ADDRESS

FROM

ROBERT JEFFERS

TO THE UPPER CANADA PUBLIC.

THE Editor and Proprietor of THE ALEMBIC OF TRUTH, is encouraged to bring out his paper as a *Joint Stock* concern. Which shall place it on such broad and durable foundation, as shall not only secure its *permanent* issue, but also secure to it an excellence, not surpassed by any thing possessed by any other periodical in either Province. One gentleman has already engaged to take FIFTY Shares!

Before proposing his plan, the Editor deems it due to the public, as well as to himself, to state a few of the causes, why the Alembic was discontinued after publishing the *first* number.

A gentleman (an Editor and Proprietor) had engaged, in addition to his own paper, to print The Alembic of Truth. But after bringing out the *first* number, it was found that certain circumstances rendered it impossible for him to do so.

Another gentleman (apparently very rich) then unsolicitedly came forward, and offered to commence a large business, which would have embraced Book-selling Book-binding, Stationery, Printing, &c. &c. and to take the Editor into partnership: provided The Alembic of Truth should make part of the concern. As the Editor had been engaged in a like business (and one of the largest in the old countries) in early life—as he had a right to understand it as well, perhaps better than any other person in this country—and as he perceived that there was no business of the kind *properly*, or EFFECTIVELY carried on in Canada, he did not hesitate to accept the proposal, especially, as he believed, and does still believe it would have enriched both parties.

He accordingly purchased the entire apparatus of an efficient Printing Office, and operations were about to commence, when it was found that the proposing gentleman had been led into a speculation which ended in his mercantile ruin! And thus the hopes of the Editor were again blasted!

Before recovering from the latter killing disappointment, three appalling successive FIRES desolated Kingston: each of which had the *remarkable* honor of consuming a PRINTING OFFICE!!! Two Bien-annual visitations of Plague, under the name of Cholera, increased the public dismay! And, to complete the catastrophe, one of the most enterprising Gentlemen our Town possessed, unexpectedly failed, and in his fall, shook the foundations of public credit in Kingston.

As the necessaries of life, in the estimation of mankind, take the lead of all other things, the Editor of "The Alembic" very naturally conceived, that under such circumstances, the mind of the Kingston Public was not in the most favorable state of appetite for *intellectual food*: no matter how strengthening, delicious, or sublimating its quality. Besides, in publishing under such circumstances of embarrassment, and desponding gloom; it would be scarcely possible for him to become inflated with that (✠indescribable Buonapartean, Etherealising, *Abstractive* Delirium of inspirative genius; which would be *necessary* to raise him above his *ordinary* self, as well as above *all other ordinary men!!!* and upon which his all-conquering and *complete* success would *entirely* depend. But now as those disastrous circumstances have passed away.—Now as Plague, Pestilence, and Famine have ceased to give merited punishment to Radical unthankfulness, and ungrateful discontent.—Now as the Province, almost universally, seem to feel and appreciate their natural and providential blessings—possessing the most salubrious climate—the most fertile soil—*the lightest taxation!*—and the free-est Constitution the world has ever afforded!!—Now as drought and barrenness have ceased with the political sins which drew them down upon us: and NOW seem disposed to make a complimentary visit to the Dominions of Monsieur Papineau!—Now as the component parts, who have been elected to the present House of Assembly, seem to be accepted of Heaven as a grateful offering; and the acclamations of a delivered community, as odoriferous incense: for as plain as "a voice from Heaven" could make it, we have the Divine approbation asserted to all our senses; because, from the moment of the *last* Election, the inflowing tide of Emigration (especially from Ireland) have met *their own summer on the shores of Upper Canada!* "Rain and fruitful seasons, filling our hearts with food and gladness." — — And NOW, as Kingston begins to rise above all her blighting circumstances—begins to avail herself of her unparalleled, natural advantages: the Editor and Proprietor of The Alembic of Truth, wishes to aid the general prosperity, by bringing out his paper on such broad and durable base, as will insure success.

An object, this, which has never been absent from his thoughts; any prospect of its accomplishment having always given him pleasure; and its every failure having inflicted on him NUMEROUS EVILS, *and unmitigated woe.*

For he had laid out for himself a field of *unrecorded* (because unprecedented) labors—he wishes to work as a Pioneer in opening the road to that (never yet attained) Desideratum. ☞To obtain certainties in PHILOSOPHY, *equal* to those now found in Mathematics!!! He has made discoveries which he does not wish should *die with him*—he wishes a medium to press them upon the (generally) torpid attention of Mankind. He wishes to arouse the Province in general, and Kingston in particular, to a sense of its and their own interests; and besides all this, and a thousand times more.—He wishes to give IDENTITY and REALITY to that hitherto imaginary being——AN HONEST EDITOR!!!

He has already stated "that as *Truth* can never suffer from *investigation*—on *every subject*—he invites such investigation, he challenges such discussion. For—from the remotest border of the frigid ("meal and water") Zone of mis-called (or corrupted) "Whig" principles (known now, by the cognomen of "Radicalism")—up to the Torrid Zone of corruption, and thence up to the boiling heat of "High Toryism."—He shall give his unflinching opposition to ALL he conceives to be wrong in *every* party—and his utmost support to all he believes to be right.

He has so *fully*, on former occasions, stated his views, that it is here unnecessary any further to enlarge, except to say (begging Mr. Thom's pardon) he shall not be found "to straddle the Fence."

☞If he is enabled to bring out his paper *on the SCALE he meditates*—He hopes to make THE ALEMBIC OF TRUTH an Honour to the Town—A Benefit to the Country—and—A PROFIT to ALL concerned.

PRELIMINARY CONDITIONS.—In a future publication the *full* conditions of the Joint Stock, and conduct of the paper shall be attached. At present it may be necessary to say, that, as the *greater stake* any person has in any concern, the *greater interest* he will feel for its prosperity—therefore—it is clearly to be understood, that the THREE Stockholders who shall own the *greatest number of shares*, & the *permanent* Editor shall always be four of the managing committee. The Stockholders shall have privilege of electing *five* additional members (say a majority) from among themselves; and these NINE members shall form a committee of management, who shall choose their own Chairman.

The *greatest* shareholder, if he should live or be at a distance, shall have privilege of nominating, by a written document under his own hand another stockholder to represent him in the Committee.

It is *intended* to have 1000 Shares at 5 dollars each, payable ONE Dollar every THREE months, on each Share: also to have a Bank (or other eligible place) of Deposit, on which the expenses of the Establishment shall be drawn for, from week to week.

All Editors friendly to *independent* Truth will confer a favour by inserting this Address: especially those who have been kind enough to insert the former Prospectus of "The Alembic of Truth."

CAUTION.

THE Public are hereby Cautioned against purchasing a Note of Hand for Twelve Pounds currency, given by the Subscriber to John Mountain, said note having been illegally retained by said John Mountain.

JOHN LINK.

Ernest Town, 31st August, 1836. 915-3w

UPPER CANADA COLLEGE.

WILL re-open after the summer Vacation, on Thursday, the 29th of September, instant.

JOS. H. HARRIS, D. D.
PRINCIPAL.

Toronto, U. C.
September 1st, 1836.

☞Editors of papers who have heretofore been specially authorised to copy notices from Upper Canada College, will give the above three insertions. 915

STRAY HOG.

CAME into the enclosure of the Subscriber near the village of Waterloo, about two months since, a Boar HOG. The owner is requested to prove property and remove the animal without delay.

JOHANNA BROWNE.

Kingston, Sept. 8th, 1836.

GOVERNMENT CONTRACT.

Commissariat,
Kingston, 31st August, 1836.

SEALED TENDERS will be received at this office until *Tuesday* at noon, the 13*th day of September next*, for the CARTAGE of Fuel Wood to the respective Guard Houses and Cells at Kingston, Point Henry, and Point Frederick.

The Tender to express the rate in Currency for which each Cord will be carted until the 12th day of May, 1837. The Horses and Carts employed in this service will pass and repass the Bridge "Free."

Security will be required for the due performance of the Contract.

IMPORTANT NOTICE.

THE YOUNG MAN who got his likeness taken in a female disguise at Waterford, in Ireland, in the month of June, 1834, and who said he was going to America, will hear some important communication from a Christian friend, in which he will be deeply interested, on applying to Wm. McTavish, Esq. Advocate, Quebec.

N. B.—He can depend on the strictest fidelity.

*** Editors of Newspapers in the Canadas and in the United States, will do an act of great kindness to the parties interested, by inserting the above advertisement and this appendix a few times in their respective papers.

Quebec, 24th August, 1836.

THE SUBSCRIBER will pay CASH for PORK and BEEF, and also for WHEAT, BARLEY, and all kinds of GRAIN, delivered at his store on Mrs. Forsyth's wharf.

RICHARD SCOBELL.

Kingston, 5th September, 1836. 3w.

MIDLAND DISTRICT FAIR & CATTLE SHOW, FOR 1836.

THE County of Frontenac CATTLE SHOW will be held at the Kingston FAIR, on the 2*d Tuesday in October*. The Counties of Lenox & Addington CATTLE SHOW will be held at Bath on the *first Wednesday in November*, at which places the Midland District Agricultural Society will award the following premiums:—

Best brood Mare with her colt,	6 dolls.
Second best do. do.	3
Best Milch Cow, from 3 to 8 years old,	4
Second best do. do.	2
Best 4 calves of 1836,	5
Second best, do.	3
Best Ram,	4
Second best do.	2
Best 6 Ewes,	6
Second best 6 Ewes,	3
Best 6 Lambs of 1836,	4
Second best 6 do.	2
Best Boar,	4
Second best do.	2
Best breeding Sow,	4
Second best do.	2
Best yoke working Oxen,	6
Best pair Steers, 4 years old,	3
Best Bull not over 5 years old,	6
Second best do.	3
Best Cheese,	2
Second best do.	1
Best Flannel,	2
Second best do.	1

No Prize or Premium will be awarded to persons who are not members of the Agricultural Society, and no person will be admitted as a member for the present year who shall not have paid his subscription by the first of October.

ALEX. PRINGLE, } Secretaries
JNO. MARKS, } pro. tem.

UNITED LINES OF THE RIDEAU AND ST. LAWRENCE.

THE OTTAWA AND RIDEAU FORWARDING COMPANY beg leave to notify their friends and the public generally, that they have United their Line with that of the CANADA INLAND FORWARDING AND INSURANCE COMPANY.

Although a decided preference has justly been given to the Rideau line, from the superior craft in which goods are forwarded, as well as the certainty with regard to time and diminution of risk attending the transport, yet some objections have been raised to the Canal's being closed earlier in the fall than the River St. Lawrence, and to obviate these objections the Company intend by this union to keep a full supply of Boats on the St. Lawrence, not with a view of doing their business generally by that route, but to accommodate their customers in the Spring and Fall, as well as to meet every possible contingency that might take place on the Canal, and restore to the Company the fullest confidence of the people.

To facilitate the Transport of Goods destined for the Ports of Lakes *Ontario* and *Erie*, the Company have arranged for their transhipment at both the Ports of PRESCOTT and KINGSTON, but from its eligibility, intend the latter to be the principal place of transhipment, when the Rideau Canal is reopened, and no advance on the present rate of Freight will be demanded from their regular customers, while the Rideau Canal is open in the fall. Their Stores at PRESCOTT are those of the CANADA INLAND FORWARDING COMPANY, and Mr. W. DICKINSON their Agent, will continue to conduct the business there.

Goods forwarded by the Rideau Canal will not be insured, unless ordered by the owners; those that may be forwarded via. the St. Lawrence, will be insured by the Company unless otherwise directed.

Mr. E. HACKETT, of the *Canada Inland Forwarding and Insurance Company;* will at all times be ready to receive orders for this Company, to whom as well as the Company's Agents at MONTREAL and KINGSTON, application may be made.

E. CUSHING, *Agent*, Montreal.
W. DICKINSON, *Agent*, Prescott.
G. BRUSH, *Agent*, Kingston.

June 23.

NEWCASTLE DISTRICT SCHOOL.

THE Principal of this establishment begs to acquaint Parents & Guardians, that he is prepared to receive any number of young Gentlemen under his charge, as Boarders or Day Pupils.

The School House is in the village of Cobourg, upon Lake Ontario, a site which has been justly considered one of the healthiest in the Province Attached to the establishment is a Boarding House superintended by a gentleman of high respectability and moral character.

The patronage which the school has received during the time it has been under the care of its present conductor, is deemed the best testimonial of the claims of the instruction to Public support.

TERMS.

Board inclusive of Washing, attendance &c. &c. per Annum,	£22½	0s	0d.
English Education, including Reading, Writing, Grammar Arithmetic, Book-keeping Geography, and the use of the Globes, per quarter.	1	0s	0d
Latin, Greek and Mathematics.	1	10s	0d.
French, Extra.			

Each pupil will be charged 5 shillings per annum for repairs.

Cobourg August 3d, 1836. 909

IMPORTATIONS
OF FALL AND WINTER GOODS.

THE subscribers have now on the communication from Montreal a very large and complete assortment of DRY GOODS for the FALL and WINTER TRADE imported by the recent arrivals at Quebec and Montreal, from the London Yorkshire, Manchester, and Glasgow Markets.

Their customers and the trade generally will (by the *middle of September*) find their assortment very full.

ISAAC BUCHANAN, & Co.

Front Street, Toronto,
29th August, 1836. 4w914

BRITISH AMERICA
FIRE AND LIFE ASSURANCE COMPANY

NOTICE is hereby given, that a Dividend of eight per cent. per annum, on the Capital Stock paid in, for the thirteen months preceding the 1st day of August next, was this day declared, and that the same will be payable at the Office of the Company, on and after the fifteenth day of August.

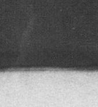
The transfer Book will be closed from the first to the fifteenth day of August accordingly.

By order of the Board,

T. W. BIRCHALL,
Managing Director.

British America Assurance Office,
Toronto, 26th July, 1836.

CHAIR MAKING.



THE Subscribers having entered into CO-PARTNERSHIP, in the above business in the shop formerly occupied by Mr. C. Hatch; where all the branches of the business will be carried on in future on an extensive scale and the articles warranted superior to any other manufactured in Canada.

Terms cheap for ready pay.

L. YECKLEY.
E. CONKLIN.

Kingston, July 26th, 1836.

THE undersigned has received and is now opening in the premises adjoining his Grocery Stores, an elegant and complete assortment of *CHINA, GLASS AND EARTHEN WARE*, which he will sell unusually low for Cash.

CHARLES HALES.

Kingston, 18th July, 1836.

LAKE ONTARIO.

STEAM BOAT

COMMODORE BARRIE,

ROBERT PATTERSON, MASTER,

Now established on the Route between Kingston and the City of Toronto, will perform two Trips a week, leaving the different Ports as follows:

UPWARDS.

LEAVES Kingston every Monday and Thursday afternoon at 4 o'clock.

" Bath Monday and Thursday Evenings at 6 o'clock.

" Cobourg and Port Hope, Tuesday and Friday Mornings, and, after touching at Windsor Harbor, arrives at 2 o'clock the same days, in time for the Boats leaving for Niagara and Hamilton.

DOWNWARDS.

Leaves Toronto Tuesday Evenings at 10 o'-r clock, and Saturday Mornings at 11 o'clock, o immediately after the arrival of the Boats from Niagara and Hamilton, touching at Windsor Harbor, Port Hope and Cobourg, and arrives at Kingston on Wednesday Evenings and Sunday Mornings, in time to meet the Boats leaving Kingston for Brockville and Prescott.

Passengers for Montreal leaving Toronto by this boat on Saturdays, will arrive at Montreal on Monday Evenings.

The Commodore Barrie, on her way up meets the Steamer Brockville at Bath on Monday and Thursday Evenings, enabling passengers from the Bay of Quinte for Toronto to proceed on without delay.

Passengers for Toronto from any part of the Bay, taking the Brockville on Mondays or Thursdays, will arrive at Toronto early the following days.

AGENTS.—H. Gildersleeve, J. Counter, Kingston; H. Lasher, B. Davy, Bath; H. E. Nicolls, Cobourg; J. Brown, Port Hope; J. Welsh, Windsor Harbor; J. Brown, A. McDonell, Toronto.

Kingston, July 1, 1836.

NOTICE.

THE Subscriber having sold the Steam Boat QUEENSTON to the Messrs. Ives, of Kingston, requests that all claims against the Boat, contracted previous to the 1st inst. may be sent without delay to Mr. Meneilly, Steam Boat Office, Prescott.

All agreements entered into for towing of rafts in season 1836, are to be fulfilled by the present owners at the prices agreed upon.

(Signed,) JOHN HAMILTON.

Queenston, July 7, 1836. 907

FOR SALE.

ABOUT 7,000 acres of LAND, situated in various parts of Upper Canada, cheap for ready money only. Will be sold in Lots to suit purchasers. Apply to C. Hatch, Land Agent, or to

J. LINTON, Auctioneer.

Kingston, August 13, 1836. 913

"COMMISSION OFFICE."

THE undersigned being about to establish a Depot for the reception of West India DRY HIDES, begs leave to inform his friends and the Tanners of this Province and the adjoining States, that he will be happy at all times to receive their orders and furnish the articleat the lowest New-York prices.

J. B. CLARKE.

Kingston, 1st July, 1836.

A GOVERNESS WANTED

TO go to the upper part of the Province. A young woman of respectability, capable of teaching English, Music, Drawing and Dancing. Apply at the Herald Office.

FOR SALE.

THE Sloop "JOHN MARKS," Burthen about 50 Tons, copper fastened, with Rigging, &c. complete, having received a thorough repair on Mr. McIntyre's Railway, warrants her now in perfect order for immediate business.

JAMES MORTON.

Kingston, 27th July, 1836.

FOR SALE.

THE following LANDS:—A Lot near the new English Burying Ground, with a small HOUSE erected upon it, with a good fence.

Part of Lot No. 12 in the third concession of Loughborough, containing 100 acres of excellent Land.

And a Lot of ninety acres, westerly part of Lot No. 5 in 12th concession of Pittsburgh.

Enquire at the Herald Office.

Kingston, 2nd August, 1836.

NOTICE.

ALL persons indebted to Mrs. MacLeod are requested to take notice that she has sent special orders to hand over for collection on the first of August next their accounts or notes without distinction unless previously arranged with the subscriber who is the only person authorised to settle her affairs.

CHARLES HALES.

Kingston, 21st July, 1836.

NOTICE.

ALL persons indebted to Mr. John Rutter late of the Town of Kingston, Hatter, are respectfully informed that the Subscriber is duly appointed Agent for the collection of his, the said Rutter's accounts; and unless payment is immediately made, suits will be commenced without further notice.

W. B. SMYTH,
No. 1, Court House.

Kingston, 20th July, 1836.

THE MANSION HOUSE,

KINGSTON, U. C.

THE Subscriber respectfully begs leave to notify to the Travelling Public, that he continues to occupy this extensive and well known Hotel.

THE MANSION HOUSE is pleasantly situated in Store Street, being the principal and central street in Kingston; is convenient to all the Steam Boat Wharves, and no establishment of its kind in the Upper Province can surpass it in the excellence and comfort of its apartments, both parlors and bedrooms (thirty-four in number,) all of which are furnished in the very best style.

The Hotel has lately undergone a thorough repair, and is at present in most excellent order and condition for the accommodation of the Public.

The subscriber having kept a Hotel for many years, has acquired experience in that line, and therefore trusts, that with unremitting attention to the comfort of his guests, he will continue to merit public patronage.

In the rear of the Mansion House there is a LARGE YARD, and extensive Stabling, and where a Livery Stable is constantly kept.

☞The Mansion House Carriage and Porters will always be in readiness to convey Passengers and Luggage to and from the different Steam Boats.

S. CARMINO.

Kingston, June 22d, 1836.

NOTICE is hereby given, that application will be made by John Strange, Esq. and others, to the Legislature at its next Session, to form a company for the construction of a Turnpike Road from the Town of Kingston to the village of Napanee, in the Township of Richmond, in the Midland District.

Kingston, 30th July, 1836.

The Upper Canada Gazette will please copy this notice.

WANTED immediately, at the Herald Office two lads from 15 to 16 years of age, of good education, as Apprentices to the Printing business. Kingston, 27th July, 1836.

THE HON. JUSTICE MACAULAY'S CHARGE TO THE GRAND JURY OF THE MIDLAND DISTRICT.

Mr. Foreman and Gentlemen of the Grand Jury:

To assist mankind in exercising dominion over all the earth and to further the developement of their exalted powers the formation and stability of wellregulated societies are of deepest consequence, the high calling and capacity of man being obviously so materially interested in social prosperity. It is, however, sensibly felt in the most amicable and best ordered communities, that however eminently gifted, he is not without alloy; that amidst the beauty and harmony of his shining moral virtues are displayed the opaque and discordant traces of a corrupt nature; and the intermingling of these uncongenial qualities is soon exhibited in the mutual intercourses of the social state, rendering indispensible laws of good government to preserve and promote the common peace and welfare, to establish public rights, to regulate the enjoyment of property, and to prevent personal hostility.—Those objects occasion the municipal laws of a country and recommend imperatively those measuresof prevention and retributive justice which are incorporated with the institutions of all civilized nations, and are emphatically denominated the laws of the land. These, like the laws of Nature, though invisible and impalpable to our outward senses, still pervade every place and operate with an imperceptible moral sway that controls and animates the whole course of society. When unruffled by violence they slumber in placid tranquillity,but in that benign composure they carefully encompass us on every side as the atmosphere embraces the Globe we inhabit—indeed they constitute the element in which our rights and liberties live, move, and have their being; when, undisturbed we enjoy a profound calm—all things revolving in order—yet like the latent powers of nature when agitated and convulsed by causes inimical to their repose, they are delicately susceptible of active excitement, and with prevailing energy they resist every inroad and repel every attempt at their subversion, until by a steady and persevering effort that equilibrium be restored which causes commotion and strife in the natural elements and which *they* were designed to establish and maintain in the social world. These laws are great and powerful, as the people who cherish them and live under their auspicious protection, for in the conventional bonds that unite communities the whole strength and majesty of the country are pledged to their support. When exigencies arise everymember of the Body Politic becomes an active Minister or servant, through whose physical agency restraint is imposed upon whoever strives to derange that equipoise and dominion which it is necessary they should maintain against all who may heedlessly or wilfully infringe their principles of order. They invite and encourage on every hand to a voluntary and cheerful deference and obedience; but, at the same time, whenever demanded, they are amply prepared to compel them by coercion.

Of the criminal invasions to which the laws are liable, aggression upon the person or property of individuals ranks amongst the most obnoxious—and to prevent or punish such turpitude, there have been created courts of criminal judicature for the correction of public offenders and of civic jurisdiction for the redress of private injuries and the satisfaction of private rights, organized with an anxious solicitude to protect innocence in the effort to detect guilt, and to avoid infliction of wrong in the exertion to impart justice.

In our system of jurisprudence, the constitution has invented Grand Juries with a peculiar and important office as the medium of public inquiry and prosecution—anxious that while the courts are open and of easy access to theinjured and complaining, they should at the same time be carefully guarded against the intrusions of falsehood, and laudably solicitous to distinguish and separate the innocent subjects of malicious and ill-founded aspersion from the just objects of criminal inculpation. Ever desirous of spreading wide the portals to all seeking the redress of public or of private wrong, but at the same time encouraging truth and justice only to enter in, it would eagerly desire to exclude false and vindictive persecution—to preserve its sanctuaries free from pollution and to prevent the perversion to base and sinister ends of those powers granted solely for the general security and the advancement of the public good; you are consequently in the first place interposed between the injured public and public offenders—between the prosecutor and the prisoner—between the witness and criminal—accessible on every hand patiently to hear complaint but not at liberty to accuse publicly, except a charge shall be sustained by ponderous and well authenticated probabilites of guilt outweighing the slighter and more feeble presumptions of innocence; and while cheerfully disposed to ignore when imputations fail to be adequately sustained, you should not be unwilling to *present* truly when reasonably and satisfactorily established. Your vigilance is expected to bring the guilty to account, at the same time that your circumspection spares the innocent the pain and peril of public exposure; and since compassionate scruples, the fear of hazard, or the dread of odium at times prevent private individuals from becoming spontaneous accusers of real offenders, the law imposes it as a special duty upon the Grand Inquest. They are not left to display gratuitous acts of public zeal, or to exercise discretionary forbearance, but it is demanded of them as an imperative duty and enjoined by oath—and though your jurisdiction is confined locally to the bounds of the District, yet within that extensive limit it comprehensively embraces all indictable offences—and since a vigilant prosecution of offenders is calculated to repress crime from the dread of certain detection, it is proper, indeed your oath enjoins that you should diligently inquire and truly present all such matters as they shall come to your knowledge, (whether through the intervention of the public prosecutor, individual complaint, or your own private inquiries,) and according to the best of your understandings. You are encouraged to these duties by the most perfect immunity and ample protection—but of course always amendable to that deep moral account to which all are subjected for all their conduct, especially when acting under the most solemn religious obligations.

In the Sheriff's calendar, which I regret to say is not so light as I could have desired and as I have been presented with in the the other Districts in this circuit. I observe, as usual, a predominance of commitments for Larcenies of different kinds.—Of the general nature of this crime it is unnecessary for me to speak. You are doubtless well aware what constitutes in Law that felonious taking of the goods of another which amounts to stealing. Horse-stealing forms one of the charges which you will be called upon to investigate. It is an offence under which the country has much suffered, and though no longer a capital felony, it is one liable to severe secondary punishment. Without some previous knowledge of the circumstances I could not offer any remarks in allusion to peculiar questions which any of the cases to come under your notice may present. I shall therefore merely make one as two observations applicable, probably, in some degree to one of them. It is said that every felonious taking of the goods or monies of another includes a trespass, and that unless the original taking be with the animus furandi that marks the guilty intent, no fraudulent after thought will amount to Larceny, when the original bailment or delivery of the property was received with the assent of and not against the will of the owner.—Owing to this rule many fraudulent breaches of trust by clerks and other servants were committed, if not with impunity, at least without subjecting the parties to criminal account, and the deficiencies of the Common Law on this subject have been supplied in England by statutes, some of which have not force of Law in Upper Canada. With us, therefore, many cases of this character depend upon first principles and the judicial decisions which particular cases have occasioned in their application. The rule I have mentioned has in that way experienced modification, and it has been held that frequently, though the visible possession continues in the owner, so that its fraudulent removal or conversion may constitute a felonious taking or Larceny,—as plate and other domestic articles in the charge of servants—goods, &c. in the charge of clerks, to which may be added the baggage or property of travellers in the charge of Innkeepers on one hand, and utensils set before such travellers for use in eating and drinking on the other. In such like instances the possession is deemed to continue in the owner, though subject to a qualified possession in the others; and it is laid down in general terms that if a person to whom goods are delivered has only the bare *charge* or *custody* of them, and the *legal possession* remain in the owner, such person may commit Larceny by their fraudulent conversion to his own use.

[Here several passages applicable to the subject were read from East's Pleas of the Crown. After which the learned Judge proceeded as follows.

In cases, therefore, of fraudulent violation of trust by Bailees, two questions may it appears arise according to the circumstances.

First—Whether the original custody was received and taken not bonafide, not honestly, but with the fraudulent design already formed, or with the present intent of converting the property to the use of the bailee or depositee, or if not,

Secondly—Whether by the breaking of the package or the severance of some parcels from others, or other wrongful overt act, the privity of contract was ended—the trust violated—and an original tresspass thereupon committed, accompanied with the malus animus that marks the crime of stealing, and amongst other enumerated cases it will be found, that if a person fraudulently open and take away goods in a chest delivered with the key for safe custody, it is Larceny. Of course when an Innkeeper rifles the baggage of his guest when in his charge in the usual way, there can be no doubt touching the nature of the crime; indeed he is civilly responsible for its safekeeping, not only against his own negligence, but the acts of his servants, and also, even of strangers. Criminally he is only liable for his own deeds, and when he acts fraudulently. A question can only arise when owing to some peculiar circumstances, the ordinary relation subsisting between an Innkeeper and his guest has been changed. As when in the absence of the latter, a deposit for safekeeping may have been especially made, similar to the Old Bailey case already noticed.

I find a person confined since March last under a charge of *Fraud;* the nature of the alledged crime not being explained, I am unable to say whether the facts stated afford evidence of an indictable offence, but if they do, I should apprehend that as being a misdemeanour only. The accused was entitled to bail, if he could find sufficient sureties for his appearace to answer the charge.

There appears one case of alleged Forgery, and another of Assault upon a Constable. To support the latter, it must be shown that such Constable was at the time in the due and lawful execution of his duty.

I have to notice also a female apparently charged with concealing the birth of her child, which, under the provisions of a late Provincial statute, is an indictable misdemeanor.

As far as the Calendar speaks, I am not aware that ground is supposed to exist requiring a prosecution for the higher, and more serious and odious crime of infanticide, or child murder, but should such an indictment be preferred, I have merely to add, that since the act abovementioned, the guilt or innocence of the mother is to be determined, as in other instances of homicide, by the facts and circumstances of the case, without any constructive presumption aggavating the complexion of the testimony by reason of the concealment of the birth, but which however, may be proved as one ingredient important in the transaction as forming legal evidence material to the issue. The concealment, private burial, and the like, are of themselves suspicious, especially when combined with other unfavourable circumstances, but their effect, or the inference to be drawn therefrom, rests of course in the judgment of the jury. In this view they are admissible, independent of any special provision by statute. The objection to the statute of Jac. was, that it carried the presumptions ordinarily arising out of such conduct to a greater extent than it was under the other circumstances of particular cases calculated to warrant; in short, that it declared it to form a violent, if not a conclusive presumption of guilt in all cases alike, without regard to any alleviating facts that might also appear in the course of special investigation.

I find a person recently committed for a violent assault upon Richard Corbett, upon which it is proper for me to observe, that if the person injured received wounds from the prisoner under such circumstances that death ensuing would constitute a felinious homicide, whether of murder or manslaughter, it is proper that the condition of the suffer should be ascertained and that he is out of danger, before any prosecution for the misdemeanour which a mere assault, however outrageous, would merely be; for if he dies within a year from the reception of the injury, the assailant is responsible for the consequences just as if he had expired instantly; and when wounds are dangerous, it is usual not only to defer the prosecution, but to detain the aggressor in custody until assured that death is no longer apprehended; after which he may be admitted to bail until tried for the aggravated Assault and Battery.

In addition to the observations which I have already particularly addressed to you as Grand Jurors, I would beg leave to exhort all persons summoned to fill the Jurors' seat, to judge in a salutary sef communion,—to create in their minds a lively sense of their elevated position, and of the profound obligations which attach to the office,—to remember how imperatively it is their bounden duty to proceed steadily in those walks, and advance inconfidence in those paths along which their own intelligent minds shall lead them under the guidance of a conscientious rectitude. That they will do so is contemplated in the structure of our judicial system, and when practically exhibited, the character and excellence of that system are exalted, and stability and firmness are imparted to that structure. All feel a natural desire to receive justice at the hands of others, and all should be equally solicitous to dispense it "with the same measure that ye mete withal it shall be measured to you again." All feel acutely and resent with bitterness unjust treatment, from whatever quarter it proceeds, with perhaps little softening of asperity when it cannot fairly be attributed to wilful intention; and all should strive, therefore, not to incur any such blame, either from carelessness or design. I am aware that all are supposed to be fully sensible of a thing so obvious without suggestion, and that they approach their public duties duly weighing and considering the same. It ought to be so, and I hope it is so. Still there can be no harm in commencing such impressions at the threshold of the door (as it were) that is opened for our admission to this place. My allusion to them is not prompted by, nor does it proceed from distrust, but from far higher and more grateful motives. Whoever studies his own mind will be convinced that an habitual indulgence in such reflections tends to establish more deeply, and to preserve in fresh, vigorous and active operation more fully those principles, which, growing by what they feed on, ought ever to imbue our minds (without being suffered to degenerate) in the great walk of public life. "Wherefore I will not be negligent to put you always in remembrance of these things though ye know them. They have root in and spring from the best virtues of our nature, and should govern the actions of all throughout the business and intercourse of the world.—They embrace the first principles of justice and point to the practical illustration of the golden rule "to do unto others as we would that others should do unto us" the oftener it is called to mind,—above all, the more frequently it is practised the more auspicious will it shine in the person displaying it—the more will it exalt and adorn his character—the more will it gain confidence to his integrity and reliance upon his virtue—the more will it render him the deserved object of affectionate regard and of enduring esteem. As with individuals so with Public Bodies, the more it pervades the latter the more it regulates the course of justice in all its operations, the more will confidence and trust be reposed in her courts—the more satisfactory will be their decrees—the deeper hold will they possess of the public regard—the more ardent will be the attachment of the people to Institutions of such vital moment to their peace, welfare, and good government. With the Judiciary at large and especially with Jurors necessarily rests the power of doing much for good or for evil; free scope is allowed them to use or abuse it; to make it subservient to the legitimate object of furthering justice, or to bend it to the devious ends of oppression, rendered doubly odious owing to the subterfuge and false pretence under which it takes refuge. Being so endowed the more incumbent it becomes upon all those convened to sit in judgment over the persons or affairs of their fellow men—to act uprightly their part—to run with undeviating rectitude the race set before them according to the best of their ability—thereby presenting the illustrious examples they are expected to afford, and fulfilling the great ends for which they were appointed. They should pay diligent attention to all the evidence laid before them, and strive with laudable circumspection to separate truth from falsehood, and to soften down in their minds hyperbolical or exaggerated representations or descriptions to their just dimension—to imbibe and allow due weight to solid and well grounded reasoning—but acutely to detect and firmly to reject the persuasive delusions of sophistry and the passionate assaults of declamation.

There will be found a mental purification in such invigorating considerations not to be treated with levity or thought off lightly. It would be equally foolish and criminal, to conceal from ourselves the nature and difficulty of the service to which we are called—namely, to do that which is legal and right—substantial and equal justice under the Law being the cardinal point—the great Beacon set up for our guidance—the Goal to be won. We are indeed to be engaged in the sedate pursuit of serious things, the lives, the property, the dearest interests and the cherished hopes of many of our Friends and Neighbours, or of the Stranger that is within our gates are entrusted to us. They will not deem it idle in thought or redundant in words, that we should thus on the verge of that edifice which ought ever to represent truly the Temple of Justice recollect and rehearse what we know to be due to them, and what we admit they have a right to look for at our hands; that we should feel inwardly and avow openly our pure convictions of the calls of duty towards both them and ourselves with good resolutions to fulfil the same in deed and in truth. To accomplish this effectually, it is desirable that with the inclination there should be combined a mutual confidence and a mutual confidence, and a joint exertion to succeed in its attainment.

That Juries should hear with attention the legal opinions and judicial advice of the Judge—that the Judge should rely without anxiety upon the integrity and discrimination of the Jury—and that the Suitors should rest assured of the sincere and zealous co-operation of both Court and Jury, to do justice between the litigant parties according to the law of the land, and the real merits as they shall appear to them under the evidence. When such wide spread confidence prevails, springing from those sources which alone can nourish or expand it, a happy state is reached in judicial advancement, a state which should always be kept in view, and to which we should always sedulously aspire.

In the perplexing and intricate mazes of jurisprudence, we may, in the imperfection or infirmity of our natural and best ordered faculties, still err, but such venial failure need not engender remorse. It is only expected of us that we should use our best endeavours to continue in the right way, and to gain correct results—a right judgment in all things is hardly to be hoped for—it would be presumptuous to pretend to it—and while a sense of this should inspire us with the more prudence and caution, and bespeak the more deliberation and care in the formation of our opinions, still those mistakes into which the most circumspect, upright and intelligent, may sometimes fall, whether through weakness of understanding or obscurity in the lights afforded for their guidance, though they may excite regret and be lamented, they afford no just cause of bitterness or self reproach. A consciousness of our own fallibility and of the difficulties to be encountered in the great work of investigating truth, and determining upon the conduct and rights of others under the law should not deter or overwhelm us, but rather animate us to the greater exertions to overcome them. It is by energy and perseverance that progressive improvement is on all hands promoted, and the great business of life successfully carried on.

I would not, in any admonitory sentiments I may express, be understood as persuading Jurors vainly to expect to please both sides. In the contests to which antagonist's interests give rise, there must necessarily be constant disappointment. In a court of law one of the opposing parties must always fail: to suppose that those who lose will be satisfied with their loss, or always satisfied with those whose task it may be to pronounce against them, demands credit for a liberality hardly consistent with the prejudice a person naturally feels in his own favour, and too great to be always realized. Jurors should be patient in hearing, deliberate in consideration, and firm in action—they should acquit their own consciences, adhering at all times with inflexible rectitude to the dictates of their unbiassed and dispassionate judgments; they will then deserve the approbation of others, and if it cannot be acquired in that way, no other guide can conduct to it. A tortuous, vacillating course pursued under any other influence would too surely lead astray—it would too much resemble the blind leading the blind, and eventually entangle the too credulous follower in disreputable inconsistencies, and frustrate most assuredly the end desired to be gained. The only safe and satisfactory method is that which it is most incumbent upon them to adopt, namely, to adjust well the scales with an impartial hand blind to the turning of the beam until the measure of justice shall be full, and then acute to perceive whether or not those weighed in the balance are found wanting.

No pencil of light emitted from any impure source, or passing through any jaundiced or distorting medium., should be suffered to fall upon the mirror of their minds, which ought ever to reflect truly the images presented to its view, and without this, vain must be the hope of truly and indifferently ministering justice to the punishment of wickedness and vice, or of judging righteously between every man and his neighbour, and the stranger that is with him.

Kingston, 1st Sept. 1836.

Public Record Office Reference C.O. 47/58

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