

the following gentlemen were returned; P. Brown, Esq.; R. Pack, Esq.; J. Power, Esq. and A. Godfrey, Esq.

(From the Public Ledger, Nov. 4)

The following is the charge delivered to the Grand Jury by the hon. Chief Justice BOURN, on the opening of the *Central Circuit Court*, on Tuesday last:—

“Mr. Foreman, and Gentlemen of the Grand Jury

“It affords me much satisfaction to acquaint you that the Sheriff’s calendar presents no more than four cases for your consideration, and that these are of so simple a character that any remark from me to a Grand Jury of your experience would be superfluous. I shall, therefore, avail myself of this opportunity to offer a few observations upon the office and general duties of a Grand Juror, which, notwithstanding your frequent attendance in that capacity, it may not be amiss occasionally to put you in mind of.

“The office of Grand Juror is as ancient as the Common Law, and is admirably calculated, when judiciously and honestly exercised, to promote a wholesome watchfulness over the peace and welfare of the people—to bring the guilty to the bar of public justice for trial and to screen the innocent from unfounded or frivolous accusations.

“Although most accusations are brought under the cognizance of Grand Inquests by the public prosecutor, acting upon information derived from the depositions of parties injured by an infraction of the Criminal Law, or by complaints made directly to themselves, yet their inquiries are by no means bounded by the depositions of persons injured to complain, but they may and must be of an aggravated character, ought to make a presentment of such offences coming to their knowledge in any other way; and it will be obvious, upon a very slight consideration of the subject, that this latter duty is by no means the least important to the well-being of society, of those which the oath of a Grand Juror casts upon him.

“If any member of a Grand Jury entertains a reasonable suspicion that an offence has been committed, it is his duty to communicate such suspicion to his fellows, in order that such persons as may be supposed capable of giving testimony in support of the charge may be summoned before them to give evidence touching the matter. If such testimony should be produced as, in the ordinary case of a Bill preferred by the Crown Officer, would lead the Grand Jury to find it a true bill, they should make a presentment thereof, upon which an indictment will be framed.

“A direct but vigilant exercise of this power on the part of the Grand Jurors must at all times act as a powerful check upon the turbulent and vicious, since however they may hope by means of intimidation, to stifle the complaints of individuals, they will yet incur the further danger of having their crimes brought to light by the vigilance of a body, to no one of whom they can trace the accusation, the whole being sworn to keep secret what their fellows may communicate. It is true this power, on a first view of the question, may appear to be rather too inquisitorial, and as subjecting a party to be accused without knowing the name of his accuser, and therefore the law has wisely imposed a very solemn obligation upon each Juror to present no man from envy, hatred, or malice, as well as to have no one represented from fear, favor, or affection, or hope of reward.

“As a Grand Jury is not a Jury of

trial, but merely of accusation, they should only examine witnesses against the accused, and if the testimony be sufficient, in the absence of any exculpatory evidence, to make out a prima facie case, it should be presented to the Court for further investigation, but this should never be done upon mere surmise, or loose evidence, insufficient to produce in a discreet and honest mind a well-grounded belief of guilt, should no counter evidence be produced at the trial before the Petty Jury, because it would be obviously useless, as well as unjust and oppressive, to charge a person with a crime, and put him upon a public trial, while the evidence elicited before the Grand Jury remained insufficient to warrant a conviction, and therefore great caution is necessary in making such presentments, since a knowledge that the party would be ultimately acquitted, should the charge not be substantiated, might beget a carelessness, on behalf of a body irresponsible to the party accused, in the investigation of the circumstances tending to establish his guilt.

“The character of the evidence to be adduced before a Grand Jury must be the same as that which is admissible upon a trial: and consequently, depositions taken in the absence of the party, or when the deponent might be personally produced, cannot legally be received by the Grand Inquest.

“Should any doubt arise in the minds of the Jurors as to the legality of any evidence tendered, or upon any other point of law arising during the investigation, the Court will be ready to afford them proper instruction in that behalf.

“There is one further subject which I think it proper to allude to upon the present occasion, it being one of deep interest at this time to every member of the community; I mean the approaching Election of Members to represent their fellow-subjects in the Colonial Legislature.

“On such occasions the anxiety of rival candidates for popular favour, and the zeal of their respective adherents, sometimes induce such warm, and even violent struggles, as not unfrequently lead to consequences which both sides will regret so soon as the contest is over, and the ordinary feelings of good neighbourhood shall have resumed their accustomed course; and, consequently, it becomes the duty of every man, at such periods, and more especially of those who are entrusted with the conservation of the public peace, to be upon the alert and to use every means at their disposal to quell and repress every movement that may tend to any breach of the peace, and to prevent, at the onset, by their activity and vigilance, the commission of those lawless acts of violence, which it might otherwise become their more painful duty to punish afterwards. It should, also, be borne in mind, that all violence and intimidation seriously affects the purity of elections: and so mindful were our ancestors of the importance to be attached to a free and uncontrolled exercise of their elective franchise, untrammelled by force and unconstrained by fear, that soldiers are always removed from the immediate vicinity of the place where such elections are held; but this very salutary and wholesome usage must be of little avail if one portion of the people shall be allowed to marshal themselves in hostile array against the other, and shall be permitted to menace all those who may differ from them in opinion: it being of little importance whether the free choice of the elector be abridged by the intimidation of a soldier, or that of his next neighbour, the result is the same—the purity of election is destroyed, the interests of the country are sacrificed, and the end of the institution of an elective branch of the Legislature is not answered.

“I make these observations, because it is always more agreeable to prevent, by mild persuasion and timely warning, the commission of an offence, than to punish it after the mischief has arisen; and I do earnestly hope, that you, and all other persons engaged in the preservation of public order, will use the most prompt and vigorous exertions, should unfortunately the necessity arise, for repressing at the outset every tendency to violence or outrage of any kind; although I sincerely trust that the good sense and discretion of the people themselves will lead them to restrain their laudable exertions for their respective friends within those limits

which the freedom and purity of election has prescribed.”

Married

At Carbonear, on Thursday last, by the Rev. G. Ellidge, ROBERT BROWN, Esq. J.P., of Brigus, to FANNY, second daughter of Mr. JAMES LEGG, of the former place.

SHIP NEWS.

Port of Harbour Grace.

ENTERED.

Oct. 20.—St. Patrick, Brine, Liverpool, 30 tons coal, 50 tons salt, 3 crates earthenware, 2 bales leather, 2 casks hats, 12 boxes candles, 4 bales woollens, 10 trunks cottons, 2 trunks merchandise.
Nov. 2.—Schr. Lady Louisa, Hersely, Hamburg, 100 bbls. pork, 10 do. best, 120 firkins butter, 130 bbls. flour, 20 bbls. oatmeal, 1 cask leatherware, 800 bags bread 78 coils cordage, 6 cwt. oakum, 2 cases hats, &c., &c.

Custom House, Port of St. John’s.

ENTERED.

October 27.—Brigantine Charlotte, Furneaux Greenock, coal, &c.
Schooner Clydesdale, Edie, Oporto, salt.
Schooner Thomas Jeffrey, Axtell, Cape Breton, coal.

Schr. Ranger, Dollard, Figuiera, salt and grapes.
Brig Carteretta, Warren, Hamburg, pork, flour, bread, butter.

Brigantine Sibella, Musgrove, Cape Breton, coal, shingles.
28.—Am. Schr. Attention, Johnston, Boston, beef, tobacco.

Brig Mary, M’Lauren, Liverpool, salt, gunpowder.

Brig Picton, Grandy, Cape Breton, coal.
29.—Schr. Hibernia, Pitts, Halifax, rum, sugar, shingles, apples.

Brig Samuel, Shaplev, Oporto, salt.

31.—Brigantine Caledonia, Greig, Oporto, sundries.
Brig Adonai, Harris, Copenhagen, flour, pork, butter, bread.

Brig William and Mary, Harris, Barbadoes, sundries.

Brig George Robinson, Hallett, Poole, flour, pork, butter, bread.

Nov. 1.—Brig Edgecombe, Dugdale, Liverpool, wheat, coal.

Am. Brig Angola, Tufts, Boston, segars beef tar, tobacco, &c.

LOADING.

Oct. 28.—Radient, Goshie, Novascotia.

Rob Roy, Tynes, Demerara.

Maria, Palfrey, Teignmouth.

Friendship, Mudge, Teignmouth.

31.—Reliance, Ryan, Novascotia.

Porcia, Hatchard, Brazil.

Nov. 1.—Ranger, Dollard, Portugal.

Duan, Curtis, Brazil.

Meriam, Mudge, Teignmouth.

Concord, Smearton, Bristol.

Nov. 2.—Rover, Walling, Teignmouth.

Jane, Lavier, Teignmouth.

William & Mary, Harris, Barbadoes.

Two Brothers, Field, Falmouth.

Lovely Sally, Walter, Barnstaple.

Liberty, Coys, Portugal.

Persa, Pengilla, Novascotia.

Hibernia, Pitts, Novascotia.

CLEARED

Oct. 27.—Brig Hebe, Scager, Naples, fish.

Brig Angler, Thornton, Greenock, oil.

28.—Brig Christiana, Lawson, Oporto, fish.

Schooner Enterprise, M’Chessoney, Novascotia, sundries.

Brig Rover, Lugham, Demerara, fish.

29.—Schooner Queen, Kendale, Malta, fish.

Brig Elizabeth, Campbell, Oporto, fish.

31.—Schooner Hugh Doonan, Brookman, Cape Breton, sundries.

Brigantine Sir Stephen Chapman, Hurst, Jamaica, fish.

Schooner Resolution, Swab, Bermuda, pork, flour, bread, &c.

Brig Elizabeth, Campbell, Waterford, fish ox hides.

Brigantine Belle, Bell, Barbadoes, fish.

American Schooner Annawan, Paine, Havana, fish.

Nov. 1.—Am. Brig Baron, Gilly, New York seal skins, sundries.

3.—Spanish brig Eolo, Urretia, Santander, fish.

Spanish brig Bilbao, de Belpardo, Santander fish.

Spanish brig Joven, Inrigne, Guyarrolla, fish.

Schr. Radient, Goshie, Novascotia, fish.

Brig Hebe, Penny, Cape Breton, ballast.

THE Committee for conducting the Election of THOMAS RIDLEY, Esq. for the Representation of CONCEPTION BAY, having recommended his retiring from the contest, in consequence of the serious injuries inflicted on the first Tally of his VOTERS, on their return from the Poll Room; and the subsequent threats and intimidations, held out to others, which effectually prevented their coming forward to Vote; and in the absence of any efficient protection; a letter was transmitted to the Returning Officer at one o’clock P. M. announcing his having withdrawn.

Harbour Grace, Nov. 9, 1836.

FREE SIMPLE PROPERTY

TO BE SOLD

BY
PUBLIC AUCTION

AT THE RESIDENCE

OF THE SUBSCRIBER,

ON THURSDAY,

THE 10th NOVEMBER NEXT,

At 11 o’clock in the Forenoon.

ALL That and those desirable *Freehold Premises* and *PROPERTY* Situate in ADAM’S COVE, consisting of an excellent *Dwelling*, 40 feet long, containing 3 good *Fireplaces*.—An excellent *frost-proof Cellar*. A *Store* 40 feet long, part of which is fitted into a commodious *Shop*. Quarter of a large *STAGE* at the Head of which is about 2 fathoms water.—An extensive *FLAKE*, a good *Kitchen Garden*, and *Potatoe Fields*, the whole *admeasuring* EAST and WEST 65 feet and *North and South* 600 feet, and substantially fenced.—These *Premises* are now in the occupancy of Mr *John Rorke* for the unexpired term of 3 years, at the Annual Rent of £10.

THE above *Premises* may be examined, and all particulars known on application to Mr *RORKE*, at *Adam’s Cove*, or,

JOHN EALES.

J. B. PETERS.

Auctioneer.

Carbonear,
October 26, 1836.

On Sale

THOMAS RIDLEY & Co
ARE LANDING

Ex Brig Maria, from Liverpool,
AND WILL SELL AT LOW PRICES FOR CASH OR
PRODUCE.

THEIR FALL SUPPLY OF
MANUFACTURED GOODS
(Extensive and well assorted to suit the
Season.)

With a large stock of IRON MONGARY
Bar and Bolt Iron, Steel
Cabin Stoves, Sheet Copper
Sheet Lead, Nails, Grind Stones
Lined Oil, Pitch and Tar
50 Barrels Prime Pork
Loaf Sugar, Bottled London Porter
Mould and Dye Candles, Pepper
0 Tons best Household Coals, &c. &c.

ALSO ON SALE.

BILLS OF EXCHANGE ON

ENGLAND.

Harbour Grace,

G. W. GILL

HAS JUST RECEIVED,

Per Lark from Liverpool,
PART OF HIS FALL SUPPLY OF
MANCHESTER
GOODS,

Which having been selected by himself, he
recommends as being of the best quality.
Carbonear.

TO BE SOLD OR LET.

SEVENTEEN YEARS UNEXPIRED
LEASEHOLD.

Of those desirable *MERCANTILE PREMISES*, situate at CARBONEAR, and lately in the occupation of MR. WILLIAM BENNETT, consisting of a *DWELLING HOUSE*, *SHOP*, *COUNTING HOUSE*, Four *STORES*, a commodious *WHARF*, and Two *OIL VATS* sufficient to contain about 8000 Seals.

For particulars, apply to

BULLEY, JOB & Co.

John’s, June 28, 1836.

NOTICE TO CREDITORS.

THE CREDITORS of the Estate of ROBERT AYLES, Merchant, Carbonear. Insolvent, are informed that in pursuance of an Order of the *Northern Circuit Court*, a Dividend of NINE PENCE in the Pound will be paid to such Creditors who have proved their Claims on the said Insolvent Estate, upon application to

J. FITZGERALD, Trustee

JAMES HIPPLEY, & Co.

Harbour Grace,
July 13, 1836.