The Pittsburgh Gazette

IMPORTANT TRIAL.

Closing Remarks of the District Attorney, &c.—Commonwealth against Tack Brothers.

We furnish our readers with an abstract of the Phonographic Report (made by J. J. Gilbert, sworn Phonographer for Court,) of Col. Mann, the District Attorney's speech on behalf of the prosecution. It will be read with interest by the public, and it fully sustains Col. Mann's high reputation as a criminal lawyer. The public will now await the decision of the Court, which, from the great ability and high reputation of Judge Ludlow, will doubtless be conclusive one way or the other.

B. Harris Brewster, Esq., having concluded for the relators, the District Attorney replied as follows:

May it please the Court: Permit me to remark in opening, that it is not unusual for counsel, when there are associates, to divide the great responsibility and the large amount of labor devolving upon them in the proper presentation of a case like that to which the attention of your Honor is now invited; and I may say here with peculiar emphasis, in the language of Desdemona in the play, "I do perceive here a divided duty." It seems that either by preconcerted arrangement, or otherwise, a programme of operations had been agreed upon by the other side, by which the junior counsel was to pay his respects and the respects of his clients to Mr. O'Connor—that he was to be the agent, as it were, of the defendants—that the defendants themselves were to gather together all the ravings of a lunatic, and the junior counsel was to hurl them upon the head of Mr. O'Connor. That duty has been performed—I will not say well performed, but, I may say, fully performed—by the junior counsel in the case. Now, I aver here that all that has been said against Mr. O'Connor has no foundation in fact, other than the ravings of a man who has been a resident of our hospital for the insane; and where I am sorry to say, he has not been very much benefitted. The senior counsel, I am obliged to add, seems to have been selected to pay his peculiar respects to me and to my office, though I cannot see what that has to do with this case. He has spoken of the high importance of the office which I hold, of its vast responsibilities and particularly and singularly, of its great lucrativeness—its salary and emoluments being greater than that of all the judges combined. I thought at once, when I heard his pathetic description of it, of the beginning of the pleasures of hope, which runs thus:—

At summer's eve, when heaven's ethereal bow
Spans with bright arch the glittering hills below,
Why to yon mountain turn your ravished eyes,
Whose sun-bright summit mingles with the sky?

Then comes the reason:—

'Tis distance lends enchantment to the view,
And robes the mountain in its azure hue.

By way of continuing the same illustration, allow me to recall an incident of my younger days. In 1826, many years ago, I was a boy going to school, and in the yard of the school house there had been gathered together a vast pile of leather shavings which had come from Mr. Patton's factory, at Third and Vine streets. These gatherings finally assumed greater proportions, and the little mountain in the school yard became an object of contention to my fellows and myself. We had a play called "Hally, hally, hastle, get off my new castle," and he who could get on the top of that pile and keep the rest from pushing him off was considered the victor of that day's struggle. That place I held for two years, against all comers; I stood upon the summit keeping down and driving off every one that would attack me. But after all, may it please the court, it was but a heap of leather shavings! And this proud eminence that people speak of, this responsible position that seems to be so much coveted and envied, and which has been so pathetically described here—this high office, after all, as we grow older in life, is worth to me no more than the little pile of shavings that I contended for in my boyhood. Burke lived to say that all the dignities and honors of the world were no more worthy of contending for than the chaff which is blown upon the wind. And when he lost his son, he said, in the agony of his spirit, "the whole world is worth no more to me." Now, may it please the Court, I am getting on the shady side of fifty, and I really feel that the pomp and circumstance, the pride and power of official station, are worth no more contending for than are the straws for which children contend. Do not understand me as intending to answer in any feeling of resentment the attacks which are made upon me because of my official position. In olden times we read that there was a certain Countess of Salisbury, who, having been assailed in her home and castle, resisted her enemies with great gallantry and determination. Perhaps I may have derived some little manhood in repelling assaults, from the example which that courageous woman has left upon the page of history. It was at a time when her castle walls were [illegible] that her enemies constructed a warlike implement for undermining and destroying her fortifications. By means of sheds or covers, her assailants were enabled to carry forward their operations against the castle walls. Now, at this point permit me to explain that, though singular, it is nevertheless true, that in ancient times, and before the invention of gunpowder, almost every formidable engine of warfare was named after an animal. The "ram," for instance, [illegible] battering down the defences of an enemy. In the instance of the Countess the weapon partook of a defensive rather than an offensive nature, being used as a shield or means of protection from the discharge of missiles from above, and was known as the "sow." This "sow" having been brought into requisition beneath the shadow of the walls of the castle, the Countess of Salisbury appeared upon the battlements and defiantly cried out to the leader of her enemies, "Take care, sir, or I shall make your sow farrow." She then hurled down upon the too confiding enemy a terrible missile which went crashing through their frail defense, utterly destroying it, and the soldiers who did not escape in time were literally crushed in the ruins, while those who were fortunate enough to escape with their lives scampered off like a litter of young pigs, and fled in dismay. I prefer to speak, but, in the consideration of the case passing on the consideration of the case of the Commonwealth as it has been presented and endeavoring to prove to your Honor, if I can, that the law of this land has been violated.

It has been urged here with some force (and I have often heard the phrase) that a man's duty ought to be discharged "without fear, favor or affection." Well, sir, I must confess in all candor, so far as I am concerned, I claim no exemption from the first named of those qualities, ... I am as innocent of it as, the generality of my kind usually are. I do not lay claim to any peculiar exemption from that infirmative quality of our natures, but I am blessed with the ordinary exemption that has fallen to the lot of mortals, and I am satisfied with it. I do not even say much on the fact, but merely mention the fact as an as the fact. In regard to "favor or affection," I have always thought the latter of those two words, as they were misapplied in the sense in which it is generally used in that connection. When we challenge him "proper affection," by our good old word "affection," we but our good old word "affection," but I claim an admitted [illegible]. No human being could want to dismiss the quality from a man's heart, even though he be a judge of his country or ruler of nations, his affection should always cling around his heart. It is a quality to be prized, as the warmest glow of the heart. I trust that in discharging the duty which is now imposed upon me, I may discharge it with some degree of affection, because I have indeed (I say it candidly) during my acquaintance with the party, Mr. O'Connor, who has been injured in this matter, formed a sincere affection for him. I have discovered in him qualities that I really and truly cried in his qualities apart from their pertinence, qualities of honesty, manhood, integrity and courage in a good cause which, as he has exhibited them, make themselves, as he has exhibited them, make him a man after my own heart. I have seen him following these men, the Tacks, who were his secret and determined enemies (and the enemies of the community), whose prosperity and well being they attempted to destroy. I have seen him on their tracks from the first to the very last hour, with a steadiness of purpose that does great credit both to his head and his heart. I have discovered in him (and I will say it here to his credit, for he has been abused and maligned without reason)—I have discovered in him some of the noblest and purest traits of character, not the least of which is that rare quality among the rich called generosity. I have found in him all that I would desire to find in one upon whom I should look as my friend and companion; and I trust that whatever of true and hearty friendship may have arisen in this case between us, may remain until the latest period of our lives.

I speak thus earnestly, may it please the Court, because so much has been said here, flippantly and sneeringly, against this gentleman; for he was educated here and spent twelve years of his life here. His father was a well-known and much respected resident of this city for many years, and controlled one of the largest, if not the largest transportation business in the State. He was the trusted and honored companion and associate of the first men of Philadelphia of his day. I say, sir, I feel deeply for this gentleman, in view of all the abuse that has been heaped upon him.

Now, may it please the Court, there is another matter here, in regard to which it is incumbent upon me to say something. I refer to the method of procedure which the counsel for the defendants have seen fit to adopt. I say it is most extraordinary, that upon a hearing of the writ of *habeas corpus* (when the question of credibility does not come up) the course of inquiry should have been adopted which has been adopted here. Upon this question your Honor is bound to take the facts as proof; if there is any question as to credibility, it is one for the jury to determine; and your Honor will very properly say, "I take these facts as they are presented, the man who utters them is responsible for their truthfulness, I am not to usurp the place and functions of the jury." And yet, notwithstanding that fact, Mr. O'Connor has been abused in argument and asked all kinds of questions in regard to his former life. They have gone back over a period of twelve years in their improper inquiries. And here I am reminded of the remark which was made by one of the counsel on the other side, that one of the defendant's counsel, was somewhat discursive. I think truly that in the investigation into Mr. James O'Connor's character they have indeed been "somewhat discursive." They inquired of him if he was not President of a Bank, and have asked of him the story of his life, gathered it from his lips and examined into it. They ascertained that this Mr. O'Connor, of whom they speak so disrespectfully, instead of being an injury to the bank with which he was connected, was a friend to it—one whose conduct, instead of having excited criticism, has received the official thanks of those whose business it is to superintend the national banking affairs of the country—a man who is known and esteemed by all Pittsburgh, and whose very friendship was the foundation of the building up of Mr. Tack in that city of Pittsburgh. And then we find that in the summer of the present year, when Mr. O'Connor had wound up all his business, and supposing that he would not be troubled or bothered by any disarrangement of his engagements, had prepared to go with his family to Europe (having been appointed by the Governor of this Commonwealth, Commissioner from the State of Pennsylvania to the Paris Exposition,) suddenly finds that the friends upon whom he most implicitly relied had turned upon him, that they had robbed him of not only thirty thousand dollars, but had it so arranged as to rob him of a quarter of a million of dollars—to "go for him" (if a slang phrase is allowable)—to beggar him; then he turned upon them. His eyes were opened and he saw what was going on. And when he came to this city and heard their plans and their propositions to join them, the Tacks, to carry out a scheme of robbery and to elevate the market so as to agree with others so as to make money by the ruin of innocent men, he said, "no, I will stand where I am."

Now, this prosecutor, Mr. O'Connor, has been called a gambler in oil. I say he is neither gambler nor broker in this transaction. After arranging his banking affairs he found that he had a number of oil stocks on hand, which he had taken, subscribed and paid for, in order to oblige friends and to obtain the deposits of these companies in the bank, pending their organization. When he wound up his affairs he found that he had a greater number of these stocks on hand than he had had any idea of. They were almost a total loss, and in order to make up this loss he was induced to embark to some extent in the oil business.

He then puts a certain amount of money in an oil refinery; he buys a well, and the well gives out, and he is still at a loss as to what he should do, when Augustus Tack turns up and represents to him how he may be benefitted. Then he makes the first contract, and the second, and the third, and finally the contracts for 15,000 barrels, but he does it under the urgent solicitation of the Tacks, to make up the losses he had sustained, and is betrayed, as many of us here doubtless have been betrayed, by cunning though obliging friends.

Now, that is the whole history of Mr. O'Connor in connection with this transaction. He is no broker, he has no connection with oil, but is drawn into this business insidiously, as a man would be apt to be drawn into a thing by one upon whom he looked as a friend.

It has been alleged in this case that this issue has been tried out of doors. I may truly say, I do not know of any case within my experience, which has excited so much comment, and in regard to which so much has been spread before the people as in this case. This is but a necessary consequence, for your Honor will see that this is a case which affects the property and the character of many persons, honest as well as dishonest persons. And with the defendants lies the responsibility of all the newspaper and other outside reports which have been circulated in regard to the case. Instead of coming into Court to justify themselves, they call together the "Petroleum Association of Pittsburgh," and get resolutions passed there, pending a hearing of the matter in a Criminal Court. They then advertise those resolutions all over the country, and send them here and there and everywhere, in order that the people may prejudge this case. And here, let me remark in passing, is the commencement of the publications in regard to this case, of which complaint has been made here. But they get their suit tried in the Board of Oil Brokers, and this body acquits these men, the Tacks, of any complicity to defraud. Ah, but the gentlemen of that body did not know what the Tacks had been doing; their eyes have been opened since, and these men are known now, as I will show your Honor, their standing now is very different since the public have learned of these transactions on their part.

Mr. O'Connor came here and did—what? He files his bill in equity to prevent these people from bringing suit against him, and he ascertains before proceeding further, that certain parties whose names are mentioned—Bunker Bros., Emil Schalk and the Tacks, are interested in these very contracts. His bill in equity will show it.

He says—"I will go into a court of equity and show that, and prevent them from suing me on them." And he goes into a court of equity to do that. In the meantime I had informed the counsel of the intention of my client, and we had hopes that the bill in equity would bring these men to their senses. It was understood that these parties were not to go away, and yet we find them violating that understanding and ascertain that one of them is prepared to slip off to Europe to "bull" the market there. His ticket was paid for and his passage taken, and he was to go to Antwerp to raise this large amount of money, so as to "bull" the market and ruin the people at home who had made contracts to furnish oil at low prices. Every man who had made a contract to furnish oil was at the mercy of these conspirators. Mr. O'Connor found that out. And what does Mr. O'Connor do? "No," he says, "you shall not go to Europe, you shall answer to a jury of your country," and he had them arrested in New York and brought on here.

That is the history of this case. Now, may it please your Honor, there is another view of this case to which I invite your attention. I do not care about referring to the decisions which bear upon the issue here; your Honor is familiar with the principles. Our only object in looking at the cases is to get at the principles that control and govern, and when a principle is once fixed in the judicial mind, we do not care about citing this or that case unless a principle is overturned, and then that case cited commands our attention. But you may read all through the cases—I need not mention any particular case to your Honor—and you will find that the great principles involved in this case are all fixed and determined.

Now, these men, the defendants, were brokers. They were the men that he looked to, whom he paid as his agents in these contracts. And they make that contract with him. They said to him, "we advise you to sell this, and we will give you all the information about the market that we are able to obtain; we are acquainted with this thing, and it is our superior knowledge that enables us to be acquainted with it, and to be able to inform you." And he obeys these people and takes them at their word. Now, that is the relation existing between this gentleman and these defendants—the relation which they have betrayed—and the betrayal of which relation the law holds in such great abhorrence. That is the position in which these men stand.

Now, sir, in view of the exceeding gravity of this case, and of its delicate nature, I may be permitted to say a word or two to your Honor, in regard to this very staple about which these transactions took place, as a means of affording your Honor a better insight to the case itself. A few years ago, this product was utterly unknown, but it is now one of the great staples of Pennsylvania. The average annual production of petroleum for the last year, as well as at the present time, amounts to about ten thousand barrels per day. The greater portion—indeed we may say, nine-tenths of this enormous production—is brought from the oil regions of Pennsylvania, to the city of Pittsburgh, Pa., there to be refined; after which process it is termed Refined Petroleum. This daily production of ten thousand barrels of crude petroleum, when refined, results in a production of about 8,000 barrels per day, of refined oil. It is then brought in part to the city of Philadelphia, and principally to the city of Philadelphia, and thence to some point in the United States bonded warehouses, for exportation to Europe, which country consumes, almost exclusively, the whole of this product. These 8,000 barrels per day of refined petroleum have a cash market value in the city of Philadelphia averaging 40 per barrel, or $64,000 per day. This, in one year, would amount to the enormous sum, in cash, of thirty millions of dollars. Exporting in bonded warehouses in Philadelphia, the absolute and legitimate commissions, (which ought to be the drayage, the cartage, the labor, the employment of hundreds and hundreds of vessels in loading and exporting it from this port to all the ports of Europe—all these branches of labor furnish employment to thousands of men in this city, and render it a matter of the utmost and of vital importance to this community that this petroleum trade should be conducted with honesty, fairness and legitimacy. By wise and lawful conduct, this trade, which yields so large a revenue to this city, may be continued in its present large proportions and even be augmented. The United States government statistics show that the exportation of petroleum to Europe has been a matter of national importance, and that as an agent in upholding the credit of the United States government it has even usurped the place of the great Southern staple, more familiarly known as King Cotton.

Now, sir, to come directly to the matter before the Court, I would call your Honor's attention to the fact that the owners of refined oil, who live in Pittsburgh, when shipping their oil to Philadelphia, are obliged to entrust it to brokers here and to pay these brokers a commission, relying on the good faith and honesty of the parties they employ to act as their agents. Such is the universal custom in the legitimate trade. In this case these defendants were the paid agents and confidential brokers of the prosecutor in this case, Mr. O'Connor. By virtue of their knowledge of the business in which they were engaged, being thoroughly acquainted with its large extent, and well understanding and appreciating all its peculiarities, they acted knowingly and deliberately in all their transaction; and they have chosen this field of action in which to display their ingenuity and cunning in the consummation of the fraud which they have committed against the citizens of this county, against the Commonwealth of this State, and against the man who relied upon their honor, the private prosecutor here.

In this connection permit me to explain the meaning of a term which has been frequently employed in this case; I refer to the term "time sales." The large demand from Europe, and the increasing number of contracts, by Europeans, with the refiners of Pittsburgh, for the purchase of oil, and its delivery to them at the port of Philadelphia, from thence to be shipped to Europe, originated the time contract system. These sales were actual sales, and the transactions were legitimate. But when these men—the Tacks, with Emil Schalk, and Bunker Bros. and Grierson, entered into this conspiracy, they soon turned this legitimate system of time contracts into a scheme of fraudulent gambling; within a period of six months they succeeded in utterly perverting what otherwise might have continued to be a very advantageous and legitimate business.

To such an extent did they carry this illegitimate system, that they agreed to sell where they had nothing to sell, and agreed to give where they had nothing to give—fulfilling the Scriptural passage,—"To him that hath shall be given; and from him that hath not shall be taken away, even that which he hath." These men proposed to give that which they did not possess—agreed to sell that which they had not to sell. In other words, they agreed to convert into what was originally a legitimate trade, into a system of gambling, the "margin" to be put up being the stakes which would be paid over. Now, these men carry on their nefarious operations to such an extent, that they buy over 200,000 barrels, and yet have not a barrel in fact—they have control of that number of barrels. They construct their dam upon the stream of trade, in such a way as to keep all the water above and make everything dry below, or they sell it out in particles; they do just as they please, and when men want to buy the article, they look and see it all around them but cannot touch it; like Coleridge's description in the Ancient Mariner, there is "water—water all around, but not a drop to drink." These men have got it all under their control and can demand whatever they please; just as they could open the locks of a canal and send down any man's boat they desire to have go down, and stay every other man's. They are damming up the rivers of trade, and exacting toll from all legitimate traffic.

Now, this is the condition of things, and Mr. O'Connor, looking around, finds these men damming up the stream; finds them doing the very reverse of what they told him they were doing. They told him they were doing the same as he was; that they were selling that same as he was selling; that they were in the same boat, and it turns out that they take a sharp turn. If ever they were selling, and go a buying and never say anything to him about it, and actually buy his very contracts and then telegraph to Pittsburgh: "Don't let O'Connor know this is ours; (never having anything to do with O'Connor's contracts," so that they are really placing their friends. They bought his contracts in order to take advantage of a condition of things which they had actually produced.

And your Honor will perceive there is no keeping him advised (which was part of their contract) of the state and condition of the market. He is thunderstruck when he hears the market is going up, and that the Tacks are producing a demand, causing June they are creating a demand, causing people to be "calling in," in order to excite the market; and yet they telegraph early in July: It is excited; there is a fever here; the body politic is affected; fever—fever is here. The market is in a fever. In Philadelphia, it is "feverish," and in Pittsburgh (wherein pulse beats, I suppose), these Doctors pronounce it "excited." By these means they succeed in actually exciting it; and they quietly work on to keep up that excitement.

May it please the Court, the other side lay great stress upon Mr. O'Connor's acts when that gentleman finds out in what condition he is with regard to his remedy. He goes into a court of equity. That has been mentioned, and the injunction affidavit has been mentioned, and all that. I wish your Honor had all that matter before you and could see it all. The condition of that thing in the court of equity is such that although three or four times we have gone in there to argue against the dissolution of the injunction, they have not the temerity to disturb it. And there it remains, preventing these people from bringing suit, preventing this "ring," this "combination," this "conspiracy," from proceeding against him; and they are content to let that injunction lie. But they allege in view of Mr. O'Connor's course, "oh, he was a business coward." He paid the innocent Pittsburgh holders too soon. If he had waited oil would have gone down in value below his contract price. Was it the part of a coward or of a brave man to resist this proposition which was made to him? Did he show his cowardice in resisting that, and calling down upon himself all this abuse? No, he was brave enough to appeal to the law of the land, and to come here for redress. And what was his conduct in regard to those other parties mentioned in the bill in equity? He says that although he is not legally bound (being advised by me from the start and having the advice of his counsel that he is not legally bound to pay these people one dollar,) that these contracts are void and against the best interests of trade and of business—notwithstanding that, he says, it is a question of my honor; if anything had been coming to me I would have taken it; I have done nothing and I do not know that they have done anything to fictitiously excite the market and bring about this condition of things, it is therefore a question of honor with me, and I will pay them." And he paid every man except those who were in this "ring" to ruin him,—paid every man dollar for dollar to the amount of $22,000. Now, is not this the conduct of a highly honest and honorable man? Here is the man, who could have resisted this payment successfully according to the decision of the Supreme Court, in Brua's appeal, delivered by Chief Justice Thompson, and any lawyer would have said to him "you are not bound to pay this." But Mr. O'Connor answers, "no, it is a question of honor, a question of my faith; and though it is a gambling debt it was lost fairly, and I will pay it." And that Mr. O'Connor did: for his credit and for his honor, he paid this $22,500; and it is rather late in the day to reproach him with any dishonorable motives. Allow me to say here that there are many men whom we meet who are very sensitive about their honor, yet who take the back track when put to the test. Not every one of them will pay $22,500, that they need not pay, and are advised by counsel not to pay. I have found the practice of those who pretend to be very sensitive and particular, frequently to be quite the reverse of their pretensions. I think that that is a sufficient answer to all that has been said against Mr. O'Connor in the way of obloquy; that he did this against my advice and against my instructions; rather than incur a suspicion of his honor he preferred to settle it like a man. But he would not pay Bunker Bros., he would not pay Emil Schalk, nor the Tacks, and never will. On the contrary he will make them pay him the damages he has sustained by their conspiracy if there is any virtue in the law of the land. If a number of men conspire together to depreciate my contracts or conspire together at the gaming table to take me in at play by fraudulent and false means, by cheating me at cards, there is a law in the land to compel them to restore that of which I have been unjustly deprived. So with Mr. O'Connor. Now, I am reminded here of a story of a certain Duke (Mr. Brewster will please give me his name, he knows all the noble people,) a Duke of whom it is related that while at play he concealed a card in one of his hands and his opponent seeing him cheating took a fork and drove it right through the hand that covered the concealed card, nailing it to the table, and from that day henceforward he was known as the "forked Duke." Mr. O'Connor has caught these people cheating and instantly he nailed their hands right down, and to-day they bear the scar of O'Connor's fork. The victim who nailed the hand down with a fork was satisfied that he had the right party. And you never could convince this prosecutor but that he has caught the very parties who conspired to defraud him and to defraud his children. He caught them with the card in their hands, and he said, "I will nail them," and he has been at that process, working night and day, ever since. We have now got two (the Tacks) nailed down, and I think Bunker Bros., Emil Schalk, and some others will be nailed down, too, before we are done with them.

It is admitted that any illegal combination is a thing contrary to law. There are two questions arising here—first, was it the intention of Theodore E. Tack, in Pittsburgh, and Augustus H. Tack, in Philadelphia, to rob this gentleman at the time they got him into business? Did they use fraud and deceit, and did they, at that time intend to cheat him? If they did, and then, by buying these contracts, intend to fix the market so as to take money out of his pocket, that would be a conspiracy, no doubt. But, may it please the Court, we are spared the necessity of examining into that feature and going through all those arrangements made at that time, by the bold, open and defiant conduct of these people subsequently—by what took place at the Continental. There is the testimony of Mr. O'Connor and of Mr. Finney. And who can say a word against Finney? There, in their dispatches, they say he is a man of his word, a man of honor and of integrity. And they admit Mr. Finney is an honorable man. And I say, sir, Mr. Finney is the soul of honor, and, as an upright gentleman and a true friend, he has no superior in this State. I know him well. There is his statement side by side with this of Mr. O'Connor. He heard the combination proposed by the Tacks and heard them say they intended to do it, and the evidence is that they did do it.

Now, what was the evidence of that "combination?" and the whole case turns upon that point; that is the turning point. What was the evidence of that combination? They agreed to do what? To put up the price of oil in Philadelphia. That is the first item. How? By putting it up at Antwerp. How put it up at Antwerp? By going there jointly as buyers, and bidding and offering to buy, and putting up margins and "bluffing" them off, taking 10,000 from one man and 20,000 from another. Then when the cry comes "now we want this oil," the answer is, "who is going to furnish it?" Why nobody can furnish it. There is not enough oil to satisfy this bogus Antwerp demand; then the movement is announced a success and oil rises, and these conspirators shout "bully boy" so loudly they are heard from Philadelphia to Pittsburgh. The market here is fixed by the false quotations in Antwerp, which are telegraphed here, to Philadelphia, and the price goes up with it.

Judge Ludlow—The arrangement, as I understood it, was this: to raise a large sum of money by which they could go to Antwerp and buy oil and run it up in price.

Mr. Mann—Exactly so, excepting that they were not to buy oil, but that these were marginal amounts which they were to put up—they were to contract to buy it. Now, the end of a conspiracy is what we are to judge of it by; it is either criminal or not criminal, according to the end. Now, the end was to raise the market in Philadelphia, to compel the people who were obliged to buy oil, and who actually needed it, to pay a high price for the article. And that is a crime; it is as much a crime as it would have been to steal the oil out of the lamps of the virgins who had wisely prepared for the bridegroom. It is a crime, and is so defined by all law writers. Chief Justice Gibson speaks of a parallel case—that of the bakers, conspiring to raise the price of bread. If men combine to raise the price of labor, it is an illegal conspiracy. I refer your Honor, now, to the case decided by Judge Gibson—Brightley nisi prius, p. 36—in which the whole subject was discussed. Judge Gibson treats the question in the peculiarly thorough manner for which he was remarkable, never leaving a case in doubt but just unraveling the tangled skein, as it were, until the whole illustration is completely apparent—a jurist as clear headed as any that ever breathed in England. Now, he says in regard to this law of conspiracy: "Mr. Chitty, in his criminal law, (the best compilation on the subject extant) very properly says, 'there are many cases in which an act would not be cognizable by law if done by an individual, that would, nevertheless, be the subject of an indictment, if enacted by several with a joint design,' yet he, too, says the offense depends on the unlawful agreement, and not on the act which is to follow it; the act when done being but evidence of the agreement. Even this it might be inferred that the act can operate only to show that an agreement of some sort has taken place, but not by its nature or object to stamp the character of guilt on it, but Chitty himself, admits that it is impossible to conceive a combination, merely as such, to be illegal."

"It will, therefore, be perceived that the motive for combining, or what is the same thing, the nature of the object to be attained, as a consequence of the lawful act is, in this class of cases, the discriminative circumstance."

"Where the act is lawful for an individual it can be the subject of a conspiracy when done in concert, only where there is a direct intention that injury shall result from it, or where the object is to benefit the conspirators to the prejudice of the public, or the oppression of individuals, and where such prejudice or oppression is the natural and necessary consequence. So with respect to the other branch, if the bakers of a town were to combine to hold up the article of bread, and by means of a scarcity thus produced, extort an exorbitant price for it, although the injury to the public would only be collateral to the object of the association, it would be indictable, as to one of the purposes for which it was used. ... other of these may be traced. I take it, then, a decided case be traced. I take it, then, a combination is criminal wherever the act to be done has a necessary tendency to prejudice the public, or to oppress individuals by unjustly subjecting them to the power of the confederates and giving effect to the purposes of the latter, whether of extortion or mischief."

Now, here was a plan, a combination, to subject the public to the power of these confederates; they were to put up the market to such a price and in such a way that all persons who were obliged to buy this oil for the purpose of light or for any other of the purposes for which it was used, would be oppressed and compelled to pay an exorbitant price for it. It was an oppression which extended to every man's home in which that article was used for light. Now, it is said here that a combination to put up the price of coal would not be to do an illegal thing. I say, sir, that any firm may go and buy all the coal it wants, but no one firm can say to another, "we will buy coal if you will; we will agree to put up $100,000 as a margin and buy so many hundred thousand tons of coal if you will do the same; we will agree together to raise the price of coal." Is not the man who pays his five or six dollars a ton for coal, affected by that? Most certainly. And would any Court tolerate for an instant the idea that such a combination as that was harmless, and such a combination as the law could not reach? Why suppose that our bankers were to take their money from its legitimate purpose of banking and use it to buy up all the grain in western country, their object being to raise the price of grain and control it. In such an event, I would feel it my duty to use all of the great powers of my office which have been spoken of here, draw up a bill of indictment, and go into the grand jury room, without prosecutor or witness, and have them indicted at once. Why, sir, Courts are instituted to protect the many and the weak against combinations on the part of the few and the powerful. The whole tendency of our institutions points in that direction; our very liberty is concerned in breaking up and obliterating all traces of this injurious system. Our property is divided among our children and not suffered to accumulate in the hands of single individuals; all our laws intend that it shall be thus divided, for this accumulation in the hands of one person becomes dangerous when allowed to take an unrestricted course. We have seen how the people may be degraded by this one man power. But if any set of men combine to take the crust out of the poor man's mouth without he paid a certain price, I would like to see the jury, and I am sure I will never see the Court that will not hold those men responsible. A combination to put up the price of any article—to put up the price of salt or of labor—has been held by Judge Gibson to be an indictable conspiracy. It is recited there how in regard to this combination to put up the price of oil, we do not know that these men did really put up a margin; but they entered into an agreement to put up the price—that is the thing. They put up a large amount as margin and use that to put up the market, to "bull" the market and make money for themselves to the injury and ruin of others. They did put it up, and when it was done they telegraphed "bully for Antwerp—bully boy!" If such "rings" and "combinations" as these are allowed to exist, legitimate trade must languish and die. The two opposites cannot exist; it is utterly impossible; and will anybody pretend to say that a combination which destroys all trade is not an illegal thing? It is the highest and chiefest duty of the judge to lend his sanction and his official aid to the maintenance of that law which suppresses such conduct.

Now, sir, I might argue to your Honor and show very conclusively that these defendants having been before a magistrate and entered their bail, it was out of their power to exercise the privilege of this writ, but I do not insist upon that. In justice to Mr. O'Connor, I will say that I do not think he would ask me to hold them to that point. I want the judgment of your Honor upon that single point, that is, a combination; so that the many and the poor may be protected by the law from the encroachments of the wealthy and the few.

Your Honor will remember that it was with a full knowledge that these defendants made these contracts for their friends—that it was with a full knowledge that O'Connor's contracts were falling due every month that they arranged this Antwerp conspiracy; which, if he had not arrested Theodore Tack in New York, and thus prevented its full confirmation, would have either lost this prosecutor his honor or his whole estate. He could by law have said, "I am not responsible; this is not a legal thing;" but if he had not prevented the consummation of that plot and it had gone on and been successful and their contracts got into innocent hands, it would have swallowed him entirely.

Judge Ludlow—Just explain, if you please, how that would have followed from the evidence.

Mr. Mann—In this way, your Honor. His contracts extended up to the close of the year—to December, probably January—and if these conspirators had not been interfered with, they would have gone on to Antwerp to raise the price of oil to such an extent, to inflate the market and excite it to such an extent that when this gentleman was "called" for oil, he was constantly being called on, he could not furnish it, and then he must pay the difference; and these differences would be steadily increased by the raising of the price in this way. He was to be completely at the mercy of these thieves.

Judge Ludlow—A great many of his contracts had fallen in, I believe.

Mr. Mann—Very few indeed, your Honor; he had made contracts as far ahead as this present month. Some of his contracts are only now maturing.

That telegram stating the contract price and closing with "Bully Boy," would have made him pay $70,000. But they did not have their own way; Mr. O'Connor interfered with them slightly. I have mentioned this fact merely as an illustration of how completely this man was at the mercy of these people.

Judge Ludlow—What has been the ruling price of oil during October, November and December—in the latter part of October?

Mr. Mann—These proceedings and other matters seem to have had a marked effect upon the price. As this case rose from the magistrate's office to your Honor's notice, oil went down; and as this case has progressed, oil has been going down. People have had their eyes opened.

Now, I do contend, may it please the Court, that the effect of this combination is to destroy all legitimate trade. Its object is to raise the price of an article which every man may have occasion to use; it oppresses individuals and injuriously affects public interests and is therefore indictable. Am I to be told that the very same doctrine which has been sustained in regard to the very shoes that the people wear cannot be sustained as to the food which goes into the people's mouths?

In regard to these telegrams that have been spoken of and about which much has been said, I have only to say that the best rule for every man to adopt is never to do that in secret which he would be ashamed to be seen doing openly. I am willing, so far as I am individually concerned, that any thing I write may be seen by the world. It is a good rule for a man to adhere to, especially when he sits down to write anything. For myself, I will stand by all that I write; and a man ought not to complain of that which he has written himself, although the world may see it. For my part, I cannot understand this censure upon the propriety of making these things public. It is what the Tacks have been doing secretly. Are they ashamed that the world should see what they have been doing secretly? Certainly, what they have been doing secretly is not creditable to themselves or they would not be ashamed of the world seeing it. There are many things which men do secretly that they would not dare do openly, and it is no little source of gratification to the honest man to reflect that he is to be rewarded by that which he has done secretly, as well as by that which he does openly. Now these parties complain of the publication of that which they did secretly because the manner in which they conducted their business, their "bullying" and buying and manipulating and all these other little transactions are exposed to the world, and will not bear the scrutiny of the public. And therefore it is that they squeal so loudly. But they have no right so to complain. The eye of justice looks into and through telegrams, because it is all penetrating and omniscient. In judicial investigations, there is nothing to be concealed; a lawsuit makes many strange revelations, and the disclosure of these telegrams in this case is among the strange revelations that a lawsuit will produce. And it is not because they were made public, but because they were not fit to be made public, that these men have made all this complaint. Now, look at the effect which the publication of these details has had upon the public. At a meeting of some thirty or forty members of the Pittsburgh Petroleum Association the whole subject was fully discussed, and a committee presented a report containing a number of recommendations, among which is this: "That the refiners of this vicinity sign a pledge binding themselves not to sell longer than fifteen days' option from the first of January next, providing the other refiners throughout the country will adopt the same course; and further that the secretary of this Association be requested to correspond with the refining trade at various points, urging them to sign an agreement to conform to this pledge in all future contracts."

"The committee presented a number of reasons for this recommendation, and say, in conclusion, that the proposed new system would, to a very great extent, drive speculators out of the market, prevent the formation of rings for the purpose of putting prices up or down, and bring the genuine exporter nearer to the refiner, and thus make the trade a legitimate and healthy one, honestly conducted and directed by the great trade principles of demand and supply, and thus prevent our being humbugged by fictitious rises and falls in the market prices."

Now, your Honor will find in these telegrams an explanation of the character of these transactions of these defendants. By pretending to sell and pretending to buy, they contrive to raise a fictitious price for an article. This is what these men engaged in, and they stated in the presence of Mr. Finney that their business was to put up "rings" and "combinations"—that is, that their trade was an illegal trade. Your Honor will not permit a nuisance in the way of a pest house, or a distillery, or a bone boiling establishment to be located on yonder corner when it is calculated to drive away from here every man who is doing business around this court house. Such a nuisance falls within the censure and operation of the law. So it is in this case.

Now, then, the resolution which was adopted after discussion, at the meeting to which I have referred, was in these words: "*Resolved*, That the members of the Pittsburgh Petroleum Association, do agree, one with the other, to abstain from selling refined oil on a longer option to the buyer than fifteen days; provided, the refiners generally of the United States adopt the same rule, and in order to make this binding do agree to sign the pledge attached hereto, and do earnestly recommend the refiners of oil throughout the United States to join them in this effort to break loose from the present system of selling on thirty days' option.

"Mr. Kirk then offered the following, as the pledge, which was unanimously adopted:

"We, the undersigned, refiners and dealers in petroleum, do hereby agree to make no contracts after the first day of January next, giving more than fifteen days' option to the buyer, in accordance with the provisions of a resolution passed this day by this Association.

"Before adjournment this pledge was signed by the representatives of all firms present."

Now these men complain very justly that their legitimate business has almost been done away with; they complain of these "rings" and "combinations," and say they will not agree longer to countenance them, but that they will sell to deliver in fifteen days. They say, "we will sell you all we have at fifteen days," and we will drive away all these improper persons." And they must do that; and in doing that they are only attempting to protect themselves from that which the law says is criminal; for the law of the land, wiser than they are—the wisdom of a thousand centuries—protects the people from such injustice. These parties come here under a fiction of law, not because they are in custody and are seeking their liberty, but really and substantially, they are here to get your Honor's approval of their acts to get your Honor to say that what they have been doing is not in contravention of the law of the land, that your Honor shall endorse the Tacks, Emil Schalk and the Bunkers and say that they have done nothing that the law of the land can lay its hand upon. That is their object in coming here. Now, my colleague, General Collis, has made a very excellent brief upon this point, but as a man of honor I am precluded from appealing to the law on this subject, because from what took place in the Magistrate's office, the other side were induced to believe that I would not urge this point in regard to their waiving a hearing. Therefore I do not press that point, though I am not certain that I did so far commit myself.

Mr. Cassidy—Well, I am very certain.

Mr. Mann—Well, that is sufficient to satisfy me.

Atty. Gen. Brewster—You must have been certain or you would have undertaken to make this objection before.

Mr. Mann—Either the fact that I did agree to it or the fact that Mr. Cassidy says I agreed to it, is sufficient. I recollect that something was said about it; and I think Mr. Cassidy is right about it from recollection, but I am certain he is right by the fact that he makes the assertion that I agreed to it; and therefore I cannot make the point. But the point here is that parties cannot in this way get an opinion from the Court under these circumstances. I merely want to call the attention of the Court to the conclusion of the brief which my friend has prepared. It is to the effect that it is an abuse of the privilege of the writ of habeas corpus for a party who has surrendered himself or is in custody to pretend that he is deprived of his liberty, to get the Court to listen day after day and time after time, all for the simple purpose of getting an opinion from the Judge upon the case at issue. Now, I would be one of the last to give over the privilege of that writ, because there are instances in which its refusal might work very great wrong indeed—where, for instance, the Court is required to stand up and protect a party against public clamor. But all the clamor that has been raised in this case has been against Mr. O'Connor, instead of against these offenders; and those who did not understand the case would be apt to conclude from hearing it casually that it was Mr. O'Connor who was upon trial here instead of the Tacks, and if any body is to be protected from the effect of public clamor here, it is Mr. O'Connor.

My learned colleague, after reciting a great number of cases, the last of which is from the highest Court in our Commonwealth, concludes thus: "And when the Supreme Court of Pennsylvania made this the law of the land, they could not foresee that practitioners would be astute enough to invent, and the judges lenient enough to permit, a conspiracy between the defendant, his bail and the sheriff, by which, for a mere moment of time, the criminal should be surrendered into custody, the writ issued, the end of justice perhaps defeated, and the noble writ of habeas corpus prostituted to the basest uses."

Now, that this is the law which your Honor is asked to enunciate, but it seems to me that if any selection had been made (and I will not pretend to say it was more than an accident that your Honor has been selected,) that your Honor would perhaps be the last Judge in Pennsylvania who should be selected to uphold any such doctrine as that. It is an unfortunate selection for them. And the time at which your Honor is called upon to give such a decision, is also an unfortunate time for these defendants, for it is at a time when your Honor's career has just been passed upon by the people. Your Honor is here asked to put a stain upon that spotless reputation of yours, which has been preserved for years, pure and unsullied. Your Honor is asked to shelter these men who are flying for safety, and are clutching with their greasy, oily fingers and crime stained hands at your Honor's ermine. I submit this case to your Honor's careful consideration, with the utmost confidence, not alone as the case of the individual Mr. O'Connor, but as the case of each individual man who is engaged in business in this community, the case of every child in this community into whose mouth bread must go to appease the demands of hunger, and as the case of the public.

Judge Ludlow—Under the circumstances, gentlemen, I will take some time to consider this case. I will let the counsel know when I am ready.

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CARPETS AT COST. For a Short Time. PREPARATORY TO TAKING STOCK, A Very Large Assortment of OIL CLOTHS, Window Shades, HOLLANDS, AND Cheap All-Wool Ingrains. McCALLUM BROS., 51 Fifth Street, above Wood.

MERCHANT TAILORS.

WINTER GOODS. E. HOUSTON & CO., Fashionable Merchant Tailors, NO. 27 FIFTH STREET, Have just received a second supply of Winter Coatings, Together with full lines of CLOTHS, CASSIMERES and VESTINGS, all guaranteed and prices very reasonable. A full supply of Men and Boys' READY MADE CLOTHING on hand, at prices to suit the times.

FOR THE HOLIDAYS. WE ARE NOW READY FOR THE HOLIDAYS, With a large and select assortment of ELEGANT, REGULAR, CASUALS and METROPOLITAN SUITS, For BOYS, YOUTHS and CHILDREN. OVERCOATS, all styles and sizes, in great variety. GRAY & LOGAN, No. 47 St. Clair Street.

P. McARDLE, Merchant Tailor, No. 95½ Smithfield St., Pittsburgh. Keeps constantly on hand a fine assortment of CLOTHS, CASSIMERES & VESTINGS, ALSO, GENTLEMEN'S FURNISHING GOODS. GENT'S CLOTHING MADE TO ORDER, in the latest styles.

MERCHANT TAILORS. JONES & DUFF, No. 2 ST. CLAIR STREET, have just brought from the east a full supply of WINTER GOODS, CLOTHS, CASSIMERES, VESTINGS, OVERCOATINGS, &c., which they are prepared to cut and make up in a style equal to any shop in the city. They are determined to deserve and hope to receive a liberal patronage.

FOR SALE—REAL ESTATE.

HOUSE AND LOT FOR SALE, situated at corner of Duncan and Sabo Streets, Pittsburgh. Lot 24 feet by 100 feet, extending to an alley. Frame house, two stories high, of five rooms; good cellar; large porch in front; hydrant water on the lot. Price $1,800. Apply to S. McLAIN & CO., 172 Fourth street.

A COAL WORKS FOR SALE, capable of running 12,000 bushels daily, including tenant houses, store house, flats, barges, mules, and all the necessary fixtures for a large business, and immediate operation. There are 400 acres of coal. This is one of the most valuable works on the Monongahela river, will be sold low and on good terms. Apply to W. A. HERRON, Real Estate Office, No. 63 Grant st., opposite Court House.

FOR SALE OR RENT, CHEAP.—A Farm at Carpenter's Station, on the Central Railroad, containing 139 acres; improvements, two houses and stables, good orchard; all in pasture and good for cultivation. Also, several other Farms, in good localities and well improved, which I will sell cheap and on reasonable terms. Also, a number of good building lots in the city and suburbs. For further particulars inquire of WILLIAM WARD, 146 Grant street, opposite the Cathedral.

2,000,000 ACRES OF CHOICE LANDS FOR SALE, BY THE Union Pacific Railway Co., EASTERN DIVISION, Lying along the line of their road, at $1.00 to $5.00 Per Acre. And on a CREDIT OF FIVE YEARS. For particulars, maps, &c., Address JOHN P. DEVEREUX, Land Commissioner, Topeka, Kansas. Or, CHAS. B. LAMBORN, Sec'y, St. Louis, Missouri.

MARVIN'S CRACKERS ARE THE BEST IN MARKET. Water, Butter, Sugar, Soda, Boston, Wine and Oyster Crackers, And Cracker Meal. No. 91 Liberty Street, FOOT OF FOURTH.

BARR & MOSER, ARCHITECTS. [illegible] ST. CLAIR STREET, PITTSBURGH, PA. Special attention given to the designing and building of Court Houses and Public buildings.

MISCELLANEOUS.

CHANDELIERS, BRACKETS AND LAMPS, FOR EITHER GAS OR OIL. Of latest patterns and best workmanship, at all prices, among which are: 12 Light Gas Chandeliers at..........$200 00 each. All of latest patterns and best workmanship. ALSO, A FULL ASSORTMENT OF Kitchen, Hall and Parlor Lamps, OPAL AND PAPER SHADES, GLOBES, &c., &c., In quantities to suit purchasers. ARTHUR KIRK, 172 and 174 Federal St., Allegheny.

THE FORT PITT LUMBER CO. Capital, : : : : : $125,000. President—EDW. DITHRIDGE. Secretary—T. A. WRIGHT. Superintendent—JAS. GILLESPIE. The FORT PITT LUMBER CO. having purchased TWO THOUSAND FOUR HUNDRED AND TWENTY-ONE ACRES of uncalled pine lands in Forest County, Pa., and erected thereon a large Steam Saw Mill, are now prepared to supply every variety of FIRST CLASS PINE LUMBER, from their yard, NINTH WARD, corner of Lumber and Allegheny Sts. Communications by mail should be addressed to T. A. WRIGHT, Secretary, PITTSBURGH, PA.

PITTSBURGH IMPORTING HOUSE, ESTABLISHED 1835. SCHMIDT & FRIDAY, IMPORTERS OF GERMAN, FRENCH AND SPANISH WINES AND LIQUORS, 409 Penn Street, Pittsburgh. Our MR. SCHMIDT having returned from Europe, has made large purchases, and perfected arrangements with the following first class houses: F. RUMILLER, Ayise, Champagne. DE VENOGE & CO., Epernay, Champagne. J. PRUNIER & CO., Cognac and Bordeaux. CHAS. LAMBLING, Cette. MORGAN BROS., Cadiz, Spain. ERHARD SCHMIDT, Neuenburg, A Rhein. A. LYNCKE & CO., Creuznach, Sparkling Hock and Moselle. BASS & CO., English Ales. YOUNGER & CO., Scotch Ales. A choice assortment of PURE OLD RYE WHISKEY constantly on hand. Having perfected arrangements with the above houses, we are able to offer the choicest brand of WINES and LIQUORS. Examination of quality and comparison of prices solicited.

TO WHEAT GROWERS. EUREKA AMMONIATED BONE Super-Phosphate of Lime, MANUFACTURED BY THE ALLEGHENY FERTILIZER CO., SEWARD & CAMPBELL, PROPRIETORS. Office, 156 Penn St., Pittsburgh, Pa. The best Fertilizer in use, and recognized by all Farmers who have given it a trial. It is the standard for raising large crops of Wheat, Rye, Oats, Corn, Potatoes, &c. We have published a pamphlet containing interesting and valuable statements of this Fertilizer, copies of which will be sent free to any sending us their address.

MYERS, HOPPER & CO., (Successors to E. D. BULGER, Agent,) MANUFACTURERS OF FURNITURE Of Every Description. SCHOOL AND OFFICE FURNITURE No. 45 Smithfield Street, PITTSBURGH, PA. A full assortment of Pittsburgh Manufactured Furniture constantly on hand at LOWEST CASH PRICES. C. A. MYERS....WM. C. HOPPER....WM. E. WILT.

COOK STOVES. GET THE BEST, BISSELL & CO'S. TRIUMPH FOR BITUMINOUS COAL. Warranted to Cook, Bake or Roast as well as any Stove in the Union. BISSELL & CO., 235 LIBERTY STREET. Also on hand and for sale, PARLOR STOVES, HEATING STOVES, GRATE FRONTS, FENDERS, COOKING RANGES, &c.

SWORD'S SELF-TEMPERING STEAM POWER BRICK MACHINE, MANUFACTURED BY THE PITTSBURGH BRICK MACHINE BRICK MANUFACTURING CO. This Machine takes the clay direct from the bank, (without the preparation, by soaking necessary for "soft mud" machines,) and tempers it thoroughly, pressing in steel moulds, brick stiff enough to be packed up eight high in the yard as made. For smoothness with the trowel, bearing hard faces, and making a strong, true wall, there are no better brick known. The cost of making them by this machine is from 25 cents to $1.00 per 1,000, according to the rates of wages. This we guarantee. The machine is built entirely of iron and steel and in the best style for strength and permanent use in working clay. Apply for circulars, giving full information, at the office, 53 CANAL ST., 2d Story, Between Penn and Liberty streets, near the Union R. R. Depot, PITTSBURGH, PA.

HARRIS & EWING, Wholesale Druggists, Cor. of Liberty & Wayne Sts., PITTSBURGH, PA. City and Country Trade Solicited.

F. MUSSMANN, FIFTH STREET, between Tunnel & Chatham Sts., Gunsmith and Dealer in Hardware. First class goods of all descriptions always on hand and sold at the lowest prices. Repairing done carefully, on short notice.

REMOVAL. GREAT SALE AT COST! My large stock of MUSICAL INSTRUMENTS reduced to cost. I am preparing to move into my new building, No. 136 SMITHFIELD ST., between Fifth and sixth streets, and will dispose of my present stock at VERY LOW PRICES. JOHN ZWEIDINGER, No. 160 Smithfield street.

TO CAPITALISTS.—A rare opportunity is offered for an investment in an establishment for the manufacture of a leading article in the iron line, at an unusual figure, large in order and only requiring capital to make it a largely paying investment. Situated in the city of Pittsburgh. Full particulars given on application to the undersigned. S. MILLER & CO., 112 Fourth street.

$15,000 TO LOAN, ON BOND AND MORTGAGE. C. M. PETTY, No. 69 Smithfield Street. Real Estate bought and sold.

UNION STREET. Notice is hereby given that the report of the Viewers for opening UNION STREET, Seventh Ward, Allegheny, is filed at No. 182, January 1868, and that all persons having objections may file the same in proper time. J. C. McCOMBS, City Solicitor.

BANKS AND BANKERS.

HART, CAUGHEY & CO., Bankers and Brokers, CORNER THIRD AND WOOD STREETS PITTSBURGH, PA. (SUCCESSORS TO HANNA, HART & CO.) DEALERS IN Exchange, Coin, Coupons, And particular attention paid to the purchase and sale of GOVERNMENT BONDS. SIGHT DRAFTS ON LONDON.

N. HOLMES & SONS, BANKERS, No. 57 Market Street, PITTSBURGH. Deposits received in Par Funds and Currency. Collections made on all the principal points of the United States and Canadas. Stocks, Bonds and Other Securities BOUGHT AND SOLD ON COMMISSION. Particular attention paid to the purchase and sale of U. S. Securities, Including U. S. SIXES OF 1881; do. do. 5-20s; U. S. FIVES 10-40s. U. S. CERTIFICATES OF INDEBTEDNESS, Orders and Vouchers bought or collected.

KEYSTONE SAVINGS BANK. 293 Liberty Street, PITTSBURGH, PA. THIS BANK WILL OPEN A General Banking Business, AT THEIR NEW BANKING-HOUSE, ON Monday, November 18th, inst. Accounts of Banks, Bankers and Merchants are invited. Collections made on all points in the United States and Canada. Interest allowed on Time Deposits. UNITED STATES SECURITIES BOUGHT AND SOLD. GEO. T. VAN DOREN, Cashier.

PITTSBURGH BANK FOR SAVINGS, Formerly the DIME SAVINGS INSTITUTION 67 Fourth Street, Nearly Opposite Bank of Pittsburgh. CHARTERED IN 1862. OPEN DAILY from 9 to 4 o'clock, and on WEDNESDAY AND SATURDAY EVENINGS from May 1st to November 1st, 7 to 9 o'clock, and from November 1st to May 1st, 6 to 8 o'clock. Books of By-Laws, &c., furnished at the office. This institution especially offers to those whose earnings are limited, the opportunity to accumulate, by small deposits, easily saved, a sum which will be a resource when needed, and bearing interest instead of remaining unproductive. Board of Managers: PRESIDENT: GEORGE A. BERRY. VICE PRESIDENTS: S. H. HARTMAN, JAMES PARK, JR. SECRETARY AND TREASURER: D. E. McKINLEY. A. BRADLEY, WM. K. NIMICK, C. G. HUSSEY, JOSHUA RHODES, JNO. S. DILWORTH, JOHN SCOTT, C. ZUG, FOLLANSBEE, B. C. SCHMERTZ, JAS. I. GRAHAM, CHRISTOPHER ZUG. SOLICITORS—D. W. & A. H. BELL.

WESTERN SAVINGS BANK, No. 59 Fourth Street. CHARTERED 1866. Interest Paid on Time Deposits. Any sum received from One Dollar upward. Deposits subject to Check, without interest. DISCOUNT DAILY AT 10 O'CLOCK. President—THOMPSON BELL. Vice President—A. M. MARSHALL. DIRECTORS: THOMPSON BELL, J. J. GILLESPIE, JOHN E. DALZELL, A. M. MARSHALL, JOS. ALBREE. Stockholders to whom we make REFERENCE: Wm. Forsythe, Joseph Dilworth, S. McClintock, Rev. David Kerr, Willis Dalzell, Henry Lambert, D. W. C. Bidwell, A. M. Brown, R. M. Fulton, Thos. Ewing.

COAL, COKE, &c.

PITTSBURGH NATIONAL COAL & COKE COMPANY. Miners, shippers and dealers, wholesale and retail, in the BEST FAMILY COAL, NUT COAL AND SLACK. Office and Yard—Corner FOURTH AND THE STREETS, Pittsburgh, Pa. All orders for delivery in the city, or shipment, will meet with prompt and careful attention. B. A. SCHNABEL, Superintendent.

BEST FAMILY COAL Always on hand and delivered promptly to order AT LOWEST MARKET RATES, BY OSCAR F. LAMM & CO., Cor. Sandusky Street and P. Ft. W. & C. Railway, ALLEGHENY CITY. Anthracite Coal furnished at the lowest rates.

COAL! COAL!! COAL!!! DICKSON, STEWART & CO., Having removed their Office to No. 567 LIBERTY STREET, (Lately City Flour Mill) SECOND FLOOR, Are now prepared to furnish good Youghiogheny LUMP, NUT COAL OR SLACK, At the lowest market prices. All orders left at their office, or addressed to them through the mail, will be attended to promptly.

CHARLES H. ARMSTRONG, DEALER IN YOUGHIOGHENY & CONNELLSVILLE COAL And Manufacturer of Coal, Slack, and Desulphurized Coke OFFICE AND YARD, Corner of Butler and Morton; first yard on Liberty and Cliff street, Ninth ward, and on second street, near Lock No. 1, Pittsburgh, Pa. Families and Manufacturers supplied with the best article of Coal or Coke at the lowest cash rates. Orders left at any of their offices will receive prompt attention.

SUPERIOR COAL. C. CHERRY & CO., Miners and Shippers of PITTSBURGH GAS, FORGE and FAMILY COAL, NUT COAL and SLACK. Coal delivered promptly to all parts of the cities, at the lowest market rates. Office and Yard, corner FOURTH and WATSON (formerly Canal) STREETS, Pittsburgh. P. O. BOX, 1253.

PLUMBING, GAS FITTING.

JAMES CAVANAGH..........S. S. EWENS, JR. CAVANAGH & CO., NO. 114 LIBERTY STREET, (Opposite Hare's Hotel,) PRACTICAL PLUMBERS, GAS AND STEAM FITTERS. Ale and Beer Pumps, Hydrants, Pumps, Lead Pipe, Sheet Lead, Sinks, Wash stands, Gum Hose, &c. Prompt and particular attention given to repairing in city and country.

F. L. ATWOOD....JENSON JONES....J. M'CAFFREY. ATWOOD & M'CAFFREY, BRASS FOUNDERS, STEAM AND GAS FITTERS, Cor. of 3rd and Liberty Streets, Agents for Carroll & Snyder's, Pittsburgh, Penna. Light and Heavy Castings furnished promptly to order. Special attention paid to the fitting out and repairing of Oil Refineries, Steamboats, Rolling Mills, &c., &c. Agents for A. S. Cameron & Co.'s STEAM PUMPS AND BLOWER ENGINES. These Pumps have superior advantages over all others, and every one is warranted to give satisfaction. Pumps constantly on hand.

JOHN M. COOPER....JOS. HAYS....HENRY HAYS. JOHN M. COOPER & CO., BRASS FOUNDERS, Steam and Gas Fitters, Manufacturers of PUMPS AND BRASS WORK of every description; dealers in GAS FIXTURES AND TUBING, of all kinds. Corner of Pike and Walnut Streets, PITTSBURGH, PA.

CONFECTIONERIES, &c.

SUNDAY SCHOOL CELEBRATIONS, PICNICS, DINNER PARTIES, &c., furnished with the best ICE CREAM, CONFECTIONARIES, CAKES, FRUITS, &c. At the lowest prices and on the shortest notice, by JULIUS RICHTER, No. 15 DIAMOND, Allegheny.

HENRY W. BORBACH, Confectionery and Bakery, No. 300 SMITHFIELD STREET, Between Seventh and Liberty. LADIES' OYSTER SALOON attached.

GEORGE BEAVEN, CANDY MANUFACTURER, And dealer in Foreign and American FRUITS, PICKLES, NUTS, &c. 118 FEDERAL STREET, second door from the First National Bank, Allegheny City.

AMUSEMENTS.

NEW OPERA HOUSE. WM. HENDERSON..........Lessee. M. W. CANNING..........Manager. T. B. HAYS..........Stage Manager. FAREWELL BENEFIT and positively last night of the brilliant Lyric Artiste, LADY DON. FRIDAY EVENING, January 10th, 1868, the performance will commence with the beautiful three act drama of DON CAESAR DE BAZAN. Don Caesar, with songs..........Lady Don. To conclude with the ever popular burlesque of KENILWORTH. Earl of Leicester, with songs..........Lady Don. Saturday Afternoon—Lady Don Matinee. Saturday Evening—Benefit of Harry Hotto.

"SONGS OF SCOTLAND." MASONIC HALL, Friday, January 10th, 1868. MR. KENNEDY'S LAST NIGHT. PROGRAMME.—"Lizzie Lindsay," "Of a' the airts the wind can blaw," "My Spouse Nancy," "The MacGregor's Gathering." Mr. Kennedy will give selections from Allan Ramsay's pastoral—"The GENTLE SHEPHERD." "Oh, why left I my hame," "Bonnie Prince Charlie," "Tullochgorum," "The hen has gane awa," "Finale—Auld Lang Syne." Piano Forte..........Miss Kennedy. Admission—50 cents; Reserved Seats 75c, to be had at Mellor's music store. Doors open at 7, to commence at 8 o'clock.

LEGAL.

ALLEGHENY COUNTY, ss. In the Orphans' Court in and for said county. In the matter of the final account of W. T. ROWN, deceased. No. 63, December Term, 1867. And now to wit, December 18th, 1867, it is ordered and decreed that JAMES A. LOWRIE, Esq., be appointed Auditor to distribute of the exceptions to said account, and make distribution among the parties entitled thereto, as prayed for. BY THE COURT. From the Record. A. RICHARDS, Clerk. The undersigned, Auditor, will attend to the duties of his appointment at his office, No. 107 Fourth street, Pittsburgh, on WEDNESDAY, January 22d, 1868, at 2 o'clock P. M. JAS. A. LOWRIE, Auditor.

UNITED STATES of AMERICA, WESTERN DISTRICT OF PENNSYLVANIA, ss. The President of the United States to the Marshal of the Western District of Pennsylvania, Greeting: Whereas, a libel of information has been filed in the District Court of the United States for said Western District of Pennsylvania, on the 9th day of December, A. D. 1867, against one keg of Whiskey containing twelve gallons, and one keg of Whiskey containing twelve gallons, being the property of [illegible]. All persons claiming an interest in said property are hereby notified to be and appear before our said Court at Pittsburgh, Pa., on the 28th day of January, A. D. 1868, at 11 o'clock in the forenoon of that day, then and there to make answer to the premises, and intervene for their respective interests, and make their allegations in that behalf. THOMAS A. ROWLEY, United States Marshal.

UNITED STATES of AMERICA, WESTERN DISTRICT OF PENNSYLVANIA, ss. The President of the United States to the Marshal of the Western District of Pennsylvania, Greeting: Whereas, a libel of information has been filed in the District Court of the United States for said Western District of Pennsylvania, on the 20th day of December, A. D. 1867, against one barrel of Whiskey, being the property of, or claimed by J. Whiteman, of Cleveland, Ohio. All persons claiming an interest in said property are hereby notified to be and appear before our said Court, at Pittsburgh, Pa., on the 28th day of January, A. D. 1868, at 11 o'clock in the forenoon of that day, then and there to make answer to the premises, and intervene for their respective interests, and make their allegations in that behalf. THOMAS A. ROWLEY, United States Marshal.

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE WESTERN DISTRICT OF PENNSYLVANIA. GEORGE W. LEONARD, a Bankrupt under the Act of Congress of March 2d, 1867, having applied for a discharge from all his debts, and other claims provable under said Act, by order of the Court, notice is hereby given to all creditors who have proved their debts, and other persons interested, to appear on the 13th day of January, 1868, at 10 o'clock A. M., before SAMUEL HARPER, Register in said District, at No. 93 Diamond street, in the city of Pittsburgh, to show cause, if any they have, why a discharge should not be granted to the said bankrupt. And further, notice is hereby given, that the second and third meetings of creditors of the said bankrupt, required by the 27th and 28th sections of said Act, will be had before the said Register, at the same time and place. S. C. McCANDLESS, Clerk of U. S. District Court for said Dist.

WESTERN DISTRICT PENNSYLVANIA, ss: The undersigned hereby gives notice of his appointment as ASSIGNEE OF ROBERT HERVEY, of the borough of Tarentum, in the county of Allegheny, and State of Pennsylvania, within said District, who has been adjudged a bankrupt on his own petition by the District Court of said District. HUGH H. BOLE, Assignee, corner Point Alley and Duquesne Way.

WESTERN DISTRICT OF PENNSYLVANIA, ss: At Pittsburgh, the 12th day of December, A. D. 1867, the undersigned hereby gives notice of his appointment as Assignee of MICHAEL McKENNA, of the city of Pittsburgh, county of Allegheny, and State of Pennsylvania, within said District, who has been adjudged a bankrupt upon his own petition, by the District Court of said District. JOHN H. BAILEY, Assignee, Attorney-at-Law, 89 Grant street.

ADMINISTRATOR'S NOTICE.—All persons interested will take notice that letters of administration have been granted to the undersigned on the estate of EDWARD WALSH, late of Collins township, deceased. All persons indebted to said estate, or persons having claims against the same will make them known to me. WINIFRED SWEENY, Adm'x, Allegheny city. Or her Attorney, ROBERT ROSE, No. 10 Fourth st., Pittsburgh.

WESTERN DISTRICT OF PENNSYLVANIA, ss: At Pittsburgh, the 14th day of December, A. D. 1867. The undersigned hereby gives notice of his appointment as Assignee of JOSEPH A. GREENE, of Pittsburgh, in the County of Allegheny, and State of Pennsylvania, within said District, who has been adjudged a Bankrupt upon his own Petition by the District Court of said District. JOHN H. BAILEY, Assignee, Attorney at Law, 89 Grant st.

WESTERN DISTRICT OF PENNSYLVANIA, ss: At Pittsburgh, the 13th day of December, A. D. 1867, the undersigned hereby gives notice of his appointment as Assignee of JOHN B. KENNEDY, of Allegheny, in the county of Allegheny and State of Pennsylvania, within said District, who has been adjudged a Bankrupt upon his own Petition by the District Court of said District. JOHN H. BAILEY, Assignee, Attorney at Law, 89 Grant street.

OIL WORKS & COMPANIES.

EUREKA OIL WORKS, Manufacturers of Eureka Carbon Oil, THE CELEBRATED Sperm Lubricating Oils, CHEMICAL LINSEED OIL, Wholesale Dealers in Crude, Refined and Lubricating Oils, Lard, Sperm, Whale and Fish Oils. R. C. MACHESNEY, Agent, 19 Irwin Street, PITTSBURGH.

WARING & KING, COMMISSION MERCHANTS AND BROKERS IN Petroleum and Its Products, (Dalzell's Block, Duquesne Way, PITTSBURGH, PA. PHILADELPHIA ADDRESS: WARING, KING & CO., 127 Walnut St., Phila.

H. M. LONG & CO., MANUFACTURERS OF PURE WHITE BURNING OIL, Brand—"LUCIFER." Office, No. 2 Duquesne Way, PITTSBURGH, PA.

TACK BROTHERS, COMMISSION MERCHANTS, AND DEALERS IN Petroleum and its Products, PITTSBURGH OFFICE—Dalzell's Building corner of Duquesne Way and Irwin street. PHILADELPHIA OFFICE—127 Walnut st.

WM. WIGHTMAN..........D. A. ANDERSON. EAGLE OIL WORKS, Lawrenceville. WIGHTMAN & ANDERSON, Refiners and Dealers in PETROLEUM. OFFICE, SECOND STORY, CORNER HANCOCK STREET AND DUQUESNE WAY.

J. C. BUFFUM....C. A. KENEW....W. E. WHITEHEAD. SOHO OIL WORKS. Manufacture and have for sale all kinds of LUBRICATING OILS, No. 1 ST. CLAIR STREET. BUFFUM, KENEW & CO.

LITHOGRAPHERS.

BENJAMIN SINGERLY..........PHILIP CLEIS. SINGERLY & CLEIS, (Successors to Geo. F. Schuchman & Co.,) PRACTICAL LITHOGRAPHERS, The ONLY STEAM LITHOGRAPHIC ESTABLISHMENT WEST OF THE MOUNTAINS. Business Cards, Letter Heads, Bill Heads, Circulars, Show Cards, Diplomas, Portraits, Views, Certificates of Stock, Maps, Checks, Drafts, Notes, &c. No. 73 and 75 THIRD street, Pittsburgh.

CHAS. A. MILLER, LITHOGRAPHER, No. 80 FOURTH ST.—Apollo Building. CHECKS, DRAFTS, NOTES, BILL AND LETTER HEADS, &c., done in all styles.