

the same jail-yard with him. It further appeared, (and it deserves mention as an instance of retributive justice, as well as showing the character of the case,) that another dead man was found in the same place three months before, and upon that occasion a coroner's jury had acquitted the prisoner Cowan, upon the evidence of the man Kerr; and this deposition of Kerr's after his death, was given in the court, on evidence in favour of the same prisoner, when Cowan was subsequently tried, and was the main ground of his acquittal.

"In another case, an old man was acquitted of maliciously shooting at a servant in his employment, and the means taken to procure that acquittal, was a charge of felony set up against the principal witness.

"These, and many other instances still more disgusting, had brought him to the conclusion, that there was an overwhelming defect of religious principle in this colony. There was a great deficiency of religious instruction and instructors.

"He had visited the penal settlement, where he saw them herding together without any chance of improvement. A man who had been brought before him for sentence, observed, in a manner which drew tears from his eyes, and wrung his heart, 'That let a man be what he will, when he comes here, he is soon as bad as the rest; a man's heart is taken from him, and there is given to him the heart of a beast.'

"He felt bound to say, that masters of convicts were not sufficiently attentive to the morals of their men. It had been proved before him, that highly respectable persons near a church in the same town, not only neglected to oblige them to attend the worship, but actually suffered them to spend the Lord's day amidst scenes of drunkenness and debauchery. It had been further proved, that the Lord's day, by some masters, was made a day of labour, some other day being allowed to them as an equivalent. He was sorry to add, that many of the worst crimes which had been brought under his notice, were committed on the Lord's day, and he was led to apprehend that there was a very general disregard and desecration of it.

"He had been induced, by what had been proved before him in that court, gravely to consider the question of convicts working out of irons, and felt convinced that it was one of the most fruitful sources of crime to be found in the colony. He had before him a return, from which it appeared that the number of convicts at this time employed upon the roads, is two thousand two hundred and forty; of whom one thousand one hundred and four are out of irons. And when they (the jury) considered who these men were, and what they had been; that they left their huts in any number, armed or unarmed, as they pleased; from the evidence he possessed respecting the conduct of these road-