

H. H. ROBINSON, EDITOR. D. G. FITCH, ASSISTANT EDITOR.

Dayton, Ohio.

Tuesday, - - November 28, 1865.

The Liquor Law Revived.

Some excitement exists among the liquor men of the prospect of a rigid enforcement of the old liquor law. The Grand Jury, which sat two weeks ago, having been specially charged to indict every man who was violating that law, plucked up courage to indict about a half dozen. These persons were all up in Court on Saturday last. Several being guilty and were fined \$20 and costs—being the lowest allowed by law. Others plead not guilty, gave bail, and their cases were continued.

Judge WISANS, of Xenia, announced that, as the law had not been enforced heretofore in this county, he would impose the highest fine, at this term, recognized in the law; but he gave due notice that should he be here in April, as he expected to be, the law would be rigidly and strictly enforced.

Few persons are aware that a very stringent liquor law has been on our statute books for about ten years; for which we are indebted, as usual, to the fanaticism of abolitionism and the power of the Western Reserve. Such is the fact. It has rarely been enforced in Montgomery county; but a late Abolition Legislature has seen fit to revive the agitation and it is now the law of the State that the Judge shall give it in charge especially to every Grand Jury that meets.

We may, therefore, anticipate another temperance crusade. Fanaticism must have some outlet for its foolishness.

Under these circumstances, we have thought it our duty to lay the law before our readers for the information of all concerned.

By the first section of the act it is made unlawful to sell intoxicating liquors in any quantity to be drunk in or about the premises—wine manufactured of the pure juice of the grape cultivated in this State, beer, ale or cider excepted. Penalty, a fine of not less than five nor more than fifty dollars; or imprisonment in the county jail not more than thirty nor less than ten days; or both.

The 2nd Section makes it unlawful to sell intoxicating liquors to minors; unless upon the written order of their parents, guardian or family physicians, and this law applies as well to beer, wine, and cider as to whiskey, &c. Penalty, same as in 1st section.

The 3rd Section makes it unlawful to sell liquor, including wine, beer, &c., to intoxicated persons, or to persons in the habit of getting intoxicated. Penalty the same as in the 1st and 2nd sections.

The 4th section declares that all places where liquor is sold contrary to the provisions above named, shall be "held to be common nuisances; and all rooms, taverns, eating houses, restaurants, groceries, coffee-houses, cellars, or other places of public resort, where intoxicating liquors are sold in violation of this act, shall be shut up and abated as public nuisances, upon the conviction of the keeper," who shall be punished by fine of not less than fifty dollars, nor more than one hundred dollars, or be imprisoned in the jail not less than twenty, nor more than fifty days, or both, at the discretion of the Court.

In all cases the imprisonment is at the discretion of the Court.

Such is the law which now is on the statute books and which will probably be enforced unless repealed by the next Legislature.

Unconstitutional and Anti-Republican Schemes.

We find in the papers the following Washington dispatch, shadowing forth, a little stronger than Mr. Colfax did, the designs of the Disunion party in Congress: "WASHINGTON, Nov. 28.—The National Republican of Monday says a bill has been drafted and will probably be offered immediately after the organization of the House for the organization of governments for the States heretofore in rebellion, by the appointment of Governors, with power to call conventions, to frame new constitutions, on the approval of which by Congress, the reconstituted States are to be admitted by a special act.

This bill cannot be offered with the sanction of the Republican party, for that party is, we have been informed, pledged to support President Johnson's plan of restoration. The plan alluded to in the foregoing dispatch is quite different from that of the President. It assumes that the States lately in rebellion have been and are still out of the Union—that they were successful in secession, and that they had the power to dissolve their connection with the Union.

If this doctrine is true, the Southern States have actually been a foreign Power, just as they claimed to be, and are now held only by the force of military authority, as a conquered foreign country.

This is the doctrine of the radicals, who are Disunionists, and do not mean to have a restored Union, unless the Southern people come in humiliated, as subjects, and not as citizens of a common and glorious Republic.

"West Virginia."

We take the following paragraph from a Republican paper: "Several Virginia papers are discussing the feasibility of reuniting the State by the absorption of West Virginia. The subject has come up in consequence of the attempt of the State of West Virginia to get possession of the counties of Berkeley and Jefferson, against the wish of the inhabitants, by the same secession process by which the State was originally divided. If there is any legitimate process by which the two Virginias can be consolidated into one, Congress will readily give its assent. Two Virginia senators will thus be got rid of. In fact Congress would not have consented to the division of the State if the result of the war had been foreseen. It was an act of faithlessness and desperation."

That will do, coming from a Republican source. It foreshadows the fact that the partisan majority in Congress, by which the iniquity was perpetrated, have already got sick of their job.

In more than one Republican journal, we have lately noticed the cool avowal that, could the men in Congress have foreseen what complexion of politicians would be elected to the Senate and House from "West Virginia," that so-called State would never have been formed.

It does not modify or excuse the dishonest character of that proceeding, that in point of fact, the pretended State does not, and never did exist. Its creation under the circumstances, in direct and open violation of an express provision of the Constitution; and the Republicans in Congress and in Lincoln's Cabinet, who connived at this flagrant violation of the organic law, have only succeeded in upholding a fraud, the fruits of which they are beginning to find exceedingly bitter; but they must swallow the dose, for it is one of their own prescription. It seems that some of them are now disposed to remedy the great wrong they have perpetrated in this matter. It is to be feared, however, that their eleventh hour repentance is not induced by any higher motive or principle than that which impelled them to the commission of the wrong.

The Official Canvass of the State. The official canvass of the State, in the aggregate, shows that the Democracy polled a larger vote at the late election than they ever did before in a State contest. It is some 6,000 more than they gave Mr. VALLANDIGHAM at the memorable election for Governor in 1863, and is only some 10,000 votes short of those polled for McCLELLAN for President last year. The Democratic vote of 1865 is a majority of all the votes polled in Ohio at any Governor's election, save their two contests in 1863 and 1865. In any former year it would have made the man who received it Governor.

While the Democratic vote was larger than it was in 1863, the vote for Cox is 70,000 less than that given to JOHN BROCK in that year. This is a pretty good proof of what was before suspected, that a large portion of Brock's vote was grossly fraudulent. No candidate ever received honestly 296,000 votes in Ohio.

Here is the official abstract:

Table with columns for candidates and votes. Includes sections for GOVERNOR, LIEUTENANT GOVERNOR, TREASURER OF STATE, JUDGE SUPREME COURT—FULL TERM, JUDGE SUPREME COURT—VACANCY, ATTORNEY GENERAL, SCHOOL COMMISSIONER, BOARD OF PUBLIC WORKS, CLERK OF SUPREME COURT.

Dayton Empire.

The first number of the new series of this paper appeared on Saturday last. Mr. H. H. Robinson, with his assistant, Mr. D. G. Fitch, have succeeded in bringing order out of chaos, and have sent us a very neat sheet, full of well-digested news, and politically as sound as could be desired. The Empire has passed through many trying vicissitudes, especially after the opening of the late war. An editor assassinated, his successor imprisoned for some weeks by military authority; subsequently the office closed by the same exercise of power and held for nearly two months; then broken into by a mob and all thrown into pie; it may be regarded as marvellous that a basis was left on which to reconstruct such a paper as Mr. Robinson has sent us. It is neat, full of well-digested matter, and looks full of life. If we were called upon for our judgment, we would say it is bound to be a success.—Cincinnati Enquirer.

The treasures of silver and of gold are coming in from California at the rate of over a million of dollars by every steamer; but it nearly all has to go to Europe to pay for articles which we ought to produce or manufacture for ourselves.

NEWS OF THE DAY.

At the time the war ended the Government owned and used for military purposes 330 locomotives, 4,000 cars and 70,000 tons of iron. All the locomotives but thirty-two have been sold, but there are 1,000 cars yet on hand. Some have been sold on time to Southern railroads.

The Commissioner of the Internal Revenue has decided that the tax of six per cent, upon the manufacture of soda applies to all the preparations of fountain, and must be paid.

It appears that although in 1862, 1863 and 1864 we had one million of men in the field, we exported to foreign countries two and three-quarters as much wheat and eight times more ham and bacon than we exported prior to 1860.

Nearly all the Veteran Reserve Corps have voted under the late order of the War Department, to leave the service. In one regiment, only four men remain. A large number of the officers, however, still remain in the service.

The Washington correspondent of the New York Times says a prominent member of the Senate Finance Committee has announced his intention of urging upon Congress a reduction of Government taxes to the amount of \$100,000,000. This is good news. There ought to be a reduction of taxes to the amount of \$300,000,000 a year.

Many New York merchants and importers have petitioned the President to appoint Henry A. Smythe, of the Central National Bank, as Collector of New York.

Frank Gurley, the person who killed General McCook, near Nashville, in 1862, has been arrested at Huntsville, Alabama, and, it is said, will be executed for the offense.

General Butler is in Washington, where he is establishing a permanent household. This increases the belief that he is to be Secretary of War, in place of Stanton.

It is said that three hundred thousand colts will be introduced into the South, to do the work the free negroes will not.

The French Government has made a demand upon the Federal authorities for the tobacco seized at Richmond, said to belong to French citizens.

The Paris correspondent of the New York Herald says one of the editors of the Dublin Irish People, and one hundred other Irish refugees, have fled to that city. They assert the first move of the Fenians is to capture Canada.

A commission has been appointed to investigate certain frauds alleged to have been committed in Boston.

The Washington correspondent of the New York Herald says the members of Congress in that city are opposed to the admission of the Southern members, and insist upon the test oath.

General Logan has telegraphed that he will be in Washington about the 1st of December, when he will decide what course he will pursue in reference to the Mexican mission.

The Washington special of the New York Commercial gives currency to the idea that Mr. King, the Collector of New York, is still living.

Herschel V. Johnson, of Georgia, has arrived in Washington.

Large quantities of Government land are being taken up and settled upon by discharged soldiers.

In Liberty County, Texas, they are organizing a militia force to resist an anticipated attack of negroes.

A large fleet of upper lake vessels have arrived at Oswego, New York, laden with wheat.

General Brisbane's negro brigade has left Louisville for Helena, Arkansas, where they are not wanted.

A disastrous fire occurred yesterday, at Meadville, Penn. Loss, \$150,000. Eleven stores were destroyed.

The Impertinence of Republican Office Seekers.

The New York Tribune attributes the suicide of PUNSTON KING, the late Collector of that city, to the impertinence demands of the crowds of Republican office seekers upon him. It says:

"How was it with the poor Senator who lies to-day in self-sought communion with the fishes of the sea? He was a gentleman. Some knew him but to love him—to yield imperceptibly to the fascination of his frank, manly face—the clear, merry laugh, the joy that never seemed to leave his calm blue eyes. Why was it that this man, whom children come to with loving instinct, and whom women looked upon with tenderness—for widow nor orphan never sought his aid in vain—was forced, from very despair, to go down to the bottom of the sea? The rats were after him. When he came from Washington, they caught his scent. When he went to the custom-house, they gnawed through bolt and plank, and bar, and the grate walls. When he went to the Astor House, they followed him from chamber to chamber, from dining room to parlor, and from parlor to bedroom. He fled to Ogdenburg, hoping for consolation and peace amid the scenes of his youth, the fields he was wont to plow, the rivers and lawns of his home. But neither steam nor lightning can outrun the furies, and the rats followed him from station to station, and chased him from the country depot to his country home. If death was inevitable, he would die peacefully, and not from torture, and so welcome the rushing river, and just it proved treacherous, and deep the peace this sadly-hunted man would have, he puts upon his neck a leaden burden, and puts to rest no more. The rats have lost their prey."

The Imperialists (that is the Maximilianites), in Matamoros, were attacked recently by a strong force of Mexican Liberals, whom they repulsed with great slaughter. The Liberals, however, returned again and again to the assault, but were at last driven off hopelessly defeated.

An Important Decision.

The decision of Judge Trigg, of the U.S. District Court at Nashville, upon an application for a writ of Habeas corpus, in the case of Dick McCann is one of considerable importance. McCann, after having surrendered and been paroled in the usual manner, was arrested by the State authorities of Tennessee and imprisoned upon the charge of having sat in a Confederate Court martial which tried, condemned and executed one Hann, for acts committed contrary to the laws of war.

Judge Trigg decides that a Federal Judge has no jurisdiction in the case of an individual held by State authorities, if the offender has not committed against the United States. The application was therefore denied; but before reaching this decision, the Judge went over considerable ground. He quotes Vattel, Wheaton and other authors to show that the late war was a civil war, hence that any act of a Confederate Court martial, duly organized, is not a punishable offense. After quoting a great many authorities, Judge Trigg adds:

"Now with the facts of the late rebellion, as it is usually called, staring us all in the face, and in view of the authorities just cited, and especially that emanating from the highest judicial tribunal in our country, I am at a loss to perceive how any Judge or Court, whether State or Federal, can assume the responsibility of pronouncing otherwise than that it was a civil war—that the parties engaged in it were belligerents, and as such, entitled to exercise every right accorded to them by the laws of war. It will, of course, be conceded that, if it were a civil war, and the parties engaged in it were belligerents in the sense of international law, then whatever one of the belligerent parties might do in conformity to the law and usages of war, so also might the other party."

It is my opinion, therefore, that if the charges made against Hann, as the same are stated in the petition, were true, he would be an offender against the laws of war, and might properly be tried by a military court. And that the members of such court, if they acted in good faith, even though they may have given a wrong judgment, can not be held personally responsible upon an indictment, or other proceeding, civil or criminal, in a state court, for the part they may have enacted in such trial. The laws of war being a part of the laws of nations, and consequently are laws of the United States, the courts of the respective states are as much bound to respect them as are the courts of the United States."

As a decision from a Federal Court that the south possessed belligerent rights, and that whatever some of the parties might do in conformity with the law and usages of war, might be done by the other party, the above is of much more than ordinary importance. In its consequences may be found a solution of the difficulty which besets Chief Justice Chase in his efforts to secure a trial of Davis.—Chicago Times.

The spread of the cholera in southern and central Europe is creating a terrible panic, which is causing the illness in its ravages. We ought to get ready for its visit to our shores next Spring, and by timely sanitary precautions mitigate its horrors as much as possible. Some cases have already occurred on board of steamers coming hither from Europe.

It is rumored that a crushing reply to Earl Russell's arguments against England's responsibility for the ravages of the Alabama and other British pirates, is in course of preparation at Washington, and will soon be sent across the Atlantic.

According to some of the Toronto papers, the people of that city, and the Canadians generally, are ranging under the terrible "Fenian scare." Toronto and its environs are picketed with regulars and volunteers, and every thing kept in readiness for a conflict.

An actor in the Park theatre, Brooklyn, while attempting to come down from a theatrical mountain, by means of the limbs of a theatrical tree, broke one of the limbs and tumbled promiscuously to the floor, whereby one of his own limbs, was badly fractured.

At last accounts from Bombay (East Indies), Dr. Livingstone, the celebrated traveller, was there, preparing for another tour of exploration into portions of Africa where the white man has never heretofore penetrated.

Died.

SCHREIFFER, Caroline, infant daughter of William and Mary Schreffler, died this day at 1 1/2 o'clock P. M.

Facial services at 1 1/2 o'clock to-morrow (Wednesday) afternoon at the family residence, No. 12 Market Street.

New Advertisements.

JACOB SHAEDE'S ESTATE.—ON THE 23D DAY of November, 1865, the undersigned was appointed and qualified administrator of the estate of Jacob Shaede, late of Montgomery county, Ohio, deceased.

WILL ATTEND TO ALL BUSINESS RELATIVE TO him with diligence, promptness, and care.

MEETING OF STOCKHOLDERS.—NOTICE.—NOTICE IS HEREBY GIVEN THAT a meeting of the stockholders of the "Empire" Company, to be held at the office of the Company, on the 8th day of December, 1865, at 10 o'clock A. M.

WILMER H. BELVILLE, Attorney at Law, N. E. Cor. Main and Third Sts., Dayton, Ohio.

FEVER AND AGUE AND CHILLS.

THE BEST REMEDY TO CURE IS DAVIS' PAIN KILLER.

DIRECTIONS FOR ITS USE.—TAKE THREE or four grains of the Pain Killer in about half a glass of water, or in a little wine, at the first onset of the attack, or on feeling the chill, back and limbs with the usual use, at the same time, repeat it a dose in ten or fifteen minutes, until the chill has passed. Should it prove vomiting, take a little Pain Killer in cold water, with sugar, after each vomit. Persistence in the above treatment will cure in all severe and obstinate cases of this disease.

New Advertisements.

JAMES KELLY, Real Estate and Loan Agent, N. E. Cor. Main and Third Sts., Dayton, Ohio.

J. J. BELVILLE, Attorney and Counsellor at Law, OFFICE: Turner's Opera House, 20th No. 2, Second Floor, DAYTON, OHIO.

FARMERS AND MECHANICS HOTEL, (Formerly Lafayette House,) Third St., North side, just East of Jefferson Street, DAYTON, OHIO.

THE HOTEL HAS BEEN THOROUGHLY REPAIRED, and is now ready to receive the first class hotel in all its departments.

HOUK & McMAHON, Attorneys at Law, DAYTON, OHIO. Office, No. 324 Third Street, East of Main.

WOCAMAN, SMITH & CO., Wholesale Grocers, No. 28, Main Street, Opera Building DAYTON, OHIO.

HAVE CONSTANTLY ON HAND A FULL and complete stock of Groceries, Nuts, Fish, and every other article called for in the whole city, and every other article called for in the whole city.

ON THURSDAY LAST, ABOUT 10 O'CLOCK, a Black Horse, two years old, with star in his forehead, by name and color, and last seen at the residence of J. B. Roseberry, Jr., will be returned to the owner if recovered.

ADMINISTRATOR'S NOTICE. NOTICE is hereby given that the undersigned has been appointed and qualified Administrator of the estate of Callaghan Miller, late of Montgomery County, deceased.

Daniel Metherell, Court of Common Pleas of Montgomery Co., O. MARY Jane Metherell of Englewood, in the County of Cass, and State of Indiana, is notified that Daniel Metherell did, on the 23d day of October, 1865, file his petition in the office of the Clerk of the Court of Common Pleas of Montgomery County, Ohio, charging the said Mary Jane Metherell with adultery with one John Houser, and asking that he may be divorced from the said Mary Jane Metherell, which petition will stand for hearing at the April term 1866, of said Court.

WILLIAM James Creamer, whose residence is in Madison, is notified that William James Creamer did on the 19th day of September, 1865, file his petition in the office of the Clerk of the Court of Common Pleas of Montgomery County, Ohio, charging the said William James Creamer with adultery with a woman known to the said petitioner and also charge him with gross neglect of duty towards her, the petitioner, asking that she may be divorced from the said William James Creamer, which petition will stand for hearing at the next term of said Court.

FEVER AND AGUE. The remedy to cure and prevent this disease is DR. S. O. RICHARDSON'S SHERRY WINE BITTERS.

THE celebrated New England remedy for Jaundice, Fever and Ague, General Debility, and all diseases arising from disordered stomach, Liver and Bowels.

Price, \$1 per bottle. J. N. HASKIN & CO., Cincinnati, Ohio, proprietors for the Western States.

LENTZ & APPELEGATE, REAL ESTATE AGENTS, Office 323 Third Street North Side DAYTON OHIO.

FOR SALE, FLAX FACTORY, COUPED BY JOHN JAMES & CO., with machinery, and a acres of land.

A double house on Hill street; A double frame house on Walnut street; A double frame house on Fifth street; A farm of 65 acres, 2 1/2 miles from Dayton; A farm of 14 acres, 7 miles from Dayton; A farm of 20 acres on Greenview R. R.; A farm of 100 acres near Germantown; A brick house on Fifth street, No. 127; A farm of 20 acres, well improved, fine brick house, and best farm good land; 5 1/2 miles west of Germantown; A farm of 22 acres good improvements on Greenview Station on Western R. R.; A well improved farm of 200 acres, two miles east of Germantown, on Western railroad; A good lot on and large lot on Main street, No. 254; A farm of 70 acres on Germantown pike, 3 miles from Dayton; A well improved, well improved adjoining Liberty, 2 miles from Dayton, on 20 and 30 acres each; A number of houses and lots in different parts of the city. All will be sold cheap.

REAL ESTATE AGENCY. PENDING MATTERS CITY PROPERTY FOR SALE, would do well to call, as I have quite a number of applications for houses and lots in the city. I have some very valuable houses and lots in Paterson and Walnut City that will be sold cheap. I have also some of the best improved farms in Montgomery county, for sale on reasonable terms. Also a few more houses in the city.

JAMES KELLY, Real Estate Agent, N. E. Cor. Main and Third Sts., Dayton, Ohio.

ADMINISTRATOR'S NOTICE.—NOTICE IS HEREBY GIVEN THAT the undersigned was appointed and qualified administrator of the estate of John Miller, late of Montgomery County, Ohio, deceased.

JOHN MERRILL'S ESTATE.—ON THE 23D DAY of November, 1865, the undersigned was appointed and qualified administrator of the estate of John Merrill, late of Montgomery County, Ohio, deceased.

THE Eminent Tenor and Balladist; J. R. RICKEY, Second Tenor; J. G. PARKHURST, Baritone; THOS. CORWIN, Bass Profundo.

DRY GOODS. 328. 328. NEW STOCK GEO. A. DIXON, 328 Third Street, (SOUTH SIDE.)

AMERICAN BLEACH MUSLINS, English Bleach Muslins, very fine. Brown Muslins, Can Flannels, Checks, Ticks, and Stripes. Linen and Cotton Sheetings 10-4, Bleach & Brown 5-4, Pillow Case Muslins.

Amusements.

SOIREE DRAMATIQUE—BECKEL HALL. Lessee & Manager, B. FREDERICKS. Stage Manager, CHAS. HILL.

First Night of the Brilliant and Laughing Comedienne, MISS MOLLY WILLIAMS, & "The Favorite Talented Artist."

Felix A. Vincent, Tuesday Evening, Nov. 28, 1865. Will be seen the Grand Military Drama, entitled "The French Spy."

Admission, 50 cents. Tickets for sale at J. T. Kenney's Music Store, 174 o'clock. Overture commences at 7 1/2 o'clock.

CONTINENTALS. 1776. 1865. THE CONTINENTALS WILL APPEAR FOR TWO NIGHTS ONLY, On Thursday and Friday Evenings, November 30, and December 1, 1865.

THE Eminent Tenor and Balladist; J. R. RICKEY, Second Tenor; J. G. PARKHURST, Baritone; THOS. CORWIN, Bass Profundo.

Doors open at 7 o'clock; To commence at 8 o'clock, 50 Cents. No Extra Charge for Reserved Seats. Place of Hall to be seen at Kinney's Music Store, where Ticket can be secured.

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