Pittsburgh Gazette

THE DISTRICT ATTORNEY CASE.

Opinion of the Supreme Court on the Question of the Constitutionality of the Act Creating the Office of District Attorney for Allegheny County.

The following is the opinion of the Supreme Court, delivered at Philadelphia on Tuesday, by Justice Strong, on the question raised by Col. Levi B. Duff, District Attorney, involving the validity of the Act of Assembly under which John W. Biddell, Esq., was appointed Assistant District Attorney for Allegheny county, and has been discharging duties as such.

Commonwealth vs. McComb. Appeal from the Court of Quarter Sessions of Allegheny county.

Strong, J.—This is an appeal from a judgment of sentence. The appellant is the District Attorney of the county, and the appellee is the Assistant District Attorney, holding his office under an act of Assembly passed on the 21st of February, 1867, entitled "An act creating the office and defining the duties of Assistant District Attorney for the county of Allegheny." The fourth section of this act provides that "the fees of an Assistant District Attorney shall be taxed and collected in lieu of legal fees, as now allowed by law, to the District Attorney of said county, twelve thirds of all such fees, costs and allowances in every case, action and proceeding which shall, however, to be taxed for the use of the District Attorney, and the remaining one-third shall not be taxed, allowed and collected for the separate benefit of said Assistant District Attorney." An indictment having been tried in the Quarter Sessions, with a verdict of not guilty, the clerk taxed the costs as directed by the act of Assembly, twenty dollars being added to the fees of the District Attorney in the proportion of twelve thirds to the former, and one-third to the latter. On appeal the Court of Quarter Sessions confirmed the taxation, and the District Attorney now appeals to this Court, insisting that the act of Assembly is unconstitutional, and therefore that there is legally no such office as Assistant District Attorney, to whom one-third of the attorney fee can be allowed.

The mode of raising this question is extraordinary. There is absolutely without precedent. Ordinarily when one is exercising the duties of a public office, and claiming the emoluments without right, the remedy is a writ of quo warranto. When he is acting under the apparent authority of the act of Assembly, his title to the office is not so be another collateral. This I understand to have been again and again decided. An act of Assembly, even if it be unconstitutional, is sufficient to give color of title, and an officer acting under it is an officer de facto. See Clark vs. Commonwealth, 4 Casey 85, and the cases therein cited. Speaking for myself, I would hold that the question which the Appellant seeks to raise, cannot be raised in this form of proceeding, and this not because I have any doubts in regard to the constitutionality of the act of Assembly of February 3, 1867, for two reasons.

The argument of the appellant is that the act is unconstitutional, because it transfers the duties and emoluments of the office of District Attorney to another. The fifth section makes it the duty of the Assistant District Attorney to stand all the principal bearings in criminal cases in the county. When any public interest may require, to prosecuting bills of indictment for offences cognizable in the Quarter Sessions, to appear therefor within said county, and submit the same to the grand jury, with the Commonwealth's testimony, and to sign and file bills of indictment in the name of the District Attorney. This is followed by a proviso that nothing in the section contained shall interfere with the right of the District Attorney to prefer a bill of indictment ex-officio, as heretofore, when proper occasion may arise, and the sixth section repeals all laws and parts of laws inconsistent with the act. It is this fifth section which is supposed to be in conflict with the Constitution. It is the part of the act which, it is argued, takes away, partially, at least, the office of the appellant, by transferring it to another, and this it is said is prohibited by the ninth section of the sixth article of the Constitution, which reads as follows: "All officers, for a term of years, shall hold their office for the terms respectively specified, only on condition that they shall so long behave themselves well, and shall be removed on conviction of misdemeanor in office or of intemperate habits."

Before entering upon a consideration of this Constitutional provision it is proper to remark, if the appellant be correct in his position that the 5th section of the act of Assembly does take away his office, we must give it to another, and if the Legislature is competent to do that, it by no means follows that the fourth section and those which precede it are unconstitutional. And if the fourth section that gives to the Assistant District Attorney a right to one-third of the Attorney fee prescribed by law as a part of the costs in criminal prosecutions, is in no way contended, and certainly it cannot, be with reason, that anything in the Constitution prohibits a legislative provision for the election of an Assistant District Attorney. Nor is it insisted that it is beyond the power of the Legislature to reduce the fees of a District Attorney. While he is in office, and give what is taken away another direction. If, it is urged, therefore, that the appellant has made an interest in the right of the District Attorney to prefer a bill of indictment ex-officio, he has made out that the 5th section of the act of 1867 is invalid.

The office of District Attorney is not one of those offices which are usually designated constitutional. Unlike that of a Sheriff or Coroner it is not mentioned in the Constitution, and no provision is made therein for the election or appointment of such an officer. The office had not existed when the Constitution of 1790 was adopted. It was created by the Legislature by force of the act of May 8, 1854. That act provides that such an officer should be chosen in each county, at the usual place for the term of three years, and it defined his duties to be substantially those which had before that time been performed by a Deputy Attorney General. Not having been mentioned by the Constitution, the Legislature was left with unrestricted power to prescribe what the duties of the office should be, what the length of its tenure, what its emoluments, and how it should be filled. Having the power to create, it has had the power to regulate, and even destroy. Undoubtedly the Legislature may at any moment repeal the act of 1854 and abolish the office. It may provide a substitute for it. Constitutional officers are in some respects beyond Legislative control. In other respects they are not. The mode of filling them is prescribed by the fundamental law. Yet even in regard to them it has always been understood the Legislature has power to modify the duties of the office, and transfer some of them. Even the general jurisdiction of a Court may be limited, and the duties belonging to one judge may be conferred upon another, and even judgeships have been taken away by the Legislature with its jurisdiction. The emoluments of an office created by the Legislature may be increased or diminished at the pleasure of the Legislature of this State and of other states to make changes in the duties of most statutory offices, and hitherto it has not been supposed that such changes violate any fundamental law. If this cannot be made, the office must be regarded as for the benefit of the incumbent, rather than for that of the public. I find no authority in conflict with this. The case of Walter vs. the people, 32 Ill. 67, upon which the appellant relies, has no applicability. It bears only upon the mode of election of an officer. The Constitution of New York ordained that Sheriff and Clerks of counties, including the Register and Clerk of the city and county of New York, should be chosen by the electors of the different counties. The Clerk of the city and county of New York had always been the Clerk of the Court of Common Pleas. He was so when the Constitution was adopted, and continued to be until 1843, when the Legislature enacted that the Clerk of the Court of Common Pleas should be appointed by the Court. This was held to be unconstitutional, not because it divided the duties of the office, but because it took the choice of the officer from the electors, and gave it to the Court. The case decides nothing more. It was an information in the nature of a quo warranto.

Thus, if the Legislature had no right to confer upon the Assistant District Attorney some of the powers and duties that before the act of February, 1867, had belonged to the office of District Attorney, or in other words, if they could not transfer some of the powers and duties of the District Attorney to the Assistant, it must be solely because of the ninth section of the sixth article of the Constitution already quoted. And, indeed, another reason is given for a denial of such legislative power. Whether that article applies to officers not mentioned in the Constitution, but for whose election or appointment and duties the Legislature is authorized to provide, or whether it applies only to officers mentioned in the Constitution, but for whose election or appointment and duties the Legislature is authorized to provide, or whether it applies only to officers are denominated Constitutional officers, as distinguished from those that are merely statutory, is a question now to discuss. I think it applies to both classes of officers. But the use which the appellant attempts to make of it is a great perversion of its meaning. It was never intended to put officers created by the Legislature beyond the control and regulation of the creative power. It was not intended to make more than an office for a term of years, once made, should not be modified, or abolished, while the term remained unexpired. If it was, it must work serious embarrassment, and confusion in public affairs. It is not evident to admit of any doubt that its purpose and meaning were not to protect incumbents of offices in the enjoyment of their offices. This was done, so far as it was deemed necessary, by other provisions of the Constitution. This section means protection to the public, and it means nothing more. The first section of the sixth article declares that sheriffs and coroners shall be chosen and hold their office for three years, *if they shall so long behave themselves well*. The third section declares that prothonotaries of the Supreme Court shall be appointed by the Governor and shall hold their office for three years, *if they so long behave themselves well*. It also declares that prothonotaries and clerks of other Courts, registers of wills and recorders of deeds, shall be elected and hold their offices for three years, *if they shall so long behave themselves well*. Thus far the tenure of all the offices named is confined to be conditioned upon good behaviour. Then comes the ninth section, which provides for an annual election of State Treasurer. Then the section provides for the election of justices of the peace and aldermen, to hold office for five years. Then follows the sixth which ordains that all officers whose election or appointment is not provided for in the Constitution, shall be elected or appointed as directed by law. In the 16th, 17th, seventh and eighth sections nothing is said respecting the conditions upon which the officers named in them shall hold office, and the eighth section leaves to the Legislature to determine for what length of time the officers shall hold, for whose election or appointment provision may be made by law. But, to guard the public against the forcing of any officer who may misbehave, the ninth section ordains that all officers thereafter elected or appointed for a term of years, shall hold their offices only on condition that they behave themselves well. The fact that they hold for a term of years shall not entitle them to retain their offices if they misbehave themselves. They shall be removed on condition of misbehavior or of any intemperate habits. The article then is simply a condition of tenure, and consequently it is not a prohibition of anything which the Legislature attempted to do by the Act of February 21, 1867. It follows that even if the question sought to be raised by the appeal can be considered in this form of proceeding, the appellant has no case.

The appeal is dismissed at the costs of the appellant.

Citizens' Tickets.

At a meeting held Friday evening at the public school house in the Sixth ward, Allegheny, the following Citizens' Tickets for ward offices were placed in nomination: Select—Conduit—Wm. Mofferd, Henry Faulkner, Fred. Grossmann. Common Council—John Marsh, Wm. Logan, Wm. Kunkle, Silas Rickenbach. School Directors—John Stringer, Joseph Chalfant, Dr. J. N. E. Gibson, Wm. Mueler, John B. Chambers, C. Kimball. Judge of Election—R. J. Rollins. Inspector—Peter Gill. Return Inspector—A. Dill. For Assessor—John Collins. For Constable—Charles Fogle.

Organization of a Colored Presbyterian Church.

To-morrow afternoon our colored citizens of the Presbyterian faith, are to be regularly organized as a church society by a special committee appointed by the Ohio Presbytery. The exercises are to take place in the Sixth Presbyterian Church (Rev. Prof. Samuel J. Wilson, D.D., pastor,) on Franklin, near Fulton street, and we have no doubt, in view of the decided interest felt in the matter, that the attendance will be very large. There are a great many colored Presbyterians in the two cities and the boroughs, and they have long needed a church for themselves and their children, but until Rev. Dr. Wilson took hold of the matter nothing had been done towards meeting this want. He has labored faithfully and assiduously to make the colored Presbyterian mission in this city a permanent success, and his object is now to be realized. It is scarcely necessary to add that the services to-morrow will be very interesting and impressive. The services will begin at half-past three o'clock P. M.

CITY ITEMS.

Skating, Skating, Skating.—There will be excellent skating at the Union Park to-day. The ice is in splendid condition, smooth as a mirror. A brass band will be in attendance this afternoon and evening. Best of order preserved.

The Old Tea Mart.

Housekeepers experience no greater difficulty in this day of imposition than that of obtaining pure, fragrant teas and coffees. In view of this fact we feel that it will be deemed pertinent here to call attention to the many excellent virtues of the old established tea mart of Joseph A. Robinson, No. 20 Fifth street. At that justly popular establishment will be found at all times a stock of the very finest teas and coffees at prices within the reasonable. The high reputation of the house is sufficient guarantee of the fine quality of the goods offered to the purchasing community. The stock likewise contains full lines of groceries, canned fruits, toilet soaps, pure spices, raisins, citrons, table condiments, &c., &c. We cheerfully commend the old mart to the patronage of our readers.

To-day will be the last opportunity you will have to examine Pittock's holiday stock.

T. T. Ewens, No. 165 Wood street, attends promptly and at reasonable prices to all plumbing work entrusted to his care. Orders from the country attended to on the shortest notice.

Hats.—It is generally known that the crackers, soda biscuits, ginger snaps, and Graham bread, manufactured by Wm. Brothers, Nos. 29 and 31 Irwin street, are the most superior in the market. This old established house is still enjoying kept the lead, and its trade mark is everywhere recognized as a guide to buyers. Their prices are very reasonable. Dealers who buy to sell again, hotel and restaurant keepers, steamboats and private families, are supplied with any quantity on the slightest notice. Packages are delivered free of cost to any part of the city, and shipments are carefully made to all points.

To the Ladies.—In order to close out the really elegant fresh stock of trimmings, notions, laces, furnishing and fancy goods, at the popular retail house of W. Moorhead, No. 81 Market street, prices have been materially reduced and bargains are offered. We earnestly urge our lady friends and all others to favor this first-class establishment with a purchasing visit, and thus be made acquainted with the rare advantages offered in variety in selection and quality of goods and reasonable prices. Gentlemen will find a magnificent assortment of furnishing goods noticed in our advertising and embracing all the latest styles and novelties.

T. T. Ewens, No. 165 Wood street, attends to all sorts of plumbing, gas and steam fitting work at the shortest order, on the most reasonable terms. Repairing done in the best style.

The specially reduced rates for jewelry still continue as inducements to patrons at the fashionable headquarters of Reformer, Meyran & Spielman, No. 59 Fifth street. Everything in the way of ladies' and gentlemen's watches, in gold and silver, of foreign and home manufacture, diamonds, garnets, precious stones, silver and plated wares, mantel ornaments, canes, Parian goods and general jewelry, is offered at very cheap prices to wholesale or retail patrons.

Pittock has had a new pavement laid from his door to the Postoffice. No mud to encounter now.

The Best and original Tonic of Iron, Phosphorus, and Calisaya, known as Caswell, Mack & Co.'s Ferro Phosphorated Elixir of Calisaya Bark. This tonic restores color to the blood, the Phosphorus renews waste of the nerve tissue, and the Calisaya gives a natural healthful tone to the digestive organs, thereby curing dyspepsia in its various forms, Wakefulness, General Debility, Depression of Spirits. Manufactured only by Caswell, Hazard & Co., New York. Sold by all druggists.

Where to Go.—At Holtzheimer's famous restaurant, Fifth street, next door to the Postoffice, will always be found the rarest games of the season, served with the substantials of life. No where else can a better breakfast, dinner, supper or luncheon be obtained at more reasonable price. Parties are supplied with oysters in the very best style and at prices which will commend them to the economical.

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Stereoscopic views, the only assortment in the city, at Pittock's.

Great inducements are offered to persons desiring anything in the way of boots, shoes, hats, caps, or ladies' furs, at Snodgrass & Ross', No. 24 St. Clair street. TWS

Ladies, your attention is invited to the high-cut Napoleon Boot, just received, adapted to the wants of those who enjoy the (so) which are being rapidly disposed of at Snodgrass & Ross', No. 24 St. Clair street. TWS

Immense Stock of Ladies' and Misses' Furs at Wm. Fleming's, No. 139 Wood street, at lower prices than at any other house in the city.

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NEW PAPER HANGINGS, NOW RECEIVING, IN GREAT VARIETY, AT No. 107 Market Street, JOS. H. HUGHES & BRO.

C. H. ARMSTRONG. A. HUTCHINSON. ARMSTRONG & HUTCHINSON, (Successors to PHILADELPHIA AND YOUGHIOGHENY COAL COMPANY,) MINERS, SHIPPERS and DEALERS, by Railroad and River, of SUPERIOR YOUGHIOGHENY GAS AND FAMILY COAL, Office and Yard—FOOT OF 1ST STREET, near Wm Wade's. Mansion of WHITE AND RED LEAD, SIDE LIGHT GLASS, Mann's Patent Glass, And all colors dry or in oil. Office, No. 67 FOURTH STREET. Factory, Nos. 410, 412, 414, 416, and 418 Robinson Street, and 65, 67 and 69 Lacock street, Allegheny. CHARLES REIZENSTEIN, 128 FEDERAL ST., ALLEGHENY, (Fourth door above Diamond.) Glass, China, Ware & Table Cutlery as a specialty. FRESH PAINTS ground and put up in cans, ready for use, on hand. Call and examine our stock. L. S. HALL, Manufacturer of HAVANA AND DOMESTIC CIGARS, 63 FIFTH AVENUE, Near Market, Lucas's Music Room, up stairs. 204 WOOD STREET, Corner Diamond, Pittsburgh, Pa. PHR. R. MERTZ, BANKER AND BROKER, 118 Wood St., near corner of Fifth, Government Securities, Gold, Silver, And Coupons, bought and sold on liberal terms. Drafts sold on all the principal cities of Europe. HOLDERS OF GOVERNMENT SECURITIES Can realize a PROFIT OF FROM TWELVE TO Over Twenty Per Cent. By converting them into Pacific R. R. First Mortgage Bonds. JAMES T. BRADY & CO., AGENTS PACIFIC RAILROAD, Corner Fourth & Wood Streets. IRA B. McVAY & CO., Bankers, AND DEALERS IN GOVERNMENT SECURITIES, Cor. Fourth and Smithfield Streets. We will give holders of JUNE AND JULY SEVEN-THIRTIES the interest at 7 3-10 per cent. to January 1st, and give them in exchange 5-20 BONDS OF 1867, interest IN GOLD at 6 per cent. from that date. IRA B. McVAY & CO.

FINANCE AND TRADE.

OFFICE OF THE PITTSBURGH GAZETTE, FRIDAY, December 10, 1868.

Gold opened at 137½, declined to 131 on receipt of the weakness and decline of national securities at London and Frankfort, advanced to 137¾, from which it declined again to 137½ @137¾. Within the last four weeks the market always was very strong before steamer day and closes lower after sailing of same.

The market in Government securities was unusually strong to-day, and 1881 bonds have advanced ⅝ per cent., 1868 ⅛ per cent., 1862 ⅝; 1864, ⅝; 1865, ⅝; Consols, ¼@⅝; 10-40s, ⅝; and 7-30s ⅛ per cent. Heretofore whether the market has been sustained on these figures there is but little demand for securities outside of New York city.

The state market is very strong, and has considerably advanced. New York Central, 6 per cent.; Cleveland, 2; Hudson, 1½; Erie, 2½. The stocks here are most superior in the market. This old, established house, which has long kept the lead, and its trade mark is everywhere recognized as a guide to buyers. Their prices are very reasonable. Dealers who buy to sell again, hotel and restaurant keepers, steamboats and private families, are supplied with any quantity on the slightest notice. Packages are delivered free of cost to any part of the city, and shipments are carefully made to all points.

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JAMES DALZELL & SON, 69 and 70 Water Street, LARD OIL MANUFACTURERS, And dealers in CRUDE, LUBRICATING and CARBON OILS. We warrant our No. 1 lard oil equal to the best, in cheapness, or other brands, and propose to sell no other. Refineries at Pittsburgh and Chicago Ill. Our No. 1 lard oil is a lubricator cannot be excelled. Duck cotton lubricating and standard brands of Carbon Oil constantly on hand. Merchants and mark dealers will find it to their interest to give us a call before ordering. LARD OILS from the West. PITTSBURGH HOPE WORKS, FULTON, SULLIVAN & CO., Manufacture the best CORDAGE, OAKUM, AND TWINES, to suit trade. Warehouse, 114 & 115 Water St. Call or send for Circular.

PITTSBURGH MARKETS.

OFFICE OF THE PITTSBURGH GAZETTE, FRIDAY, January 10, 1868.

We can report no improvement in the central markets, and while business goes on continuous dull and neglected, there are no changes in values worthy of special notice.

GROCERIES—There has been several arrivals of New Orleans Sugar and Molasses during the past week direct from New Orleans; otherwise, there are no new features in the grocery market worthy of special notice. Coffee is a shade firmer, in consequence of the advance in gold, but yet little not quotably higher. The following are the current quotations:

SUGARS—New Orleans, 10¼@10¾c; Cuba, 10¼@10¾c; Porto Rico, 10¾@10¾c; Crushed, 13¾@13¾c; "A" Coffee, 16½c; "B" do, 16½c; Extra "C," 16c; "C" Yellow, 15½@15¾c.

MOLASSES—New Orleans, 65@90c; Cuba, 70@75c; Porto Rico, 82@85c.

COFFEE—Prime Rio, 26c; good, 26c; fair, 25¾c; Java, 35¾c.

STARCH—"Lewis'" 8¾c; "Booth & Edgar," 8¾c; "Eureka," 8c.

RICE—Rangoon, 10c; Carolina, 10¼@10½c.

FRUITS—Layer Raisins, $4.75 per box; Valencia, 20c per pound; Prunes, 14c; Currants, 20¾c, new, 14¾c.

SAUCE—Gore, 12c; B. C., 12¾c; Peart, 75¾c.

SOAP—Babbitt's 11½c; Womens' Friend, 11½c; Brooks Chemical, 8c; Rosin, 5½c; Star, 4½c.

CANDLES—Mould, 15c; Star, 12c.

LEAD—Bar, 12c; Shot, per keg, $2.25.

SPICES—Cassia, 50c; Cloves, 60c; Pepper, 27c; Nutmegs, $1.40.

GRAIN—Wheat Wheat is in good demand, and sales readily at $2.15 for Red, and $2.65 for White. Oats steady at 62@65c, on track, and 67@70c in store. Barley is scarce and wanted at $1.25@1.75 for Spring, and $1.75@2.00 for Fall. Corn is in good supply and dull but unchanged; we continue to quote new Ear at 80@85c, on wharf and track, and $1@1.05 for Shelled. Rye is still quoted at $1.40@1.45.

FLOUR—is firm, with a moderate local demand, and prices are well sustained. We continue to quote at $11@11.50 for Spring; $12@13.50 for Winter, and $14.50@15.50 for fancy brands. Rye Flour, $8.50. Buckwheat is dull at $4 per cwt.

PROVISIONS—Bacon is unchanged at 11@11¼c for Shoulders; 18@19¾c for Ribbed sides; and 19¾@20¾c for Sugar Cured Hams. Mess Pork is quoted nominal at $21 for old, and $22 for new. Lard, 13@13½c in tierces and bbls and 14@15c in kegs.

BROOMS—W. Hardorf & Co. quote as follows: No. 2, $3; No. 3, $3.75; No. 4, $4.50; No. 5 $5; Carpet, $4.50@5.50; Steamboat, $4.

BUTTER—The demand for prime to choice Butter is rather better, and the market may be quoted firmer at 37@40c.

EGGS—Steady at 32@35c.

APPLES—Steady with a regular store demand at $2 to $4.50 per bbl.

POTATOES—Dull but unchanged; we continue to quote at $1@1.10 per bushel, and $2.25 per bbl.

HAY—Is selling from country wagons at $30.

OIL—As the roads are getting in better condition we look for increased arrivals.

HOMINY—Is selling at $7 to the trade, and $7¼ in a retail way.

SEEDS—Flaxseed is in demand at $2.30@2.35 and we hear of sales at that. Nothing doing in Clover or Timothy.

DRESSED HOGS—$6@5¾c.

BEANS—Are selling at $2@2.25.

CRANBERRIES—Quoted at $12@13.

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LEAD—Bar, 12c; Shot, per keg, $2.25.

SPICES—Cassia, 50c; Cloves, 60c; Pepper, 27c; Nutmegs, $1.40.

GRAIN—Wheat Wheat is in good demand, and sales readily at $2.15 for Red, and $2.65 for White. Oats steady at 62@65c, on track, and 67@70c in store. Barley is scarce and wanted at $1.25@1.75 for Spring, and $1.75@2.00 for Fall. Corn is in good supply and dull but unchanged; we continue to quote new Ear at 80@85c, on wharf and track, and $1@1.05 for Shelled. Rye is still quoted at $1.40@1.45.

FLOUR—is firm, with a moderate local demand, and prices are well sustained. We continue to quote at $11@11.50 for Spring; $12@13.50 for Winter, and $14.50@15.50 for fancy brands. Rye Flour, $8.50. Buckwheat is dull at 4 per cwt.

PROVISIONS—Bacon is unchanged at 11@11¼c for Shoulders; 18@19¾c for Ribbed sides; and 19¾@20¾c for Sugar Cured Hams. Mess Pork is quoted nominal at $21 for old, and $22 for new. Lard, 13@13½c in tierces and bbls and 14@15c in kegs.

BROOMS—W. Hardorf & Co. quote as follows: No. 2, $3; No. 3, $3.75; No. 4, $4.50; No. 5 $5; Carpet, $4.50@5.50; Steamboat, $4.

BUTTER—The demand for prime to choice Butter is rather better, and the market may be quoted firmer at 37@40c.

EGGS—Steady at 32@35c.

APPLES—Steady with a regular store demand at $2 to $4.50 per bbl.

POTATOES—Dull but unchanged; we continue to quote at $1@1.10 per bushel, and $2.25 per bbl.

HAY—Is selling from country wagons at $30.

OIL—As the roads are getting in better condition we look for increased arrivals.

HOMINY—Is selling at $7 to the trade, and $7¼ in a retail way.

SEEDS—Flaxseed is in demand at $2.30@2.35 and we hear of sales at that. Nothing doing in Clover or Timothy.

DRESSED HOGS—6@5¾c.

BEANS—Are selling at $2@2.25.

CRANBERRIES—Quoted at $12@13.

New York Produce Market.

(By Telegraph to the Pittsburgh Gazette.)

NEW YORK, January 10.—Cotton is more active and firmer; sales of 4,000 bales at 30c for middling uplands. Flour—Receipts, 1,630 bbls; the market is dull and 10@15c lower; sales of 4,200 bbls at $5.80@6.25 for superfine State and Western; $6.10@7.10 for Extra State; $6.70@12.50 for Extra Western; $12.50@15.25 for white wheat extra; $10 @13.75 for R. H. O.; $10@12.50 for common to choice extra Ohio; $12.50@16.50 for common to choice extra do; Closing quiet. California flour is dull and lower; sales of 250 sacks at $8@8.50 for flour quiet; sales of 120 bbls at $7.75@9.50. Wheat is dull and 2@3c lower; 30,000 bush the market is dull and drooping. Corn is dull and 1@2c lower; sales of 40,000 bush at $1.24@1.26, latter on time. Corn-meal is dull and 10@15c lower; sales of 300 bbls and 1c lower; sales of 30,000 bush at $1.21@1.27 for prime to choice Western in store and afloat; $1.28@1.32 for do delivered; $1.30@1.36 for new yellow Jersey; $1.20@1.27 for Southern; $1.40@1.45 for Brandywine. Rye is the market is lower; sales of 71,000 bush at $1.42@1.43 for Western; $1.45@1.48 for Canadian. Barley is dull and nominally unchanged. Barley Malt is dull and lower; sales of 15,000 bush at $1.35@1.50 for Western; $1.60@1.70 for Canadian. Oats are dull and lower; sales of 15,000 bush at 65@67c for Western; 68@70c for choice do; and 70@72c for State. Pork is dull and 25@50c lower; sales of 250 bbls at $21.50@21.62½ for mess; $21.50@21.75 for extra prime; $22@22.50 for prime mess; $22@23.50 for extra do; Beef is quiet and unchanged; sales of 200 bbls at $9@11 for ordinary and prime; $12@14 for extra mess; $16@18 for packet; Beef hams are dull and lower; sales of 200 bbls at $25@26. Cut meats are dull and lower; sales of 200 pkgs at 9@9½c for pickled hams; 9@9½c for shoulders and 12@12½c for smoked hams. Lard is dull and lower; sales of 500 tcs at 13½@13¾c, small lots 13¾c. Butter is dull and lower; sales of 500 pkgs at 35@40c for Ohio; 40@45c for State; 45@50c for Western; 55@60c for choice do; and 70@75c for extra State. Cheese is dull and lower; sales of 300 pkgs at 13@13½c, small lots 13½c. Butter is dull and lower; sales of 500 pkgs at 35@40c for Ohio; 40@45c for State; 45@50c for Western; 55@60c for choice do; and 70@75c for extra State. Petroleum dull at 33@35c. Gold $1.37.

Chicago Market.

(By Telegraph to the Pittsburgh Gazette.)

CHICAGO, Jan. 10.—Flour dull and unchanged. Wheat is higher; closed 1c for spring and $2.06@2.07 for No. 2. Corn; new fair active and 2@3c higher; closed at 85@86½c; old dull at 92c for No. 2 and 89c for No. 3. Oats quiet and steady at 50½@51c. Rye firm at $1.35 for No. 1 in store. Barley more active and firmer; closing at $1.65 for No. 2. Provisions dull. Mess Pork 25c lower; closing at $22.25. Lard 10@12½c lower and quiet at 13c. Lard, 12@12½c for prime steam. Live Hogs lower; closing at $5.75@6. Meats inactive and nominal at 9½c for sides and 11½@12c for shoulders. Whiskey—Meats dull; hams, 10½@11c. Receipts—4,000 bbls flour; 12,000 bush wheat; 3,000 bus corn; 18,000 bus oats; 9,000 bush barley. Shipments—2,000 bbls flour; 8,000 bus wheat; 1,000 bus oats.

Cleveland Market.

(By Telegraph to the Pittsburgh Gazette.)

CLEVELAND, January 10.—Flour; city made firm and quiet; double extra spring $9.75@10; $11.50@12 for red winter; $13@15 for white; white $14@15; country brands $10@11.50 for the above figures. Wheat; fall was lower; red winter $1.90; No. 1 Milwaukee spring was offered at $1.87; no demand for No. 2 winter. Corn dull and lower; one sale lower for next week paid $1.05 for No. 1 mixed; Oats dull and weaker, at 67@68c for No. 1 mixed, nothing at the inside figures. Rye in moderate demand and steady, at $1.45 for No. 1. Barley and malt from Rye. Barley firm and held at $1.70@1.75 for No. 1 and $1.55@1.60 for No. 2. Petroleum market quiet and firmer; from held at 36@40c, and bonded at 19@20c.

Milwaukee Market.

(By Telegraph to the Pittsburgh Gazette.)

MILWAUKEE, Jan. 10.—Flour steady; city $9.75@10.25; country $8.50@9.50; extra $9.50@10. Wheat dull at $1.90@1.92 for No. 1 and $1.80 for No. 2. Oats steady at 59@60c for No. 2. Corn steady at 86@88c for new shelled. Barley firm and higher; sales of 17,000 bush at $1.72@1.75 for choice. Out-meat dull at 9½@9¾c. Receipts—1,200 bbls flour, 11,000 bu wheat, 1,600 bu oats, 700 bu corn, 400 dressed hogs. Shipments—400 bbls flour, 3000 bu wheat.

Memphis Market.

(By Telegraph to the Pittsburgh Gazette.)

MEMPHIS, Jan. 10.—Cotton is stiff at 16½c for ordinary, and 17½c for middling. Receipts, 1,300 bales; for the week, 10,738 bales; stock, 19,537 bales. Corn is scarce at 90@95c. Hay is worth $30 per ton. Oats is 70c. Flour is unchanged. Pork is $21.50 in bulk. Clear Sides are 12c. Shoulders are 9½c. Lard is 13@13½c.

LATER—Flour closed very dull and 10c per bbl lower for medium and common grades. Wheat dull and 10@20c lower. Corn dull and heavy; sales of 20,000 bushels at 85c for mixed western afloat, and $1.27 for old mixed in store. Oats heavy and 2@3c lower; sales of 12,000 bushels at 60@62c. Pork dull and nominally lower; sales of 250 bbls at $22.25 for mess. Lard dull and lower; sales of 500 tcs at 13@13½c, small lots 13½c. Butter dull and lower; sales of 500 pkgs at 35@40c for Ohio; 40@45c for State; 45@50c for Western; 55@60c for choice do; and 70@75c for extra State. Cheese is dull and lower; sales of 300 pkgs at 13@