W. D. WALLACH.

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BAIER'S CAPITOL HILL GARDEN.
A street, between 5th and 5th sts., Capitol Hill.
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MONDAY, June 17, TUESDAY, June 18, and
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Every visitor can engage in this Prize-Rolling. The prizes can now be seen at he show-window H. & A. Schmedtie, 445 7th street, between G Chance to Roll, 50 cents. Admission to the grounds FREE. Heald's Brass Band has been engaged to entertain the visitors with Concert and Dancing Music. All friends of a solid Ten-Pin-sport are respectfully invited. je 12-W,8&M*.

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On MONDAY EVENING, June 17, at the request of many friends and citizens, W. C. DUNNAVANT, the highly successful Actor, beautiful Reader and Elecutionist, will give a series of SELECT READINGS from Shakspeare, Poe, Collins, Bulwer, Byron, &c. To commence at 8½ o'clock. Tickets fifty cents, to be had at the principal hotels, music stores, and at the door on the evening of the music stores, and at the door on the evening of the entertainment. jell-MWS&M

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WASHINGTON CITY SAVINGS BANK,
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Pays Interest on Deposite, Buys and Salls Bonds,
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Between 12th and 13th streets.

Washington, March 20, 1865.

Teeth extracted without pain by administering Nitrous Oxyde or Laughing Gas. Dr. LEWIE has recently purchased the best Chemical Apparatus in the country for making pure gas every day; also, an improved Valvular Inhaler. The Association is now prepared to make Teeth on Gold, Silver and Rubber at New York, Philadelphia and Boston prices. All persons wishing dental work done can have it as cheap as in the above-named cities. All work done in the neatest and best manner, and warranted to give satisfaction. Persons will do well to call and examine our work.

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Persons calling at my office can be accommodated with any style and price of Teeth they may desire, but to those who are particular, and wish the purest, cleanest, strongest and most perfect denture that art can procure, the MINERAL TEETH will be more fully warranted.

Booms in this city—No. 336 Penn'a avenue, between 9th and 10th sts. Also, 967 Arch street Philadelphia.

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Long Oak, \$8 percord.
A top of Coal sold by me always weighs 2.240 lbs.

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Gross tons of 2,220 the city.
Chestnut White Ash, \$7.
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Oak and Pine Wood constantly on hand.
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Evening

VOL. XXIX.

WASHINGTON, D. C., WEDNESDAY, JUNE 12, 1867.

Nº. 4,450.

TELEGRAMS, &c.

Senator Wilson, of Massachusetts, accompanied by Charles W. Story, H. H. Coleridge, George W. Bond, F. N. Bird, C. W. Slack, and R. W. Morse, of the same State; George H. Boker, of Philadelphia; John Jay, J. G. Hol-brook, and G. F. Noyes, of New York; and Hon. Charles Gibbons, Speaker of the Penn-sylvania House of Belegates, arrived at Richmond Monday evening. They met several prominent Vinginians at the Governor's mansion, and had a conference as to how the two wings of the Republican party-that represented by the late Richmond convention and that which proposes to hold another convention in Charlottesville-may be reconciled.

The conference is still in session. In the Supreme Court of New York yesterday, in the case of the Mayor and Aldermen of New York versus the Police Commissioners, a decision was rendered against the lat-ter. It will be remembered that the case was brought on behalf of the city to test the right of the commissioners to exercise the licensing power recently conferred upon them by the State Legislature.

A trotting match between two stallions, Commodere Vanderbilt and General McClellan, mile heats, three in five, to wagons, for \$2,600, came off on the Fashion Course, New York, Monday. Four heats were trotted, Gen. McClellan winning the first, second, and fourth. The third was a dead heat. Time, 230%, 2.31%, 2.31%, and 2.30%

The annual regetta of the Harvard College crews for a prize offered by the University Club took place in Charles river on Monday. The first race (lapstreaks) was between Junior Sephomore and Freshmen crews, over a three-mile course, and was won by the former in 22 55. The second race, (shells,) over the same course, was between the Scientific Sophomore and Freshmen crews, and was wen by the former in 20.23.

The Right Worthy Grand Lodge, American Protestant Association of the United States, met in annual session in Philadelphia on Monday. The attendance is very large, all sections of the Union being represented. A new form of initiatory ceremonies was considered in committee of the whole up to adjourn-The steamship Emily B. Souder, from New

York en route for Charleston, South Carolina, stopped at Fortress Monroe Sunday to take on peard companies B and H, 5th United States artillery, and B and C. 29th United States infantry, which have formed part of the garrison of the fortress during many months past. Wade's senatorial party were at Lawrence, Kansas, yesterday. Senators Pomeroy and Ross and Hon. Sidney Clark joined the party,

also Gen. Palmer, treasurer, and other officers of the Union Pacific road. All left at 3 p. m. for Junction City. A pacing match between Magoozier and Ace St. Louis trotting park Saturday, and was won by Magoozler. The quickest time was

The steamer Quaker City, with the Holy Land party on board, is still at anchor in Grave end bay. M. A. Hawks, on trial at St. Paul, Minne-

sots, for the murder of his wife, to get the insurance on her life, has been acquitted. The New York Constitutional Convention met again yesterday, but little business was

A large mass meeting of freedmen was held at Frederick, Md., Monday.

STORM SIGNALS DURING HARVEST. [For the Evening Star.]

The storm which has pas ed over this city for the last inree days must have traveled at least a thousand miles in a southwest direction. It is easy to see that a general warning of this and all similar storms could be given many hours in advance by means of the telegraph and cannon. It this storm had come on in the midst of harvest, with large quantities of grain or hay cut down, the damage would have been very great, amounting to millions of dollars, most of which could be saved at a very truling cost by the general adoption of the following simple plan:

When a storm commences in any part of the country and is traveling in a certain direcpasses is to send the news immediately to all the telegraph stations at county seats, scores or hundreds of miles in advance, according to the probable distance that the storm may travel. At each county seat a cannon is to be keptready by the officials at the court-house. and as soon as the news is received of a coming storm it is to be fired three times; at intervals of one minute if a hurricane or hail storm is approaching; at intervals of three minutes if the storm is traveling rapidly; and at intervals of six minutes if it is traveling

As a good sized cannon can be heard distinctly from fifteen to twenty miles in all directions, of over a space from thirty to forty miles square, by firing one at each county seat, the farmers for hundreds of miles over the whole country would be warned in time to get their grain or hay under cover, or in a situation to shut out the rain. It should also be observed that this warning would not only be useful in settled storms like the last, but it would be of equal utility in sudden and destructive hurricanes and hail storms, and also those heavy thunder storms that occur so frequently during harvest.

This plan may be practically tested at this and many other cities and towns, if the Secreries of War and of the Navy will issue orders to one of the forts, barracks, military stations, arsenals or navy yards, situated at or near cities, to fire Signal Guns when turnished by the telegraph with news of approaching storms. The American Telegraph Co., as an experiment, will, doubtless, furnish telegrams of all approaching storms from whatever di-rection, to be paid for by the city when the success of the plan shall be fully demonstrated.

t appld costations a dollar a week at each the signals may be repeated from sound at fort Washington, so that the Storm Guns at these two points will be heard over a space of fifty miles square. If successful here the plan can then be extended throughout the entire country in time for the coming harvest. faun of men A. WATSON.

FROM EUROPE.

LONDON, June 11 .- All the Femian prisoners donvicted of high treason have been trans-ferred to England and placed in prison. The chancery case of the United States vs. McRae has been decided in favor of the latter. A de-spatch from Constantinople reports that the Subhme Porte has issued a firman declaring Egypt a sovereignty.
PARIS, June 11—Evening.—The Czar left Paris to-day for Germany.
PESTH, June 11.—The Emperor Francis Jos-

eph, new King of Hungary, has added to the delat of his coronation by distributing vast sums of money among the poor, and by richly endowing various benevolent institutions of this city.

STEEL VESSELS .- An English scientific paper describes a steel beat, designed by the chief constructor of the British navy, which is to go in search of Dr. Livingstone. It will be built exclusively of steel and charcoal iron plates, one-sixteenth of an inch in thickness, and in sections. The heaviest of these sections will not weigh more than forty pounds. The boat can thus be taken to pieces and carried on the backs of negroes from one piece of water to another. The keel will consist of half-irch fron plates, in corresponding sec-tions. The boat will be fitted with a mast and fore and attends. Mr. Young, of the royal yacht, commands the expedition, which is to tart at an early day.

Four at a Bieth.—A gay old boy of sixty odd years recently married in this city a blooming maiden not out of her teens, and on Saturday night last the young woman presented to her venerable but vigorous lord and master four children at one full swoop—two boys and two girls. This is certainly a handsome little family to start with, and we are glad to learn that all are doing well, and that it has been decided not to drown any of them. Portland Argus.

The hotel and saloon keepers of Brattle-boro, Vt., have agreed to sell no liquors at all to men in the habit of abusing their use; to fill no bottles for any persons under any circumstances; to close their places at half-past ten o'clock each night, and to keep their places. closed on Sandays.

The secrets of hearth are six. First, keep warm. Second, ed regular and slow. Third, maintain regular daily bodily habits. Fourth, lake early and very light suppers. Pifth; keep a clean akin. High, get plenty of alcep at hight.—Dr. Hall.

H. W. RAMILTON & CO. I sike treets.

LOCAL NEWS.

TRIAL OF SURRATT.

The trial of John H. Surratt was resumed this morning in the Uriminal Court, before Judge Fisher, when there was a very large attendance, and for the first time since the commencement of the case two or three women were in the crowd of spectators. At a quarter before ten o'clock Judge Fisher enered the room, and the Court was opened by Mr. Mulloy, the prisoner having been brought in some time previous. He was attired the same as on yesterday, and during the time Judge Fisher was delivering the opinion he emed much interested, and had his eye fixed upon the Court.

Judge Fisher announced that he was prevented from being present at nine o'clock on account of being much indisposed. He stated that he had considered the argumentad vanced by the counsel on each side to quash the panel, supported by the affidavit of Mr. Douglass, offered by the prosecution. He then delivered the following opinion:
United States vs. John H. Surratt, Indictment Murder. - Motion of District Attorney to quash the array, grounded upon the affidavit of Samuel Douglass, Register of Washington city.
The act of Congress, approved June 18th, 1862, entitled "An act for the selection of

parors to serve in the several Courts of the District of Columbia," provides for the selection of jurors in the following manner: First, it makes it the duty of the Register of the city of Washington, on or before the 1st day of February, to prepare a list of such of the white male citizens tax payers residing within the city, whom he may deem best qualified to erve as jurors, in which he may include the names of such qualified persons as were on his list for the previous year, but who did not serve as jurors; the Clerk of the Levy Court is also required to make a list by the same time and in the like manner from such persons qualified to serve as jurors, who reside in that portion of the District not included in either of the cities of Washington or Georgetown, and the Clerk of the city of Georgetown is required to make' at the same time and manner, a list of persons qualified to serve as jurors, from citizens of similar qualifications residing in Georgetown. And each of these officers is required to preserve such list so made, in the archives of his office, and to transmit the same to his successor.

The making of these several lists is to be the

work of each officer in his separate official ca-The lists for the three principal divisions of the District being thus prepared, it is made the duty of these three officers to act together and select in their joint capacity, from the lists so prepared as aforesad by the Register of Washington city, the names of four hundred persons; and from the Georgetown lists the names of eighty persons; and from the lists prepared by the Levy Court the names of

forty persons The first section which imposes the duty of preparing the lists of qualified jurors, treats of that duty as the duty of these officers respectively. Each one is, in the express language of the act, "to make a list, ' and each is permitted by the law to place upon his list the names of such qualified persons as were on the list of the previous year, as, "in the discretion of the officer making the same," may seem proper. The lists are to be made by them, and kept by them respectively, each one preparing and having the charge and safe keeping of his own list of the persons for his respective dis-

About this there can be no doubt, and, indeed, there is no controversy in this case. When we come to the second section of the act which provides for the number of names to be selected from these several lists of persons qualified to serve as jurors, persons of whose qualifications each of these officers is to judge severally within his own jurisdiction or precinct, we find that the Legislature no longer uses the word respective or respectively but proceeds to declare in ipsissimis verbis "Tat the officers aforesaid" (all of them, not one or two, but all three of them.) "shall select from the list of the registers of Wasnington city the names of 400 persons; from that of the Clerk of Georgetown, 80 persons; and from that of the Clerk of the Levy Court, 40 persons." While the work of preparing the three lists is the several labor of the officers independent of one another, the work of selecting the 520 names is devolved upon "the officers aloresaid;" the whole three conjointly. It may not, perhaps, be necessary that they should all three meet together, and at the same time and place agree upon the 400 names to be taken from the Washington list, or the 80 from the Georgetown list, or the 40 from the County aforesaid" shall select the number of names prescribed by the statute. If one of the clerks only shall make the selection from the list prepared by himself, or even if two of them shall make the selection, this will not meet the requirement of the law.

The principle has been too well established by a long current of decisions to be now questioned, that when the law, enjoining upon three or more the duty of performing an act. without giving to a majority the power to act in the premises, all must act, or the action of those who do act is a nullity, and there is not in the statute in question one single word or syllable that looks in the least towards a selection to be made from the three lists or any of them, except by the unied judgment of the three officers upon whom the duty is imposed. It is just as certain, therefore, that the entire three must act in making the selection of the 520 names for jurors as that each of the clerks and the Register is to prepare his own lists

After these 520 names shall have been selected by "the officers aforesaid," then the fourth section of the act of Congress further provides that "the names selected from said lists shall be written on separate and similar pieces of paper, which shall be so folded or rolled up that the names cannot be seen, and placed in a box to be provided by the Regis. ter and clerks aforesaid, which box shall be sealed, and after being thoroughly shaken shall be delivered to the clerk of this court. The fifth section provides that when juries are needed for any of the courts during the year, the Register and city clerks, and the clerk of this court, shall meet at the City Hall, and such paries shall be drawn by the clerk of this court, who is to publicly break the seal of the box and proceed to draw the requisite number of

Such are, briefly stated, the provisions of the act of Congress upon which the motion in this case to quash the array is rested, as I understand them, and as I apprehend they must be understood by everybody possessed of ordinary capacity and free irom the bias of interest or prejudice. There can be no other construction put upon these provisions, which will not do violence to, and indeed utterly pervert the language used by the legislature copey their intention. In enacting these previsions it was doubtless the intention of Congress no longer to leave in the hands of one man—the Marshal— or any other single man, the power of selecting juries in whole or in part, except in the exigencies of certain cases for which they provided in the same act, and which cases are of rare occurrence. This power ested oftentimes in Marshals nobody doubts had theretofore been often grossly abused and in many instances made the instrument of injustice and wrong, and Congress thought it would better serve the purposes of justice if it should substitute the combined selective power to three or four officers; the Register of Washington City, the clerk of Georgetown, the clerk of Georgetown. clerk of Georgetown, the clerk of the Levy Court, and the clerk of the Supreme Court, in the place of the much abused and arbitaary solitary power of the Marshal. This language in my independent expresses the intention as clearly as any idea can be pictured by the English language. Each of these officers was doubtless intended to act as a safeguard against any abuse which the partiality, bias, or corrupt disposition of the other might possibly allure him to commit. The affidavit of Samuel Douglass, the Regis-

ter of Washington city at the time of the selection, made in January or February last, of the names from which the present panel of jurors is taken, shows: Ist. That neither the clerk of Georgetown or of the Levy Cenrt saw one single name on his list, much less aided or cooperated with him in selecting the 400 which the law requires that these three "officers aforesaid" should select, and that he did not see a single name upon the list of either of the others, or co-operate in selecting from their lists. On the contrary, it shows that each of these three officers put into the box the num-

oughly shaking it, and then depositing it with the clerk of the Supreme Court, as required by the fourth section, and then meeting afterwards in the office of the clerk of the court, to witness him break the seal and draw the names of the jury required for the present term of this court, as provided for in the fifth section of the act, the clerk of Georgetown city at the same time, though in the presence of the clerk of the court and the other officers, proceeded to draw from the box the names of this present panel, to which challenge is now made. This was also a most reprehensible disregard of the plain provisions of the act. These are the facts upon which this application to quesh the array is grounded. The question presented by the law and the facts, (which are all admitted by the demurrer,) for the decision of the Court, is two-fold in its character. 1st: Does the law of Congress require that the judgment of all three of the officers named therein should either unitedly or severally pass upon the entire 520 names required to go into the box in making this selection from the three lists, or does it only require that the Clerk of Georgetown only hould pass judgment in selecting the 80 names from that city; the Clerk of the Levy Court, upon the 40 to be chosen from the rural portion of this District; and the Register of Washington to select alone the 400 to be taken from this city. Secondly: Whether if the act of Congress does require the judgment of all three of these officers to be exercised in the selection of theentire 520 names to be placed in the box, the placing them there in the manner described by Mr. Douglass in his affidavitis cause of principal challenge to the array. I am clear in my conviction that the law requires the united judgment of the three officers named in the act in the selection of the entire number of names to be placed in the box, for the reasons that I have already men-

ls, then, the several action of each of these fficers in selecting exclusively from his own list, and not even looking at the lists of either of the others, or even knowing any of the names taken from those lists, to be placed in the box, as sworn to by Mr. Douglass, and admitted by the counsel for the prisoner, a ground in law upon which to set aside the

It is argued by the counsel for the prisoner that it is not; that nothing except a defect in the summoning of a jury by the sheriff is principal cause of challenge to the array in England, by the common law, which we have inherited from our British ancestors, and which is the law in this District by which we are to be governed in the decision of this question; and the case of the Queen against O'Connell and others has been cited by the counsel for the prisoner at the bar as conclusive of the question in this case.

I confess that my veneration for the common law of England may sometimes even run into a weakness, but the day is long passed with me, and should be with everybody, when decisions of courts and mere arbitrary utterances of text writers, however hoary with age, or exalted in position, are to be accepted as procustian beds, on which other courts and other people are bound to fit themselves, with or without reason. With me no decision is of weight that lacks of reason for its solid foundation, unless it be the decision of a superior court that holds a mastery over me, whose mandates, right or wrong, reasonable or unreasonable, I am compelled by law

The grand object of jury trials in this country or in England is or ought to be, and is supposed to be a fair and impartial investigation of the subject in controversy by honest and upright men, who are entirely indifferent between the parties to the suit. It was to subserve this view that challenges were permitted to be made either to the array or to the poll, and either by principle or by favor, some persons entertain the idea that challenges and many other advantages are given by the common law to the prisoner ex-clusively, and nothing to the State. This is as if We should say that all the provisions and formularies of the common law were in-vented simply for the purpose of preventing the public from obtaining its just demands upon the guilty offender against society. It is as though such formularies were a mere means and ceremony by which the accused is to derive every advantage and have every means to assist in setting him at large without respect to the rights of an offended commu-nity. I entertain a different opinion. I concur with Chief Justice Gibson, of Pennsylvania, n the case of the Commonwealth vs. Joliffe, th Wat's, 585, in which he says: "Total impunity was not the end proposed by the Legislature, nor ought it, perhaps, to be desired by the philanthropist. It is not easy to discover a conclusive reason why the punishment of the felon ought to move our tenderest sympathies, or why the laws ought to be defectively constructed, on purpose that he might elude them. To rob the executioner of his victim, when the laws are sanguinary, it might be an achievement to boast of; but we are told at the mitigation of our penal code that the certainty of conviction to be expected from mildness of punishment would more than compensate, in its effects, the want of that severity which was thought to deter by its terrors. * * * * 1f it be fur-ther indulged, a shorter and certainly a cheaper way of obtaining its end would be to have no prosecutions at all. But it is one which would scarce be found to answer in the state of the times. Why, then, should the prisoner have more than serves" (speaking of challengers) "to give him a fair trial, and his twenty peremptory challenges certainly gives him that; and having secured to him all he had a right to require, it must have occurred to the legislature that the Commonwealth must have a

fair trial, too." Let us now see whether the case of O'Connel and the Queen, tried in 1844, is one which we ought, according to the counsel of the prisoner at the bar, to accept as conclusive upon the question now before us. In that case by 3d and 4th William 4th, chapter 91, and by 4th and 5th William 4th, chapter 8th, certain provisions were made regulating the mode in which certain books should be prepared, from which the shreriff was required to make a selection of juries

In the preparation of one or more of the

lists from which these jury books were made, a number of names of persons qualified as jurors was omitted. A challenge to the array was made in this case on the ground of the omission and it was held that such omission in one of the preliminary lists was not a sufficient cause of challenge to the array. But that is by no means the present case. To make the case at bar similar to that of O'Connell, and bring it within the ruling in that case, it would be necessary that Congress should, in the law for summoning juries, have incorporated a provision requiring that the three officers who stand in the place of the sheriff should have plepared their respective lists from the lists of the assessors or some other officers, and that in making the lists of said other officers some hegligent or fraudulent omission should have occurred It may be admitted, without any prejudice to the motion in this case that the omission by such assessors or other officers to make a complete list, from which the list or jury book, if we may so term it, used by the Register and clerks in order to inform them as to who all the persons legally qualified as jurors in their respective jurisdictions were, weuld not have been sufficient ground of itself to set up this motion. And yet I am free to say that in my opinion it ought to be sufficient. But admitting it were not, it is a very different case from the one before us. Here Congress requires that we combine the judgment of three officers in selecting the persons of whom the juries are to be composed. Each of these officers is to be a guard over the other two, to preventhim from perpetrating a wrong against individuals or the community by putting in the box from which jurors for a whole year are to be taken in all the courts, the names of persons who are disqualified, either from want of mental capacity, meral recutude, purity of blood, want of proper age, or tax paying qualification.

If one of these officers, as Mr. Douglass did on the occasion of filling the jury box in February last, should exercise an exclusive judgment in the selection of 400 out of the 520 names put into the box, the safeguard which Congress sought by the act to throw around the selection of jurors is not worth a fig! and the law was not worth the time consumed in its passage. Mr. Douglast may be, and doubt-less is, an honest, fair minded and honorable man; but the law cannot be relaxed on that account, for we cannot tell how long the effice may continue to be filled by such men. It was enacted to prevent dishousater which die ed.

[de 15]

AND THE BENDER.

TRANCE TAYLOR.

fairly, and impartially executed in all its requirements. The three officers specified in the ct of Congress stand in the place of the Marshal or Sheriff. Juries who are summoned to ry cases in this Court, must not only be summoned properly, but must be selected in obedience to the requirements of the laws. The case of O'Connell can scarcely be said to be regarded as law in this country, where mere forms at this day are considered as of mere secondary importance when compared with the substance of the law. If any partiality or default in the sheriff or his deputy in arraying the panel, gives either party the right to challenge the array, as is undoubtedly the law-wide 3d Blackstone, 359—then such partiality or default on the part of those who are substituted for the sheriff must likewise be good cause of challenge to the array. In the State of New York it has been held, in the case of Gardner vs. Turner, 9th Johnson, page 260, that the drawing of 72 names by the clerk from the jury box instead of 36, the number required by law, and the selecting of 36 by him out of the 72, and his direction to the sheriff to summon the 36 thus selected by him, was such default as would sustain a challenge to the array. In the case of James Maguire, plaintiff in error, vs the People, defendants in error, (2d Parker's Criminal Reports, page 148.) it was held hat inasmuch as the District Attorney was required by statute to issue his precept for summoning the pettit jury, a jury summoned by the sheriff without such precept was wrongfully summoned, and the conviction by such jury was held to be er-roneous, and the judgment of conviction was reversed. In the State of Delaware, prior to the year 1850, the law regulating the summoning of juries required that in cases of over and terminer the jury should consist of the 36 jurors who were summoned to attend the court of general sessions of the peace, and twelve others specially summoned for the court of oyer and terminer, which two courts were held at the same time and by the same judges, with the exception that in cases of over all four of the law judges sat together instead of the three, who held the court of general ses-In the case of the State vs. John Windsor.

5th Harr., 512; indicted for the murder of his wife, which was tried in 1850, before a very able bench, and by counsel distinguished for their leanring and ability onfeither side; a case which was fully argued and considered, it was decided that inasmuch as the act of Assembly provided that the thirty-six jurors summoned for the Court of General Sessions should also be summoned to attend upon the Court of Over and Terminer; and as these General Sessions jurers had not been so summoned to attend the Court of Oyer and Terminer, although they were there in attendance. the mere failure of the sheriff to insert in their summons a notice to attend the Court of Oyer, was sufficient ground upon which to quash the entire array, and it was done accordingly. It would seem at first view that the challenge upon such grounds in either of these cases was an objection merely sticking in the bark, and such is the careful regard which courts in this country entertain in respect to the selection of jurors and the securing of a fair and impartial trial on either side that they ever required strict compliance with the very letter of the law, no matter from which side the challenge may be moved. It is just as important to have fairness and impartiality upon the one side as upon the other; otherwise the trial of a criminal, however deep his infamy, may be made a mere farce through which his enlargement is to be procured. If it be important to observe the mere forms of the law, it is in my opinion of much greater importance fully to comply with the least of its substantial r-quirements.

Believing, therefore, that the substantial requirements of the act of Congress in this case, providing for the selection of a fair and impartial jury, bave not been complied with, but entirely cet at nought, and that there has officers whom that act non the part of those place of the Marshal, for the purpose of having them exercise united judgment in the selection of all the persons whose names are to go in the jury box, I am constrained to allow the motion of challenge in this case. I do not consider the fact that the present panel were improperly drawn by the Clerk of Georgetown, who had no right to put his hand into the box, because the objection which I have allowed lies even deeper than that.

It is therefore ordered by the court that the present panel be set aside, and that the Marshal of the District of Columbia do new proceed to summon a jury of talesmen.' Judge Fisher then ordered the Marshal to summon 26 talesmen; and further ordered the

final discharge of the present panel, remarking that they would be paid off by the Marshal. The prisoner remained in the court room some time after the decision was given, (engaging in conversation with his counsel and his brother, who sat near him,) seeming to be in very cheerful spirits. Most of the crowd had left the room by 11.15, at which time he was conducted to jail—the Marshal having been directed to summon the talesmen for tomorrow morning. At 11.30 the court ad-

Beard of School Trustees. The regular monthly meeting of the Board of Trustees of Public Schools was held last evening in their room, in the City Hall. Mayor Wallach in the chair, and all the members present. Mr. Wilson presented a communication from

Rev. Father Wiget, returning his thanks to the Board for declaring holiday on the 27th of May, in order to allow the children to participate in and witness the celebration by the Catholic Sunday Schools. The Secretary laid before the Board the abstracts of the teachers' reports for the month of May, showing the conditions of the schools. In the First District the whole number in attendance was 1.116, four of whom were admitted by transfer, and 38 by ticket. There were 103 applicants awaiting admission; visits of Trustees, 83. In the Second District, the whole number in attendance was 1,265: admitted by transfer, 4; by tickets, 46; applicants, 115; visits of Trustees, 146. In the Third District, the whole number in attendance was 1,311; admitted by ticket, 2; admitted by transter, 26; applicants, 282; visits of Trustees, 61. In the Fourth District, the whole number in attendance was 1,089; admitted by ticket,2; ad-

mitted by transfer, 30; applicants, 125; visits of Trustees, 64. The Treasurer presented a number of bills, which were approved and passed. Mr. Woodward presented the application of Miss L. M. Hunter, as teacher; referred to the committee on the examination of candidates. Mr. Rhees, chairman of the committee on rules and regulations, suggested that the

Trustees keep a record of the examination on a scale of marks from one to ten. He also presented the following rules to be observed in making the examination for premiums for spelling, offered by himself sometime since: Five pupils from each grammarschoel and five from each intermediate school, to meet at haif-past eight o'clock on Saturday, June 22, at the school house in Judiciary Square. 2. Examinations only to Judiciary Square. 2. Examinations only to be centinued two hours, and no extension of the savages on the Doctor's party in time allowed. 3. No teacher will be allowed which he was killed. The only witness to be present. 4. Each contestant to bring slate, pencil, and lead-pencil. 5. The teacher to select the five contestants, and to be sure

they are all present, or others in their places.

The same gentleman reported the following as amendments to the rules, and they were postponed until the next meeting, under the rules. Strike out rules 2, 3, 4, and insert the following: "Applications for admission shall be made to the teachers of the schools, who shall place the name of each applicant properly qualified to enter on the register and fill vacancies in numerical order of applicants." Strike out paragraph 3 of rule 5, and insert: "Application as they are made in regular order." Strike out of paragraph 5, rule 10, the words, "member of the Board," and substitute "teacher." Rule 67. Strike out and substitute "The achools shall be opened punctually at 8½ a. m. from April 1st to October 1st, and at 9 o'clock from October 1st to April 1st, and closed at 2 p. m." Rule 68. Change recess of sixty minutes at 12 m. to 15 minutes. Rule 72. Change beginning of vacation from 15th of July to 4th of July.

Mr. Wilsen, chairman of the committee to prepare a programme for the annual examinashall place the name of each applicant prop-

mr. witsen, chairman of the committee to prepare a programme for the annual examination, reported the same to the board. [Published in the Star of Saturday.]

Mr. Croggon said two schools in the Fourth District had been omitted.

Mr. Witson said they were omitted by mistake of the printer.

and second and now from one. I

fand would not justify the expenditure of the nsual amount for medals and premiums, and therefore they had very reluctantly decided to dispense with them this year.

Mr. Rhees hoped a silver medal would be given to the best scholar in each school, and let diplomas be given to the other instead of

let diplomas be given to the others instead of premiums. He offered a resolution to that

Mr. Wilson said we were educating five or six thousand children in the District, and there were ten or fifteen thousand to be educated. If the board should be censured for not giving premiums, it would be very unjust. The premiums were not an actual necessity, and he thought the money could not be spared to purchase them without taking it from some

source where it was more needed.

The Mayor stated that in 1861 the amount required for the schools was \$27,610; now it was \$107,000; this would show how the schools had increased

Mr. Johnson thought they had better give all the medals and premiums or give nothing.

Mr. Woodward thought it was of more importance to keep the teachers paid up. He was in favor of dispensing with the premiums is the money could not be spared. The Mayor said an effort should be made to pursuade the Councils to provide for a more liberal tax for school purposes. There was no poll now and at least \$13,000 for the school fund had been lost by having no poll tax at

he last election. The tax for school purposes should be raised to 25 cents on the hundred dollars. Mr. Johnson offered a resolution stating that the school fund at the present time, was inadequate to meet the increased expenses of the public schools; therefore, Be it Resolved, That until more ample provisions are made the usual medals and premiums to the scholars be

dispensed with for the present year. The yeas and nays were demanded on the passage of this, and resulted as follows:

Ayes—Messrs. Wallach, Wilson, Tustin,
Brown, Woodward, Fex, Johnson, Cassell, Creggon, and Whyte-10.

Nays-Messrs. Rhees and Clarke-2; and the resolution was adopted.

Mr. Tustin offered a resolution extending a cordial invitation to the members of the City Councils and other officers of the Corporation, and to all iriends of popular education, to attend and participate in the examination of the public schools, which was unanimously

Mr. Rees offered the following: Resolved, That the City Councils be re-quested to amend the law of November 12, 858, relative to the public schools, as follows: 1st. To provide for three trustees from each ward, to be elected by joint ballot of the Councils, one third of the members each year. 2. To provide for a superintendent of schools, with suitable salary. 3. To provide for the election of the secretary and treasurer by the Board of Trustees itself. 4. To increase the tax for school purposes to an amount enfficient to meet the expenses without drafts on the general fund. 5. To increase the salaries of teachers so that persons of proper qualifi-cations may be secured, and allow the Board

to grade the compensation according to length and nature of service. The resolutions were considered separately As to the first, Mr. Rhees said, so far as the present Mayor was concerned he had not and would not regard politics in appointing mem-bers of the board. But his term was nearly out, and it might be that hereafter politics might be considered in making the appointments, and a new board entirely might be

appointed. Dr. Croggon said if that resolution was passed, no doubt four colored gentlemen would befappointed, and he, for one, would not serve with colored men. The vote was taken, and the first resolution rejected. The second one was adopted. The third was postponed, and the fourth adopted. The fifth was then taken up; and Mr. Whyte said he thought the teachers were very well paid. They worked about two hundred days in the year and but six hours a

Mr. Woodward thought good pay should be given to secure good teachers. He would rather see the teachers well paid, and the Trustees have nothing. The resolution was passed, and the board adjourned.

Mr. Brown.-Yes, but they have to live all

ORPHANS' COURT .- Yesterday, the will of Frederick A. Birch was fully proven and admitted to probate and record. The will of Elizabeth Morrison was fully proven, and letters of administration issued to Adolphus Lindenhohl; bond \$8,000. The will of Thomas Goodall, deceased, was filed, fully proven, and admitted to probate and record. Geo F. Gulick and Geo. W. Goodall, the executors, renounced their right to qualify, and letters of administration were granted to Hannah Goodall; bond \$2,000. Margaret G. Meade was appointed guardian to Annie Malay, orphan of Daniel and Bridget Malay; bond 5200. Wm. and Lewis H. Emmert, orphans of Henry and Louisa Emmert; bond \$2,500. Michael Thompson, Esq., was appointed gnardian to Margaret Ann and Susan Gibson, orphans of Joshua Gibson; bond \$5,000.

The accounts of Honora O'Brien, guardian to the orphans of Patrick O Brien, were approved and passed.

ALEXANDRIA AND VICINITY .- The Gazette of yesterday says: It is proposed to hold a meeting to-morrow. of such of the farmers and landowners in the adjacent counties, as may be in town, to consider and consult upon some practical plan for aiding in inducing emigration to this State, and this section of it particularly. This subject deserves, nay demands, attention; and interest as well as patriotism unite in arging our people to be earnest in the matter. have so often expressed our views as to the importance of labor and capital in Virginia, in order to restore its prosperity, that it is needless, on this occasion, to reiterate them in our columns. Under the changed condition of affairs we require laboring farmers, who can cultivate efficiently and profitably, such

An inquest was held at noon to-day on the body of a colored boy named Silas Russell, who died this morning at the house of his mother, on Royal street, near Jamieson & Collins' foundry. It appears from the evidence taken that Silas worked for Mr. Howard, near Accotink, Fairfax county, and on Saturday, while in an oat field with another colored boy named James Bird, alias Winters, a quarrel ensued between them, and Bird struck Russell on the head with the nandle of a hoe, fracturing his skull and stunning him for a time. Russell, after coming to himself, walked to this place and sought medical aid. but this morning died from the effects of the

portions of land as they can purchase, or se-

cure with moderate means.

The soldier from Battery Rodgers, who stabbed one of his companions at the Brown Shed, two or three weeks ago, was sent out to Fort Whipple this morning to be tried. The soldier who was stabbed is rapidly recovering The Baptist General Association was still in

session in Lynchburg on yesterday. On Saturday it was decided that the body meet next session in Alexandria, on the Thursday before the first Lord's Day in June next. One of the young men of this place had his hand seriously injured yesterday whilst playing a game of base ball. Some real estate was offered for sale in this place yesterday, but withdrawn for want of Numbers of sturgeon continue to be caught

The cool weather is favorable for the wheat.

every day in the Potomac.

DR. LIVINGTONE'S FATE.-After a great deal of contradictory testimony, the last mail from London has brought evidence which places the fate of Dr. Livingstone beyond a doubt. A letter has been received in London, from a friend of Dr. Livingstone who lives in Africa, dated on February 23d. The writer says, with regard to the Doctor and those who accompanied him: "I have received an acof his death states that about noon they were traveling over a large plain. The Doctor and nine Africans were ahead. Suddenly he heard the Africans cry out: "Mayela! Ma-vela!" He ran on and saw a number of men rushing on the Dector and the Africans.
Three made for the Doctor, who shot down
two, but was cut down himself by the
third. Moosa, the narrator of this sad event, fired his gan and ran back to his countrymen, fired his gan and ran back to his countrymen, and they escaped into the grass and bushes. At dusk they returned to the spot where Dr. Livingstone was attacked, and found his body, the bodies of the two Mavelas whom he shot, also the bodies of four of the Africans. They buried the Doctor, and then set off as fast as they could go on their return for the coast, and after escaping two or three times from bands of Mavelas, reached Kulloa, on the coast. Unless come of the Africans survive and reach Zansihar, which is very improbable, this is less come of the Africans survive and reach Zanzibar, which is very improbable, this is all that will ever be known of the fate of Dr. Livingstone. The Mavelas, who have come from the South in considerable numbers, are killing the unfertunate negroes, who have neither courage nor the means of defending themselves." This statement settles the matter, and all hopes of Dr. Livingstone's return have been given up in England.

By So many New England people are settling in the Western States, and so many foreigners are locating in New England, that a Western writer thinks that in the course of time the character of the population of New England will be totally changed. To this it is retorted that in a very short period New England is able to transform all new-comerciato Yankees quite as sharp as the descendants of those who landed on Plymouth Rock. count, for we cannot test now store and the countrary, it shows that each of these three officers put into the box the number of names specified in the act for their respective jurisdictions, each independently of the other, and without the slightest regard to the judgment or consent of either of the other two.

The smally it gurther shows that after the selection of the names to be put in the box and the box and the outly way to the selection of the names to be put in the box and the public as well as individuals have a right to reflect the law, and the only way to the sub-board of sealing my the love and they recome in this see in all the law he fally.

The public are the law, and the public and the presence in this see in all the law he fally.

The public and the presence in this see in all the law he fally.