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THE DAILY JOURNAL.

WILMINGTON, N. C. FRIDAY, APRIL 24, 1868.

From the New York Freeman's Journal and Cath-olic Register.

JEFFERSON DAVIS.

THE FORTHCOMING TRIAL.

PACKING A JURY TO CONVICT HIM.

AN ACT TO LEGALIZE THE PACK-ING OF JURIES. However the devil may have been ashamed

when Fernando Wood spoke the truth of the present "bygamous Gongress," His Sul-phuric Highness must certainly have held up his head, and ceased to blush for his radical friends, when he read the following in the morning papers a few days since: "Be it enacted, do., That no person shall be held incompetent to act as atjurer upon

any Grand Jury by reason of having formed or expressed an opinion upon the matter to be submitted to such Grand Jury for investigation founded upon public rumor, statements in public journals, or the com-mon history of the times, provided he be otherwise competent, and on his oath declare, and it appear to the satisfaction of the Court that, notwithstanding such opin-ion, he can and will act impartially upon the matters to be submitted, and the true presentment made according to the ev dence ; but the Court may, in its discretion, set aside any such person. "SEC. 2. That in trials for offences agains

the United States no person shall be held to be incompetent to act as a juror by reason of having formed or expressed an opinion upon the guilt or innonence of the accused, founded upon public rumor, statements in public journals, or the common history of the times, provided he be otherwise com-petent, and upon his oath declare, and it appear to the satisfaction of the Court that, notwithstanding such opinion, he can and will impartially try the accused upon the crime charged in the indictment or information, and a true verdict give upon the evidence to be produced on the trial, but the Court may, in its discretion, set aside

any such jaror."

The clause in the Federal Constitution which declares that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartia jury," has been pretty generally under-stood as intended to place the great common law right of trial by jury beyond the danger of being tampered with by just such knaves and ignoramuses as have concocted the precious couple of sections cited above from last week's doings in Congress.

Juries, at the outset, were summoned from the vicinage, it is true, because, it was supposed, they might thus have some personal knowledge of the suitors, as well as of the matters to be investigated. But, in. the progress of the common law—for no more than Rome was it built in a day—it come to be established that cases should be tried by "impartial" men, on testimony adduced in open Court, and not on the private, and, oft-times, secret knowledge of mode of trial, so perfected by experience, that was intended to be secured by the constitutional guaranty to which we have called attention. Now, what is "impartial jury "-what

did the expression mean at common law, and what does the Constitution mean by it? Simply this a tribunal composed of twelve disinterested and unbiased men; that is, they must have no pecuniary or other interest in the question to be tried, and their minds must be free from all preand their minds must be free from all prejudice or preconception of opinion. The formation and expression of an opinion was ground of "principal challenge" at common law. A man whose mind was made up beforehand, was deemed not an "impartial interer;" and it is the common law right of trial by "an impartial jury," as we have already intimated, that the Constitution their is preserve.

Congress, however, undertakes to decommon that the formation and expression of an opinion shall not disqualify a juror, provided he will swear, and the Court shall believe that, notwithstanding such opinion, he can and will impartially try the party socused. In plain English, a man who comes into the jury-box with a biased mind, and, consequently, is not "impar-

who comes into the jury-box with a biased mind, and, consequently, is not "impartial," either in the legal or common sense of the term, shall, nevertheless, beanfiered to remain there, provided he and the judge concur in the opinion that, nebulatanding his partiality, he will act with impartiality. We scarcely think either the common laws or the Constitution designed to leave the question of the extent to which a juror is likely to be controlled by admitted populates; either to kin som or another's decision. No humans being am determine—much less can another determine for him—how far his judgment may be in danger of being warped by prepossessions, whether well or ill founded. A partial july applied to the controlled by admitted populates; either to kin som or another's decision. No humans being am determine—much less can another determine for him—how far his judgment may be in danger of being warped by prepossessions, whether well or ill founded. A partial ju-

ror might decide impartially; he might easily swear to do so; the judge might be-lieve he would; and yet the law has hitherto held it unsafe to trust him. With a generous confidence this new act takes his

statements in public journals, or the com-mon history of the times," shall be no valid guaranteed by any law of said State, onobjection to a juror, therefore the judge may, if he chooses, retain on the panel every man who has formed and expressed under the President's proclamation of the an opinion against the prisoner. "But," the law goes on to say, "the court may, in its discretion set aside any such juror" (that is any juror having formed or expressed an opinion); therefore the Judge may, at his pleasure set coils. may, at his pleasure set aside every man who has formed or expressed an opinion favorable to the prisoner. To illustrate: A. B., from reading the newspapers, or from public rumor, or from common history— some of it exceedingly common—has both formed and expressed the opinion that Jefferson Davis is a traitor and deserves to suffer death; A. B., if Judge Underwood says so, is perfectly competent to sit on Mr. Davis trial. C. D., a man of equal intelligence and respectability, from the same veracious sources, has formed an equally decided opinion that Mr. Davis, so far from being a criminal and deserving of death, is a high-toned, chivalrous gen-tleman, who should now be representing his State in the Senate of the United States; (and he would be mighty apt to say it), must "stand aside." Why, the process of packing a jury under this "enabling act." is as plain and simple as "heads, I wir,

BEFORE PURCHASING ELSEWHERE, WE respectfully invite the public to examine our SPRING STOCK:

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SECOND HAND SPIRIT BARRELS for

#### CONVENTION STAY LAW.

HEADQ'RS SECOND MILITARY DISTRICT. CHARLESTON, S. C., April 2, 1868.

generous confidence this new act takes his word, and—the chances.

But we have not yet alluded to the most singular feature of the bill, and the one that most completely justifies the title we have given it. Some months ago, that wood, to whose level the bench has been brought down, and not he clevated to it, the could pick out a jury in Virginia safe to convict Jefferson Davis.

Would we be guessing wide of the mark if we suggested the possibility of a connection between the statute which we are considering and Judge Underwood's hint of what he could do if he had a fair chance?

Let us see how easily, under such a law, he could carry out such a game. The formation or expression of "an opinion," it provides, "upon the guilt or innocence of the secused, founded upon public rumor, statements in public journals, or the comment on history of the times," shall be no valid or the defendant the expiration of the constitution framed by statements in public journals, or the comment much it is swill realize the balance of debts : Provided, however, that should the debt is with confidence of the Constitutional trustor or mortgages shall sell the property of debts : Provided, however, that should the trustor or mortgages shall sell at six months case the trustee or mortgages shall sell at the converse of March 2, 1867, "to provide swippelmentary in the Act of March 2, 1867, "to provide swippelmentary in the Act of March 2, 1867, "to provide swippelmentary in virginia six months' credit so much of the property on the could for the mark in published in the could and will have the force of law in said State until the question of the constitution framed by said Convention. by the people of said state until the question of the constitution framed by said Convention. by the people of said state, and which is herewith published, is hereby approved, and will have the force of law in said State until the question of the constitution framed by said Convention. by the people of said state, on the could do if he had a fair chance? Let ENERAL ORDERS, recognizing or sanctioning the investments of the funds of minor heirs, or of females, or of insane persons, in the securities of the late rebel government, or the securities of the State of North Carolina, created for the purpose of carrying on war against the government of the United States, shall, as now, be suspended until the question of the validity of such investments shall have

> equity courts, and other fiduciary agents, or invested by them in their fiduciary character. By command of B'vt Maj. Gen. Ed. R. S. Canby Louis V. Caziabc,
> Aid-de-Camp, S. CANBY

Act'g Ass't Adj't Gen'l.

AN ORDINANCE RESPECTING THE JURISDICT OF THE COURTS OF THIS STATE.

SECTION 1. Be it ordained by the people of North Carolina in Convention assembled, That Sections and 1 and 2 of the Ordinance of the Convention, adopted June 27, 1866, entitled "An Ordinance to change the jurisdiction of the courts and the rules of pleading therein," be and are hereby re-

Section 2. Be it further ordained, That Section 3 of the above entitled Ordinance

Section 3 of the above entitled Ordinance be amended to read as follows:

Section 3. That all actions of debt, covenant, assumpait and account now pending in the Superior Courts, shall be continued to Spring Term 1869, and that the several Superior Courts at the Spring Term thereof only, unless otherwise herein provided, shall have exclusive original jurisdiction of all such causes of action, except where jurisdiction has been or shall be given to a Justice of the Peace by the government of the balance of the debt.

Section 3 of the above entitled ordinance, Section 17 of the above entitled ordinance of Blackwood, or of one Beview, will be sent to one of Blackwood, or of one Beview, or of Blackwood, or of one Beview, or of Blackwood, or of one Beview, or of Blackwood, or of 2,000 pieces Fancy and Mourning Prints, 2,500 pieces Brown and White Shirtings, where jurisdiction has been or shall be constitution or laws of North Carolina. Should the defendant at the Spring Term of 1869, on writs which shall be returned to that Term or in any suit, for the above causes of action then pending in the Superior Court, pay or confess judgment to the plaintiff for one-tenth of the debt and demand, (principal and interest,) and all costs to that time, he shall be allowed until next Spring Term to plead.
At the said Spring Term, should the defendant pay to the plaintiff or confess judgment for one-fifth of the residue of the said debt or demand and costs, he shall be allowed until the succeeding Spring Term to plead. At the said Spring Term, should the defendant pay to the plaintiff or confess judgment for one-half of the residue of the debt or demand, he shall be allowed until the succeeding spring term to plead. At the said spring term, the Plaintiff shall have judgment for the residue of his debt or demand: Provided, however, that the plain tiff, if required, shall file his debt or de mand in writing, and if the defendant shall make eath that the whole or any part there-of, is not justly due, or that he has a coun-ter demand, all of which shall be particuularly set forth by affidavit, then the de-fendant shall pay the installment required of what he admits to be due, and the court shall order a jury at the same or some subsequent term to try the matters in dispute between the parties, and at the next spring term the defendant shall be allowed tim to plead only upon paying or confessing judgment for one-fifth of the residue of the admitted amount, and whatever the jury finds him indebted over and above the same : Provided, further, that should the lefendant fail to pay or confess judgment for the first or any subsequent installment, then and in that case the plaintiff shall be entitled to proceed to judgment and execu-tion for such intalment, unless the defend-ant shall put in pleas, in which case the suit shall proceed according to the course

of the court in 1860: Provided, further, that by consent of the plaintiff the defendant, at any term of the court, may confess judgment for a stipulated sum in full and final discharge of all further demand or Hability upon such claim.

Secreta 3. Be it further ordained, That Section 10 of the above recited Act shall stemos be amended to read as follows: Section 10. That the executions on judgments in action of debt, assumpsit, covements in action of debt, assumpsit, covenant or account, or decrees for money demands in Equity, which have been or shall be issued on judgments or decrees heretofore obtained, shall be levied on the property of the defendant, and returned without sale: Provided, such return shall not prejudice any lien the plaintiff may acquire or then have by virtue of said f. fa, or resultions expones.

or then have by virtue of said A. fa. or conditions exponds.

At the spring term 1869, execution on all such judgments or decrees shall issue for only one-tenth of the amount then due; at the spring term 1870, for one-fifth of the residue; at the spring term 1870, for one-fifth of the residue; at the spring term 1871, for one-half of the residue, and at spring term 1872, for the balance of the debt; and no execution shall issue from the fall term on any such judgment or decree except by consent of the defundant; that no mortgage or trustee shall expose to sale the property conveyed in such mortgage or trust deed, without the consent of the grantor before the first of March, 1869; should the mortgager or trustor at that time pay one-tenth of the debte mentioned the sale shall be postponed to first of March, 1870; at that time, should the mortgager or trustor pay one-fith of the resigager or trustor pay one-fith of the regi-due, the sale shall be postponed to the first of March, 1871; at that time, should the

trustor or mortgager pay one half of the residue, the sale shall be postponed to first of March, 1872; and at that time the trustee or mortgagee shall sell the property, or so much of it as will realize the balance of

tices of the Peace shall issue or be returnable until January 1, 1869. Should the defendant upon such return pay to the plaintiff, or the collecting officer for his use, or confess judgment before the magistrate, for one-tenth of the debt and demand, (principal and interest,) he shall be allowed twelve months to plead; at the expiration of that time, should the defendant pay to the plaintiff, or confess judgment for one-fifth of the residue of the said debt or demand, he shall be allowed twelve months more to plead; at the expiration of that time, should the defendant pay to the plaintiff or confess judgment for one-half of the residue of said debt or demand, he shall be allowed twelve months more to plead; at the expiration of the residue of said debt or demand, he shall be allowed twelve months more to plead; at the expiration of that demand, he shall be allowed twelve months more to plead; at the expiration of that time the plaintiff shall have judgment for the residue of his debt or demand: Provided, however, that the plaintiff, if required, shall file his claim in writing, and if the defendant shall make oath that the whole defendant shall make oath that the whole or any part thereof is not justly due, or that he has a counter demand, all of which he shall particularly set forth by affidavit, then the defendant shall only pay the instalment required of what he admits to be due, and the Justice shall proceed to try the matters in dispute between the parties; and at the expiration of twelve months the defendant shall be allowed time to plead only upoh payment of one fifth of the amount admitted to be due and whatever the Justice may have found him indebted over and above the same: Provided, been determined by the courts of the United States, or by national legislation. And nothing in the provisions of this order, or of the Ordinance herewith published, shall be held to bar or hinder any legal proceedings in behalf of any minor heir, debted over and above the same: Provided that should the defendant fail to pay or con female, or insane person, respecting trust estate, property or interests in the hands of executors, administrators, trustees, guar-dians, commissioners, masters or clerks of that should the defendant fail to pay or con-fees judgment for the first or any subsequent instalment, then and in that case the plain-tiff shall be entitled to proceed to judg-ment and execution for such instalment: Provided, further, that by consent of the plaintiff the defendant may at any time confess judgment for a stipulated sum in full and final discharge of all further de-mand or liability upon such claim; that all executions and judgments in actions of debt. covenant, assumpsit or account.

debt, covenant, assumpait or account, which have been or shall be issued on judgments heretofore obtained before any ma ments heretofore obtained before any ma-gistrate, shall be levied on the proporty of the defendant and returned without sale. At the expiration of twelve months from such return, execution on all such judg-ments shall issue for only one-tenth of the amount then due; at the expiration of twelve months from that time, for one-fifth of the residue; and at the expiration of twelve nonths more, one-half of the residue; and at the expiration of twelve months more for the balance of the debt.

ment of writing or parol promise made since first May, 1865, in renewal of or substitute for a contract made prior to first of May, 1865, to the full amount of the principal and interest of a debt existing prior to said day, and without other considera-tion than such pre-existent debt, and except also actions, suits or process to revive, continue or enforce any judgment heretofore recovered upon any such bond, pro missory note, bill of exchange or other in strument of writing or parol promise, as is

heretofore mentioned.

SECTION 6. Be it further ordained, That this Ordinance shall be in force from and Ratifled this seventeenth day of March, A

CALVIN J. COWLES. President Constitutional Convention.

T. A. BYENES, Secretary. STATE OF NORTH CAROLINA. DEPARTMENT OF STATE, Raleigh, N. C., March 18, 1868, B. W. BEST, Secretary of State, do here-by certify that the foregoing is a true copy of the original on file in this office. Given under my hand the day above R. W. BEST, Secretary of State.

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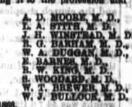
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Dear Rir—My youngest daughter, aged five years, has been dreadfully afficied with Eurofulaneary all her life. I tried a great many Physicians, but without relieving her much; in fact, mest of them said there was no hope of dura.—Buring the last Spring she was worse that ever, her body and limits being covered with sores and biotohes—with face and eyes badly ulcerated and swollon. Whilst in this condition, I was advised by Dr. L. A. Stith to try your Rosadalic. I at once presured three bottless, and commenced giving it to her. The effect was magical. In less than a month, to my great astonishment, she team entirely ucell.

Tours, with much respect and gratitude. W. W. BURKETT.

BOSADALIS OURES ALL SKIN DISEASES.

WILSON, N. C., Sept. 15, 1871.

Dis. Lawrence—Dear Hir:—In 1862 my son, now aged five years, was vaccinated with what proved to be impure matter, which completely destroyed his health. He has been afflicted with an inveterate and extremely ironhissome Arenton of the Bitis, sometimes Preaking out in serve, &c. Rosadalis was prescribed by my family physician—Dr. A. B. Hoore. After taking it a few weeks, my son became and remains entersly usel.

Yours truly,

OFFICE DIVER COMPLAINT OURED,

I know of several others in this Gounty through the use of Rossdalls, and if can be in nearly every house in my neighborhoo-they all praise it as a great medicine. THOMAS THOBN. Greens-County, August 14, 1807

OBADALIS IS A POTENT BEMEDY IN ALL CHRONIC DISEASES. From G. W. Blount, Eag., Attorney at Law, I have been cured of Chronic Inflammation he Ear and Partial Deafness, of ian years sta

BOSADALIS WILL CURE THE VERY WORST CASES OF CHBONIC RHEUMATISM. I hereby certify that I was cured of long stand-g Chronic Rheumathm, by taking four bottles of Lawrence's Resapants. Wilson, N. C., May W, 1987, JAMES WILLIAM

GEO. W. BLOUND.

see It is not a hoursele are published upon of which it is made and and andorsed to bottle, and it is used and andorsed to

meet Cen. Esmecia and

RAILROADS.

WILMINGTON & WELDON BAILBOAD OO., OFFICE CHIEF ESG. & GEN. SCHEMISTERDENT, WILMINGTON, R. C., April 12, 1888.

SCHEDULE NOTICE. On AND AFTER TO-DAY THE PA trains will leave Wilmington at 5th A. M., and 4:50 P. M., and arrive here. M., and 7:30 A. M.

Wilmington and Man. Railroad Co.

Express Train connects clessly at Flor the North Eastern Ballroad, for Charle Cheraw and Darington Ballroad, for Charle at Kingavile with the South Carolins for Columbia and Augusta.

ACCOMMODATION TRAIN,

GENERAL SUPERINTENDENT'S OFFICE, WILMINGTON & MANGEMETER R. R. Co. WILMIRGTON, N. C., April 8, 1888.

ON AND APTER PRIDAY, the 10th in the Accommodation Train on this Resellave Wilmington on Mondays, Wednesdays Pridays, at 8:50 A. M., and arrive at Flores 6:50 P. M.; Kingsville 3:90 A. M. Leave I ville Tuesdays, Thursdays and Sundays, S. P. M., arrive at Florence 3:15 A. M., and Wilton 6:10 P. M. Close connection at Wilmiboth ways, with the W. & W. R. R., at The with the C. & D. R. R. for Cheray, and at with the C. & D. R. R. for Cheray, and at

Wil., Charlotte & Rutherford B. R. MERAL SUPERINTEDENT'S OFFICE, I

ON AND APTER TUESDAY NEXT, AUGUST 18th, the Presenter train on this Road will leave Wilmington on Tuesday, Thursday and Sat-urday at 7 o'clock, A. M. Arrive at Sand Hill came days, at S P. M. Arrive at Wadesboro' (Stage) at 12 midnight. Leave Wadesboro' (Stage) on Tuesday, Thursday and Saturday, at S P. M. Leave Bockingham (Stage) on Monday, Wednesday and Friday at 4:30 A. M. Leave Sand Hill (Care) Monday, Wednesday and Friday at 4:30 A. M.

# NEW CROP MOLASSES!

O HHDS NEW CROP MOLAN 40 HHDS SUGAR HOUSE SYS 10 BEDS SUGAB; 35 BBIS SUGAR;

100 BAORS COFFEE: 100 BOXES CHEESE: BRIS SUPER FLOUR; " BARTLY FLOUR;

" PLANTING POTATOES; 500 BAOKS BALT; 800 BALES HAY;

15 HHOS BACON SIDES 1000 SUSHELS PRIME WHITE CORN; 60 TOMS PERUVIAN GUANO;

200 " PATAPROO " Sagging, Rope, Ties, Tobacco,

&c., &c., &c., &c.

NORTH AMERICAN STEAMSHIP CO.
THEOUGH LINE TO CALIFORNIA
VIA PRODUCE THE TOTAL STREET Describer 6th and Bible January 5th,
18th and Rith, and February
19th and 29th.
With New Bicamphips of the First Class.
Fatham Lowis than 51 Act Orands Lava.
For frigher information address the undersigned at 187 West Serect, Sew York.
D. N. CARRINGTON, Agent.

PERS, signers of the Decaration in 1776, or any one of them? Or oil he obtained? Sold, hired, oil he obtained? Sold, hired, any autographs, my