				and a stand of the stand of th	n zher e han a general de la compacta de la compacta de la Ciène. N
	PIJ	TSBURGH GAZETTE: 1	HURSDAY. APRIL 23. 1	1868	
bhe Pittsburgh Gazette.	that letter at the office of Augustus Tack? A. It was either the 29th of 30th of Take	Q. On the morning of the 5th of Tulter	been 26,000 instand 46 18,000 bases		7.
	Q. The letter was on a book ?	A. About that time. I can't tell about	the market withdraw your offer from	that you knew all about oil, and that you	Merino in this county.
THE O'CONNOR-TACK CASE.	A. That was my recollection of it. Q. You read the whole of it?	Q. I want to know what "about" -means in your estimation?	LIGAS & COLOR STATE CALLER BRAND SHARD	A. LINAV HAVE SALL AS I WAS LING INVOL	Objected to. Argued, and objection over
urt of Quarter Sessions-Hon. F. Carrol	A: I did eventually, I believe, Q. You were not stopped from reading it all through. I understand that after you made the remain of the start of the	A. It was about the 5th or 6th. It was after I saw Mr. Guthrie.	A. Do you want all about that \$10,000.	with Mr. Finney of considerable of oil, and the oil was going down, and I was going to lose money. I may have said in May, and	
Brewster, Associate Justice.	it all through. I understand that after you made the remark, "If you are an honest	Q. That involves another question; when you saw Mr. Guthrie?	book. "Inno 91 1987 mail at the	also early in June, that that was the fact:	A. I was looking at a mainted and
To-day we resume the publication of the stimony educed by the Commonwealth	read it?	A. I saw him on the morning of the 5th of July.	Walnut street, Philadelphia. O'Connor will sell 10,000 standard white in or her	, that I was going to lose money, and it might go lower. I do not recollect I did	statement of warman and the specific
the trial of the Messrs. Tack Brothers for	Q. You were not stonned from working	Q. You used the word "about.". Do you mean that to apply to the 4th or 5th or 6th	sell 10,000 standard white in one lot at 28, provided one dollar each side is put up, Of for good until Saturday evening. Tack	say so at that time; but I did say, on the 12th of June, a great deal about it.	paid to each party.
he proceedings published to-day will be	A. No, sir. Q. Who was there besides you and Mr.	A. I don't mean it to apply to the 4th	Brothers & Co."	these operations you said what I have	affidavit on that mil. of Augustus Merino's
und very interesting, and will amply re-	A. I can't state specifically when	10 the dest of my knowledge it was on the	Tuno 90	A. I may have said it. but T do not recol-	A. That shows you settled with whom?
ay the reader's careful perusal:	A. I can't state specifically who was in the room. I know Mr. Tack was there and Mr. Finney; but whether Mr. Miller had	Q. What did you say to Frank Tack?	June 26. (i (i)	lett It. It was a special matter.	how much money was paid out.
Q. Now after the dissolution of that es-	out. I don't broom the file friend had gone	he had told me that oil had suddenly	O Lawant to have if.	A To M. Cathering anout it, especially to Mr. Guthrie?	
blishment, and you got out of the oil re- nery business, did you keep on buying	each other's office going in and out of	was a great excitement; a large number of	not sent, and you did not know of it until afterwards?	man with whom I have buthrie is a gentle-	there was paid to J. C. Kirkpatrick & Co., \$3,100; Co., \$4,000; there was paid out to Mr. Kirk, Superintendent of the Nett
nd selling oil-taking a "shot at it" as hey call it? Were you in any way con-	[MICICI	calls had been made. I asked him the cause of it, and he told me I had better go and see Frank Tack. That was about the	I HUL WILDUFAW OTAFG "	conversation with Mr. Guthato	Superintendent of the Nett to Mr. Kirk,
A. From the time I left the Keystone Refinery, about the middle of July or sum-	A. The office that Mr. Tack had at that time-	conversation 1 had with Mr. Guthria	A Vor	A. Well, Mr. Cassidy I lenous an Ditte	\$7,000 and odd dollars.
ter of 1865, I did not have anything to do	Q. I don't care about knowing the size.	Q. Who was present at that conversation? A. With Mr. Guthrie?	Q. You didn't send that dispatch? A. No sir: and if he had sont it that tune?	and talk upon a thousand subjects and,	Q. (Paper produced and shown to wit-
with oil contracts or oil men except to come on here to collect \$10,000 from you in wind-	building is lengthwise like this and of the	Q. No; with Mr. Frank Tack? A. I have do recollection of anythedy but	withdraw, it would have been mine; but he	ticular date or on any particular subject	A. (Reading.) "For L. C. Cassidy, Esq." Yes, sir: that is my handwriting.
ng up the Keystone refinery-regarding efined oil-until March, 1867.	al desks in it, and Mr. Chase is generally there; and this portion on Walnut street is	body, but I don't recollect	Q. You don't say they withdrew with your knowledge?	Mr. Guthrie I do not recollect of seeing. Q. Or anybody else in regard to the mat-	Q. Is that a copy of the affidavit you made?
Q. Had you anything to do with any oil ien, or oil matters, until March, when?	an oblong size, and in that is Mr. Tack's office-his own table; and Mr. Chase would	Q. When did you sue Frank Teck? A. When did I sue?	A. No. Q. And you don't remember having said	ter?	[Objected to.] District Attorney Mann You are simply
A. I had nothing to do with oil men or il matters—in refined oil, except to settle p this business of the Keystnne, until	go in and out, but whether he was there or not at time, I can't say.	Q. Yes. A. In what respect do you mean?	A Not that T recollect of	Q. Or any general person?	asked whether you gave or sent that paper to Mr. Cassidy?
larch 19th, 1867, Then Mr. Finney and	Q. Some of the language used on both sides was excited?	Q. In any respect. A, I sued Frank Tack in Pitchneyh in a	Q. I understood you to say-I may be mistaken about this, and therefore I ask	Q. Did not Mr. Theodore Tack show non	A. I did. Mr. Cassidy. I want io know whether
ysel" bought; and Tack Bros. sold us 500 barrels of refined oil deliverable Au-	A. I was very much excited after I read that letter.	Q. Did you ever sue him ariminalize	you before you entered into this contract	1 almost dally, letters and telegrams giving	that is a copy of the injunction affidavit you made?
2. That was in March?	Q. No reason why any person might not hear it?	Objection overruled	The second to rack, and discussed	A From the time that Mr.	[Objected to.] [The witness is directed by the Court to
A. This is dated on March 19th, 1867, and alls for the amount specified in the con-	A. If they were in the oblong room they could have heard it.	Q. What other suits' except the suits for damages did you bring against him?	A. You misunderstand me	the time he left for Philadelphia hashamad	answer the question, and is informed be
act. That is the first transaction I had in	Q. Don't you think, they heard it?	A. 1 brought no other. Q. In Piltsburgh or anywhere else?	Q. What was it you said about discussing it for whole hours?	me letters from his house and telegrams to his house, I may say daily, almost hourly,	can afterwards make any explanation of his answer.] A. I have glanced over this, and I believe
Q. At that time you were "long" in oil? A, On March 19th, Mr. Finny and I were	A. If was speaking as loud as I do now. – Q. Was it not? A. I don't know.	A. I don't know. Q. Did vou authorize anythodre?	A. I have stated that upon my return from here in the early part of June, in ac-	up to the time he left for Philadelphia	it to be substantially the same as the in- junction affidavit I made, and which was
a purchasers of 2,500 barrels of oil. Q. You were "long" in oil?	Q. Was not your voice nitchod warry higher	A. 1 had not the power to authorize.	cordance with Augustus Tack's special re- quest, I saw Theodore and then we dis- cussed it.	A. He would either send them to mu	original of which may handed the
A. Yes, sir. Q. Upon that contract you made money ?	A. I was excited and my language was very pointed, and I meant what I said. I	Schaik?	Q. Did you enter into any contracts unon	house, or Mr. Frank Tack would bring them, or he would bring them himself.	know, that is precisely the name
Q. You declined to tabo it ?	don't know whether Mr. Chase was there after the explanation I have given.	Augustus Tack and John Griegen and	A. I did not, for I was to see Theodore.	"They were sent? I don't care by whom	to the typographical errors. The affidavit that I really did make Mr. O'Brien showed
A. Nothing was ever offered me. You fr. Cassidy) told me if I went to Mr.		others for damages with Mr. Marshall as counsel.	Q. When you got to Pittsburgh did you call upon Theodore or did Theodore call upon you?	Q. Were you not in the hebit of leasting	me this morning. It is a very long one. There may be some errors here—none that
ack's office I would get it. Q. Did you go?	A. To the best of my recollection I had not been in his place between the 7th and 8th of June until the 29th of July.	Q. Does Mr. Grierson live there. A. No, sir.	A. I can't recollect which. Q. How many days after your return?	oil market, both after and before making	Q. You named the paraona with when
A. No, for I knew if I did I would not	June?	Q. Does Mr. Schalk? A. Not now. He has a house there.	A. It must have been a very short time.	your contracts with the Tacks, independ- ently of them entirely, I mean from other	you settled. With whom did you settle
Q: You did not go? A. No.	A. I was there.	Q. Did you bring any other suit against Mr. Schalk or Mr. Grierson, except these	A. I don't remember, but I told him all that Augustus told me.	A. From the time that this operation com	A. I could not give you the exact chrono- logical order of how I settled with them. I
Q. It was after this difficulty? A. Yes, sur.	Q. That was in the morning? A. The first time I had gone to see him he had made an appointment to see me at	equity soits? A. I have no suits pending against them except the original bill in the city of Phila-	Q. My question is whether you intro-	with Mr. Theodore Tack and his brother	have given you their names several times. Q. Don't you remember with whom you
Q. This operation had matured after this? A. I only arrived here on the 28th of July, add these might because	your office—that was the day before we saw you at your office. The morning I went	delphia, and the suit for damages in the	menced it.	side of them.	A. No. sir
nd these might have matured on the 10th, ut the August and September did. Q. These matured after the difficulty had	down to talk about these "short" transac- tions was the morning after we saw you;	Q. Then you did not include them in the	Q. Who talked first about this subject? A. Very likely I commonwed the	Q. How was it before and up to that time?	Q. How long was it after you sued them that you settled?
'4. These instured after the difficulty had risen regarding the "short" sales, and you idn't go to Tack's in consequence of that?	Q. Yon are in the habit of montioning	complaint before Alderman Beitler? Mr. Mann. The proceedings will show. Objection sustained.	versation, telling him I had been to Phila- delphia.	A. Prior to that time I had not paid very much attention to it, and never had any	A. Well, all along, from probably Sep- tember: it was September with
A. I never called there to get it.	my office and collecting \$10,000. I want to ask you: Did you call at Mr. Augustus	Q. What time was it you offered to sell	Q. Did you discuss the general subject of selling oil at that interview?	Q. Did you not sny to Mr Guthris that	along in the fall of 1887
Q. Was not this oil tendered? A. This particular oil? Q. This lot in accordance with this con-	Tack's office, and not Mr. Cassidy's office? A. The same day.	A. What date?	A. We did. Q. At considerable length?	that you kept yourself posted by getting	Q. Did you procure affidavits from those with whom you settled or anytheder of more
act? A. Mr. Tack came to my hotel and ten-	Q. What day was it? A. The 7th or 8th of June.	Q. Yes. A. I will have to refer to the book, to see the areat data	A. At considerable length. Q. Did you act upon the result of that	charge of wells and oil property in the oil	all the affidavite and tastimant
[Mr. Swartzwelder.] I ask your Honor to	Q. Was it on either? A. One or the other. It was about the	the exact date. Q, Which book?	A. He did for me.	region, and from other sources? Did you	from Brewer, Burke & Cost them I believe
struct this witness to answer yes or no. Judge Brewster thought the question an	time. I can't state days, months and hours running back for years.	A. I have a whole book full of these matters. Q. What month was it in ?	Q. Was a contract made? A. He told me a contract was made with		Burke, Mr. Wightman and others
volyed one, and might not be answered in at way.	Q. Where was it that you saw Augustus Tack on the morning of the 7th of June, in	A. I will have to refer to the book, and T	Schalk and told me the following day. Q. You gave him instructions to make	head it. I did not state it to Mr. Guthrie; he is a gentleman I had very little conver-	Q. With whom you settled? A. With whom I settled or my agent
Q. Was any oil offered to you by these oplet	A. I have already stated that.	will give it to you with pleasure then. Q. I thought these matters were fresh in your memory?	A. I did.	sation with. Q. That was with reference to crude oil?	Q. Was it part of the settlement ?
[Mr. Mann objects.] Q. Will you answer whether any oil was	Q. I thank you to state it again? A. The first time I saw Angustus The	A. These 10,000 barrels? Q. Yes.	Q. Did he submit the contract to you? A. The succeeding day he submitted it	A. Yes, sir. A. Well, I had no interest to look after	A. It was not part of the settlement. Q. No such understanding?
A. Whether any oil was offered?	I came to Philadelphia in June, and was at his office.	A. I recollect the transaction, but you ask the date.	he had gone and made a contract with	refined oil, except about the 2,500 barrel purchase; and the crude oil business occu-	A. There was no such understanding.
Q. Yes. A. There was no oil offered to me-there	Q. Where? A. On Walnut street.	Q. Is this one of the little details you do	as to close so that the succeeding day I	pied my attention at that time. Q. Did you not keep yourself "posted?"	him, and ask him to swear to it?
A. There was no on onered to me-there ras no oil brought to my hotel. Q. [Mr. Mann.] It was not convenient to	Q. Where? A. Between Front and Second streets on	A. About the time, but the fact is not one of the little details. I remember the	own.	A. I kept myself "posted" pretty fully as to the condition of crude, more espec-	A. I had frequent conversations with Mr. Wightman before this thing
ave it there? A. No, sir.	LIDE IEIL DEDI SIDE 98 YOU OO DOWN	fact very well.	Q. He changed the contracts; as you were the real seller, he signed your name?	lally.	the big you hand to Mr. Wightman a
Q. Did you visit the oil region during 867? What was known as the oil region—	Q. On the morning of the 7th of June?. A. No sir; I said it was either on the morning or afternoon of the 7th of June.	Q. What book is it that will refresh your memory?	A. 165, SIL. Q. Then you accented them?	to know something about refined?	A. I do not know whother I proceed the
think you said?	about that date.	A. It is an immense book, containing a vast amount of facts and things in regard to this transaction, which has been going	A. 1 accepted them in my own individual name.	Q. Yes. A. Well, it would lead me to know	Mr. Cassidy. It is more likely Mr. Cos
Mr. Mann objects. Cannot see the ob-	A. No. sir; it may have been the 7th or	on for many months. [Yellow book handed witness.]	ted to you either in terms or the proposi-	something about the market to that ex-	A. Well, Mr. Coiling did propage on - C
Mr. Cassidy: I want to show that just fore this transaction with the Tacks that	Sth, and then the next morning I went to his office.	It was about June 21, 1867.	A. Yes.	O And it is a your national this of	davit for hir. wightman, after conversa-
is man was familiar with the business.	Q. When did you see him first to talk with him upon the subject of buying cill	offer that immense lot?	Q. Were not the prices for the remaining 16,000 barrels submitted to you from time	knowing so much about amide to long	Q. Did you hand that to him, and ask

- , **/**

When and you see him first to take with him upon the subject of buying oil? A. It was the day after I had seen him, and walked down and went into his office. visited the oil regions to satisfy himself. He knew more about it than these pcople. Judge Brewster ruled that the question and answer did not contradict anything in chief. The charge is that the defendants represented that they had certain reliable information that the demand would be in excess of the supply, and relying upon that this gentleman entered into the agreement. That is the marrow of the investigation. I will allow this witness to be cross-examined in order to show that he had many transactions and was acquainted with the condition of the visited the oil regions to satisfy himself. It was the 7th or 8th of June? Q. Who accompanied you to the office when this conversation occurred? A. To the best of my recollection, when we left the office, South Sixth street, (Mr. we left the office, South Sixth street, (Mr. Cassidy.) we were alone until we reached Dock and Walnut. There I met Mr. Ma-rino, and stopped, and had a conversation; whether Mr. Marino walked back with us I don't remember, but Mr. Tack and I went together. was acquainted with the condition of the market generally, but the details I shall ogether. Q. Who was in the office with you when the conversation took place? A. There was no person when the conver-sation took place, except Mr. Tack's clerk -how many others I don't know. exclude. The question put is overruled. Q. I think I understood you to say that while you were in the oil Fefinery you had nothing to do with oil men or oil matters— that was to March, 1867? Q. Who was in the office with you A. What I said was, that after I left the Keystone Refinery I had nothing to do. Q. I am right then; except to settle up? What was it you were speculating with Daniel Miller-crude or refined? A. I don't think it was during that time. Q. Yet while you were in the refiner? he conversation took place? A. There was no person when the conver -how many others I don't know. Q. Where did the conversation occur, in be office? A. In the middle of the office, about the desk, and then we changed from that desk Q. Yet while you were in the refinery? A. I said after I left the refinery? Q. That was then a speculation in o to another. transactions? A. If you call it so. Q. Was the conversation conducted with great secresy? A. No great secrecy. Q. Was there any secrecy? A. It was a perfectly private conversa-tion, but whether his clerk overheard it or your own account? A. On my own account: A. On my own account. I was thinking a great deal of refined oil, for I had a great interest in the Keystone. Q. Were you speculating in oil contracts? A. I was speculating with Mr. Miller in oil contracts. not I don't know. Q. Was it conducted in a whisper, of A. 1 was speculating with Mr. Miller in oil contracts.
Q. Also with Captain Bigler?
A. He was my partner.
Q. Then you were together?
A. He was a partner in the Keystone Re-A. I don't think there was any whisper, Q. How long were you there? Not very long. About how long? I don't recollect. A. Not verv finery just the same as I was, but the con-tracts with Mr. Miller were mine individ-Q. Q. Were you not also speculating in oil contracts with Captain Bigler? A. No; except as being a special partner in the concern. He had no interest in any the concern. Can't you give us an idea? A. No, sir. Q. Did you go there for any other pur ose ? A. None. except what I have already stated so often. In the concern. He had no interest in any contract except as partner in the Keystone Refinery, and one contract which was made for the Keystone Refinery and which the other partners would not take, he and I took the responsibility. Q. When did you say you saw Angustus H. Tack in Philadelphia—during the latter end of July? stated so often. Q. You went there with reference to col-lecting some money. After that did you have any conversation upon business ex-cept the business you have testified about? A. I went there that morning for the express purpose of-Q. Answer the question? A. The best of my recollection, the first A. I don't remember what was said. A. The best of my reconcention, the inra-time I saw him was Monday morning. I think it was July 29, at his office. The next day I saw him at his office. A filler with Q. And where else ? A. 1 don't remember what was said. Q. State only what you do remember; was the office in which you had this con-versation the same office in which you had the conversation of the 20th of July? A. No, siz. They had changed their office. The office 1 found them in in June A. That day?
Q: Yes.
A. Not that I recollect.
Q. Didn't you see him 'in Mr. Warden's was changed. Q. Which was the largest, the one of the 7th of June or the 20th of July? A. That is a matter of opinion. I didn't A. His place is adjoining. Q. Never mind. Didn't you see him in Warden's office ? measure it. Q. You didn't take a foot-rule and go over it? A. I saw Mr. Thek first in his office, and after I left his office and went into Mr. Warden's office he came in I think, Q. And you saw him? over it? A. No, sir. If I had thought you would have asked me I would. Q. I don't doubt it I. A. I don't know, whether regarding this office Mr. Tack had the whole of it, and paid the rent for all of it, and owupied all of it. I don't think he did. If that was so, A. Yes, sir. Q. Talk with him there? A. He spoke to me. Q. Did you saluto him as though you had not seen him? the office in June was smaller than the one in July. Q. When was it that you met Mr. Frank Q. Was Mr. Warden present? A. Mr. W. J. Warden and Mr. Finney Tack in Pittsburgh on the subject of these Were present. Q. Did you see him at Wearing & King's office? transactions? A. I met him several times. Q. When was the first? A. That day ? Q. Yes. Q. Yes. Q. Of the next ? Q. Of the next ? A. What date would it be? A. No recollection of seeing him that day there is in Wearing & King's. The structure of the second

A. I did. Q. 10.000 barrals? A. 10,000 barrels, provided the buyer would put up \$10,000, being a dollar a bar-rel margin, and I, the seller, would put up . Q. That was the largest offer you ha ver made or heard of A. It was the largest I had ever made. Q. Or ever heard of? A. It was a large amount. A. It was a large amount.
Q. The largest you ever heard of?
A. I have heard so much.
Q. Did you ever hear of anybody beating you on offers.
A. At one sale—if you let me see that Q But you know? I can't recollect all I heard. Q. Bo you remember, is my question; let me ask a question to refresh your recol-lection. Was it not too big for that market? A. It was not intended for that market. A. It was not intended for that market. It was intented for Philadelphia; it was telegraphed here. Q. You telegraphed? A. I wrote the dispatch. Q. It was too big for Philadelphia ? A. They reported it was too large for Philadelphia, and would try to operate it in New York, and that they would "cable" it to Europe. it to Europe. Q. Didn't Mr. Theodore Tack remonstrate with you about the folly of your course-it was buyer's option all the year around? A. When we first wrote the telegram he A. When we first, wrote the telegram he approved of it fully, and when this decision came back that it was too big, he said he was glad the offer was refused, and so was I and Mr. Finney. Q. He didn't remonstrate with you? A. Not at that time. Q. And you have not said that he did? A. Not at that time, Q. At that time you were talking with him about it didn't he remonstrate, and didn't you tall him he was an old fogy and would never get along? A. Not that day. Q. While it was pending ? Q. While it was pending ? A. While it was pending he did not re Q. Before it was declined-before any answer? A. There were a half dozen answers and he approved of it at first. Q. Didn't you write a telegram because Theodore refused? particularly to the \$10,000. Then Theodore struck my name out and volunteered to sign. : Q. Now Mr, Guthrie knew all this? A. I can't tell what he knew. Q. Buyer's option gave the party the right to call upon you at any time during the year, A. Yes. Q. Didn't Theodore remonstrate and say it was giving too much power in one man's hands to make such a thing? A. Not at that time. Q. Dld he at any time? A. Subsequently. Q. Didn't you reply to that, that you didn't expect to sell it, but it would have the effect of "sickening"! the market? 'A. I told, him I would put up \$10,000, and I. wanted somebody else to do the same. Q. Did you not say if it was no success it would have the effect of sickening the market ? ket I A. Not at that time. .Q. Did you at any time? A. Well, we talked so much that I can't recilient. A. 1 met nim soveral tance.
Q. When was the first?
A. I met Frank Tack very often.
A. Well, we talked so much that I can't of Q. I want to know the date of the con-versation about the subject-matter of these
Q. Did you say so?
A. I talked with him so far as this trans.
A. I can't coollect.
A. I talked with him so far as this trans.
A. I can't coollect.
A. I talked with him so far as this trans.
A. Did you say so?
A. I talked with him so far as this trans.
A. I can't coollect.
A. I talked with him so far as this trans.
A. I can't coollect.
A. I talked with him so far as this trans.
A. Did you say so to Mr. Guthrie?
A. I talked with him so far as this trans.
A. Mot that I have any recollection.
I was on its difficulty oversation in the yeary lime the Tacks wars solling 16,000
I was on the morning of the 5th of July in the Arbor solling 16,000 harrels commending.
I was on the morning of the 5th of July in the the Tacks wars solling 16,000 harrels commending.
I at the office. I went there on During the time.
A. Mot the sold to the sold of the office on the office.
I at the office. I went there on During the time.
A. I talked the office.
I at the office. I went there on During the time.
A. I the the talked Datable row:
A. Sold made this sale if you data the office.

16,000 barrels submitted to you from time to time for your consideration as they were ade? Made? A. He would tell me what he was going to do, and then he would go and act, and then after he got the thing in shape Frank would bring them to me. Q. Din't he submit the contracts, every A. Yes, Sir. Q. Did'nt he submit the prices before Q. Did'nt he submit the prices before they were closed? A. With regard to all these contracts? Mr. Cassidy: You know what I mean; did he not submit to you the prices or the offers, I don't care what you call it? A. He talked to me very fully about it. Q. Which one? Which one? A. Each of them. Q. And you gave him instructions upon that to close? A. He would tell me. Q. You have said he told you, and talked you. I want you to tell the jury whether he didn't close these upon your orders? A. He had my orders to sell 16,000 barrels and he went to work to do it. The next thing he told me he had sold to Wightman & Anderson, and advised me such and such and then he would buy, and I approved, and then he would bring the contracts to me. That is the way he did. Q. All of them? A. Yes, sir. Recess. AFTERNOON SESSION. JAMES O'CONNOR, being recalled, was cross-examined by Mr. Cassidy for the defendants. Q. You stated the Tacks gave their own contracts for the 6,000 barrels of oil sold t Schalk? A. I stated that Mr. Tack had signed my name to it, and I subsequently accepted the contracts. Q. Then the contracts were really in your A. They were in my name? A. They were in my name? When they handed me in Mr. Schalk's contracts, that side of the contract was in his name, and they transferred Mr. Schalk Q. Did not the papers show a contract be-tween you and Schalk? A. The side of the contract which I accepted show as between Schalk and myself direct; the set of papers on the other side show first, that Mr. Schalk bought and Mr. Tack sold, and Mr. Tack then transferred bis contracts to Jenuse O'Con-Tack sold, and Mr. Luck then transierred his contracts to Jantes O'Connor. Q. Then when that was done the contract stood between James O'Connor and Schalk stood between James O Connor and Scuss upon the papers? A. Yes, slir; as far as my side is concerned. Q. Then the other side is the 'duplicate? A. No, sir; they are not duplicates. Q. Did you not ask that these contracts. should be in the name of the Tacks' and state that you did not desire to be known as a seller? A. No, sir. Q. You have not said that to anybody or Q. You have not said that to anybody or in any one's presence?
A. No, sir.,
Q. You never said that or anything like it to Mr. Guthrie, or in his presence?
A. No, sir. The thing is absurd.
Q. Did you, Mr. O'Connor, ever say to anybody at the time you were selling "short" in June, or thereabouts, that you knew all about the oil business, and that in the operation you were then in you were sure oil would go lower, or anything like that ? A: Yes, sir; I told that to quite a number of persons. The information was received from Mr. Tack. Provide The mormation was received from Mr. Tack.
 Q. When did you begin to make that statement?
 A. Well, all along after I authorized Mr. Tack to make these "short sales" I was fully impressed by that fact.
 Q. But I ask you as to before you authorized anybody is do anything?
 A. Imay have said a great deal on the Budget of oll. T cannot recollect the datement of you say that you say in May of June, before

commission? A. Yes, sir; of one and one-half per cent. Q. That, upon those transactions, would have amounted to about \$3,000? A. About that sum. Q. That you have not paid? A. That Thave not paid. Q. And for that, there is a suit pending? A. No, sir; they have not sued, me for that. (Witness adds.) II may be that they brought a suit-I do not know what about that. that. Q. You sued Wightman & Anderson ? Objected to. Objection sustained. Q. You settled with Wightman & Ander-son upon legal advice? Mr. Merino, your agent, settled with them, and then took from them their note, which upon maturity was paid, and they got the money from you? You did pay that? A. Yes, sir, just in the way you stated it. Q. J. C. Kirkpatrick you paid? A. J. C. Kirkpatrick, Mr. Merino paid. Q. It was your money? A. J. C. Kirkpatrick, Mr. Merino paid. Q. It was your money? A. It was my money? Kirkpatrick & Lyons T paid myself, I think. Q. Who else of that party did you payf. A. The only ones that I paid in person were Joseph Kirkpatrick, and Kirkpat-rick & Lyons. (Witness is requested to look in a book which is handed him to refresh his mem-dry.) ory.) Mr. Cassidy:) You are noss reading THEELT

any oil

Q. Did you hand that to him, and ask omething about refined ? him to swear to it? A. Very likely I did, or some of my A. I say so-more or less. Q. Do you remember saying to anybody at or about the time you went into these counsel for me. Q. Did he decline to swear to it, because at or about the time you went into these operations, that you were going "to make a spoon or spoil a horn," (I think it is?) A. I have no recollection of making use of such a phrase, but I may have said it. Q. You have heard it? A. I have heard it? A. I have heard it very often before. (By Mr. Cassidy) I never heard it it was not true? A. No, sir. Q. Or some such words used ? A. No, sir. Q. Was the affidavit given to him before you gave him a note? A. I have near a to very otten before. (By Mr. Cassidy.) I never heard it. A. Make a "spoon or spoil a horn"—oh, yes—that is a western phrase. Q. And in connection with that, that yon "would take these oil men for \$50,000?" A. No in the phrase of t you gave him a note? [Objected to.] Q. I understood you to say you paid about \$20,000 of these contracts you named. Now, can you give us about the time when your counsel (District Attorney Mann) ad-vised you that these contracts were illegal, and that you were not bound to pay any money on them? A. Mr. Mann, from the time that he took charge of my equity case up to this mo-A. No, sir; I rever said anything of the kind, that I recollect of. Q. You say you did say the other? A. I say I may or may not. It is a very A. I say I may or may not. It is a very common expression. (Papers produced, upon which witness identifies his signature.) Q. As I understood you, you had no oil at this time to deliver to anybody? A. I had no refined oil, except the 2,500 barrels which was to be delivered to me by Mr. Thete. A. Air, Alann, from the time that he took charge of my equity case up to this mo-ment, has always said that. Q. What time first ? A. Well, sir, when he first took charge A. Well, Sir, when he first look charge of the equity case was in the early part of August, 1867. From that day to this day he has always said that. Q. When did he say it first? A. Well, he said it the very first day he barrels which was to be delivered to me by Mr. Tack. Q. I mean prior to that? A. I had no oil, except the oil contracts for 2500 barrels. I had no oil except some crude oil. I had no refined oil. Q. You said you simply wanted to have differences settled, and did not want to have anything to do with the delivery of any oil? ever spoke about it. Q. When was that? A. It was early in A A. It was early in August, 1867, and he has talked about it repeatedly from that time since, and says so now.
Q. He has kept talking about it?
A. Whenever it was reserved to be a second to A. Whenever it was necessary to speak on that point, he has always said it was against his wish that I had ever paid a dolany oil? A. I did not want to be annoyed with oil. Q. And you went into the operation ex-pecting to make money, regardless of the oper itions in oil, and having no oil on hand, and intending to deliver none? A. Do you ask me that question? against his wish that I had ever paid a dol-lar-against his orders. [A written paper is shown to witness, about which he answers as follows :] It is my handwriting, but not my signa-ture; it is not my signature in full, being "I O" Q. I do. Whether you did not go into this to make money? this to make money? A. I did go into it to make money. And Mr. Tack was either to deliver the oil or settle the difference, and if the contract price or market price varied, why the dif-ference, less his commissions, were to be paid by me or to be received by me. Q. You put those initials there? A. I wrote the whole of that dispatch. Q. Do you know John K. Barber? A. I do. Q. Did you ever say to John K. Barber that it would pay him better to be on your side than on that of the Tacks? Q. But you remember stating to him you did not want to be bothered with any oil? A. I told him I would not be bothered with it. It is very annoying to have A. Not that I recollect of. Q. Do you mean to say Do you mean to say you did not say A. That I do not remember having ever Q. You could not take it up to your room? A: No, sir; I could not take it to my A. That I do not remember having over said such a thing to him. Q. You know Mr. Barber very well? A. I have known Mr. Barber for a con-siderable time; I knew him before he. hotel. Q. I think you said you preferred to have ilt edged paper? A. I did not say that, but I will say it; J he became a petroleum broker. Q. There can be no mistake about the Q. It is better to have in the house? A. It is handler about the house? A. It is handler about the house. Q. You were to pay these gentlemen man? A. No, sir; there can be no miatake about the man; I know him. Q. Do you know Mr. Albert Dilworth? A. Yes, sir; I know F. Albert Dilworth. Q. Did you ever say to him that you had a great deal more money than the Tacks, and that you would put them under you, or that you would put them to the wall, or any thing like that?

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The Court [to witness]. Now having an-swered the question you have the right to explain, if you wish. A. Mr. Dilworth told me Theodore Tack had been in his office discussing this great law-suit, and had told them what he was going to do, and that he was going to put me in the pentitentiary; and I got very much excited, of course. And then the matter ran along thus until they said I was not as rich a man as people reported; that I was not worth over \$50,000. I told him that what I was worth was of no import-to him, but that I had sufficient of money and justice on my side to punish them. That is the conversation. A. That is noy explanation? A. That is noy explanation.

(Continued on Eighth Page.) -Fitsbar -ini , treann 287 5 18 18 18 19 19

and war hills) and pulling of might house and South down you so

or that you would push them to the wall, or any thing like that? [Objected to. Not sustained.] Q. Did you say that? A. I said to Mr. Dilworth----Q. Did you say that? A. Will you not let me say what I did

say? Mr. Cassidy. No. sir; I do not ask you what you said, but did you say that? A. I said that, or its equivalent, substan-tially. The Court [to witness]. Now having an-

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Mr. O'Connor, the WORDS FAIT DETENDED

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