

PUNISHMENT OF SEVENTY YEARS AGO. 85

for the robbery. At the Sessions of the Peace, for the city and county of St. John, Sept. 22, 1838, David Bailey and John Smith for breaking into Watkeys were convicted of larceny—Bailey to be imprisoned in the common jail two years, and whipped 50 lashes on the bare back, Monday next, and 50 lashes following Monday the 24th. Smith same imprisonment, and 50 lashes Monday next. At same Sessions James Dairie for robbery at Barlow & Ketchums, 50 lashes on Monday next.

I could give many more instances of the severity of the punishment for minor offences against the law in old times, but I think that from the foregoing it is evident that "the way of the transgressor was hard." Another noticeable thing about the trials of those days, was the remarkable swiftness of the punishment or correction—no delay or appeal, but sentence and speedy execution. Of this I give an instance or two, which to my mind are most noteworthy, of the stern manner in which justice dealt with the offender. On the 29th March, 1826, Thomas Freeborn, a constable, had a warrant for a man named Dan Cunningham at Westfield. Cunningham resisted the arrest and shot Freeborn dead. He was captured at Carrick's tavern on the Fredericton road in bed. On the 5th of May he was tried at Westfield before Judge Chipman, found guilty and sentenced to be hanged on the 8th, and on Monday the 8th of May he was hanged at Westfield. Again, Richard and Maria Stewart (colored), brother and sister, were placed on trial at St. Andrews 12th August, 1826, for the murder of an infant—in this case Chipman was also the judge before whom they were tried—they were found guilty and sentenced to be hanged on the 26th, and on that day at St. Andrews they were executed. The most notable thing in the above described cases is the extremely short interval between