

The Execution of Richard and Maria Stewart

IN THE SOUTHEAST corner of the old burying ground at the head of King Street stand two small rough-hewn blocks of beach sandstone which do not appear ever to have had an inscription. This part of the cemetery is otherwise vacant. Very likely these are the grave markers of Richard and Maria Stewart, a black brother and sister who, on August 29, 1826 were executed for the murder of their child, strangled at birth by Richard yet witnessed by Maria's young daughter Margaret from behind a curtain. The girl was the Crown's material witness in the case. The two were hung at the courthouse, which was located at what is now Town Hall, and were interred in a part of the cemetery specifically sectioned off for them, as it was felt inappropriate to bury them with the regular parishioners. The details of the case were recorded by the *St. Andrews Herald*, the town's first newspaper, in issues now lost, but parts of which were reproduced in the *Eastport Sentinel*. Richard and Maria were later noted to have lived near the old golf clubhouse at the corner of Reid Avenue and Bayview Drive. Probably they lived in the nearby shantytown later known as Slabtown, which was situated along what is now Cedar Lane and was in those days known as the Western Commons. The census for 1851, the first for the town, shows a number of black Stewarts living there. The Stewart family was the largest black family in St. Andrews. No doubt Maria and Richard were related to these Stewarts. It is not known with any certainty what happened to the daughter who had the horrible responsibility of testifying against her mother and uncle, though we do have the interment in the All Saints burial register of a Margaret Stewart, "a girl of colour, 18 years," for Nov. 23, 1832. That would have made this Margaret 12 years old at the time of the trial and execution, which fits the circumstances.

The gravestones for Richard and Maria Stewart were probably provided out of Church or Town funds, which may explain their anonymity. Perhaps it was felt that markers alone satisfied the requirements of protocol, and that the addition of names was an indignity to otherwise hallowed ground. Ironically, had Richard and Maria died innocent of crime and their family been responsible for their markers, very likely, like almost all the blacks of St. Andrews, no physical evidence of their presence would exist today. ~

Eastport Sentinel

August 19, 1826

A negro man and woman were sentenced to be hung at the late Session of the Supreme Court in St. Andrews, on the 29th instant, for the murder of an infant child. The circumstances relative to the murder are such that no good can result in the community by publishing the facts, and we question the propriety of spreading before the world, as is customary, detailed accounts of every horrid enormity that is committed.

Eastport Sentinel

Aug. 27, 1826

In our last issue we stated that two persons of the last Session of the Supreme Court in St. Andrews were convicted of the crime of murder. In pronouncing the awful sentence of death, the Hon. Judge [Ward] Chipman [Jr.] in a distinct and emphatic manner, addressed the prisoners in the words to the following effect, which we take from the *St Andrews Herald*:

“Richard Stuart, Maria Stuart - You have been convicted by a jury of your country, after a fair and impartial trial of a horrid crime, and that jury would not have discharged themselves of the solemn oath they were under, nor have performed their duty to society, if they had not found the verdict which they did. Murder is the highest crime which one person can commit against another. It is the taking away of that life which he cannot restore, and for which he can make no compensation, and in your case, the crime is deeply aggravated by the circumstance that the being which you have destroyed was the fruit of your own incestuous connection. I



**Likely Graves
of Richard and
Maria Stewart,
2025.**

**Loyalist
Cemetery**

say this, for although the fact was not distinctly proved, yet the presumption from the facts which were proved was irresistible. Nature shudders at the contemplation of your offence. Even the beast of the field will cherish, protect and preserve its offspring with a force of instinct that renders it dangerous to disturb it. And it is reserved for the perversion of human nature, a perversion that can be brought about only by a course of guilt, to lay hands on its own offspring and strangle it in the hour of its birth. Your hearts were hardened by the foul mingling of that common blood which you derived from one parent; you commenced by indulging your unhallowed passions, and you ended by murdering the infant to which they gave birth. And this for the purpose of concealing your criminality, is in itself full evidence that you had a deep consciousness of the guilt of your connection. This horrid termination of your

amours should be a warning to all against venturing on the path of vice and crime. They cannot foresee whither it will lead them. The particular circumstances of the case are also of a very aggravated character. When the hour of delivery approached, you Maria Stuart, sent your daughter, the only inmate in the house besides yourselves, to be absent at an unusual hour of the day, and preparation was made for the deadly scene. But that all-seeing eye which witnessed what you were doing, also provided a human witness in this very daughter, whose suspicions had been incited by your unusual conduct, to appear in your condemnation. She did observe what passed through an opening in the partition, and she has testified it at the bar of this Court. And here let me say that, heart rending as it is to see a child give evidence against its own parent, yet it is a natural working of the human heart, especially in a young person, when made the depository of such horrid secrets, to unburthen itself by disclosing them, even against the impulses of natural affection. The great ends of public justice have also been answered. This girl has been the instrument in the hands of Providence to bring to light a foul crime, and upon every principle of justice and good policy, is entitled to the countenance and support of this respectable community. The girl heard the scream of the infant as it was left to drop from the mother's womb, in the hope perhaps that the very fall would deprive it of life. The child was found concealed on the premises - the fatal string found around its neck has been identified - the girl discovered traces of blood in the morning and the chain of evidence is complete. There is also no difference in the guilt of the two offenders. You, Maria Stuart, were the person who ordered the girl to bed, and there is not a shadow of doubt from the circumstances of the transaction, that it was the effect of preconcert between you. The birth was at all hazards to be concealed, and this could only be done by putting an end to the child if born alive. It would indeed be a dangerous principle if, when more persons than one are present, assisting in the commission of a crime and participating in its execution, the hand that actually perpetrated the act should alone be condemned, while perhaps the more guilty mind should escape. In such circumstances, law and reason unite in making the act of one, the act of all.

"By the law of God, by the law of England, by the law of this province, I may add by the law of every civilized community, death is the punishment for this enormous crime. The call of justice imperiously requires that your lives should be forfeited for this foul offence, and to operate as an example to all others from entering upon such works to destruction. I can therefore hold out to you no hope of mercy in this world. But God has revealed his holy will to mankind, and has pointed out the way by which the foulest sinners even at the eleventh hour may obtain pardon from him by sincere repentance through the merits and intercession of the blessed Redeemer whom he sent into the world. You have but a short time to live. I therefore exhort you, if you have ever had religious instruction, earnestly to recall it, if not at once to seek it and to make your peace with your God without delay, that your souls may not be condemned by Him, as your bodies much perish on the gallows. It remains for me only to pronounce the awful sentence of the law, and that is, That you Maria Stuart and Richard Stuart be taken from hence to the place from whence you came, and from thence to the place of execution, on Tuesday the 29th day of August instant, between the hours of ten in the forenoon and two in the afternoon, and that there you and each of you be hanged by the neck until you are dead. And may God have mercy on your souls."

Vestry Book for the Church of St. Andrews, Charlotte County

In Vestry, Tuesday Morning, 7 o'clock

29 August 1826

The Rev. Mr. Alley, Rector

Thomas Wyer, Dr. Frye, Churchwardens; P. Smith, G. Campbell, George McMaster, James Parkinson, S. Nelson, John Aymar, J. Barber, Peter Stubs, Vestrymen

"Resolved that a lot in the burying ground in the southeast corner thereof to contain 8 feet by 12 feet be set apart for the reception of the bodies of the aforesaid criminals Dick and Maria Stewart who are to be executed today, or for any others that may suffer the sentence of the law; and resolved that the church wardens and William Barber be a committee to measure the ground accordingly. "

The ground measured, as aforementioned, by the committee.

*New Brunswick Royal Gazette***August 29, 1826**

The Circuit Court for Charlotte County closed its session in St. Andrews on Wednesday the 16th inst. On that day, at two o'clock, Richard and Maria Stewart were brought up to receive the sentence of the Court, for the crime of murder, of which they had been some days previously convicted by a Jury of the country after an impartial trial. The Hon. Judge Chipman, after having addressed the prisoners in a feeling and impressive manner, pronounced the awful sentence of the law, which was: "That you Maria Stewart and Richard Stuart, be taken from hence to the place from whence you came, and from thence to the place of execution, on Tuesday the 29th day of August, instant, between the hours of ten in the forenoon and two in the afternoon, and that there you and each of you shall be hanged by the neck until you are dead. And may God have mercy upon your souls."

The *Herald* says Maria Stuart appears to be exceedingly agitated, but Richard Stuart exhibited no appearance of emotion whatever. There has been only one execution in this County since its erection. We deeply lament that there should be any cause for present sacrifice of human life, but the case was so clear, that nothing was left for either Court or Jury, to induce them to lay any statement in favor of the miserable culprits before the Executive. We hope most sincerely, that this awful example will act as a warning to others in this vicinity, who, there is too much reason to believe, although not guilty, as in the present case of incest, yet are strongly suspected of having taken away the lives of their own children, the fruits of their illicit amours.

*Eastport Sentinel***Sept. 2, 1826**

Richard and Maria Stewart were executed on Thursday last, agreeably to their sentence.

Aug. 30, 1826.**#236 All Saints Burial**

Richard and Maria Stuart, convicts, executed for murder.

*Standard***Jan. 15, 1879**

Fifty years ago last April, two persons, black Dick and Maria, were executed in St. Andrews for murder of their children, and but few of the residents who witnessed it, are now living.

*Beacon***Feb. 11, 1892****Scraps of History****Gleaned from the Old Sessions Records of Charlotte****Providing for a Hanging**

A special meeting was held 21st August, 1826, when it was ordered "that a sum of ten pounds be placed in the hands of the Sheriff of the county of Charlotte to repay the expense of erecting a gallows for the execution of Maria Stewart and Richard Stewart and other incidental charges."

*Beacon***Sept. 14, 1905**

On the 12th of August, 1826, Richard and Maria Stewart, a brother and sister living at St. Andrews, were arrested for the murder of their illegitimate child. There were no delays in the execution of justice in those days, and on August 16th, just four days after the arrest, Judge Chipman passed a sentence ordering them to be hanged. They were given twelve days in which to prepare for death, and on the 29th of August were executed at St. Andrews. In the quick space of sixteen days this unnatural pair was disposed of.

[The Stewart couple resided in a shanty not far from the present golf club house. The hanging took place in the public square alongside Kennedy's hotel. While they were imprisoned in the jail here, a prisoner named Greenlaw made his escape. Though his feet were shackled and a ball and chain attached, he crawled through the sewer to the shore. He was afterwards captured near Joe's Point.]