

NORTH-CAROLINA GAZETTE.

With the latest ADVICES, FOREIGN and DOMESTIC.

SEMPER PRO LIBERTATE, ET BONO PUBLICO.

WILMINGTON DISTRICT, June 11, 1778.

To the Honorable SAMUEL ASHE, Esq; one of the Judges of the Superior Court of Law.

SIR,

THE gentlemen of the Grand Jury beg leave to return their thanks to the honorable SAMUEL ASHE, Esq; for his sensible and seasonable CHARGE delivered them at the opening of this court, and request the favour of a copy of it for the press, that, if possible, its influence may be made as extensive as its matter is important.

WILMINGTON, June 12, 1778.

To the Gentlemen of the GRAND JURY, for Wilmington District.

MR. ASHE presents his compliments to the gentlemen of the Grand Jury, and in compliance with their polite request transmits them a copy of his CHARGE; pleased that his crude thoughts, hastily thrown together, meet with the approbation of their respectable body, and will be happy if they should contribute a mite towards the welfare of his country.

GENTLEMEN OF THE GRAND JURY,

IN every civilized state, to establish the peace of the society, to preserve decorum among the people at large, and to protect individuals in their several rights, municipal laws, or rules of civil conduct, are formed, ordaining punishments to those who shall disturb the general peace of the community, or violate or intrude on the rights of individuals.

These in different states are various, and with many the modes of punishing transgressors are variant and unfixed, depending upon the will of the Prince or Judge, both in the manner and measure of them.

But with us it is a felicity that crimes and misdemeanours have (according to their heinousness) known and affixed punishments, and nothing is left to the opinion or arbitrary will of the Judge; in a few cases only, a discretionary mitigating power may be exercised by him; for the same law which creates the offence, describes and apportions the punishment. And equally careful are our laws, in charging and trying offenders; the accusation in the first instance must be made by twelve at the least of the Grand Jury for the district where the offence was committed, and by them formally presented to the court. The charge being thus made, the culprit is called up into court, and the truth of the matter again enquired into by twelve others—his neighbours, his equals, impartial, indifferent, and unexceptionable men; and this enquiry must be made in the presence of the accused, and the witnesses against him produced and openly examined in his presence, and he at liberty to cross examine them, to confront them with witnesses in his favour, to lessen or refute their testimony, and otherwise to offer matter to justify, excuse, or acquit himself. By thus fairly and openly canvassing the charge, the party, if guilty, is detected and punished; if innocent, is protected, and placed beyond the reach of persecuting malice, or oppressive falsehood.

Sensible of the advantages resulting from this invaluable right of a tryal by a jury of the vicinage, a right (often struggled for by our ancestors, and handed down by them to us) we have so

interwoven in our present happy and equal system of government, that no citizen can be denied, nor be deprived of it, but with the constitution. But this inestimable privilege, with others equally so, the iron hand of unfeeling British tyranny, upon iniquitous and ill founded pretensions, would tear from us, and substitute instead of it a mode of proceeding, framed by the united and stretched invention of cruelty and tyranny combined.

By that, perhaps the innocent, but unhappily suspected person, shall be seized, dragged from his friends and dearest connexions, thrown into the noisom hole of a vessel, loaded with irons, and at the risque of his life transported three thousand miles over sea to Great Britain. There, probably, without money to sustain him, without friends to comfort him, without council to advise him, without witnesses to testify for him, and without his neighbours to try him; perhaps too, only upon the information of an Attorney General (always a creature of the court) filed against him, he shall be arraigned before a court and jury unacquainted with every circumstance of the charge, and equally strangers to the malignancy and design of the prosecutor, as the character and disposition of the accused. In this situation, and thus circumstanced, innocence itself must fall a victim. This short contrast of the two measures must at once fill our minds with horror of the one, and our breasts with a glow of zeal for the other; and determine us to try every exertion, and make every effort, to perpetuate the first, and reject the latter.

Gentlemen, the office of Grand Jurors for this district at this time assigned you, I have the fullest persuasion your principles and inclinations (were you not under the sacred obligation of an oath) will lead you to an impartial execution of.

For me to point out to you the particular business of it, or to enumerate the several offences which fall under your cognizance, is unnecessary, and would be tedious and irksome both to you and myself.—Let it suffice that I acquaint you, that crimes and misdemeanours of every denomination, from the highest to the lowest nature, from treasons against your state to trespasses against the poorest individual of the state, committed in this district, are presentable by you.

A few matters only I will mention to you, and these are misprisions of treason against the state, and offences affecting your public bills of credit, as well those emitted by the General Congress, as those emitted by the several Congresses of this state; and as the clauses of the acts of the General Assembly relative to them describe them more fully than I can, I will read them to you.—
Clauses read.—

The mischievous and wicked tendency of those under the first class, and the injurious and ruinous consequences, as well to the public as individuals of those under the latter, and the frequent repetition of both, make it necessary to attend to them. The first are practised by men, nested in our bosoms, who, did their resolutions keep pace with their inclinations, it is not doubted would commit crimes of the first magnitude against us; but not daring to avow their intentions, to unmask and act openly, they (like Satan at the ear of Eve) whisper their lies, insinuate their falsehoods, and spread dispiriting news, in order to pervert the weak, intimidate the fearful, unsettle the minds of those not perfectly stable, and to seduce the people generally from their allegiance to the state.