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THE

CHARGE

DELIVERED

BY WILLIAM WATSON, ESQ.

CHAIRMAN AT THE GENERAL SESSION OF THE PEACE,
AND OYER AND TERMINER,

FOR THE COUNTY OF MIDDLESEX,

HOLDEN

AT THE SESSION HOUSE,
CLERKENWELL.

On Monday, the 16th Day of September 1816.

PUBLISHED AT THE REQUEST OF THE GRAND JURY
AND THE GENTLEMEN OF THE BAR.

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1816.

A. Strahan,
Printers-Street, London.

TO THE RIGHT HONORABLE

JOHN LORD ELDON,

LORD HIGH CHANCELLOR OF GREAT BRITAIN,

&c. &c.

MY LORD,

I SHOULD neither do justice to your Lordship, nor be faithful to my own feelings, if I did not seize this opportunity *publicly* to express my gratitude to your Lordship, for having condescended to honor me with that confidence and friendly intercourse for many years, which have enabled me to acquire the *best* part of that little knowledge which I possess of the system of jurisprudence established in this country.

Suffer me, then, to hope that your Lordship's condescension and accustomed kindness may in no way be diminished, when, being suddenly called upon by the unanimous voice of the Grand Jury of the

County of Middlesex, and the Gentlemen of the Bar attending Sessions, to publish the following Charge, I have ventured to comply with their request, and with all humility to inscribe it to your Lordship.

I have the honor to remain, with all respect and true esteem,

My Lord,

Your Lordship's ever faithful and most humble servant,

WILLIAM WATSON.

Sessions House, Clerkenwell,
18th September 1816.

TO THE

CHAIRMAN OF THE SESSIONS

FOR THE

COUNTY OF MIDDLESEX.

SIR, *17th September* 1816.

THE very eloquent and impreſſive charge you were pleaſed yeſterday to deliver to us, the Grand Jury for the County of Middleſex, abounds with ſo many juſt obſervations and highly-conſtitutional maxims, together with ſuch proper inſtructions for Grand Juries to obſerve in the execution of their duty, that we conceive it would be greatly to the advantage of ſociety if the ſame were made public.

We therefore, Sir, ſolicit that you would have the goodneſs to order the ſame to be publiſhed as ſpeedily as poſſible.

We are, Sir,

Moſt reſpectfully, your obedient ſervants,

GEORGE WILSON.
SAMSON HODGKINSON.
JOHN COLLMAN.
WILLIAM HILL.
ABSALOM ABRAHAMS.
JOHN HARRISON.
EDWARD WALLER.
JOSEPH SHELSTON.
JAMES OLDFIELD.
MATTHEW PAIN.
WILLIAM ROTHWELL.

GEORGE PARKINSON, Chairman.
JAMES WILLIAMSON.
WILLIAM CROUCH.
JOSEPH FEARN.
ALEXANDER BRICE.
JOHN CHRISTMAS.
JAMES MILSTED.
HENRY CHISHOLM.
WILLIAM SMITH.
THOMAS PARRIS FENNER.
WILLIAM ASHBY.
THOMAS CHAMBERLAYNE.

THE

CHARGE

DELIVERED

BY WILLIAM WATSON, ESQ.

&c.

Gentlemen of the Grand Jury,

I HAVE great ſatisfaction in believing that the important ſervices which you are called upon to render to your country, have impreſſed the mind of every one of you with ſentiments well adapted to the performance of your ſeveral duties. This ſatisfaction does in ſome degree alleviate the difficulty I feel in my preſent ſituation, ſitting here to execute the truſt I have had the honor (unworthy as I am) to receive from my brother magiſtrates, after the reſignation of that venerable and learned perſon, whoſe extraordinary abilities it would be vanity in me to attempt to make better known or more admired than they have invariably been throughout a long ſeries of years, employed with unremitting attention in the due adminiſtration of the juſtice of the country.

Gentlemen: As the neceſſity of all government flows chiefly from the corruption of human nature, ſo the ſtrength, the glory, and the honor of it conſiſt in the faithful and impartial execution of good and wholeſome laws; and ſince without the one, ſocieties cannot be upheld, ſo without the other all communities would be but little better than well-modelled combinations to oppreſs and ruin the weaker and unreſiſting part of mankind.

Our excellent conſtitution has provided that the life, the liberty, the property and the character of every individual, ſhall be protected by the adminiſtration of juſtice with effect, for the general good of all, upon the principles thus admirably expreſſed by a fine writer:—" The good of a people ought to be fixed on a more ſolid foundation than the fluctuating will or fallible underſtanding of one or a few. For this reaſon, LAW is eſtabliſhed, which no paſſion can diſturb: It is void of deſire and fear, of luſt and anger: it is pure diſpaſſionate mind, written reaſon, retaining ſome meaſure of divine perfection: it enjoins not that which pleaſes a weak, frail man, but, without any regard to perſons, commands what is good, and puniſhes evil in all, whether noble or baſe, rich or poor, high or low: it is deaf, inexorable, inflexible."

Such then is the juſt and beautiful deſcription of our law; the *uſe* of it is to prevent mere diſcretion-

ary

ary power; and this Court will ever feel it a duty to pronounce its decifions, not fimply according to *opinion* of juftice and right, but according to prefcribed rules of law.

The *end* of all criminal law, which is a moft important branch of our great juridical fyftem, is to prevent crimes by punifhment, fo that the pain of it may be inflicted on a few, but the dread of it extended to all.

Therefore the laws of England have provided in various ways different remedies for the prevention and punifhment of crime. Among which I may reckon one of the chief to be the *Courts of General and Quarter Seffions* in this great county, and which are by fpecial Act of Parliament held eight times in every year; Courts fo honorable, that they receive their authority by two feveral Commiffions, one of the Peace, and another of Oyer and Terminer, from The Sovereign; in which Commiffions the higheft fubjects of England think it an additional dignity and privilege to act for the public good; and in relation whereunto, The King himfelf is by the conftitutional law of the land confidered the principal confervator of the peace: A title glorious without pomp, and expreffive of the weighty burthen annexed to royalty itfelf.

In

In the general *adminiſtration of the juſtice* of the country, there is no circumſtance in which the excellence of our conſtitution ſhews itſelf more conſpicuouſly than by the inſtitutions of that *office* you are now about to execute, and in the ſelection, for that purpoſe, of perſons who by their ſtation in ſociety are placed out of the reach of being even ſuſpected of acting under the influence of others—who, by education, are raiſed above thoſe prejudices which might on many occaſions operate on the minds of well-meaning perſons of a different deſcription—and whoſe number guards them againſt thoſe errors of judgment to which the moſt enlightened underſtanding of a ſingle individual might occaſionally be expoſed.

A Grand Jury ſo conſtituted can hardly err in the execution of the truſt repoſed in them, if they conſider themſelves placed by the conſtitution as a barrier to protect innocence on the one hand, and on the other as guardians for the public, to bring the guilty to puniſhment; and this is the tenor and import of that ſolemn and impreſſive oath which you have juſt now taken; and upon which, if it ſhould not conſume too much of your valuable time, I will endeavour as far as I am able to give you a very conciſe but perſpicuous comment, as the ſafeſt rule by which to govern your whole conduct: Begging leave to remind you that he, who

who admonifhes another to do that which the other actually does, rather commends than exhorts, and only conveys applaufe in the form of an admonition.

Gentlemen of the Grand Jury,

The oath which you and each of you have juft now taken confifts of four divifions, which are diftinctly enumerated.

Firft.—" You fhall diligently enquire and true prefentment make of all fuch matters and things as fhall be given you in charge, or otherwife come to your knowledge, touching this prefent fervice."

This firft divifion not only comprehends the examination of witneffes on fuch bills as are prefented to you by individual profecutors in the name of the King, but alfo the inveftigation of thofe matters which may have attracted your notice without the intervention of profecutors, and which you may yourfelves prefent to the Court, after Bills have been prepared at your requeft. For, Gentlemen, you will recollect that the fubject of your inquiry and prefentments are claffed under two diftinct heads; namely, fuch as may be given you in charge, and fuch as may come to your knowledge independently of the charge, but relating to the bufinefs of the prefent Seffions; that is, to the legal redrefs of all public wrongs, and the due adminif-

adminiſtration of criminal juſtice within this particular juriſdiction.

Second.—" The King's counſel, your own, and that of your fellows, you ſhall keep ſecret." The counſel of the King is formally compriſed in every proſecution; it becomes in part your own counſel, when you have concurred unanimouſly; and when any bill has been found by a *majority* of your *whole* number, it is the counſel of your fellows, which the diſſentient muſt not reveal: for a grand juror, therefore, to diſcloſe either his own acts and opinions, or thoſe of his fellows, might have an effect equally dangerous to the community. And the conditional promiſe contained in this part of your oath, is to maintain an impenetrable reſerve on all buſineſs begun or concluded; that is, on the form of the indictment, the evidence in ſupport of it, and the fact of the bill being found or rejected; except when you bring in your bills, or have occaſion to conſult the Court."

Third.—" You are to preſent no perſon from hatred, malice, or ill-will; nor leave any unpreſented from fear, favor, affection, reward, or any hope or promiſe thereof." The plain intent and meaning of which ſentence is, that you ſhall in your department faithfully diſcharge the high duty with that impartiality which is common to all who are concerned in the adminiſ-

adminiſtration of juſtice; and that from no motives whatſoever, neither from the darker paſſions of envy, nor for the ſake of reward, or hope or promiſe thereof, ſhall you bring the innocent into trouble; nor from the more amiable affections of compaſſion and benignity, ſhall ye ſcreen *probable* guilt from a full and impartial trial by a jury of the country in open Court.

Fourth.—" You ſhall preſent all things truly as they come to your knowledge, according to the beſt of your underſtanding."

The preceding member of the period containing a *negative* condition, you are laſtly preſented with it in *poſitive* form; that you ſhall preſent all things not partially but *truly*. And here we return to a ſimilar phraſe with which we ſet out; namely, *a true preſentment* which you are bound to make of all things relating to the buſineſs of this preſent Seſſions, as truly as you are enabled to make it, according to ſuch evidence as you may have before you, and by ſuch an exertion of your intellectual powers, as all ſenſible men would apply to their own concerns in life.

The only remaining point is, what the Law means by a *true preſentment*.

Now, ſince your oath is impoſed by the law, the intent of the law muſt be the Pole Star by which

you

you are to direct your course. For the intention of that power which imposes an oath, is the sole interpreter of its meaning, the guide of those who take it, and the measure of their duty.

The great Sir Matthew Hale was of opinion, that if probable evidence be given for the King (that is, not a remote and light probability, but an approximation to the truth, as far as the Grand Jury can safely assert) the Grand Inquest ought to find the Bill *true*; for it is but an accusation of a person, who, as they verily believe, ought to be tried. The law intends *generally* that the guilty shall be punished and the innocent justified; but *particularly* that you, Gentlemen, should find on good grounds a just accusation; and that the Petit Jury, having heard both accusation and defence, should weigh the whole evidence, and give their *verdict* or *true saying*, according to the preponderant scale. How then can we sufficiently admire our code of criminal laws in this happy country, where no individual can be found guilty without the concurring voice of *twenty-four* of his fellow-subjects! For, Gentlemen, let it ever be remembered that *twelve* in number, at the least, of the Grand Jury must agree before any Bill can be found, and afterwards there must be the unanimous voice of the Petit Jury to pronounce their verdict. Therefore you, Gentlemen of this Grand Inquest, need only be persuaded that, as far as

you

you have knowledge, the accusation is just and the Bill true in substance, before you present it, as such, to the Court; being content that the Court may alter matter of form, not altering matter of substance without your consent. You will then so act in every part of your duty, that the innocent may approach the tribunal without apprehension of danger, and the guilty leave it without complaining of injustice.—To trouble you at length on all the offences charged against prisoners, as they occur to me on inspecting the *Calendar*, would certainly be superfluous, especially as there appears to be nothing out of the ordinary course, although they are very great in point of numbers. Your own experience, apt discrimination, and solid judgment, together with that due attention which I am sure you will pay to the tenor and import of your oath (which I have feebly, but possibly too much at length endeavoured to explain) will be quite sufficient. If, however, any difficulty should occur, the Court will be always ready to afford you every information: And you will bear in mind that your powers are not limited to this Calendar, or even to the Bills which may be preferred; for whatever else shall come to your knowledge, touching this present service, it will be *your* part to present, and *ours* attentively to consider.

I ought

I ought to apologize for having consumed so much of your time, but I really felt it to be my bounden duty. And I avail myself of this opportunity, in conclusion, to pay a tribute of justice to the Gentlemen of the Bar who have attended this Court; and although we have recently been deprived of the assistance of two very able and learned persons belonging to their honorable profession, one by most deserved promotion to the high honor and rank of King's Counsel; the other cut off from among us by the hand of Death (Mr. Pooley), whose mental acquirements, strict integrity, and high spirit of honor, rendered him not only one of the brightest ornaments to his profession, but also to society at large; nevertheless, we have still remaining Gentlemen of high honour and reputation in their learned profession, who, by their correctness of conduct and sound judgment, will, I am sure, continue to afford, as Advocates, every becoming assistance to the Court in promoting the ends of justice.

Finally, then, let each and every one of us, in our respective stations, endeavour to emulate the sublime attributes of our guide, THE LAW OF ENGLAND!

FINIS.

A. Strahan,
Printers-Street, London.