Beaver, Pa., Dec. 22, 1869. WE yield much of our space this week to the Quay-Commercial libel suit. Our readers will understand, of course, that the trial here reported was only a preliminary one, and that the defendants had not the privilege of introducing testimony in their own behalf. The point in this inquiry before the Alderman was simply to ascertain whether Messrs. Brigham and Thompson should or should not be held to appear in Court. The rulings of the Alderman were continuously favorable to the prosecution, and of course the defendants will be bound over. At the outset the pub-He was assured that Mr. Quay desired a full investigation of all matters relating to Legislative corruption, in which, it was alleged he acted a part. The report of the proceedceedings in the preliminary hear-

tain will be raised, whether Mr. Q. and his attorney's are willing or not; and, if we are not greatly mistaker an array of facts and circumstance will be brought to light which will convince every honest man in the Commonwealth that the Commer cial's course, in uncarthing Mr. Our and his co-schemers at Harrisburg and Philadelphia, has done the State an important service, and the people an incalculable amount of good. The attorneys in the case are Messi Marshall and Schwartzwelder for the prosecution, and Messrs. Hampton and Carnahan for the defence. Mr. Hampton conducted the defence alone, his associate being absent during the hearing before the alderman. We but state what was apparent to every one present at the examination, when we say that Mr. Hampton conducted the defence with great tact and ability. Fortified at all points, comprehending every question as soon as it came up, and withal. a ready debater, he was more than a

match for the heavy double-team

pitted against him. His bearing throughout, indicated a strong belief

in the justice of his cause, and we

have no doubt but that the people

will honor him all the more for his

a "ring" which, for years, has been a

disgrace to the State, and a heavy

burden upon the shoulders of the

vigorous effort to expose and break up

Ir is doubtless known to many of our friends that a prosecution, charging us with being a party to an infamous crime, was commenced against us a few days since in Beaver. Of course those who live in this town and vicinity, understand that the person who brings this charge against us, is only a tool in the hands of others, who stand in the back-ground.

As the matter is now in the hands of go in the property of the Commercial, and, second, that the allessed likely after the least the property of the commercial, and, second, that the allessed likely after the least the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial is a property of the commercial in the property of the commercial in the property of the commercial in the comme seem improper on our part to make public any of the particulars in the case. In the meantime, the readers of the Argus and its friends everywhere, may rest assured that its editor has done nothing nor been connected with any transaction of which they or himself need be ashamed. This will be made very apparent at the proper time, and in the proper

THE first lively time of this session occurred on Thursday last. It was in the House, and grew out of Mungen's so-called financial speech, in which he fairly and directly advocated the repudiation of all the Government bonds, and painted his picture of prosperous times that would follow such an act. He has been at low such an act. He has been at work on this speech for a long time.

The fact that he would come out for repudiation got noised abroad, and many friench tried to provide the conference of the repudiation got noised abroad, and many friends tried to prevail upon him to destroy his pile of manuscript. He was not to be dissuaded, and the House gave him an hour in which to read it. There was preceptible uncasiness all over the Democratic side while he spoke, and as soon as he finished his party friends jumped for the floor in order to repudiate him. Messrs, Cox, Randall, Slocum, Woodward, and others, washed their hands with the floor the grand others, washed their hands with the floor the grand others, washed their hands with the floor the grand others, washed their hands with the floor the grand others, washed their hands with the floor the grand others, washed their hands when the state Treasurer-should be the floor the grand of the grand with charming freedom and derisiveness. It was a good thing to hear, though. One could not help marvel-know want ho said—merely if he mentioned went name? sion of these gentlemen from the Pendleton greenback scheme for halfrepudiation. The afternoon's work remlers it clear, however, that the financial part of the last Republican platform was made of good timber. THE apportionment bill brought in

Tite apportionment bill brought in by Mr. Allison on Thursday last, is shiftar to the one which he presented hefore the Census Committee. It provides that the house shall have three hundred members; that the Secretary of the Interior shall make up the apportionment on the basis for the next Congress as soon as the census returns are received, and by official announcement ishow how many representatives each State is entitled to in the new house. States having an excess over the present number are to elect them on a general ticket. This whole matter of apportionment will be pretty thoroughly debated in the course of the winter and spring. A good many members think two hundred and seventy-five is enough for the House, and some don't want any change till the Forty-third Congress. It lis not yet residued to the control of the article:

As to this portion of the article:

"It a man succeeds in drawing out of one candidate for third States Senator the spood enough to answer apple thim to another candidate for 2 in a building at Beaver?

"A. I never drow it from any candidate for any office, and never betrayed any one. Was never paid any money or any time, or were you at any time, or we you at any time, or wer by Mr. Allison on Thursday last, is any change till the Forty-third Congress. It is not yet possible to see what conclusion will be reached.

THE following nominations were sent to the Senate on Friday last: Amos T. Ackerman, U. S. Attorney, District of Ga. S. L. Withey, of Mich. Judge Sixth Judicial circuit, vice Geo. H. Yeaman, withdrawn.

A COMMITTEE of Cincinnati doctors have telegraphed to Gov. Geary that they "are satisfied that Dr. Paul Schoeppe has been convicted upon insufficient evidence." Doctors from other places have likewise expressed themselves. They seem to agree, for once, but manifestly upon a diagnosis which they have picked up from the THE QUAY COMMERCIAL LI-BEL SUIT.

Preliminary Hearing;—Examination of M. S. Quay and others on the part of the Prosecution;—Defence not per-mitted a Hearing.

At 3 o'clock, on Friday after ast, the libel case of M. S. Quay re. C, D. Brigham, Editor, and R. D. Thompson, Business Manager of The Pittsburgh Commercial, came up for a preliminary hearing before Alderman Neeper, of Pittsburgh, having been continued from the previous day on account of the absence of Mr. Quay, the principal prosecuting witness. Our readers will understand that in these preliminary hearings, ione but witnesses for the prosecution an be examined. This prohibited the defendants from offering testimony, and confined them to the crossxamination of Prosecutor's witnesses. At the hour stated the alderman's

of the Legislature, and other prominent citizens.

ceedings in the preliminary hearing, before Alderman Kneeper, shows that himself and counsel flinched at the critical time, by refusing to answer such questions as would tend to elicit "the truth and the facts." Instead, therefore, of "throwing open the doors," so that the "monkeys" might be seen Mr. Quay and his vigilant attorneys took good care to keep them closed, and sturdity refused to let the exhibition go on.

At the trial of the case in the Quarter Sessions, we apprehend, the curtain will be raised, whether Mr. Quarter Sessions, we apprehend, the curtain will be raised, whether Mr. Quarter Sessions and the latter written from Pittsburgh to Tite Beaven as to that

Pittsburgh to THE BEAVER ARGUS:
"A diversity of opinion exists here as to what he new, large building in your town should be alled. Some insist that it should be known as be "Mackey Building," others claim that it should be "Mackey Building," others claim that it should be "Mackey Building," others claim that it should be been supporprise. I would nost respectfully urge that the latter be the name by which that "monument of greatness" be known by the generations which are to come. By the ay, do you know that one of your Beavrities and one of our prominent men here are ranning a sixtillery not an hundred miles from where I writer it is more than suspected that the tax payers of he soucers when they come to be divided, on the round that they who furnish the capital should of be cheated out of the divadends."

"Touching that "large building."

"Touching that large building, the name will make little difference Perhaps no one name could be selected to signify the whole truth. For instance, if a man succeeds in drawing out of one candidate for United ing out of one candidate for United States Senator the sum of \$13,000, and betrays him to his opponent for \$20,000; and if he puts the money into a 'large building,' a special coinage would be necessary to give it a name. If several similar transactions, to say nothing of the 'unexpended balance,' should enter into the history of the structure, the difficulty as to a title would be increased. Our Beaver friends, we doubt not, will be found 'equal to the occasion.' As to the distillery, the mystery of the corres-

'equal to the occasion.' As to the distillery, the mystery of the correspondent is great. The reference, to those who understand a certain state of facts, might be illumined, however, by the suggestion that men who will deliberately propose to a revenue officer that—for a large consideration—he should be conveniently blind for a certain length of time, to enable them to steal \$20,000 and upward, would not he situate to rob the govern. would not hesitate to rob the govern-ment if they had a chance. Perhaps they have gone into the whiskey business to do it. Who knows?" Mr. Swartzwelder then stated that

Michael Fitzgibbon, messenger at the Michael Fitzgibbon, messenger at the Allegheny National Bank, was intended to be put upon the stand, as first in order, he having purchased a paper at the office of the Commercial, containing the alleged libel. The purpose was to prove the publication if it was necessary. it was necessary.

Mr. Hampton. You will be expetto prove the publication in the or-

dinary manner.

end, by putting Mr. Quay on the stand. TESTIMONY OF COL. QUAY. Matthew S. Quay, sworn and examined by Mr. Swartzwelder;
Q. Where do you reside?

State how long you have resided here.
A. Since 1851 or '52
Q. Did you make this information

A. Yes, sir.
Q. Where was that portion of your information, containing the alleged libelous information, taken from?
A. It was an extract taken from an anonymous letter in the Beaver Anous, ropublished by Mr. Brigham, and the libelous matter added. The whole libel, in the information, was taken from the Commercial.

ommercial. Q. Did you read those articles in A. I did. Q. Is that the article? [Paper she

ward, and others, washed their hands vigorously of the whole thing, and spoke their minds about Mungen with charming freedom and derisive A. He had spoken of "Don. Cameron, "And to be the had spoken of "Don. Cameron, "The ward of the had spoken of "Don. Cameron, "The ward of the had spoken of "Don. Cameron, "The ward of the had spoken of "Don. Cameron, "The ward of the had spoken of "Don. Cameron, "The ward of the had spoken of "Don. Cameron, "The ward of the had spoken of "Don. Cameron, "The ward of the whole thing, and the ward of the war

ling at the sudden apparent convertioned your name?

A. I think the allusion was as I have stated.
Q. Was it for the foregoing reasons as stated by you that you took this article to rofer to yourself?
A. Yes, sir. I don't think Mr. Brigham will deny it.
Mr. S. Just answer the question 'yes' or 'no.'

Q. You have stated that you are eree ing a large building in the town of Ber

There is another reference here "The reference, to those who understan a certain state of facts, might be illumin od, however, by the suggestion, that men who will deliberately propose a revenue officer that, for a large consideration, he should be conveniently blind for a certain length of time, to enable them to steal \$80,000," etc?

A. My answer is the service of A. My answer is, that I never tried

anything from the Governs to steat anything from the dovernment and never attempted to bribe any revenue officer to help me do it.

Are you engaged in any manne with a distillers? A. No sir; I never had any interes

CROSS-EXAMINATION. Mr. Hampton then proceeded to cross-examine the prosecuting witness as follows:
Q.—How long have you lived in Beaver County, Col Quay?
A.—Since 1852; read law in Beaver County. Q.—Do you recollect when you were admitted to the bar?
A.—In 1854 or 1855, I think; I was then elected Prothonotary.
Q.—How long did you continue in

that office?

A.—Six and a half years; I resigned and went to the army.
Q.—What did that office pay you—what did it net you per year?

Mr. Marshall—We object.

The Aiderman—The objection is sustained.

Mr. Hampton—You do not wish to hear any arguments than.

o hear any arguments then.
The Alderman—Yes, sir, I will.
Mr. Hampton—But I do not car

Mr. Hampton—But I do not care to say anything, now that you have decided the matter.

The Alderman—But I will withdraw the decision.

Mr. Hampton stated that the purport of the article—the alleged libel—was, that Mr. Quay was erecting a building at Beaver, Pa., with money obtained by corrupt means. The purpose of the defense was to show the pecuniary condition of Mr. Quay when he left the office of Prothonotary; and further, that it was not office was crowded—among those in attendance were several ex-members | when he left the omee of Fromono tary; and further, that it was no possible for him to accumulate such

possible for him to accumulate such sums of money since then, unless obtained corruptly. In other words it was the design of the defense to inquire into Mr. Quay's financial affairs. Mr. Quay alleges that the article is false, libelous and malicious and does him great injury. The defense proposed to show that his means were such as would not enable him to build such a structure, unless by money corruptly obtained.

Mr. Murshall stated that Mr. Bris-

Mr. Murshall stated that Mr. Brig-ham was present, and if he would sign a paper, setting forth that was what was meant in thearticle, name-ly, that Col. Quay was erecting a building on \$13,000 corruptly obtain-

building on \$13,000 corruptly obtained, the prosecution would admit the evidence; otherwise they would have it ruled out.

Mr. Hampton did not choose to entor into any such arrangement. The defendants were present to any swer the charge preferred, in a legal way, and not to sign papers. He understood the article, construed by Mr. Swartzwelder, I object; the gentleman wants to show that Quay is putting money corruptly obtained into the building at Beaver.

Mr. Marshall—We understand the charge to be that Mr. Quay obtained the sum of \$13,000 corruptly.

Mr. Hampton—If the objection is valid it is a matter of law.

Mr. Marshall—If the offer is not accepted we will insist upon our objection will be a secretained to be libeliant.

Q. Was thus the commencement of the warfare? A. I think the libel suit business?

A. I think the libel suit business.

Mr. Swartzwelder. That's enough.

Q. Now, did you not turn around and charge Mr. Brigham with corruption; that he had received money of the corruption fund?

Mr. Swartzwelder, I object; the gentleman wants to show that Quay libeled Brigham.

Mr. Hampton. I want to show that there were charges on one side and allegations on the other—crimination and recrimination. Malice is one of the ingredients in the law get libel, and my purpose is to prove that there was no malice in the publication alleged to be libelous.

Mr. Swartzwelder. That's enough.

Wr. Swartzwelder. I object; the gentleman wants to show that Quay ibled Brigham.

Mr. Hampton. I want to show that there were charges on one side and allegations on the other—crimination and recrimination. Malice is one of the ingredients in the law get ibled, and my purpose is to prove that there was no malice in the publication of the corruption fund?

Mr. Hampton. I want to show that there were charges on one side and allegations on the other—crimination and recrimination. Malice is one of the ingredients in the law get in the

eccepted we will insist upon our ob-

Mr. Swartzwelder—They have re-fused to accept the offer. The Alderman—The objection is sustained Q.—Col. Quay, what year did you go into the Pennsylvania Legislaure? Mr. Marshall—You need not an

swer that; we object.

Mr. Hampton—Put the question down Mr. Alderman.

Mr. Marshall—What does the genleman wish to show?

Mr. Hampton—It is my cross exmination, and I am touching only Mr. Hampton—It is my cross examination, and I am touching only
on matters brought out in the examlination in chief. I ask the question
for the purpose of showing that the
gentleman (the witness) was a member of the Pennsylvania Legislature
at an election held for United States
Senator; that money was paid—
Mr. Marshall—Put the purpose
just stated in writing, Mr. Alderman.

man.

Mr. Hampton—It is not customary to put in writing at a preliminary, hearing what either side expect to Swartzwelder—Read the question Mr. Alderman, as you have got it in writing.

Alderman—That the prosecutor received money from a candidate for United States Senator.

United States Senator.

Mr. Hampton—I did not state that that was my purpose.

[It is but proper to state here that the attorneys for the prosecution spoke of Mr. Hampton's purpose several times, and the Alderman taking it down amid considerable confusion got it in the way it was "richardin" mannary, to "miseram from the witness whether he was in the Pennsylvania Legislature, when there was an election for U. S. Senator. That's the purpose

Pennsylvania Legislature, when there was an election for U. S. Senator. That's the purpose

Mr. Marshall—We do not object then. The witness—I was in the Pennsylvania Legislature and a candidate for Speaker in 1867, when Curtin and Cameron were andidates.
Mr. Hampton—I asked you what year you went into the Legislature.
The witness—In 1865; that was my

Q -- How many sessions were you the

ar?

A.—Three years—three sessions,

Q.—I wish you to state, if you please that amount of money you were worth a 1815, before you went into the Legisla. are. Mr. Swartzwelder—we object. Mr. Hampton—Put the questio

Ir alderman.

Mr. Marshall—We object because it is prving into private matter.

Mr. Hampton—State the grounds of

the objection.

Mr. Swartzweider—Because it is neither pertinent nor relevant; affirmatively stated, it is impertinent and irrelevant.

Mr. Hampton—I propose to ask Col. Quay this question, for the purpose, as aiready state-1, of getting at this election; that is, ascertain whether there was any money used corruptly in it or not. We cannot get at the matter in any other way. way.
Mr. Marshall—If the gentleman admits that that is what the defendant meant in his article of the 9th, we make no objection to the question; otherwise we do

bject. Mr. Hampton-There is the article. Mr. Hampton—There is the article. You can draw that inference or any other that you see proper from the article. Mr. Marshall—We object then, because that is not assuming the responsibility. Mr. Hampton—Take it as you please. Mr. Marshall—That looks more like crawling out of the responsibility than assuming it.

Mr. Hampton—I have said that if the gentleman thinks that it is such, he can admit the evidence.

Alderman—I sustain the objection.

Mr. Hampton—I cannot ask that question then, about how much he was worth before going into the Legislature?

Alderman—No, sir.

Mr. Hampton—Mr. Quay, when did

Mr. Brigham or Mr. Thompson to assume that it is proper for publication. It is only when it is shown to be for public is only when it is shown to be for public information that such testimony can be introduced. This section of the bill. of rights has nothing to do with this libel because Mr. Quay does not now hold any public office; neither does he act in any public capacity.

Mr. Marshall—This article charges Mr. Quay with receiving \$13,00 from one man, \$2,00 from another, and contriving to defraud the Government out of \$80,000. No matter how many libels were published against Mr. Brigham, they would be no offset to this.

Mr. Hampton—The genttemen do not

Mr. Hampton—Mr. Quay, when did you purchase the lot on which you are creeting that building? A.—I never bought it at all; my moth-rin-law conveyed it to my wife last all.

Q.—Who is building the house on the

Q.—What's the contractors.
Q.—What's the contract price?
A.—\$13,000.
Q.—The legal title of thedeed is in your wife's name?
A.—Yes, sir.
Q.—Col. Quay, is there anything in that article of the 9th, just read by Mr.
Swartzwelder, which leads you to believe that you answer the description of the person alluded to in it, excepting the reference about the building which you are erecting?

Mr. Swartzwelder—Put down the question.
A.—No, sir; only that the editor of the Commercial had been attacking me.

Mr. Macshall—Is the question in

Mr. Masshall—Is the quewriting? we want the advantage of the writing? we want the advantage of the point.

The Alderman Do you object to Mr. Marshall I ask write the point.

The Alderman Do you object to Whole question.

Mr. Hampton You do not permit me to whole question.

Mr. Hampton You do not permit me to his paper against Mr. Brigham through his paper against Mr. Brigham through his building, is there anything else in writicle that you could have consensually anything else in article that you could have consensually anything else in writing?

Aldern Q. Have you had a controversy with that I had.

Q. What was the subject of that newspaper controversy?

Mr. Marshall. I object, because it we wince in the sart'

A. Ye

the aliusion to the new building, at the present time I would.

Mr. Hampton.—But I will take you back to the time when you first read the article.

What was your impression then? objection sustained.

Objection sustained.

Q. Was this extract given in the srtiel sopred from the Beave Araux. A. Yes sir.

Q. When was it published. A. Last Wednesday week.

never have caused me to think I was the man at all.

Q.—Prior to this, on what terms had you been with Mr. Brigham?

A.—On good terms.
Q.—You had no quarrels?
A.—No, sir.
Q.—Stato whether, prior to the publication on the 9th, you were on good terms with Mr. Brigham personally.

A.—No, sir.
Q.—You had no difficulty, or hatred

sir. I brought a civil action.

Mr. Hampton here stated that he could use the case be continued until to-tay. After some continued until to-tay A.—No, sir.
Q.—You had no difficulty, or hatred towards him?
A.—No, sir, he had been making rough and audaciour charges agains

Q. Col. Quay state whether you are not cultor and proprietor of the Bea-ver Radical.

of the Court House; the Alderman

office being entirely too small to ac

Mr. Hampton resumed the cross

Q. This house that you are building; is it a dwelling, or a business house? A.—A business house.
Q. You own a dwelling in Beaver do you note:

you not? A. Yes. 2. What is it worth. A. Fron

The Alderman sustained the ol

mmodate the audience

examination of the prosecuting

ness, Mr. Quay, as follows:

Purchased it from the start. What time was that? A.—A. bout a year ago.
Q. Did you buy out an established paper, or start a new one? A. I purchased materials and started the aper. Q. How much did the paper cost A.—Ahout \$3,500 or \$3,600

Q. You say you had a rough newspaper controversy, when did that begin? A.—About two weeks before the appearance of the article on December 9th, Mr. Brigham called upon me through his newspaper to write up a transaction at Harrisburg, about a man who had bought up the Legislature and ran away with the money. He wanted me to write it up, and if I did not do so, it would be necessary to have some one else do it. to have some one else do it. Mr. Hampton. Did you reply to the article? A. Yes, sir.

Q. Was this the commencement of the warfare? A. I think the libel suit business—

Mr. Swartzweider. That's enough.

Air. Swartzweider—The law will infor malice from the libel itself. If the article is ascertained to be libellous, malice is presumed.

Mr. Hampton—This is true of a private individual, but a newspaper publisher can print anything concerning a public officer or relating to the public business, provided it is done through good motives. Mr. Hampton then read the 7th section of the Declaration of Rights, which declares: "The printing press shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of Government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, or where and answered in their that he never received any money, nor ever betmy-ed anybody. The question now pro-posed to be asked was not a proper cross examination. Nothing was said about his election as Speaker, or about the cancus, in the examination in

gating the omeial conduct of oncers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for ilibels, the jury shall have the right to determine the law and the facts, under the direction of the Court as in other cases." tained.
Q. Have you any knowledge, directly or indirectly, of a purse of money having been raised, by a party of gentlemen in Philadelphia, to promote the election of yourself as Speaker and Governor Curtin as United States Senator?
Mr. Marshall. We object.
Mr. Hampton—I want the reason for this objection. Mr. Hampton continued-Where the libel concerns a private person malice is inferred. The acts of men in public positions, such as in the Pennsylvania Legislature, may be

his objection. Mr. Marshall—We object because it i freely commented upon, and no new-paper man can be punished therefore unless malace be shown. Now the truth is what the defense desired to Mr. maranath not perfectly willing, a far as I am coherned, to suswer, Mr. Maranath I object.

Mr. Maranath I object.

Mr. Maranath I object. get at—a thorough search of the mat-ter from top to bottom. This was a legislature. The Commonwealth

usy is willing to answer.

Mr. Hampton—But that his counsel will not let him answer.

Mr. Marshall—No, air; the counsel for the Commonwealth—not his counsel—object.

[The publication of the alleged libelous article was here admitted by the defeat.] alleged libel had been article was here admitted by the de ants' counsel, and the witness who was called for that purpose was excused from further attendance.] printed in the heat of this controver-sy, and his object was to show what this was. It is forus to say hereafter whether we can prove the truth or

this was. It is for us to say hereafter whether we can prove the truth or not. The truth cannot be admitted in evidence in a case where private parties are lebelled, but is different in public life. The defense also wishes to rebut the presumption of malice. The magistrate is to determine whether we are actuated by malicious motives or not; because, if we are not, this relieves us of all difficulty. If these remarks were made malicious motives or not; because, if we are not, this relieves us of all difficulty. If these remarks were made in this manner no malice can be inferred! [Mr. Hampton here cited the Sanderson case in support, of his position on this point.] What the defense wanted to get at were the facts and circumstances attending the libel prior to its implication. Murshall. We object-not pertinent Alderman, Objection sustained.

Q. During the session of 1867, whilst ou were a member of the Legislature,

did you receive any sum of money, bonds, stocks or notes or other valuable considration, other than your pay as a mem-er from any source whatever? Marshall. We object. Alderman, I sustain the objection. Q. Do you know Mr. Bombarger, cash-per of the Mechanics' Bank of Harrislibel prior to its publication—that Mr. Brigham, as an editor and an in-dividual, had no ill feelings toward Mr. Quay. We have the sworn dec-laration of Mr. Quay that they were good friends, and this is to rebut, the presumption of malice.

or of the Mechanies' Bank of Harrisburg? Yes.
Q. Did you keep a bank account there in 1868? A. Yes.
Q. In the latter part of 1896 state whether you had a note for \$5,000 discounted at that bank?
Mr. Marshall, We object.
Alderman, I sustain the objection.
Q. Did you not about three weeks after the election of Senator, in 1867, take up that note for \$5,000. Mr. Swartzwelder—The question here is prior discussion to rebut the presumption of malice. If the article is libecous malice is inferred. The gentleman says, this is a case different from private rarties—that the party libeled and the libeler are editors. He grounds his position upon the seventh section of the bill of rights but this is a proposition for libel. at note for \$1,000. Mr. Marshall, We object. upon the seventh section of the bill or rights; but this is a prosecution for like on a public man, or a man acting in public capacity. It has nothing to dwith a man in public life. If it had, had Mr. Brigham or Mr. Thompson to as annothed his to the section of the section of

Alderman, I sustain the objection.
Mr. Hampton. The usual ruling!
Q. Prior to your going into the Legislature, were you ever the owner of any passenger rallway stocks or railroad bonds? Mr. Quay. I am willing to answer.
Mr. Hampton. You are in the hand Mr. Hampton, You are in the your counsel. Mr. Marshall, We object.

Alderman. Objection sustained.

Q. State whether during the time you ore a member of the Legislature, you became the owner of ten or twelver, you became the owner of ten or twelver thousand dollars worth of the Union Passenger Railway stock of Philadelphia?

Mr. Marshall. What is the purpose of the question t.

Mr. Hampton. The object of this is to show where the \$13,000 came from, that is going into the building in the town of Beaver.

Beaver.

Mr. Swartzwelder. Now we formally repeat this offer: That if the gentlemen will agree to say that their charge of \$13, 200, obtained from one candidate for U. A.—Yes, sir.

Q.—Col. Quay, is there anything in that article of the 9th, just read by Mr. Swartzwelder, which leads you to believe that you answer the description of the person alluded to in it, excepting which you are erecting?

Mr. Swartzwelder—Put down the question.

A.—No, sir; only that the editor of the Commercial had been attacking me.

Mr. Macshall—Is the question in writing? we want the advantage of it. Mr. Hampton—Go on with your answer.

The witness—The whole thing langs upon that; it indicates who is meant by what follows: that is the varieties of the stream to attempt to escape the force of this argument by saying that Mr. Quoy is not now a member of the Legis is not now a member of the legis and the poper for publication or not. You are—(to the magistrate) to consider what was published by Mr. Brigham, because you have to be governed by the laws laid down here in Wharton, that no libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown. I do not propose to offset one libel can be sustained unless malice is shown.

an opportunition while will not reply to an assassin, who dares not avow his purpose.

Mr. Hampton There is the article. You can go into the other court and bring your action for damages if you choose.

Mr. Marshall Yes, and we will.

Alderman I suct.

and bring your action for damages if you choose.

Mr. Marshall Yes, and we will do it.

Alderman I sustain the objection.

Alderman I sustain the objection.

Q. During the time you were in the Legislature did you become the owner of Railroad bonds to the amount of \$10,000 or upwards?

Mr. Marshall Weobject, generally to all this class of questions, and I ask the Alderman I sustain the objection.

Alderman I sustain the objection.

Mr. Swartzwelder. The question with Mr. Brigham relates to this \$13,000 matter and Mr. Quay as the had reference to it.

Mr. Hampton I object. The with mess don't say that Mr. Brigham made the charge against Mr. Quay as to the \$13,000 or \$20,000. His name was not mentioned. He may have understood what Mr. Brigham meant by the drift of his remarks, but Col. Quay's name was not mentioned. out promptly.

Alderman I sustain the objection.

Alderman I sustain theopiecasia.

Q. Are you the owner—
Mr. Marshall I object.
Mr. Hampton I do not intend to be "choked off" in that way. Hear the questions first.

Mr. Batchelor. Arr. Quay of was mentioned.
Mr. Hampton In reference to the \$13,000 or \$20,000?
Mr. Batchelor. Yes.
Mr. Marshall. Then the remarks of Mr. Marshall. Then the remarks of Mr. Brigham to you relative to Mr. the present time I would.

Mr. Hampton.—But I will take you back to the time when you first read the article. What was your impression then?

A. The mere naked charges, without reference to the building, would the editor of the ahoas for libel. A. No open time that the present time I would.

Copied from the Beave Argue A. Yessir.

Q. When was it published. A. Last the questions first.

Mr. Marshall I object to taking down the questions. The object is to down the questions. The object is to get over the present session of the Quay and the \$13,000 and the \$20,000, and the article are the same?

A. Just about the same, sir. That

conversation had reference to Mr. Quay and the \$13,000 and \$20,000. such thing, I propose to have the Alderman Goon. Quay and the \$13,000 and \$20,000.

CROSS EXAMINED.
Q. Capt. Batcheler, what object had you in going to see Mr. Brigham?
A. I went there to see Mr. Brigham about the course he was pursuing, and see if some of his articles couldn't be stopped as they were injuring the party; I wanted to see if it couldn't be fixed up.
Q. Did you not go to see Mr. Brigham as a friend of Mr. Mackey? A. I did; but, I desire it understood, not at his request. State whether you have pured any real estate in Philadelhia recently.

Mr. Marshall We object.

Alderman Objection sustained.
Q. State whether you have not purchased property, in Philadelphia, worth \$15,000 or \$20,000.
Mr. Marshall We object.
Alderman Objection sustained. Saturday's: Preceedings.

The hearing in the above case was resumed in the Quarter sessions room

Alderman Objection sustained.
Q. Do you own an interest in the
Girard House, Philadelphia.
Mr. Marshall | We object.
Alderman Objection sustained.
Q. From the time you went to
the Legislature to the time you returned from it, were you engaged in
any business, A.—I was publishing a
newspaper and dabbling in stocks.
Q. From the time you went into
the Legislature until you left it had
you accumulated any means? you accumulated any means?

Mr. Marshall. We object.

Alderman Objection system.

Mr. Marshall. We object.
Alderman. Objection sustained.
Q. What are you worth to day?
A.—416,875, excluding personal property, household furniture, &c.
Q. Have you, in the last three or four years, met with any losses? A.
No, sir; not of any consequence.
Q. Do you know Alex, P. Tutton Supervisor of Internal Revenue? A.
I do. \$3.000 to \$4,000.
Mr. Quay. I wish to say I was only five years in the Prothonotary's office, instead of six and a half years, as inistakenly testified to yesterday.

Q. Youstated you never drew out any monay from any candidate.— I do.
Q. Had you a conversation with him, in Philadelphia, during the last fall? A. Yes.
Q. What were Mr. Tutton's duties—had he charge of distilleries?
A. I think he had, with other duries any money from any candidate.— Were you in the Legislature in 1867? A. I was, as a member from Beaver

Q. Was there an election for a United States Senator in that year? A. Q. State whether, in that conver-Q. State wnether, in that conversation, you spoke to him in reference to not seizing some distilleries in Philadelphia for violating the laws. Mr. Marshall. 'We object. Adderman. Objection sustained. Mr. Hampton.' Do you sustain the objection generally do to this conversation?

ted States Senator in that year? A.—There was.
Mr. Swartzwelder. We object.
Mr. Hampton, The witness stated in his examination in chief that he never had taken money from any candidate, or betrayed any one. We now propose to sak him in regaad to this very matter.
Mr. Swartzwelder. To this we do not object.

We were in the Pennsylvania Legislature when Cameron and Cur-Alderman. I sustain the objection t Legislature when Cameron and Curtin were candicates for Senator, were you? A. Yes, sir.
Q. Were You a candidate for Speaker of the House? A. Yes, Q. Col. Glass was your opponent?

Alderman. I sustain the objection to the last question.

Q. Did you propose to Mr. Tutton not to seize the distilleries for a certain time, and that if he did so some \$30,000 could be realized by the operation?

Mr. Marshall. We object.
Alderman. I sustain the objection.
Q. Were you present at any time when an offer was made to Mr. Tutton that if he would not interfere with the distilleries he would receive, in an envelope, without any ietiče being written, a thousand dollar nete, or more, every week for several weeks.

Mr. Marshall. We object.
Alderman. Objection sustained.
Q. Did you ever follow your profession as an attorney?
A. No sir.
Q. The publication of your paper and you being in the Legislature took up your time, did it?

Mr. Marshall. We object.
Alderman. Objection sustained. A. Yes.

Q. Were you a friend of Gov. Curtin in that contest? A. Yes; I was a friend of Gov? Curtin throughout.

Q. Was not Curtin's election as Speaker regarded as identical? A. No, sir. I was stronger than Curtin.

Q. Up till the day of the caucus, in relation to the election for Speaker, did not your friends and yourself consider your nomination by the caucus, almost a serialnty? A. No sir. Swartzwelder. I object.

Hampton. I propose to ask this question for the purpose of connecting Mr. Quay with the election of United States Senator.

Mr. Swartzwelder. The charge is, "if a man," etc. To this the witness had answered in chief that he never received any money, nor ever betray-

Alderman, Objection sustained, Q. Do you keep any bank account farrisburg now? arrisburg now? Mr. Marshall. We object. Alderman, Objection

Mr. Marshali. We object.
Alderman, Objection sustained.
Q. Do you keep a bank account in one or two hanks in Philadelphia?
Mr. Marshali. We object.
Alderman, Objection sustained.
Q. Do you iot keep an account in the Allegheny bank in this city?
Mr. Marshall. We object.
Alderman, Objection sustained.
Q. In making this information did you make it for the purpose of having the truth brought out?
A. Yes sir. I was very much excited, and I wanted the truth brought out.
Q. How long was it after the article was published in the Beaver Angus from which the Commercial extracted, that you brought shit against the editor of the Arkus.
Mr. Marshall. We object, and objection sustained.
Q. When you came to the city, and before it, did you threaten Mr. Brigham with personal violence—threaten that you would kill him.
Marshall. Wo object.
Mr. Hampton. I understand you to say that you did not answer the various question because you were so instructed by your counsel?
A. That is the reason.
Q. Are Measrs. Marshall and Swartzwelder retained by you as your counsel?
A. I consider them my counsel?
A. I tonsider them my counse gentlemen with pay or a promise to pay them for their services in this matter?
A. I cannot say that I have.
Q. Do you consider these gentlemen for their services in this matter?
A. I cannot say that I have.
Q. Do you consider these gentlemen as your counsel?

jection.
Mr. Hampton. Col. Quay, did
you not go into the caucus and move
the nomination of Col. Glass?
Mr. Swartzwelder. We object.
Alderman. The objection is sus-

men with pay or a promise to pay them for their services in this matter?

A. I cannot say that I have.

Q. Do you consider these gentlemen as your counsel?

A. I did not.

Q. Is Mr. Swartzwelder a volunteer in this case?

Q. Is Mr. Swartzwelder. I will say that I have the continuance of the case, the proseculing matter than the witness retired.

A dealtory conversation ensued as to the continuance of the case, the proseculing matter than the witness retired.

A dealtory conversation ensued as to the continuance of the case, the proseculing matter than the would like to see any magistrate in Pennsylvania attempt any such proceeding—the question was dropped, and the witness retired.

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A dealtory conversation ensued as to the continuance of the case, the proseculing matter than the witness retired. wartzwelder. I will say that I

am not.

Mr. Hampton. Will you let me task any other questions?

Mr. Swartzwelder. I will not let you ask any impertment questions.

Mr. Hampton. I never ask any impertment questions.

Mr. Hampton. I never ask any impertment questions.

CAPT. C. W. BATCHELOR'S TESTI-MONY.

Q. Do you know Mr. Brigham?

A. I do.
Q. Had you a conversation with him a few days before the publication of that article?

A. I cannot say positively the days.

A. I cannot say positively the day I had a conversation with Mr. Brigham, but I think it was the day before the publication.

Q. What did that conversation

Christmas Presents. MEYRAN & SIEDLE, relate to?

Mr. Hampton. We object. If it relates to this identical article I have no, objection, and it is proper; but, if it relates to anything outside of this I do object; because we are here-to answer a specific charge. REINEMAN. MEYRAN & SIEDLE;

Mr. Swartzwelder. I propose to prove by Mr. Batchelor, that a short time beford the publication of that article, he had a conversation with Mr. Brigham the editor of the Pitts-Have just opened especially for the cing holidays an unusually large and burgh Commercial, in which conver-sation Mr. Brigham stated certain things to Mr. Batchelor, which were afterwards repeated in this article and stated that they all referred to Mr. Quay, or something to that effect. Mr. Hampton. Now that might answer if this was an action for shan-der for work weaken the state of ant stock of FINE JEWELRY . WATCHES, DIAMONDS, SILVER AND PLATED WARE. Fine Table Cutlery, French Clocks, Bron-zes, Musical Boxes, Jas. Nardin's, Charles Jacob's and Fred Shaw's Watches. der, for words spoken; but I main-tain that you cannot offer as evidence anything that precedes the publica-American Watches,

anything that precedes the publication of a libel, connecting the party
with it. Hrior to the publication of
a libel the mere assertion or statement of a party cannot be coupled
with the publication.
The objection was overruled.
Q. You land a conversation with
Mr. Brigham, a few days before the
article appeared in the paper, in reference to some charges contained in
that paper. Bid not Mr. Brigham made by Appleton, Tracy & Co., American Watch Co., E. Howard & Co., El gin Watch Co. FINE AMERICAN CLOCKN, Made by SETH THOMAS, Of which a large assortment is constanty y kept on hand in our basement, and sold whosesale and retail. (ch dec 8. that paper. Bid not Mr. Brigham

in that conversation, speak of these charges against Mr. Quay, which he afterwards published? A. Mr. Brigham did not say that he was going to publish that article. FLOUR. Bucher & Ryder's Best, Q. What did occur in that conversation. A. I told Mr. Brigham that I was sorry to see him pursue the course he did in publishing circular articles in his paper. I told him that they were injurious to our party. He then gave his reason for doing so in a general way. thether ade at Massilon, Ohio, is now taking the J. Cross & Co., ing so in a general way; that he was satisfied there were rings whose oper-ations would injure the party, and he intended to expose them, and in the ROCHESTER, ave it constantly for sale, wholesale and retail, at

> Lower Figures than any other Flour of the same QUALITY sold in the county.

> > NEW GOODS! Falland Winter Wear. HAVE JUST RECEIVED A NEW STOCK LATEST STYLES. FOR FALL AND WINTER WEAR

> > > Gentlemen's Furnishing Good CONSTANTLY ON HAND

> > > > WILLIAM REICH, Jr., BRIDGEWATER, Pa.

Miscellancous. CASH OR TRADE

At market prices for

2000 BUSHELS OF OATS,

I did; but, I desire it understood, not at his request.
Q. Did you not say to Mr. Brigham that it would be better in the end if he would stop these articles?
A. No, sir; I did say that I thought these things ought to be fixed up; that I thought he and Mr. Mackey were not so far apart as they imagined, and that they should get together and have a talk over the matter.
Question by Mr. Marshall. Did Mr. Brigham state any particular reasons for his hostility to Mr. Mackey? 000 BUSHELS OF RYE 1000 BUSHELS OF CORN

F BY

Objected to by Mr. Hampton, and JAMES DUNCAN

Fallston, Beaver Co., Pa.

Objected to by Mr. Hampton, and objection overruled.

A. Yes sir, shall I state them?

Q. What were they? A. He said that Mr. Mackey had attempted to buy up a majority of the Commercial stock, for the purpose of turning him out of his business.

Question by Mr. Hampton. Did not Mr. Brigham give other reasons, and did he not say that he believed Mr. Mackey had secured his election as Treasurer by corrupt means; that Who has just received one of the larges Treasurer by corrupt means; that e belonged to a corrupt faction, and it was for that reason he opposed him? A. Yes; Mr. Brigham said he be-lieved that Mackey had used corrupt means to secure his election as State

FOREIGN AND DOMESTIC

TESTIMONY OF MR. J. WEYAND.
Q. Mr. Weyand, where do you reside? A. I reside in Beaver.
Q. Are you the editor of the Bea-DRY-GOODS ver Argus? A. I am.
Q. Were you the editor of that paper on December 8th, 1869? A. I Hats, Caps & Furs,

as.
[A copy of the Angus of Dec. 8th, as shown to witness and identified. The correspondence quoted from it in the Commercial was also shown wit-Books & Skidby ness.]
Q. Is that article an editorial or

Mr. Hampton. I object.
Mr. Swartzwelder. I merely wish to know what it is.
Q. Do you know who wrote that article? CLOTHING, Carpets and Oil Cloths,

article? Mr. Hampton. I object to the question for the reason that the witness has a civil suit pending against him in Beaver county. I submit to the magistrate whether a man can be placed upon the stand to put him in iconardy. Hardware. n jeopardy. Witness, I prefer not to answer, as I have a suit pending in Beaver Co., and the answer might tend to preju-QUEENSWARE,

dice my case,
Mr. Marshall, Look at that, (handing
witness a copy of the Pittaburgh Commercial,) do you know who wrote that
article? GROCERIES &C. Barred Flannels 25 ets and upward,

Treasurer, and that he was opposed to him on that account.

mercial,) do you know who wrote that article?

Mr. Hampton. That he need not answer. It is a matter of law.

Mr. Marshall. I did not ask him to say who wrote that article, but whether he know who wrote it.

Witness, I prefer not to answer it.

Mr. Marshall. We don't ask you to answer it; we only ask you whether you know who wrote it.

Witness. I refuse to answer.

Mr. Swartzwelder. Why do you refuse to answer this question.

Witness, Because a civil suit is pending against me for the publication, as I presume, of that same article. I believe that my answer might tend to criminate me. Good Jeans, 20 ets, and upward, Tartan Plaid Alpacas 35 ets and upward, We can sell IRON, NAILS, SUGAES COFFEES, TEAS, SOAPS, SPICES, a

me,
Mr. Swartzwelder, In what way would
it tend to criminate you,
Witness, I decline to answer,
After a rambling discussion, in which
the counsel on both sides participated—
Messrs, Marshall and Swartzwelder insis-Plain Alpacas, 30 etc. and appeared, PRINTS 61 AND 121 CENTS.

Messrs, Marshall and Swartzweider insis-ting that the question should be answer-ed and that the witness be committed in it was not, and Mr. Hampton maintain-ing that it was an unheard of doctrine, and that he would like to see any magis-Muslins 10 cts, and upward, mestic Ginghams 121, ets. and upware nov 17:3m.

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They being a pleasant and powerful me in the shape of navy tobacco. Pat ned March 9th, 1869. It your drugs is ed March 9th, 1869. It your druggist a not got it send 75 cents to us and we will send 5 plugs to any address, postpaid J. C. LANGE & SON,

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Cor Penn & Thirteenth streets 7 PITTSBURGH, PA. HINKLEY KNITTING MACHINES.

\$30.00. The most perfect maghine yet invented. Will which and narrow, turn a heef or point the foe. It will knit plain or ribbed. It will knit stock ingrishment, shirts Ac. &c. It is cheap, simple and durable. It sets up its own work, these but one needle, and requires no adjusting unlarder. It will do the same work that the Lamb machine will do act oest-fers foun half so much and has not the tenth part of the machiner to get out of order. Circulars and employ andied free on application. Agents wanted. All machines guaranteed. PITTSBURGH, Pa.

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They penetrate the secret abode of this terrible disease and exterminate it, not and branch forces. They alleviate more a ony and silent suffering

than tourne can tell.

They are noted for turing the most desperate and hopeless cases, when every known means talls to afford relle.

No form of dysperps nor indigestion can resist their pienerating nowe. DR. WISHART'S Pine Tree Tar Cordial, Ribbons, Flowers, Feathers, Hass, Botton It is the vital principle of the Pline Tree, obtained by a peculiar passess in the distillation of the tar. by which its highest medica properties are retained, if instroates the digestive organs and restores the appetite. It attempts the stellar is desired organs and restores the appetite. It attempts the should said expets from the system the corruption which scroliab breeds on the lungs. It dissolves the muchanges of the hungs which stops the air passages of the inner. It is healing principle acts upon the iritated surface of the lungs and throat, penetrating to care diseasi parts, it leaving min and satisfair inflamation. It is the result of years of study and experiment, and it is offered to the afflicted with positive assurance of its power to cure the following desires. If the pattent has not too long delayed a resert to the means of cure:

Consumption of the Langs, Cough, Sore Throat and Breast, Bronehitis, Liver Completint, Blind and Bleed-ing Piles, Adhna, Whooping Cough, Diptheria, &c. Diplicritt, (cc. and plants of the property of

ORPHANS COURT SALE. By vittae of an order of the Orphune' Court of Beaver county, I will expose to sale by public vendue or outer you the premisers, on the 2TH DAY OF DECEMBER, 1803, at 2 o'clock P. M. all that certain lot of ground situated in the Borouch of New Belzhote, in said county, bounded and described as follows, viz: On the north by lot of Sammel Masser, east by Broadway twenty-one feet, south by lot of Jacob Frite, and on the west by Canal street twenty-one feet, being the south half of Lot No. 227 as marked in the general plan of said berough, on which is creded a two story frame of welling house with basement kitchen, also a two story frame Store Boom, with a room in the basement; being the propesty of the last John McLaughlin, devd.

Conditions of sale—one-third of purchase moneyto be paid in hand on the confirmation of the annual installments, with interest from the date of said confirmation.

firmation.
HAMILTON BANNON,
Adm'r. of John McLangblin, dec'd.

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Dry Goods.

Speyerer & Sons

Corner of Water and James Street ROCHESTER, PENN A

Have just returned from the east with a large stock of goods bought at the low-est cash prices, which they offer to the public at

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AND HARDWARE.

PRINTS, CURKS, COBURGS, ALPA-CAS, WOOL DELAINS, CLOTHS, CASSIMERES, SHAWLS, SILKS, FLANNELS, MERINOS, MEN'S UNDERWEAR,

HATS, CAPS, BOOTS AND SHOP ROPE, OCUM & PACKING YARV

IRON & NAILS. Paints, Oils and Putty

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Oils, ALSO Sole agent for Dr. Betzel's Patent Traise All kinds of Trusses will be delive on short notice. Physicians prescript i will be filled at all fours of day and the

Der A share of patronage solicited & jy21:1y. JOS. HORNE & CON Fall and Winter Millinery Goods,

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Yarns, Worsted Flannels Corses " Balmoral Skirts.

UNDER WEAR, FURNISHING GOODS.

Hair Coils, Rolls and Switches AND NOTIONS. ck always complete and former lew

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ARTIFICIAL TEETH PERFECT. A RTIFICAL TESTH PERFECT

A EDI-T. J. & H. J. CHANDER as a consist of the exclusive right of Beater compared to the District Patient of the Compared to the District Patient of the Compared to the District Patient of Vulcanite as thin as Gold Plate, with a beautiful enameled polish; and so light and district as perfectly adapt freelf to the mouth; obtains a perfectly adapt freelf to the mouth; obtains a pint of the plate any longer than they could done a man do in plained of heretofore; and lessening that Point to break one hundred per cent. Indeed, not seeding, it would be willing to was the old seeding, it would be willing to was the old seeding, it would be willing to was the old seeding. It would be willing to was the old seeding, it would be willing to was the old seeding to be plate any longer than they could conveniently; them exchanged. All branches of bentiary formed in the best and most subtained; and control of the property cars. Among the number flow and forty years. Among the number flow and forty years. Among the number flow and Allison will exhibit allings we inserted up a new plan, freeing it from all unpleasants and dang now effects, making the extraction of tech a sounce of pleasure rather than of horror and pain. Prices is lower to the property of the pleasure rather than of horror and pain. Prices is lower to the property of the prop