in this Province, no man is so rich, or so powerful, that he can injure his neighbour with impunity, and no man so poor or so humble that he could not appeal with confidence to the protection of the law. In short, you were living in the enjoyment of as full a security against injury of every kind as any people in the world; and with very many advantages beyond what are possessed by the inhabitants of most other countries.

Consider now, since you were in these circumstances, how many thousands of persons have come to this Province almost penniless, and, without the help of relations or friends, have raised themselves among strangers by their honest industry to independence and comfort, and are now contented subjects of our Queen, and living in cheerful obedience to the same laws which you have been endeavouring to overturn. Consider also, on the other hand, how many thousands there are, I might almost say millions, of the subjects of the same Crown who, while they have no privilege or advantage which you did not enjoy, but are subject to burthens from which you are free, are labouring in dangerous and sickly occupations, in dark and unwholesome mines, or amidst the storms of the ocean, upon rugged coasts, and in the dreary cold of winter, gleaning in contentment a scanty subsistence, by far greater exertion than was necessary to place you, in this favoured country, in a state of ease and comfort, and perhaps of affluence.

If, in that spirit of love to God, and to our neighbour, which the Christian religion enjoins, you had reflected upon the condition in which Providence had placed you, and had compared your lot with that of the many millions of your fellow creatures, you would have been convinced that where there was one person who had more to be thankful for than yourselves, there were thousands who would have envied your condition, and who would have thought themselves happy, indeed, if possessed of but a portion of those blessings which you have wantonly thrown away.

But, unhappily for yourselves, and for many others upon whom the guilty project in which you were engaged has brought disgrace and misery, you seem to have allowed discontent and hatred to take the place of thankfulness; and while your fellow subjects in other parts of this Province, and in your own immediate neighbourhood, were following in peace, and as they supposed in security, their several employments, you were wickedly combining to overturn the government; you were collecting and preparing murderous weapons, in order to take the lives of those who had never injured you, and whose only crime in your eyes must have been that they were faithful to their Sovereign; you were conspiring to bear down the laws by violence, and to introduce confusion and bloodshed where nothing should have been found but contentment and peace. You have pleaded guilty to the charge against you; and this has made it unnecessary to produce in Court the evidence of the acts which you are accused of having committed; but though your individual conduct has on this account not been heard from the mouths of witnesses, no one here can be supposed to be ignorant of the principal circumstances of that wicked and most unnatural rebellion, in which you acknowledge yourselves to have borne an active part.

And now, prisoners, I would ask you what right you could suppose you had in the sight of God, or man, to commit these atrocious acts? You enjoyed the same laws, the same liberty, the same advantages and privileges of every kind, as your fellow subjects now around you who have been brought here to inquire into your offence. If you had thought proper to deny it, if you really had, or believed you had, wrongs to complain of, they were not to be redressed by murder, arson, and robbery. The Christian religion, whatever form of it we may profess, teaches us other duties. But the object for which you took up arms, and rebelled against your Sovereign, has been openly proclaimed in treasonable addresses, put forth in order to seduce others from their allegiance. It was nothing less than to take into your hands the powers of Government, and to destroy the constitution which it was your bounden duty to maintain. If you had persuaded yourselves, or had been persuaded by others into the belief that a Republic, or any other form of government, was preferable to a Monarchy, it is strange, indeed, that you did not consider that neither religion, nor morality, nor a common regard to humanity, permitted you to attempt to force this opinion of yours upon your fellow subjects, by arming yourselves, and advancing in large bodies to assail their lives, and to destroy their property. It was open to you, if you were discontented with the Government that protected you, to sell your possessions here, and transfer yourselves to any other country whose laws and institutions you liked better than your own. That you could have done, without injuring others, without violating your oaths of allegiance, and without loading your consciences with crime. You might, perhaps, have found, after making the experiment, that you had gained nothing by the change; but you would have incurred no guilt by the attempt.

You were not satisfied, however, with merely following your own choice; you must take the unjust and unreasonable step of depriving others, if possible, of that constitution and those laws which are their birth-right. You must surely have foreseen that you could not succeed in such an attempt, without committing a series of crimes at which your nature should have revolted. You might have been certain that a sense of duty would have led every well disposed person to resist you at the peril of his life.—When you made your first step, you placed yourselves in a situation to commit the most

desperate excesses, and you did commit them;—excesses at which I have no doubt, at one period of your lives, you would both of you have shuddered. It is for this reason, among others, that treason is justly regarded as the greatest of all crimes; for those who engage in rebellion can go but a little way without involving themselves in many offences of the very darkest dye; and the short history of your treason presents melancholy proofs of this.

Consider now, prisoners, the miserable consequences that have followed your rebellion.—I will not dwell upon a subject which ought to be, and which I dare say is, most distressing to you; I mean the ruin and discredit which you have brought upon your unhappy families; but think upon the many hundreds of other innocent persons upon whom this wicked attempt of yours has brought suffering, and shame, if not utter destruction. These all might have been now living in peace and happiness; but you know that at this moment their nearest relations—those upon whom they depended for comfort and support—are either scattered over a foreign land, as fugitives from justice, or are now suffering in prison, with the dreadful prospect before them of being arraigned upon charges for which they must answer with their lives.

I hope you have endeavoured to retrace in your minds the causes of your dreadful fall.—There is no doubt the chief cause has been your wilful forgetfulness of your duty to your Creator, and of the purposes for which life was bestowed upon you. Instead of being humbly thankful to a kind Providence, which had cast your lot in this free, and prosperous country; you have, I fear, too long and unreservedly indulged in a feeling of envy and hatred towards your rulers—which was sure to undermine every just and generous sentiment, and to lead in the end to the ruin of your happiness and peace.

It is one of the miserable consequences of the abuse of liberty, that a licentious press is permitted to poison the public mind with the most absurd and wicked misrepresentations, which the ill-disposed, without inquiry, receive and act upon as truths. It is, to be sure, in the power of the laws to restrain this evil to a certain extent, or, at least, they may attempt to do so; but such is the perverseness of a great portion of mankind, that whenever it is endeavoured to exert this power, the attempt is felt, and resented, as an infringement upon liberty. The viper unhappily is cherished in the bosom, till, as in your case, it gives the deadly sting; and then it is acknowledged, when it is too late, that it would have been mercy not to have spared so long.

With respect to you, SAMUEL LOUNT,—you are known to have held that station in this Province, that you must have taken, and probably on more than one occasion, a deliberate oath to bear true allegiance to that SOVEREIGN against whom you are convicted of having levied open war. I hope you have now some sense of the aggravated guilt of violating so solemn and express an obligation.—In a country in which you had been admitted to the honorable privilege of making laws to bind your fellow subjects, it was due from you to set an example of faithful obedience to public authority. Instead of combining with desperate and unprincipled men to overthrow the Government of your SOVEREIGN, and to set the laws at defiance, you should have been found to resist such an attempt by every sacrifice of life or property. You are too intelligent not to have known your duty. The signal fidelity of thousands of the people of this Province of humbler station than your own, shews that there was no room for doubt as to the part which it became you to act, as a man, as a subject, and as a Christian. That you have so fatally deviated from that course must now be the occasion of bitter remorse to yourself, as I have no doubt it is the occasion of sorrow to most, if not all, of those who were exposed to danger from the wicked rebellion in which, I fear I must say, you took a very prominent part.

With regard to you, PETER MATTHEWS, it is not unknown to me that in one period of your life, you proved yourself willing to render useful service in defence of your country. You are certainly not ignorant of that duty of allegiance which binds a subject to his SOVEREIGN; and it is to be deplored that you should so fatally have betrayed it. I fear that the part which is known to have been borne by you in the late miserable rebellion, was too conspicuous to allow it to be supposed that you were a reluctant, or unwilling agent. But I take it for granted that the evidence of those facts which, if you had not confessed your guilt, would have been laid before a Jury upon your trial, will be submitted to consideration in the proper quarter.

I need hardly tell you, prisoners, that the painful duty which your conviction of the crime of treason imposes upon this Court, is marked but to them by law. We have no discretion to exercise. The awful sentence of death must follow your conviction. But although a power to pardon resides only in the SOVEREIGN whose authority you endeavoured to subvert, if I could conscientiously encourage in you a hope that pardon would be extended, I should gladly do so—for it would render infinitely less painful the duty which the Court has to discharge. I know no ground, however, on which I can venture to hold out such a hope; and I do therefore most earnestly exhort you to prepare yourselves for the execution of the sentence which is about to be pronounced. In the short time which may remain to you, I pray that you may be brought to a deep sense of the guilt of the crime of which you are convicted; and that you may be enabled to address yourselves in humble and earnest sincerity to the infinite mercy of that SAVIOUR whose divine commands you have transgressed.

Sentence of death was then pronounced in the usual solemn and impressive form; to be put in execution on the 12th day of April. The unhappy men appeared to be deeply affected during the address; which was listened to with almost breathless attention by an immense concourse of people.