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THE WEEKLY GAZETTE, issued on Wednesdays and Saturdays, is the best and cheapest family newspaper in Pennsylvania. It presents each week forty-eight columns of solid reading matter. It gives the fullest as well as the most reliable market reports of any paper in the State. Its files are used exclusively by the Civil Courts of Allegheny county for reference in important issues to determine the ruling prices in the markets at the time of the business transaction in dispute. Terms: Single copy, one year, $1.50; in clubs of five, $1,25; in clubs of ten, $1,15, and one free to the getter up of the club. Specimen copies sent free to any address.

WE PRINT *on the inside pages of this morning's* GAZETTE: *Second page—Poetry, Miscellaneous News, Third page—Financial Matters in New York, River News, Markets by Telegraph, Imports. Sixth page—Finance and Trade, Home Markets. Seventh page—Local Intelligence, the Courts, Condensed News. New Publications, &c.*

GOLD closed in New York on Saturday at 138@138⅞, an advance.

IMPEACHMENT.

The evidence on either side is all in and the arguments will be commenced by Mr. BOUTWELL on Wednesday. Two counsel are to be heard on each side, and each of the four will occupy at least a day. The end is now not far off.

LOUISIANA joins Arkansas and South Carolina in accepting Reconstruction, her election having resulted in the adoption of the new Constitution and the choice of a State Government and of Representatives in Congress.

AN OCEAN race was commenced on Saturday, from New York to Liverpool, the contesting vessels being the City of Paris and the Cuba. The first, it will be remembered, has made in eight days and twenty-two and a half hours the quickest Western voyage ever run.

AT a meeting of fruit growers of the neighborhood at Cincinnati, on Saturday, the opinion was generally concurred in that the fruit was not largely damaged by the late cold weather, and that, at the present time, the prospect is favorable for a fair crop of all kinds. The Delaware journals, on the other hand, say that the peach crop in that State has been very seriously injured by the snow and frosts.

FEMALE SUFFRAGE was practically exemplified at the village of Sturgis, in Michigan, when the new Constitution of the State was submitted to the people last week. The women of the village assembled in the afternoon, were duly marshalled to the voting place and deposited their ballots, one hundred and fourteen voting for prohibition and only six against it. The proceedings were orderly, and as a proof of their sympathy for woman's rights, three hearty cheers for the new votes were given by the crowd of men who looked on.

THE ACTION of the Common Pleas Judges at Philadelphia, in throwing out but a part of the fraudulent election returns of that county, and though these same frauds were as clearly proved against certain divisions which were retained as again those rejected, is very plainly condemned by the Republican journals of that city. Their criticisms are not the less pointed in view of the fact that the Judges are all members of the Republican party. The effect of their decision upon the purity of future elections is justly deplored as an encouragement of fraud by ensuring even security to its perpetrators.

A RAILWAY connection of great importance to Pittsburgh is proposed through a central tier of counties in Ohio. Branching from the "Pan Handle" road at Coshocton, the new route would diverge by way of Mt. Vernon, Mt. Gilead to Marion, meeting there with the Bellefontaine and Indianapolis road. This route, for which it is stated in the local journals that the Pennsylvania Central Company have offered to provide the rails and equipments, would give to the latter company, it is claimed, a route very near an air-line from Philadelphia to Chicago. It is also announced in the Zanesville papers that the Pennsylvania Central has offered to iron and equip the projected branch of sixteen miles from Dresden to that thriving town.

THE COMMISSIONER OF AGRICULTURE maintains that American cotton will ultimately regain its supremacy in the markets of the world. Notwithstanding our diminished production and the marked efforts of British statesmen to direct the preferences of consumers toward their own Eastern possessions, the purchases of the American staple last year exhibited an increase over the previous season, and once more exceeded the consumption of the East India product. The Commissioner remarks that "when reconstruction has been effected, and peace and tranquility restored in the Southern States, so that capital will flow thither, they will quickly show their ability to control the cotton market of the world, as they have in the past."

IRELAND AND THE IRISH.

The British government has forced upon it the solution of a problem, in respect to the population of Ireland, well calculated in its inherent and absolute conditions to perplex the maturest wisdom and to baffle the profoundest discretion. If this problem was the product, solely or mainly, of existing evils, or of complications reaching back not beyond the memories of the generation now on the stage of life, or if it concerned only economic difficulties, or questions of race, or of religion, or of modes of administration, the treatment of it would be comparatively simple and the remedy relatively easy. But the problem involves elements from all these sources, and from more; and all these difficulties are aggravated by being traditional rather than immediate—by having descended from father to son, for the space of two hundred years and better, with fresh exasperations frequently interjected. In this way, if in no other, "the evil that men do lives after them," entailing dire mischiefs upon their posterity. The people of the United States have been imitating this experiment in their treatment of the blacks, and even the sore evils resulting therefrom, and which have shaken the republic to its foundations, have not cured a large part of them of the wretched infatuation.

When the discontented people of Ireland are interrogated as to the nature, extent and cure of the grievances of which they complain, wide diversities of conception and feeling are disclosed. Some point to existing inequalities or hardships, and insist that they shall be redressed. Others demand a separate and indigenous legislation on all local topics. But by far the larger portion insist on a total and irrevocable repeal of all political connection between England and Ireland. These latter would gladly accept much greater infelicities at the hands of a government of their own choosing, than those they now endure and which fill them with the intensest indignation. It cannot escape observation that among the malcontents, the latter number steadily increases, both absolutely and relatively. The demand grows louder—not for amelioration and reform, but for Irish independence.

That the Irish, in times past, suffered intolerable injuries from the more powerful English, is not only manifest in history and the statute books, but is conceded by all classes among the English themselves—from the provincial newspaper up to the stately quarterly; from the parish magistrate or clergyman up to the lords spiritual or temporal. True, many of these injuries have been redressed, so far as that can be done by statutory modification or obliteration; but this has been so done as to leave a sting behind that excites even to madness.

Nor can it be doubted but a disposition is rapidly growing up to remove all the remaining evils of which, upon fair grounds, complaint is or can be made. Somewhat of this disposition may be attributed, not without occasion, to that spirit of discretion which prompts even the strong to forego a part of their will rather than incur a risk of having to abate the whole; but, after all reasonable allowances on this score, much and by far the larger proportion of this improved disposition must be carried to the account of those juster sentiments and that more refined and equable temper which are the ripe product of modern discussion upon the nature and inalienability of human rights. While the English people have advanced to clearer ideas of their own individual and collective prerogatives and immunities, they have learned that the people of the neighboring island are entitled to be no less free in the exercise of all the essential elements of manhood than themselves. This general movement is seen with peculiar distinctness if a single department of inquiry is passed under review. Take the maintenance of the national church establishment, as an illustration. While the discussion as to the rightfulness and expediency of this establishment was conducted with special reference to its bearings upon the adherents of other communions in England, and upon the English public as a body politic, it was inevitable, from the very nature of the case, that the invincible logic by which it was condemned in one part of the empire should secure its destruction in all other parts. That it is a grievance of serious magnitude, no unprejudiced person, who has examined into the facts, will gainsay. Very probably the Protestants of Ireland—and even those who are in the ranks of dissenters—prefer the retention of the Establishment to the admission of the Catholics to a parity of rights and privileges; but that elucidates how superior is the generic and traditional animosity between Catholic and Protestant, and the incidental and partial alienation between one Protestant sect and another.

From all these considerations, and many more of cognate character, which we have not space to adduce, it is plain that there can be no reconciliation between England and Ireland. Instead of the hostility lessening with the diminution of causes of estrangement, it actually increases in violence. What is lacking in present grievances endured by the Irish people, is made up by gloomy meditations upon past and spent inflictions, and the morbid hatred grows more virulent as the provocations to it recede into the misty realms of antiquity. All the old penal laws against Catholicism have been repealed, and Catholics have experienced political emancipation, and are placed on perfect civic, political and social equality with Protestants. With the population depleted by reason of constrained or voluntary emigration, the condition of those who remain is greatly improved, beyond all former precedent. Only the religion, of the minority is maintained as the religion of the State, Yet the disposition to conspiracies is more prevalent than ever before, and the means of offence resorted to show an incalculable depth of hatred. Ireland dislikes England more supremely, the more England endeavors to be just and to atone for past injuries.

This condition of opinion and feeling would be hopeful for Ireland if it was unanimous. The very unreasonableness thereof would impart to it qualities tending powerfully to triumphant results, provided it was shared in by the whole people. Unfortunately for those Irishmen who aim at severance from England, the measure they seek, if consummated, would not bring the difficulties of their perturbed country to a peaceful close; but would inaugurate a fresh series of disturbances, more fierce and implacable than those which now prevail. There would ensue a struggle between Catholicism and Orangeism that would fill the island with the most appalling horrors. Ulster contains a fourth of the whole population, and, reinforced by the Protestants living in other districts, with their larger intelligence and wealth, would make at least a formidable, and it may be, successful stand. Such a contest, however abhorrent to the better impulses of the age, would be certain to follow, notwithstanding all the fervid declamations to which the world has listened as to the universality and potency of Irish patriotism. Far be it from us to question the strength of patriotism as a propelling force in political society. In our own land the strength of this sentiment has received recently sublime exemplifications. A million of men joyfully consigned themselves to the arms of death that the nation might live. But, it must not be forgotten that while the sentiment of patriotism is one and the same, the manifestations of it are multiform as human oppugnances. So many other sentiments, passions and prejudices mingle with it, modifying its character and vitiating its action, that it frequently becomes hard to distinguish patriotism from its auxiliaries and concomitants. Doubtless the Catholic Irish are loyal to their native land. In all climes, and under the most adverse circumstances, they have evinced a depth of devotion to the "Green Island" which stands among the most touching in national experiences. But, it would be absurd seriously to allege that the Catholic Irish are not equally patriotic. It may be affirmed—nay, it must be conceded—that neither of these types of patriotism are unalloyed. Religious partizanship mingles its material with the other elements, and maintains that supremacy which it asserts elsewhere the world over.

It is manifest, therefore, that the outlook for Ireland and the Irish is not encouraging, either from the national or the humanitarian stand-point.

DEMOCRACY IN BRAZIL.

The New York *World* has a correspondent of more than ordinary literary culture, who is writing a series of descriptive letters under the caption of "Tropical Travels." In the sixth of this series, occurs this paragraph:

Forty or fifty students of the law school of Pernambuco come on board. Tawny youth, long haired, well clad, brisk, vivacious, and of intelligent aspect. Like all the better class of torrid persons they are particularly well booted. High temperatures appear not only to develope slender feet but to kindle in their possessors the desire to exhibit them to the best advantage. The gaiters of a member of the Alpine Club, or the morning shoes of a walking member of Christ or Trinity would throw either of these lithe young jurists into spasms of syncope. They are a well bred and decorous assemblage of youth, and they evince none of the boisterous and bibulous tendencies characteristic of American or British students out for a holiday. Temporary escape from the tyranny of professors or of proctors, the growls of deans, jibes of dons, incite the Saxon faculties to juleps and riot; the less vehement southern mind is moved thereby only in the sedate direction of cigarettes and repose. I observe among these students several of unmistakable African descent. Such lineage is in Brazil no impediment either in social or educational respects. A youth with torrents of Nubian blood coursing up and down his arteries may become magistrate or chancellor, ambassador or minister of state.

The government of Brazil is an imperial monarchy, and, hence, must be rated as specially favorable to class distinctions. Yet the distinction of color, taking the testimony of all authorities, is not recognized in that country. Are the laws of nature the same there as elsewhere? or, did the Creator, for the sake of variety, establish one set of natural laws for that country, and a totally different set for the United States? CALVIN, in the only thoroughly intellectual and logical scheme of Christian theology of which we know much, affirms, not only that the world is governed by fixed and immutable laws, but that these laws are always and everywhere the same. Philosophers and naturalists persist in taking the same view, claiming that they do not find Nature, at any points, running off into deviations inexplicable and contradictory.

In this country the Democrats allege that Nature has established and maintains an invincible oppugnation between the white and black races; that this oppugnation does not arise out of diversities of character or condition, but solely out of difference in the hue of the skin; and that the direst of all calamities certainly follow wherever and whenever this oppugnation ceases to operate. Practically, we find here that a strong antipathy exists between the blacks and whites; or, at least, that the whites feel they are immeasurably superior to the blacks, and look down upon them with contempt. Does this result from nature or from a habit? If from nature, we cannot help thinking the same phenomena ought to be observable in all places; while if from habit it is easily seen how and why prejudices and customs vary in different places.

It is easy to see, in the popular conception, that a moral law, which is a rule of conduct, may be broken or violated. It is hard to comprehend how a natural law, which regulates and controls physical objects, can be either broken or deflected. Whoever should seriously attempt, for instance, to break the law of gravitation, would quickly find he had meditated more than he could accomplish. He might be broken himself, but the law would unquestionably remain intact and inviolate. What natural law there is of any less inherent strength, we have failed to discover.

It would appear, consequently, that the Democrats are confused in their notions of law, and stand in need of rising to higher and broader views before they will be able to generalize with any certainty. What they hold to be the operations of a natural law in this country, can fairly be attributed to nothing higher than custom, superinducted by the condition in which the larger part of the blacks have been held for generations past. If we look closely, we find as absolute distinctions made between the different classes into which the whites are as bitterly divided. Democracy does well enough to talk about: to adorn a fourth of July oration; to enrapture a crowd gathered around the hustings; to enable demagogues to slip into the places they covet. But your Democrat, in these days, does not believe a particle in genuine democracy—in that element, which puts men on a level as to rights, and treats them according to their deservings—and would be heartily ashamed of himself if he did.

BRIEF NEWS ITEMS.

—The Cretan fair in Boston netted fifteen thousand dollars.

—A. C. Thorp committed suicide at New Bedford, Conn., on Sunday night.

—In Benton county, Tennessee, the wheat is uninjured by the frost, but the fruit is all killed.

—The Erie Railroad bill, exactly as it came from the Senate, passed the New York Assembly yesterday.

—There is a temperance society in Sterling, Ill., which no one can join who has not been an inveterate toper.

—A. T. Oliver, of New York, injured in the recent accident on the Erie Railway, died at Port Jervis on Sunday.

—E. Cunard denies the statement that the steamers Cuba and City of Paris are racing across the Atlantic. No such match was made.

—The New York Assembly has passed the bill requiring Railways to receive freight consigned to river craft. It goes to the Senate.

—Three burglars were discovered in the Fairhaven National Bank, at New Bedford, Conn., but they escaped from the window on one of the clerks entering.

—Lapairre, charged with the murder at Montreal of Alconta Cosur, has been acquitted after four days' trial. The Judge testified he believed the prisoner insane.

—The Propeller Lowell, of the Northern Transportation Company, arrived in Detroit yesterday on the St. Clair River at two o'clock P. M., the first boat through the straits.

—The trial of Fenian prisoners Desmond, English, O'Keefe, Burrett, Orin and Justice, charged with causing the Clerkenwell explosion, commenced at London, England, yesterday.

—Samuel Lawrence, a foundryman in Troy, N. Y., was assassinated on Saturday. He was beaten to death, his skull being horribly crushed. No clue to the murderer.

—The trial of General Cole for the murder of of L. H. Hiscock, commences to-day in the Court of Oyer and Terminer, at Albany, N. Y., Judge Ingraham, of New York, presiding.

—Miss Betsey Hart, aged nearly eighty years, was fatally burned in Newport, Rhode Island, Sunday evening, while trying to kindle a fire. She had been a school teacher for half a century.

—The case of Keating, the prize fighter, came up at Cincinnati, yesterday, before Judge Murdock, and as his detention prevented the fight coming off according to agreement, the Judge reduced the bail to $2,500, and Keating was released.

—At Springfield, Mass., three fires occurred within two hours of each other yesterday morning, and Henry E. Cobleigh has been arrested as the incendiary. In a barn which was destroyed Horace Kimball, a negro, was burned to death.

—In the case of Joseph Bloomgarten, charged with the embezzlement of $12,000 while acting as Assistant Teller in the office of Assistant Treasurer at Louisville, Judge Blatchford sustained the decision of the United States Commissioner and the prisoner will be sent to Kentucky for trial.

—The case of Blomgarten, charged with embezzling $12,000 from the Assistant Treasurer of the United States at Louisville, was before the United States Circuit Court of New York, on Saturday, for reviewal, on the gound that the evidence before the Commissioner, under which the defendant was committed, was insufficient. After argument the Court stated a decision would be given on Monday.

—Two more of the bodies burned in the disaster on the Erie Road, at Cerris Rock, have been identified as those of P. Fitzgerald and son, of Urbana, Ohio. This leaves but the remains of one unknown man. Inquiries come for the missing, which, now that but one body remains, goes to confirm the impression that a much larger number than that stated were burned, leaving no trace. Two boys and three men are inquired for, of which there are no accounts.

—The funeral of Mr. John Decker, burned to death in the recent accident on the Erie railway, took place at Elmira, N. Y., yesterday, and was attended by a large concourse of people. The remains were among those of which nothing but charred bones were found, and four days elapsed before they were identified. The identification was finally established by a trunk key, breastpin and earrings. S. B. Fairman, Sr., proprietor of the Elmira *Daily Advertiser*, who was among those severely injured, and whose life was despaired of, is now slowly recovering.

City School Superintendent.

At a Convention of the School Directors of the Consolidated city, held March 2d, 1868, a committee of five, consisting of Thomas Ewing, W. A. Tomlinson, J. H. Walters, J. H. Miller and George H. Anderson, was appointed to prepare a report defining the duties of the City Superintendent, to be presented to the Convention Thursday next, to which time it adjourned for the purpose of receiving the report and electing a City Superintendent. We have been furnished a copy of the report of the Committee for publication, but owing to a want of space are unable to do more than give a synopsis of it. The report is in substance as follows:

The Superintendent, under direction of the Board of Directors, to have supervision over all the schools in the city. It shall be his duty to ascertain the number of children of a proper age not attending school and the cause thereof, and apply the proper remedies therefor. He is required to visit the schools as often as practicable, and see that the rules are properly enforced. Establish a uniformity in grades, and so far as possible require a uniformity in the method of instruction in the different schools. He shall keep a record of his official proceedings, which shall be open to inspection by the directors; and report in writing at least once in each school year to the several Boards of Directors, and as soon as practicable after the close of the school year he shall present to the Central Board of Education, for publication, a report of the progress, condition and prospect of each school, and perform such other duties as may be imposed upon him by the Central Board of Education.

Accompanying the report are the following resolutions:

Resolved, That the Central Board of Education and each of the Ward Boards be and they are hereby respectfully requested to enact such rules, regulations and by-laws as may be necessary on the part of each of said Boards respectively to carry into effect the rules and regulations adopted by the Convention for the government of the City Superintendent.

Resolved, That the harmony of the Common School system and the educational interests of the City of Pittsburgh require that all the schools of the city, *including the High School*, should alike be subject to the authority and control of the City Superintendent of Schools.

THE O'CONNOR-TACK CASE.

Court of Quarter Sessions—Hon. F. Carrol Brewster, Associate Justice.

To-day we print the official report of the evidence educed by the Commonwealth in the O'Connor-Tack case, now on trial in the Philadelphia Court of Quarter Sessions, which was taken especially for publication in this journal, by the sworn Court reporter. The reports hitherto furnished were taken from the columns of Philadelphia papers and were neither full nor correct, and hence we commence the republication of all the testimony, and invite the careful perusal of readers who are interested in the proceedings. The report is clear, graphic, interesting and truthful, and gives full insight into this very important case:

TESTIMONY.

JAMES O'CONNOR, *sworn*, and examined by Mr. Mann.

Q. Where is your home, Mr. O'Connor?

A. Pittsburgh, Pa.

Q. Where do you reside in Pittsburgh?

A. At No. 299 Penn street.

Q. Are you a housekeeper?

A. Yes, sir.

Q. Have you a wife and children?

A. A wife and eight children.

Q. How long have you lived in Pittsburgh?

A. I have resided there, sir, since the year 1849, close upon twenty years.

Q. Do you know these defendants, or any of them? Augustus H. Tack—do you know him?

A. I know him; yes, sir.

Q. Is he in Court?

A. Yes sir.

Q. Theodore E. Tack—is he present in Court?

A. Yes, sir, (pointing him out,) that is he.

Q. Frank Tack—is he in Court?

A. That is Mr. Frank Tack.

Q. Emil Schalk?

A. I have a slight acquaintance with Mr. Schalk, that is he.

Q. [By Mr. Hagert.] What did you say, Mr. O'Connor?

A. I said I had a slight acquaintance with Emil Schalk.

Q. John Grierson—is Mr. Grierson in Court?

A. I don't know Mr. Grierson personally, but I believe that that is he, (pointing to the person referred to.)

Q. Where did Aug. H. Tack live at the time of the commencement of these difficulties?

A. He lived in Philadelphia, sir.

Q. Where did Theedore Tack live?

A. He resided in Pittsburgh.

Q. Where did Frank Tack live?

A. In Pittsburgh.

Q. Frank and Theodore lived in Pitisburgh, and Augustus lived in Philadelphia?

A. Yes, sir.

Q. Emil Schalk—was he a resident of Pittsburgh or Philadelphia?

A. He was, at the commencement of this matter, a resident of Pittsburgh, and since that time, so far as my knowledge extends, I believe he is a resident now of Philadelphia.

Q. Is Grierson a Pittsburgh or a Philadelphia man?

A. So far as I am advised he is a ——

Mr. Cassiday (interrupting.) Speak of your own knowledge.

A. I have already stated, Mr. Cassidy, I have not the pleasure of his acquaintance, but I have, I believe, the receipts here.

Mr. Cassidy. Please to state of your own knowledge, and when you do not know do not state what others have told you.

Q. Tell us now about where this thing began—the circumstances of getting you to buy oil?

A. Well it originated about the 7th of June, 1867.

Q. Who first introduced the subject to you?

A. I came here about the 7th of June, 1867. I had some business with Mr. Cassidy which had been placed in his hands by Mr. Tack, who had been the agent of the Keystone Refinery, of which I was the special partner. It was a claim of $1,000.

Mr. Cassidy. Do you think that is material?

Mr. Mann. We charge that they "went" for these $1,000 also.

Q. [By Mr. Cassidy.] Is that so, Mr. O'Connor?

A. No, sir; that is not so.

Q. [By Mr. Mann,] Did you see Augustus Tack, or either of the Tacks?

A. Yes, sir. I went to Mr. Augustus Tack's office, (that was my business,) I made an arrangement with him by which I met him at Mr. Cassidy's office, and from there I returned to his office; and it was at that time that this thing commenced.

Q. Which one was it that you met—Augustus Tack?

A. Augustus Tack. The conversation regarding this particular matter arose in this way; Mr. Augustus Tack told me that oil was falling, and was low in price then and would be a great deal lower. He told me that his firm was very largely "short," as it is termed, of oil.

Q. Just tell the jury what is meant by "short" in oil?

A. Well, "short" is a term which is used by oil-brokers and men of that class to designate that they have sold or agreed to deliver at some future day more oil than they really have. They are then termed "short" of oil. The term "long" on oil, is where they have bought and obtained contracts for more oil than they have sold—that is, to have a surplus is "long," and to be "short" is the reverse of a surplus, the reverse of "long."

Q. And they told you they were "short" on oil?

A. That is they were "short" sellers of oil; for instance, the market that day—

Mr. Cassidy. What does the witness know of the market of his own knowledge?

A. I know; Mr. Tack told me.

Q. What he told you was true?

A. I don't know about that.

Judge Brewster. You say that you knew what the market price was?

A. I know it from Mr. Tack. He told me so. Mr. Tack told me, if I recollect aright—it was a good while ago—that about twenty-four cents was the market value for "spot" oil, that is, real oil deliverable at the moment. The contract oil deliverable ahead—the price of that ranged two or three cents a gallon higher according to the month and the amounts, and all that sort of thing—probably 26, 27 and 28 cents. He told me he was largely "short" of oil, and was going to go a great deal further "short" of oil, and the reason was—

Mr. Cassidy. He stated this?

A. Yes, sir. He argued all this thing with me at the time, and explained it.

Mr. Cassidy. I want you to give what he *said*, not your inferences from what he said.

A. No, sir. I will give you his exact language if I can, but it was nine or ten months ago.

Mr. Cassidy. You know what I mean. State his language, or the substance.

A. Yes, sir. He said their firm was largely short of oil, and he said the market was declining and would still further decline; there was a surplus of oil; the markets in Europe were glutted; that there was more oil than there was any special demand for at that time. And he said that the "short" contracts that he was making had proved profitable up to that time, and would prove much more profitable as he went along; and then he told me that on account of the great friendly feeling up to that moment existing between Mr. Theodore Tack and myself, as well also as the friendly feeling exhibited by me to their house, he regretted very much that the house of Tack Brothers had purchased from Mr. Finney and myself, in March of that year, deliverable in July and August and September of that year, some 2,500 barrels of oil, because the prices at which we had agreed to buy it —Mr. Tack was the seller—

Mr. Cassidy. You are still stating what he said?

A. Yes, sir—would, at the way things looked then, make Mr. Finney and myself lose about $5,000. That $5,000, or whatever the amount was when it was settled for, would go to Mr. Tack because they had become the sellers of 2,500 barrels of oil in March to Mr. Finney and Mr. O'Connor, and he regretted it particularly that he did not want to make any money off us, off me rather. And then he said the only way for me to do to cover myself against this apparent loss, which was going to be considerable, was to do as he had done, go "short" on oil, and as soon as I had returned home for me to see Theodore and he would tell me all about it, and the quicker done the better. That is what occurred at that interview.

Q. When you went to Pittsburgh, did you see Theodore Tack?

A. Yes, sir. I went immediately home; I left the succeeding day, or probably the very day, or within a day or two, and I saw Theodore Tack, and he and Mr. Finney and myself discussed this whole matter very fully, down at Mr. Finney's office, at the corner of Market and Water streets in Pittsburgh.

Q. What did Theodore have to say about it there?

A. Well, Theodore corroborated all that Augustus Tack had said, and urged very strongly the same thing.

Mr. O'Brien objected to the testimony of conversation between witness and Theodore Tack, because it occurred beyond the jurisdiction of this Court, and because no connection had yet been shown between the defendants.

Objection overruled.

Q. Be good enough to state what was said by Theodore Tack and yourself at that interview?

A. Well, he said all that Mr. Augustus Tack had said.

Q. By Mr. Cassidy. What did he say?

A. Mr. Cassidy. I cannot undertake on my oath to give the exact language of persons some eight or nine months ago. I can give you the substance of what he said.

Mr. Cassidy. What he *said*—that is all we want.

A. To the best of my recollection and belief he said their house was very largely "short" on oil—that they made money by it and that they were going on to sell oil largely "short," and he urged me to authorize him to sell oil, and I did authorize him to sell oil, and agreed to pay him his regular commission of 1½ per cent. for selling. We spent probably that day—maybe we discussed it one hour or one hour and a half—he gave his views all in detail of this matter, and urged me very strongly to do it, and said he would be very careful who he sold to—would have nothing but prime parties, and said the quicker I sold it the better for me, because I would make money by so doing. And he told the same thing to Mr. Finney. And he then and there, particularly during the course of the conversation, which took a long time—numerous branches of it—pledged himself particularly to take care of my interests, and he also stated to Mr. Finney that he must place implicit confidence in him, Mr. Finney being at the time, comparatively speaking, a stranger. He said that as to me—I knew him so well and so intimately that the remark he made to Mr. Finney was unnecessary to make to me. And I did then and there place implicit confidence ——

Mr. Cassidy. Never mind! Excuse me; we want no remarks.

Q. He asked you to have confidence in him?

A, He asked Finney to have confidence in him.

Q. The truth was, he had *your* confidence?

Objected to, and objection sustained, on the ground of being leading.

Q. Did you or did you not have confidence in him?

Objected to, and objection overruled.

A. I had, sir, implicit confidence in him at that time.

Q. What were the relations existing between you and him at that time?

A. Of the most intimate personal character at that time; we were great friends.

Q. Serving each other in every way that you could?

Objected to.

Q. Were you or were you not?

Objected to. Objection sustained.

Q. How long had these friendly relations existed between you?

A. Well, I think Mr. Theodore Tack and I had been very friendly for probably a year and a half or two years at that time —somewhere in that neighborhood. He was very often at my house.

Q. Did you make a contract at that time, or had you other interviews with Theodore and Augustus before you closed and agreed to sell oil?

A. Well, at that time, I was going on to say, he again and again said, that if we placed this matter entirely in his charge he would take entire control of it, and he would protect Mr. Finney and Mr. O'Connor. And the arrangement was then made by which he was authorized to make the sales, and he went out that day and made a sale of 3,000 barrels to Mr. Schalk—that was the origin of it. The very first contract he made, as he stated to me on the succeeding day that he had made it to Mr. Schalk that day.

Q. Where did you see him the next day?

A. Well, he came to my house if I recollect right. He told me that he had sold 3,000 barrels to Emil Schalk—that Emil Schalk was perfectly good, and that it was so good a thing that he had signed and executed contracts to Mr. Schalk, and signed my name to them so as to close them; that he wanted me to accept a new set of contracts in my own proper name, which I did. I don't know what he did there, but I take it for granted that he destroyed the other ones.

Mr. Cassidy. Don't tell us any thing that you take for granted.

A. I don't want to do him any injustice.

Mr. Cassidy. We will take care of that. We don't want you to do him justice.

Q. That was the first contract?

A. Yes sir. The second day he sold 3,000 barrrels more to Mr. Schalk—that made 6,000 barrels.

Q. When did he next communicate with you?

A. That was on June 12th, he executed those contracts, and I think it was about June 14th next.

Q. Now, who sold these for you? You have said Theodore Tack?

A. Theodore Tack.

Q. Did the firm?

A. The firm of Tack Bro. & Co.

Q. To whom were you to pay the commission?

A. Tack Bro. & Co.

Q. Who were in that firm?

A. Augustus H. Tack, Theodore E. Tack, and Frank Tack—the firm of Tack Bro. & Co. as far as I know.

Mr. Cassiday. If you don't know, don't say. If you do know, stand by it.

A. Well, I never saw their articles of partnership.

Mr. Cassidy. Now I want to stop this gentleman again. If he does not know that of which he speaks, he should not state it.

Judge Brewster. Mr. O'Connor, you must confine yourself of course, to your personal knowledge.

A. Well, I know of Augustus Tack, for he told me he was a partner, and I know of Theodore Tack, because he is the man himself. Those two gentlemen I am positive about. I have it from themselves.

Q. This house of Tack Brothers were to receive the Commissions?

A. Tack, Brother & Company.

Q. They were to be paid?

A. They were to be paid one and a half per cent.

Q. They were your brokers?

A. Brokers and agents, and were to be paid one and a half per cent. commissioners on all these sales.

Q. And what else were they to do besides making these sales—in reference to your interests?

A. They were to protect my interests. They gave me the most positive assurance.

Mr. Cassidy. Give us what they said—who are you speaking of?

A. Well, Mr. Theodore Tack. From the 10th or 11th of June, up to the time of his leaving for Philadelphia in the latter part of June. I saw him every day or so, and during these two or three weeks I must