Charges to the Grand Juries
at the Several Courts of Oyer
and Terminer, & General
Gaol Delivery holden
at Montreal.—

from 1. Novr 1819 to 5th May 1823 inclusively

Charge delivd. to the Grand Jury at the Court of Oyer & Terminer, on 2d. Novr. 1819

Gentlemen of the Grand Jury

The usual sitting of the Criminal Court for this District, in September last, not having taken place, from the indisposition of the Chief Justice, circumstances have made it necessary to issue commissions of Oyer and Terminer, and General Gaol Delivery, and you are now called together to discharge the duties of the grand inquest of the country, under these commissions. The general duties of your office, are succinctly stated in the oath which has been just administered to you, and the most, perhaps all of you, have had frequent occasion to hear those duties more fully explained from the Bench. It might therefore be unnecessary, at the present moment, to add any thing further on this head, or

attempt to explain what is well understood; but when we contemplate the benefits resulting to this colony from the dispensation of the Criminal Law, in which the Grand Jury constitute so essential a part, we think no opportunity ought to be allowed to escape, where any thing can be offered which may aid them in their enquiries, or direct their attention to objects of public welfare.

It is the policy of the Criminal Law of England, to prevent, as well as to punish, crimes; to endeavour to reform the man, as well as to chastise the delinquent, and certain it is, that the interest and welfare of society are always better advanced, when the crime is prevented than when it is punished. To effect this salutary purpose, is therefore an object of the first importance.

To prevent the commission of a crime, we

are all equally interested, and equally bound. Every man, in his separate capacity in society, ought to contribute his efforts to this effect. But a Grand Jury, from the nature of their office, and the extent of their power, are peculiarly adapted to this purpose.

As a Grand Jury, Gentlemen, you represent an extensive and populous district, and by being selected from the different parts of it, you must have occasion, from your several avocations in life, to observe the character and disposition of the people, and to mark the source and progress of crime among them. And here, it becomes your duty to make known unto each other, and to present whatever you may perceive has a tendency to disturb the peace of society, or to molest the rights of individuals.

Gentlemen, in perusing the Calendar of the Gaol, we find it contains a long list of

prisoners, amenable before this Court, for numerous crimes and offences, of various descriptions, and from this and other circumstances, the Court has to observe, with regret, the increase of crimes among us; and this not only within the limits of this city, where the population is more accumulated, but even in the villages and country parishes, where formerly we were accustomed to find security and confidence united with the peaceful labours of the people; and where the violence of lawless depredation was but little known. Such a degrading change makes us anxious to seek for the cause, that we may use every means in our power, to prevent the dangerous consequences to arise therefrom.

Among the numerous causes which contribute to this end, is the unlimited number of

taverns, and tippling houses in this city and district, an evil so prevalent, not only here, but throughout the Province, that it has been generally complained of, and has been submitted to the consideration of the Grand Juries, in the other Districts - this Court therefore conceives it a proper subject to be brought under your notice, that if through your representations, means can be devised whereby the number of taverns can be diminished, or their irregularities checked, we shall thereby in so far advance the cause of good order and morality. It is in these haunts of dissipation, that associations are formed and habits acquired, which lead to the commission of numerous offences - here, not only are the earnings of honest industry ~~turned~~ turned aside from the crying wants of a family, but encouragement is held out to the more unwary and inexperienced

which lead them into every criminal indulgence and expence, to support which, undue means must often be used, the property of a parent or a master pilfered, and every principle of rectitude abandoned. The number of tavern ought to be limited to the wants, and not extended to the prejudice of Society, nor ought a tavern licence to be granted to any man, however fair his character, or however strong his recommendation, unless the public convenience require it. The responsibility of Magistrates in this respect is very great, and it cannot be exercised with too much caution, as from experience it is found, that taverns are the hiding places and haunts of vice, and destructive of public morals. Should you therefore find, in the investigation of the different accusations to be laid before you, that the offence charged, has been in any wise connected

with any of these taverns, or that there has been any misconduct or inattention on the part of the master, it will be your duty to represent it to this Court, that means may be taken to suppress every such tavern in future.

In the course of your enquiries, Gentlemen, you will perhaps find, that there exist other haunts of vice and dissipation, alike deserving your notice and presentment, such as houses of ill fame, gaming houses, of whatever description they may be, where youth is trained to idleness, to dissipation and vice - it is to resorts like these, that we can trace the source of every crime. Here also, evil habits are acquired and necessities created, which break through every restraint, and set every law at defiance; the peace of families, and the welfare of society require, that the hand of the Magistrate and the Grand Jury, should be raised, to suppress as far as can be done, all haunts of vice like these. But the best means to prevent Crimes, and to secure the peace of Society, is to encourage, and to enforce the observance of religious and moral

duties, because every immoral act has ultimately the same tendency, is productive of all political evil, and leads to the commission of the greatest offences. It is true that religion has been wisely established by law, and is so wrought into the very frame of our Government as to become a main part of the Constitution, and the Magistrate, whose peculiar object is the well being of the State, cannot therefore be exempted from a due con=cern for the religion of the Country. Yet his power will often fall short of what would be requisite to enforce the due observance of religious and moral duties; moral habits are not to be enforced by penal laws, they are best inculcated by moderation and good example - and the principal means of making virtue habitual, is to sow the seeds of it in early education, and so to form the morals of youth, as to make them rather dread to offend, than to stand in terror of punishment. When, therefore we consider, how many are totally de=prived of the benefit of education, who are nursed and brought up in the midst of poverty,

of indolence, and vice, we ought not perhaps, to be surprised at the number of biminals among us. How much therefore ought every man, interested in the public welfare, and every good citizen, to deprecate this state of society, and to feel anxious, that the means of instruction should be extended to the meanest individual, as the best security for his moral conduct - To accomplish this, to the extent that would be requisite, would demand the more effectual interference of the Legislature, and it is an object deserving of their consideration - In looking however at the means of instruction existing among us, we find one, which is within the reach of the poorest individual and which may be attended with the most beneficial effects to all; we allude to the Sunday Schools of which there are some established in this city - in these, besides the other instruction, to be obtained, the young mind may be impressed with a just sense of the sacred purpose and institution of the Sabbath-day - many may be habituated to reflection, and to restraint, and thereby preserved, from being hurried into the

evil, too prevalent on this day, of the indiscriminate
indulgence of criminal appetite, or thoughtless
dissipation. These Schools therefore, deserve every
support and encouragement, that they may be-
come more generally extended; but independent
of these, the example and correction of the parent,
the restraint of the master, and the influence
of all, ought to co-operate, to enforce the observance
of every religious and moral duty, as the surest
and best means of preventing the increase of
crimes, and of securing the peace of Society.
Gentlemen, the public health is also a concern of
such high importance, that every thing tending
to infringe it, must merit your particular attention,
and more especially any nuisances of that de-
scription which may have a tendency to give rise
to any of those malignant disorders which
afflict some of the cities in the neighbouring
States of America. Should any such nuisances,
or any other causes, prejudicial to the public
health be found to exist, you will not fail to
take notice of them, that through your

representations, they may be removed.

The state and management of Prisons, of Houses of Restraint, and of Correction, are also objects of your enquiry - humanity requires, that some attention should be paid to the comforts of those unfortunate persons, whose misfortune or whose crimes have deprived them of their liberty, and more especially those who are deranged in mind, and who are unable to make known their wants or their sufferings. Although the law has imposed restraint upon them, it ought not to be extended beyond what is requisite for their safe custody, and the public security.

In regard of the ordinary business to be laid before you, Gentlemen, the Court has nothing at present to observe, but in this, or in any other object of your enquiries, they will at all times be ready to give you every assistance in their power.

Montreal 2 Novr. 1819. -

Charge deliv.d to the Grand Jury at the Court of Oyer & Terminr. 8. May 1820.

Gentlemen of the Grand Jury.

The state of the Gaol, and the interest of the Community require, that a Court of Oyer and Terminer and General Gaol Delivery should at this time be held in this district, in order that investigation may be had into the numerous Crimes and offences which appear to prevail therein; and you are now called as the Grand Inquest of the Country to aid in this investigation, that offenders may be punished, and the innocent go free.

As a Grand Jury you form an essential part of the Constitution, to aid in the execution of the law, and as your power in this respect is extensive, so your duties are numerous, and many benefits and advantages must result to Society from the due discharge of those duties.

It is not to be expected that this Court can within the limits of its charge, point out all your duties as Grand Jurors, nor do we conceive it necessary, as many among you from your frequent attendance here in that capacity, must be well acquainted therewith— We shall therefore limit our observations to a few general remarks, and to the consideration of a part of that oath which has just now been administered to you, being well assured, that every attention will be paid to such objects as you shall conceive to fall within the extent of your duty, without the necessity of a more minute detail. —

By your oath you are enjoined diligently to enquire, and to make true presentment of all such matters and things as shall be given you in charge— Upon this head it is proper to remark, that you are the legal organ of accusation and that by your presentment every man is amenable to the law— it is through your voice and representation, that every crime

and misdemeanor ought to be brought forward and therefore your Country have claims upon your attention, and upon your exertions, that those offences which tend to disturb the peace of Society, or to retard its interests, may be brought to light and punished - It is not enough to limit your enquiries merely to those charges and accusations which are laid before you by the Officer prosecuting on behalf of the Crown - You ought to consider that you represent a large and populous district, and that your enquiries ought to extend to every part of it, to discover the evils prevailing therein, and of which many may exist, without the knowledge of this Officer. ——
You are not only to take notice of the vice and immorality that stalks abroad in open day, but you must search into the private recesses thereof, into the causes of its existence, and the means of its support, and thus trace to their source, those evils

which

which tends to corrupt the morals, to disturb the quiet, or to injure the welfare of Society— Every man in the community, whatever his situation may be, is liable to your animad=version, should his depravity, his misconduct, or inattention to his duty require it— and should evils be found to exist, against which there is no sufficient check, or against which the law is not made to operate with sufficient severity, it falls within your duty to notice them, and to point them out in such a manner that a remedy may be applied.— These, Gentlemen, are objects, upon which you are diligently to enquire, and to make true presentment, whenever they fall within your observation, or evidence of them can be attained; And should you fail herein, your Country thereby is deprived of one of the most effectual means of checking numerous evils which prey upon the peace and welfare

of

of Society — and although your best efforts may prove insufficient wholly to extirpate the Causes of delinquency, yet when these causes are known and ascertained, means may be devised to weaken their influence, or obviate their effects. —

Gentlemen, The benefits and advantages which we enjoy from the protection and due administration of the Criminal Law in this country are many, and therefore a knowledge of the principles of this law, and of what it enjoins and prohibits, is matter of great and serious interest to every individual; and it is to be regretted that this knowledge should not be more generally extended throughout the land — It has been well observed by a learned Judge in England, that no rank, no prudence or circumspection of conduct, should induce a man

to

to conclude, that he may not at some time or other, be deeply interested in this subject— the infirmities of the best among us, the vices and ungovernable passions of others, the instability of all human affairs, and the numberless unforseen events which the compass of a day may bring forth will teach us, upon a moments reflection that to know with precision what the laws of our country have forbidden, and the deplorable consequences to which a wilful disobedience may expose us, is matter of universal concern— In a new County like this, and especially in the more distant parts of the district, much inconvenience must be felt, and much injury arise, from a want of this knowledge of the Criminal Law- doubts and difficulties must often occur in regard to the nature and extent of an offence, and of what ought to be considered or avoided

as

as such; — and when a crime has been committed, individuals may frequently be at a loss what course ought to be pursued, or what their duty is in this respect — we ought therefore to contribute by every means in our power to whatever may tend to remedy this — inconvenience, or to extend, even in a small degree, a knowledge of that law, which is so essential to the security and happiness of the people. — Through the means of a Grand Jury we conceive that somewhat of this may be effected — The selection of the Grand Jury from the different parts of the district, is of material advantage in this respect, — when we see men of better education and acquirements, and of greater respectability and influence, called together in this way, to aid in the execution of the law, and to inquire into the violations thereof, such, cannot fail more particularly to observe,

and

and to become acquainted with the general course of the administration of the Criminal Law— to distinguish between the various gradations of offence, and the penalties attached thereto- and to observe the different complexions of Crimes, according to the different situations and circumstances under which they are committed; also to notice what are the Crimes the most prevalent, and what the Causes and inducements which lead to the commission thereof- Under these observations and impressions, arising from the nature of the duty you are called to perform, every individual of the Grand Jury, (and more especially those who have the honor to serve their Country as Magistrates) may from time to time have it in his power, in the vicinity of his residence, to impart to those of his fellow subjects in the more distant parts of the district, who may require,

require, or stand in need of his advice or assistance, such information as may enable them to avoid falling into error, or deter them from the commission of an offence— he may be instrumental in aiding them to protect their persons and property from violence and depredation or in pursuing a right course to detect and bring offenders to punishment— By means like these, until something more effectual shall be devised, will the knowledge of the Criminal Law, be gradually and generally extended, its value be better known, and the security and protection it affords, be better understood

Gentlemen, the Calendar of the Gaol presents a long list of prisoners confined for crimes and offences of various descriptions, and from the increasing number of Criminals we see the necessity for the vigorous execution

of

of the law, that the punishment of the guilty may deter others from offending— This increasing number of Crimes, is matter of much concern to the Community at large, and of serious consideration for the Grand Jury, who ought not therefore, in the investigation of the accusations which are laid before them, to rest satisfied with ascertaining merely the existence of a Crime, but when it can be done, ought to enquire into the Causes from which so much delinquency flows, and make due representation thereof.— It is of the utmost importance in a new and increasing Colony, that the habits of individuals, more particularly of the young and rising generation, should be formed to industry, to honest exertion, and to acquire their livlihood under a due respect and submission to the laws and institutions

of

of the Land; nothing is so detrimental to the interests of Society as idleness – it leads to dissipation and extravagance, and is the source of many crimes — It is therefore an object worthy of your notice, and falls within the limits of your duty, to present all haunts of idleness, dissipation and extravagance of every description, where associations are formed for the worst of purposes, where immorality is fostered and vice encouraged, that these evils may in some measure be prevented; for it is certain that an immoral man can never become a good Citizen —

Gentlemen, your Country confides in your exertions for a due discharge of the important trust you are now called to execute, and this Court will always be ready to assist you in whatever may be required ——

Montreal 8th May 1820.

Charge to the Grand Jury at the Court of Oyer & Terminer, deliv.d 2.d Nov.r 1820.—

Gentlemen of the Grand Jury,

You are called together under the present Commissions of Oyer and Terminer and General Gaol delivery for this District, to enquire into and present such Crimes and offences as you may find to prevail therein; that upon your investigation, Offenders may be brought to punishment, and the innocent go free.

As a Grand Jury you form an essential part of the Constitution to aid in the administration of our Criminal Law, your power in this respect is extensive, and your duties are numerous and the Community necessarily looks up to you, for such exercise of this power, and such discharge of those duties as will tend to check the infraction of the laws, and to mantain peace and good order in Society.

In

In looking at the Calendar of the Gaol, the Court see with regret the encreasing number of crimes and offences in this District, every session of the Court seems to present an encreased list of offenders of all ages and descriptions, and as this tends to affect the public welfare, so ought it to excite the serious consideration of the Grand Jury, not to limit their enquiries to ascertain the truth of the particular accusations which are laid before them, but to investigate the causes from which so much delinquency flows and if they can reach them by their presentment to make them publicly known before this Court.

By your Oath you are enjoined "diligently to enquire, and to make true presentment of all such matters and things as shall be given you in charge." — And here it may be proper to observe that you are the legal organ of the constitution, and that by your presentment every

every man is amenable to the Laws – It is through your voice and representation that every crime and misdemeanor ought to be brought forward, and therefore your country have claims upon your attention and exertions that those offences which tend to disturb the peace of society or to retard its interests may be brought to light and punished.

You represent an extensive and populous district in which many evils may prevail, and many offences be found to exist besides those contained in the Indictments laid before you by the Officer prosecuting for the Crown; to all such evils and offences, your attention ought to be directed, that the same may be checked and repressed throughout the land.

You ought not only to take notice of all open or notorious vice and immorality, as meriting your reprobation, but to search into the causes of its existence, and the means of its support and thereby to trace

to

to their source, such evils as may tend to corrupt the morals, or to disturb the good order and peace of society — Every man in the community, whatever his situation may be, is liable to your animadversion, should his depravity, his misconduct or his inattention to his duty require it — and should evils be found to exist, against which there is no sufficient check, or against which the law is not made to operate with sufficient severity, it falls within your duty to notice them, and to point them out in such a manner, that a remedy may be devised. It may also require your notice and enquiry whether the great encrease of our population from other countries, does not occasion an increase of offences as among the multitude, some will always be found, whose habits, passions, or inclinations, lead them to acts of vice and criminality, and who change their country, only

only to change the scene of their depredations we ought particularly to guard against the crimes of a more advanced state of society than our own, as the progress of evil is found to be sufficiently rapid among us, without the aid of foreign example.

This Court has had frequent occasions to remark, that idleness, evil example, and dissipation, are the great sources of delinquency, and that the best efforts of the Court and of the Grand Jury ought to be levelled at these, to prevent and to check them as far as possible, more especially among the young and inexperienced, before evil habits shall have become so confirmed, as to lead to extreme punishment. On this account, all taverns and tipling houses, and all other places of evil resort, which encourage and lead to vice and dissipation, should be presented as public nuisances, and suppressed.

In

In this Country where the price of labor is high in proportion to the necessaries of life, every man who is disposed to live honestly, and to abstain from vicious indulgence and dissipation must always find the means of subsistance— necessity cannot be urged as the inducement nor offered in extenuation of any crime, nor is it generally found that necessity is the source of crime, unless it be that kind of necessity which grows out of crime itself.

In the course of your investigations, you may conceive it necessary to examine into the state of the Gaol and the House of Correction. This is always proper, because the inspection and controul of a Grand Jury must tend to prevent, or to correct any abuse in these departments. It is however to be observed that although it be natural to feel compassion for our fellow creature under

confinement

confinement, and a readiness to alleviate his sufferings from any thing like severity or injustice, yet in the investigation of any complaint that may be laid before you, which may tend to inculpate the conduct of others, you must not allow yourselves to be guided by those feelings alone, however amiable and humane, because justice requires, that all your representations should be founded on evidence, arising either from your own view, or from the satisfactory testimony of others. There is one object in particular which may require your notice:— It appears by the Calendar of the Gaol, that there are several persons now confined in it, on account of mental derangement. This must be attended with hardship and inconvenience to those unfortunate sufferers. The confinement of persons of this description in a Common Gaol with other individuals, from whatever cause it may be found necessary, yet must expose them to

constant

constant disturbance and irritation, and tend to increase rather than abate their malady, nor can it be expected, that in this situation they can receive that kind of treatment which this malady ~~can~~ would require. As some provision has by law been made for persons of this description it may therefore be proper to enquire why this provision ought not to extend to those in question, or to ascertain in what manner the inconvenience of their confinement in a common Gaol may be remedied in future.

There may be other objects of a public nature, which may fall under your notice and observation, as a Grand Jury, and where also your interference may be useful, whether in regard of public security, public interest, or public detriment. And although the Court has nothing in particular in this respect to lay before you, yet as matters of this description may fall within your own notice, or be communicated to you by

others

others. it is right to give them such-
attention as circumstances may require,
that your investigations may be of as
general use to the community, as the
nature of your office will permit.

Gentlemen, we live under a free and
happy constitution, which has been bestowed
upon us by the liberal hand of the parent
state, whose generosity, in this respect has
not been limited to grant us a Constitution,
framed upon the just principles of its
own free government, but it has also ex-
tended to us its powerful protection and
support without burthen or charge. Such
a gift cannot be too highly estimated, as
it is the best that a generous government
could bestow upon its most faithful subjects.
Let us compare our situation with that of
many other countries where we see the
rights of individuals sacrificed to the
interests

interests of ambition, where the voice of the law is faintly heard amidst the outcry of faction, or stifled by the iron hand of oppression; where property, and even life itself, is in danger - and where revolution and disorder render every thing insecure - While in this province we live in peace and in plenty, protected by the Government, secured by the laws, and enjoying in peaceful tranquility every comfort and advantage which our industry, or our means can procure. Let us therefore duly appreciate the blessing of our happy condition, and use our utmost exertions to preserve and continue what has been so liberally bestowed. Let the laws and institutions of the land, civil and religious be respected and obeyed.

Let every man in the discharge of his duty, in whatever situation he may be placed, or wherever he may be ~~placed~~ required to act,

whether

whether as a Grand Juror or otherwise, enforce this obedience by his example, his influence or his authority. Let him use his utmost endeavours to impress on all around him, a just estimate of all the blessings we enjoy, and be instrumental in maintaining order, regularity and good conduct in his vicinity. Let the magistrate in particular shew himself the terror of evil doers and the praise and support of those that do well, let him be active and zealous to repress whatever tends to the commission of a crime as well as to secure the criminal. And let us all, with sentiments of gratitude and attachment to the parent state, unite our efforts, to preserve and maintain that happy constitution which has been conferred upon us, for the protection of our rights, of our lives, and our liberties.

Montreal 2nd. Nov. 1820.

Charge to the Grand Jury of the Court of Oyer & Terminer, delivd 1 May 1821.

Gentlemen of the Grand Jury,

The criminal justice of the country requiring that a Court of Oyer and Terminer and General Gaol delivery should at this time be held to deliver the Gaol of the District and to investigate the various crimes and offences which may be brought forward. — You are now called together to aid in this investigation, and to discharge those duties which belong to your office, as the Grand Inquest of the Country.

The Grand Juries of this District have, for several years past, found their duties arduous and extensive, from the great number of offences prevalent therein: the present Session seems to offer much for their consideration, and to confirm, what the Courts have had frequent occasion to observe, that criminal offences

appear

appear to increase among us. In looking at the calendar of the Gaol, it presents to us charges of the following description.

Misdemeanors of different kinds,

Obtaining money under false pretences,

Paping Counterfeit coin, and forged notes,

Grand and Petty Larceny,

Shop-lifting,

Stealing from a Stable,

Stealing, on a navigable river,

Stealing, cattle, horses, and sheep,

Burglary,

Arson,

Robbery, — and

Murder.

It may be difficult to ascertain the causes of so much delinquency, and impossible, by any representation of yours or by any exertion of this court, to prevent it. - Still it becomes our duty to act up to our respective situations

and to exert those means which the laws of our Country have vested us with, to discover and punish offenders, in hopes that, by punishment and by example, some may be prevented, and others deterred from infringing the laws, and disturbing the good order of Society— and although we cannot hope wholly to extirpate the causes of delinquency, yet, by suitable precautions, we may weaken their influence, or obviate their effects.

Under this consideration therefore, Gentlemen, it will become your duty to investigate not only the charges and accusations which may be laid before you by the officer prosecuting for the Crown, but, as you are selected from the different parts of the District, that you should consult and deliberate together respecting the general state thereof, so as to ascertain and present whatever evils and inconveniences

may

may be found to prevail therein, and which may appear to be gaining ground to the prejudice of the public interest.—

Should circumstances appear to you to require such enquiry, your investigations in this respect may in some measure be assisted by the presentments of former Grand Juries, as you will thereby have an opportunity of observing how far the evils therein complained of have been remedied, and whether some of them may not still require further notice on your part.

Whatever can be proposed as the means of preventing crimes is always more beneficial to the community than the punishment of them.— Whatever can be suggested as tending to repress idleness, intemperance, and those slighter offences for the restraining of which the law has been less attentive, will be

be promoting the public good, because offences like these when overlooked, lead to the commission of capital crimes. — The voice and representation of a Grand Jury, acting on their oaths of office and guided by motives of public good, must have weight, and influence, and will always meet with due consideration, not only from this Court, but from every branch of the government, executive and legislative.

Among the number of offences stated in the Calendar of the Gaol, the Court cannot help remarking one which appears to be gaining ground in the District, and therefore meriting the consideration of a Grand Jury; it is the offence of paying forged and counterfeit notes, by means whereof, many are deceived, and great fraud is committed on the public.

The large circulation of paper money in this

country

country has given encouragement to this offence, which appears to have gained strength as that circulation has increased. Every thing in the shape of a paper currency cannot be too well guarded by adequate legal provision against fraud and forgery, and this not only in regard of the particular interest of the persons concerned in issuing such paper, but in regard of the society at large; because when this offence shall once become successful in its attempts against this species of property, it will soon spread and prey upon the interests of the whole community. This offence is also to be guarded against, from the character and description of offenders it introduces and fosters among us; they are generally found to be men of dissolute and depraved habits, without visible

means

means of livelihood but those of fraud and deceit, and as it requires some degree of talent to contrive, as well as address and resolution to execute this offence, so are such men the more dangerous to society.— The offence, by law, is a capital felony, but it may be well to consider how far restrictions less severe, might not be devised, which would better answer the purpose of preventing or checking its progress.

Whatever objects shall occupy your attention, the Court will always be ready to assist you by every means in their power in any thing that may be essential for the discharge of your duty.

Montreal 1 May 1821.—

Charge delivered to the Grand Jury at Court of Oyer & Terminer, 25th Oct. 1821. a

Gentlemen of the Grand Jury,

You are called together, as the Grand Inquest of the Country, to aid in the dispensation of Criminal Justice, under the Commissions of Oyer and Terminer and General Goal Delivery, which you have just heard read; and the oath you have taken, while it points out the nature of the duty you have to perform, will serve as your guide in the discharge of it.

The growing population of this District, and with it, the increase of crimes, the great number and variety of the accusations which will be laid before you, and the many other matters which fall within your cognizance, must necessarily convince you of the importance of the duty

you

you have to fulfill, and of the necessity of extending your inquiries to whatever may be considered as beneficial to the general interests of the district you represent.

The Courts have had frequent occasion to observe the diligence and attention of the Grand Juries of this district, to expedite the busineſs laid before them, and a readineſs to attend to any object of public interest recommended to ~~your~~ their notice, and it is therefore with the greatest satisfaction that this court will cooperate with them in whatever may facilitate their enquiries, or give effect to their representations, and will suggest for their consideration such objects wherein their ajsistance or their authority may be requisite or useful; for both the Court and the Grand Jury, in the

discharge

discharge of the duties of their respective situations, ought to have one common object in view - to vindicate the Laws, to punish their infraction, and as far as in them lies, to protect and promote the welfare of the community at large. This is not only our duty, but we ought to feel it our interest; for in proportion as the general welfare is secured, so will the particular benefit of individuals be thereby promoted.

The benefits and advantages we enjoy from the protection and due administration of the Criminal law of England in this country, are many, and therefore to know what it enjoins and what it prohibits, is matter of great and serious interest to every individual, and it is perhaps to be regretted, that this knowledge should not be more generally extended, and those

advantages

advantages better understood. It has been well observed by a learned Judge in England," that no rank, no prudence or
" circumspection of conduct, should induce
" a man to conclude, that he may not at
" some time or other, be deeply interested
" in this subject - the infirmities of the best
" among us, the vices and ungovernable
" passions of others - the instability of human
" affairs, and the ~~instability~~ numberless
" unforeseen events which the compass of
" a day may bring forth will teach us upon
" a moments reflection, that to know with
" precision what the laws of our country
" have forbidden, and the deplorable con-
" sequences to which a wilful disobedience
" may expose us, is matter of universal
" concern." - To you, Gentlemen, who are called

upon

upon as an essential aid in the administration of the Criminal Law of the Land, this becomes more particularly interesting, because you are more immediately vested with the important trust of enquiring into all matters injurious to the public peace, health, and welfare, while you are placed as guardians of the best rights of your fellow subjects—it is of importance therefore that you should be able to appreciate the value of the high office you fill as Grand Jurors—to form a just estimate of what ought to be aided ~~and~~ encouraged as useful, and what ought to be repressed ~~removed~~ as injurious ~~and detrimental~~ to the public welfare, and in every respect to discharge the trust reposed in you, with confidence, and with benefit to the public. In those countries

where

where Grand Juries are known, we find them generally to consist of men of independence, of better education and acquirements, and of greater respectability and influence in Society, ~~and~~ that by the aid and exertion of such men, the laws may be better maintained, the guilty punished, and the rights of all protected. As men holding this rank and condition among your fellow subjects, you Gentlemen, are now called to discharge this duty, and as you represent an extensive portion of the community, so will your labors be arduous as your enquiries will not be limited to accusations against individuals only but ought to extend to all objects of a general nature, which may obstruct the execution of the law, or affect the interests

of

of society - in these enquiries much of your time will necessarily be employed, but this you ought not to regret, when you consider the importance of the objects which fall within the sphere of your duty, and that by your zeal and exertions, you are setting an example worthy of imitation in future.

In looking at the calendar of the gaol it presents as usual a long list of offenders of various descriptions, and we regret to see, that notwithstanding all the efforts of the Court and Jury, all the punishments which have been inflicted, and all the clemency which has been shown, crimes seem still to encrease, so as to be dangerous to the public peace. To check this growing evil, seems highly necessary, but how to effect it, is difficult to determine - the sources

of

of vice and immorality are so numerous that any means in our power may fall short of remedying the evil, these means however, until something more effectual can be suggested, ought to be put in practice, and every endeavour used that can in any wise obviate or weaken the effects of so much delinquency+ with this view, and on this account, it is greatly desirable, that your services should be extended beyond the sitting of this Court, in every instance where individually you can benefit your fellow subjects by your advice, your assistance or interference- by protecting the peaceable and industrious- by enforcing the law against the dissolute and idle- by checking immorality and vice, and whatever may tend to foster and

support

support it - and by such other acts whereby good order may be maintained, and all good subjects protected. To the Magistrates in a more particular manner, does the Court recommend this, as by their interference and authority more can be effected - they are placed in a situation to claim the respect of their fellow subjects, and in the discharge of their duty to receive the aid & protection of the law in an eminent degree, and therefore more may be expected from them - they hold an office of the greatest importance to society which, according to My Lord Coke, "is such a form of subordinate Government, "for the tranquillity and quiet of the "Realm, as no part of the Christian World "hath the like, if the same be duly executed" -

- they

they are considered as the Keepers of the public Peace, the preservers of the public tranquillity; and the King, from whom they hold their authority, and the public at large, confide in their exertions, their zeal, and their readiness, to enforce the laws of the land, and to watch over the peace and welfare of their fellow subjects. When a Justice of the Peace or Magistrate has accepted this office, and has undertaken by his oath to perform the duties of it, he can no longer feel indifferent to the discharge of those duties – it is not enaugh, that he should wait, till his assistance or authority is called for, but he should allow no opportunity to pass where that authority can be exercised to the benefit of individuals of the public. He must consider, that he

does

does not hold the office for his own ease or convenience, or to exercise it as it may suit his purpose, but as public confidence has vested him with public authority, so has the public a claim on him for a conscientious and zealous discharge of his duty in all things pertaining to his office.

These observations the Court takes this opportunity of communicating to the Grand Jury, that not only the Magistrate, but that every upright and good man may be animated to a sense of the danger to which the community is exposed from the increase of crimes among us, in hopes that they will unite their efforts in opposing with alacrity and zeal, all those vicious principles and dysolute habits which lead to the commission of so many offences, that thereby the evil

doer

does may know and feel, that he can-
not escape the vigilance of the many
who take an interest in the public
welfare, nor hope to practise transgression
with impunity.

In recommending to your consider-
ation the general state of the district,
it is perhaps unnecessary for the Court
to mention to you those establishments
more immediately connected with
the administration of Justice, namely
the Gaol, the House of Correction, and
asylum for the Insane - as these could
not have escaped your notice - it is con-
sistant with the humane dispensation
of our Criminal Jurisprudence, to ex-
tend its protection and relief, as far

as

as conveniently can be done to all persons whose crimes or misfortunes have subjected them to legal restraint and confinement, and the Grand Jury, who must always have the interests of humanity at heart, are enjoined, as the persons the best qualified to examine into this matter.

Should you at any time require the assistance of the Court in any of your proceedings, it will at all times be ready to grant it.

Montreal, 25th. October, 1821. ———

Charge delivered to the Grand Jury at the Court of Oyer & Terminer and General Gaol Delivery held at Montreal on 1st. May 1822.

—

Among the many duties we are bound to perform by the legal provisions of our Country, there are few more interesting or more beneficial to the public than that of Grand Juror — which is an office highly respectable in the eye of the law, from the extensive authority attached to it, — highly useful to our fellow citizens, as it secures to them many of their best rights, and is highly calculated to promote the humane and equitable dispensation of the Criminal Laws by the necessary aid it affords in the administration of it — It is a duty which every respectable member of the Community may at one time or another be called upon to execute, and they ought to consider their time as usefully employed when applied to objects regarding the public welfare and the fate of their fellow men — to punish the guilty, to correct the disorderly — to protect the — innocent, and to expose fraud, injustice or negligence in others, are objects too essential for the well being of Society, to be lightly regarded, or to be treated as the ordinary occurrences of the day, without interest or consideration as to their effects, while on the contrary we are bound, as members of the Society, but more especially when called upon for this special purpose,

to

to check the growth of evil by every effort in our power, and thereby to discharge a duty we owe to ourselves and to our Country —

You, Gentlemen, are now called to discharge this duty of a Grand Jury, in the performance of which you will have many things to investigate and to consider, but the zeal with which the Grand Juries for this district are always actuated, shews how justly they appreciate the office and the duties attached to it, and leaves little to this Court to suggest to them — We shall therefore upon this occasion confine ourselves to a few observations upon the nature and course of the proceedings to be had before a Grand Jury —

The proceedings before a Grand Jury are of two kinds — by Indictment — and by Presentment — By Indictment, where the accusation against a prisoner is drawn up in legal form and submitted to their consideration with the evidence in support of it — these will be the more immediate objects of your attention, as preparatory to the bringing of Offenders to trial before the Court — and here, Gentlemen, we are happy to congratulate you, and the Country at large, that from the Calendar of the Gaol laid before us, the business before the Court appears to be of less magnitude and extent than it has been for some years past, which gives us reason to hope that the Causes of former Crimes, were only of a temporary nature, and that we may yet look forward to a diminution of delinquency among us, as you will still find much for your consideration —

It is with Justice allowed that the system of

Criminal

Criminal law which we here administer, may be considered as having attained greater perfection than that of most other Countries, as crimes are more accurately defined, and penalties less uncertain and arbitrary, as all accusations are public and our trials in the face of the world, and where every delinquent is judged by such of his equals, of whom he can form no exception, nor even a personal dislike — It has however been objected to this system of law, that its penalties are not well apportioned in many instances to the nature of offences, and that Capital punishment is too frequently attached to offences not meriting so great severity — that by the introduction of the Criminal law of a long established, populous and commercial empire into a new and distant Colony like this, the reason of the law from the nature of things, often fails to apply, or the necessity of it is found not to exist, and therefore when enforced, must be considered as harsh and severe — hence it is said, arises that humane feeling in the breast of Jurors, to soften the offence to its lowest degree, or to overlook circumstances which correctly viewed, might have convicted the accused — hence also that powerful ground of appeal for mercy which is seldom urged in vain, when conviction follows on such offences — There are no doubt some parts of our Criminal law which it were desirable to see altered and amended, but this belongs to the calm and deliberate revisal of an enlightened Legislature, as it is matter of

serious

serious consideration, in what cases, and to what extent such alteration ought to be made — the lovers of this Country and the friends of human nature must all wish that this branch of our law, should at all times be consistent with reason and Justice and that the provisions thereof should be so adapted to the State of Society, as to correct the morals of the depraved and counteract the principles of Criminality — But it is our duty, Gentlemen, to give effect to the law as it now stands and to apply its injunctions to the different accusations laid before you, according to the nature of the evidence adduced to support them — whatever the defects of this law may be, we know nothing more perfect nor more certain, nor can the subjects in this Country well complain, since in the administration of the Criminal Law, they enjoy the fullest benefit of it even beyond what is practised in England, for here all prosecutions are carried on by the Officers of the Crown and at the expence of the Crown, so that there can be no inducement to compromise any Crime, nor to conceal the knowledge of it, from the apprehension of expence of trouble, or of anxiety as to the result —

In proceeding therefore on the Indictments to be laid before you, whenever you found reasonable ground to impute culpability to the Conduct of any one, there the Indictment ought to be found, and such person held to exculpate himself by the laws of this Country and an open trial before the Court — but when this reasonable ground of culpability does not appear, or where — prosecutions are raised to gratify the malevolence of individuals, and not to answer the ends of public Justice,

you

you ought not to hesitate in exonerating the accused. In some instances persons may be charged before you of a higher, or of a different crime from that which may appear to you to have been committed, in such cases should you not be enabled to find the offence as charged or under any modification thereof, consistent with the terms of the Indictment, yet if guilt of a different description be apparent, or reasonably to be suspected, this ought to be communicated to the Office of the Crown, that enquiry may thereupon be had under a more appropriate accusation. —

The other course of proceeding by the Grand Jury is by Presentment, which may be considered to apply to all findings and representations made by them, other than by Indictment — It extends to all criminal offences and evil practices which may exist in the district at large wherever a knowledge of them can be attained by the Grand Jury, either from any of their own members, upon their own view, or from — information laid before them by any of His Majesty's Subjects — The Grand Jury are sworn "diligently to enquire" and they ought not therefore to omit to bring before the Court by their presentment, every object matter, or thing, in its nature injurious to the public welfare, to the public health, or to the public morals — for such presentments are often attended with the salutary effect of producing a more correct deportment in the persons accused, or of checking the evil by a prosecution thereon — And here we see one of the

beneficial

beneficial ends of the institution of a Grand Jury, and how provident it is to vest this body with the power of making such enquiries and presentments on behalf of the public, because as members of the Community, they are supposed to feel an interest in its welfare, and to have a more ready means of becoming acquainted with what is detrimental thereto, and from their character and situation in life, they are considered as men too independant to be actuated in their representations by any other motive than that of the public goods, nor is it probable that so many individuals indifferently selected, could unite in opinion to present any man from hatred envy or malice, or to screen any man from such representation, from favor, affection, or a view to personal intent — By this equal and impartial administration of Justice it necessarily follows that the meanest of the Kings Subjects is led to confide in the laws of his Country as affording him security against oppression, and to yield a ready obedience to those laws, when through your means he is certain of finding protection therefrom. —

In regard of the witnesses to be brought before you, it may not be unnecessary to observe, that you have the right to require the attendance of every man whose testimony you may consider necessary to ground either a presentment to be made by you, or a bill of Indictment laid before you — the Constitutional course for compelling the attendance of witnesses (when compulsory means are requisite) seems to be, to cause a subpoena to be served upon them, and should they refuse

to

to attend after such notice, or attending should refuse to answer the questions proposed to them, they will be considered as in contempt, and an attachment will be granted against them. All witnesses ought to be heard on oath before you, and therefore the examination or deposition of a witness taken before a magistrate ought never to be received, as it constitutes no legal evidence for finding a bill or other proceedings — Accomplices may be heard as witnesses, when the necessity of the case requires, but this must be done with the consent of the officers prosecuting for the Crown — The confessions of a prisoner, or party accused, when unaccompanied with other evidence, ought to be received with great caution and circumspection, as of all kinds of evidence confessions are from their very nature so liable to suspicion, so likely to be influenced by hope or fear, that before they are received, the circumstances under which they were made ought to be well ascertained — but when confessions appear to be the free and voluntary effusion of a mind sensible of the nature and guilt of the offence committed, they must be considered as the strongest evidence against the party making them —

These observations the Court has thought fit to make to you. Gentlemen, touching the nature and course of the proceedings to be had before you, and although they are convinced that there are many of you to whom these matters are sufficiently familiar, yet should such observations be useful to any individual among you who may not have had the same opportunities and means of acquiring this information, the object of the Court will be answered, as it is their wish, that the nature of the office you are here called to fill should be well understood by all, as all must be convinced, that the better they are acquainted with the nature of the duty they have to perform, the more confident they will feel in the discharge of it.

Charge delivered to the Grand Jury at the Court of Oyer & Terminer and General Gaol Delivery holden at Montreal on 2°. Nov. 1822. —

Gentlemen of the Grand Jury —

You are called before the Court as the Grand Inquest of the district to aid in the dispensation of the Criminal Laws of the land and to investigate such offences as may have been committed against the public peace and welfare — For the performance of this duty you have promised upon oath to make diligent inquiry — to make true presentment — to — overlook no offence from favor towards the person accused — nor to allow yourselves to be influenced by feelings of malevolence or prejudice towards any man, but in all respects, whatever the offence may be, or whoever the offender against the laws of the Country, to represent the truth as it shall appear to you. —

Among the many duties, which as members of Society you may be called upon to perform, there are few more interesting or more beneficial to the public than that of a Grand Juror — which is an office highly respectable in the eye of the law, from the extensive authority attached to it, highly useful to your fellow citizens from the protection and security it offers against injustice or oppression — and highly calculated to promote the equitable

dispensation

dispensation of the Criminal law by the essential aid a Grand Jury affords in the ~~dispensation~~ administration of it.- To punish the guilty — to correct the disorderly — to protect the innocent and peaceable, and to expose the fraud, the injustice, or the negligence of duty in others, are objects too essential for the well-being of society to be lightly regarded by any ~~of us~~, but more especially by a Grand Jury who are enjoined to enquire into all matters tending to disturb the peace of society, or to infringe the rights of its members.

You, Gentlemen, who are now called to fill this office of a Grand Jury, have therefore an extensive duty to perform, and in the discharge of it you ought to investigate not only the existence of the Crimes alledged to have been committed but also to enquire into the source and cause of them, and when you can reach them by your presentment to make them known before the Court — You will no doubt find that in ~~many~~ some cases, poverty and wretchedness may be the Causes and attendants of moral depravity, but in far the greater number, you will discover that Crimes originate and are multiplied by the indulgence of dissolute and disorderly habits which no sense of duty nor dread of punishment can restrain — This Court has had frequent occasion to remark, that much of the evils — existing among us, grows out of these habits

of

of dissipation which are fostered and encouraged by the numerous petty taverns and tippling houses in and about this City — In these abodes of disorder and idleness, the inordinate appetite for liquor is excited, and too readily gratified, and as the vile desire of petty gain, thus acquired, at the expence of every moral principle, seems daily to encrease, these haunts of depravity, seem to encrease in proportion, and such as cannot be licensed as taverns, now assume the more humble but perhaps more dangerous character of Beer and Cider houses, which by being of more easy access to needy & dissolute characters, are the more frequented, and become the more detrimental to Society — Should these houses be considered by you in this light and represented accordingly to this Court, they will be deemed public nuisances, and suitable regulations adopted for suppressing them — We are the more founded in directing your attention to this object, as a charge of murder will no doubt be laid before you said to have been committed in one of these houses, and to have been occasioned by that kind of dissipation which too frequently occurs in haunts of this description.

Your attention ought also to be directed to every matter which fosters the growth of criminality and affords protection to it, and to enforce the laws in this respect — here your office is not only beneficial but will often be necessary; for laws are made for the benefit and protection of the subject, but their execution must often depend upon those for whom

whom they are made, and be claimed by them, otherwise the best laws may remain a dead letter and cease to yield that protection for which they were intended — In this respect the Grand Juns, as representing the district, have a right to inquire, in what instances these laws have been infringed, to hear all complaints & accusations, and to call before them every person within their jurisdiction, to give them such information in any matter touching the public intent & security as they may require — Were Criminal prosecutions or the redress of public wrongs always left to the discretion of individuals, much injury might arise, because in private life it is a common feeling and a common observation, that what is considered to be the duty of every one, is seldom much attended to by any, and although we are all equally interested and equally bound to prevent the Commission of a crime and to prosecute the Criminal, yet it will often happen that individuals from various motives or affections may be induced to remain silent or inactive in matters of this kind, contrary both to their duty and their interest — but a Grand Jury are sworn and charged to see that the laws are obeyed, and the guilty brought to punishment; they can have neither favor nor affection to shew to any, but must represent all things truly

duty as they come to their knowledge — This impartial conduct of the Grand Jury in the discharge of their duty, is attended with this beneficial consequence, that it necessarily begets a confidence in the administration of Justice and a respect for the laws, which next to the religious principle, is by far the most important & salutary restraint upon human passions that can be brought to act upon a civilized Community — a respect not founded on the fear of punishment, but which operates as a moral restraint springing from a sense of Justice, and from the conscious need of that protection ~~which the laws alone can afford — a protection~~ under which the weakest feels himself strong while he submits to those laws, and the mightiest feels his strength of no avail against them. — It is however to be lamented, that this respect for the laws and this restraint, make but a faint impression upon the minds of many, and that your best exertions will often fall short of the desired effect in arresting the growth & progress of Crime. — The surest means to attain this object are by encouraging and enforcing the — observance of religious and moral duties, a means not likely to be effected by the representations of a Grand Jury or the admonitions of the Court, but principally by instilling into the minds of Youth by an early education those principles & habits of virtue and morality which must make a lasting impression through life; and by directing

their

their attention to the pursuit of what is honest and upright, will make them more afraid to commit a crime, than to dread the punishment. This becomes daily more necessary as our population encreases, for it is lamentable to see the great number of children of both sexes who are continually idling and sauntering about in our streets, without employment and without instruction, and who are left to acquire the worst habits and to follow the worst examples. What can Society expect from the acquisition of such members but the greatest of evils, and the continuance of that profligacy and vice of which we have daily occasion to complain and which the records of this Court verify in numerous instances, and more especially in those of early depravity, by the conviction of youths of 12 and 15 years of age, of many serious offences — It must therefore be gratifying to every individual who feels an interest for for his fellow men, to see the means of education encreasing among us, particularly of Sunday Schools, and other sources of instruction, calculated to reach the abodes of the most indigent, and holding out the strongest inducements to them to avail themselves of the best boon which the valuable part of Society can confer on the — unprotected and misguided members of it. — To those individuals who have taken an

active

active part in forwarding these institutions, the public is much indebted, and although they can look to no reward beyond the inward satisfaction of having contributed by their exertions to ameliorate the condition of the poor & helpless, yet we must hope, that these exertions will not be ineffectual, and that their conduct, whilst it merits our approbation, will stimulate every man and body of men to lend their aid in any way that can tend to promote so laudable a purpose. —

There is one description of Offence of frequent occurrence and evil tendency, as it not only encourages but protects the Offender in his depredations upon the property of others — we allude to the offence of knowingly receiving and buying stolen goods — Although this practice is highly disgraceful and Criminal, yet we often find persons so regardless of their duty or so blinded by their Sordid appetite for gain, who in open defiance of the law and of every moral principle, receive from the hands of the most suspicious characters without enquiry and without reflection, the property which has been stolen from their neighbours or their fellow subjects, often because the purchase can be made at ~~any~~ easy rate, or at a great undervalue — Such persons, although in their general deportment

may

may be considered as fair and honest men, and really the encouragers of theft, and to be considered as the accessaries of the thief, by the facility they afford him in disposing of his booty, and thereby often screening him from detection — Let no person of this discription escape your notice as the offence is of evil tendency and highly deserving of punishment. —

Gentlemen — The magistrates of this City have taken considerable pains to frame some useful regulations for the government of the watch, established under a late Provincial Statute, in order to provide more effectually for the security of the Cities of Quebec and Montreal — the encreasing population of these Cities, has so far attracted the notice of the Legislature as to induce it to grant this protection to the Citizens, under a conviction, no doubt, that with this encrease of population an encrease of crime is likely to be found — This institution is calculated to become highly useful in preventing depredations, and in securing the tranquility and personal safety of the Citizens — on this account it becomes highly interesting that the persons appointed to the office of so great trust, should exercise it with fidelity; and although we are not warranted to lay

before

before you any ground of complaint against this establishment, yet from the situation in life of many of the persons necessarily employed in this service, it is right that every means of enquiry and controul should be used which can tend to check improper conduct, should it be found to exist, and to secure to the public all the benefits they have reason to expect from this institution — which as an object regarding the public welfare comes rightly within your notice —

There may be other objects of a public nature, which may fall under your notice and observation as a Grand Jury, and where also your interference may be useful as tending to promote the public welfare and security; and although this Court has nothing particular in this report, now to give you in charge, yet as matters of this description may come within your own observation, or be communicated to you by others, it is right to give them such consideration as circumstances may require, that your investigations may be of as general use to the Community, as the nature of your office will permit. —

Montreal 2d. Novr. 1822. —

Charge delivered to the Grand Jury at the Court of Oyer & Terminer holden at Montreal / May 1823.

Gentlemen of the Grand Jury.

You are called here as the Grand Inquest of the Country to give your aid in the dispensation of the Criminal Laws of the Land under the Commissions of Oyer and Terminer and General Gaol Delivery which you have just heard read, and the oath you have taken while it points out the nature of the duty you have to perform, will also serve as your guide in the discharge of it. — The investigation of the numerous offences to be laid before you will no doubt constitute the principal part of this duty, but from your knowledge & experience, and the means you possess of obtaining information touching any other matter or thing which may injure or affect the general welfare, you will be enabled to make such enquiry and representations, touching the same, as will tend to remove or alleviate the mischief — The laws of

You

your country, and the maintainance of good order in Society, receive a strong support from your exertions in this respect, as the voice and representations of a grand Jury, acting on their oaths and guided by motives of public good must have weight and influence in every department of a well regulated Government and such representations of the Grand Juries of this district have, we know, in many instances met with that consideration which they ought desire —

In looking at the Calendar of the Gaol it presents a long list of persons charged with offences of various descriptions, but none of which require particular observation from the Court and the truth of the accusations must depend upon the evidence to be laid before you in support of them — in estimating this evidence you will always bear in mind, that you are not called to try the accused, but only to ascertain such probable grounds of culpability as require that he should exonerate himself by a public and open trial, from such probable guilt — nor are you to lend your aid to encourage

encourage vindictive prosecutions, but in all your investigations to form a just estimate of the end and object of your appointment by forwarding public Justice, & promoting the public welfare —

Having nothing in particular to recommend to your attention, beyond the usual duties incident to the office of a Grand Jury, which many of you have so often & so satisfactorily discharged, the Court restricts its observations to say, that ~~they~~ it will at all times be ready to contribute towards your assistance in whatever may facilitate the discharge of the duties you are now called to perform —