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SUNBURY AMERICAN.

AND SHAMOKIN JOURNAL.

Absolute acquiescence in the decisions of the majority, the vital principle of Republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism.—JERRISON.

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[By Request.]
**REMARKS OF MR. PENNINGTON,
 OF PHILADELPHIA COUNTY.**

In the Senate, on the proviso to a bill repealing the retrospective operation of the Act passed at the session of 1842, "Abolishing Imprisonment for Debt."

Mr. Speaker—I may not be very well qualified to discuss the merits of this bill, for its details belong peculiarly to the lawyers upon this floor; but there are certain general principles connected with it which all can understand. If the proviso is retained in the bill, the act of 1842, abolishing imprisonment for debt, will be repealed so far as relates to debts contracted before the passage of that act. This is the simple question. The policy of our laws should doubtless be to afford creditors ample means to collect their debts; but, sir, we should remember that debtors have rights as well as creditors; that there is a point where their rights cease, and the rights of debtors commence. It is impossible to enact a law which cannot be avoided by the craft and cunning, and Senators should recollect that under the old law frauds were practiced continually—fictitious assignments were made daily. A large number of those persons who availed themselves of the insolvent laws, withheld property which belonged to honest creditors. How was this to be avoided?

The law abolishing imprisonment for debt, I am conscious requires amendment; nor is this a very remarkable circumstance. An act which changes the whole policy of remedies enforcing contracts, must necessarily be imperfect.

Decisions must be made by the Courts, and different opinions will be entertained upon the same subject by the several courts; time must therefore be had to test those opinions before the highest judicial tribunal. You will recollect, sir, that it was on my motion the whole subject was referred to the Judiciary Committee in order that it might be revised and its errors corrected.

The Senator from Erie, (Mr. Babbitt,) has very properly said the question as now presented is a very different one from that which was presented at the time the act of 1842 was passed.

I fully concur in that sentiment. The wrong, if any has been committed, to repeal its retrospective effect now, will be adding injury to misfortune, to place some unfortunate debtor again in the power of a creditor to incarcerate his body within the gloomy walls of a prison. Why should we restore a law which places any man's personal freedom in the power of his fellow man? His debts cannot be thus paid, and the present laws afford ample remedy against any creditor who has property. Why go farther than this? Why recede from the enlightened position taken by the Legislature of 1842? Why restore this last relic of a barbarous age? The Senator from the city [Mr. Crab] informed the Senate that he arose from a sick bed and went into the House, of which he was a member, to vote against the passage of the bill of 1842. He felt himself he said, constrained to do this course, because he was so well satisfied of its injurious effects. I freely admit that the Senator who does not approve, but, sir, I do not envy the Senator his feelings in rising from a sick bed to cast his vote against a bill which was to open the prison house to the unfortunate, and restore to families, husbands and fathers—a bill which was to close up the dungeon's cell against the poor man. Nor shall I envy the Senator his feelings in a more solemn hour, which will surely come, the reflections which will cross his mind in consequence of that act. The consolation which it will afford, may be sufficient to carry him through that dreadful scene; but I had rather look to deeds of philanthropy and benevolence, to the amelioration of human suffering, to sustain and support them. The Senator says the passage of the act was received with one universal burst of indignation by the people, and that he has seen but two or three constituents, since its passage, who approved it. My constituents live in close proximity with those of the Senator from the city, and my observation has been the very reverse of that which he has stated. I would much rather adopt the sentiment expressed by the Senator from Lancaster, [Mr. Chapman], that the passage of that act was hailed with shouts of exultation. Certainly it was with the benevolent and the philanthropic. Among my own constituents I have heard some complaints against the law of 1842; but so far as I have had personal intercourse, I have experienced but little difficulty in satisfying most of them of its utility. The act was passed at an unfortunate period. The business of the country was paralyzed—the currency in inexplicable confusion—labor found but little employment, and industry but a scanty reward. The whole community was embarrassed; small dealers found it difficult to collect their debts, and this was the experience of every man; it was therefore easy to attribute the cause to the passage of that act. There would, notwithstanding, have been as much

difficulty in collecting debts without the law as with it. This seems to be the common sense of the case. The power to imprison a man does not necessarily imply a positive power to collect a debt. The distress and misery of the people will be prolonged by giving iron-hearted creditors power of inflicting torture on their fellow men. But this will not pay debts; nor reflect very great honor upon the community.

Mr. Speaker, I desire to place this question before the Senate in its true position. I deny the right of this Government to imprison its citizens, unless they commit crimes. Fraudulent insolvency should be severely punished, because deception is practiced—a false reputation is made, and property which belongs to others, withheld. But shall honest insolvency share no better fate? Shall the thousands of casualties which men are liable to—events over which they have no control, subject them to the same punishment as the man who makes a fraudulent assignment? Certainly not. I know that imprisonment for debt has been tolerated in all the States of this Union for a long series of years; but I know too that the genius of the age revolts at the horrible practice, humanity weeps over it; civilization and Christianity remonstrate against it, and plead for its abandonment. Formerly the fire and the fagot were used as instruments of torture by Governments, but that day is past. We look back upon those acts of cruelty, as belonging to a past age. As civilization progresses, Governments find that torturing their citizens is not the best way to govern them. Christianity, which spreads her benign influence around and about us, cries aloud against such barbarity. The Senator from Washington [Mr. Craig] has given the most extraordinary reason why imprisonment for debt should be continued. He says Washington county contains two colleges, where a large number of young men are brought together from all parts of the country, for the purpose of education. These young men get in debt to sundry good people in Washington, and refuse to pay them, which he denominated a very "immoral practice," therefore it is necessary to imprison them in order that they may be taught "morality." These young gentlemen should certainly pay their debts; but if the people of Washington hold out inducements for them to come there and then trust them with their property, they ought not to have the privilege of imprisoning them upon the principle of "morality." There can be but little morality in this. I hold in my hand the 2d Vol. House Journal, 1832-3, in which I find a very interesting report on the condition of the debtors' apartment of the Arch street Prison, in the city and county of Philadelphia. The report was drawn by Mr. Gibbons, who represented in part the county of Philadelphia, and I regret that I have not the pleasure of his acquaintance. He says, "he, whose misery induces him to contract a debt of a few cents, has no appeal or stay of execution—is dragged from his work without time or opportunity to advise his family of his confinement—he is prevented from obtaining the means of discharging his debts by his labor—and leaves the prison in a state of great destitution, and with his moral feelings more depraved than when he entered." In the language of an intelligent prisoner, the jail, as now organized, is a "direct manufactory for rogues." Here is a voice from the debtors' apartment, and it speaks trumpet-tongued a "direct manufactory for rogues," and not a temple where morality is taught. Some Senators assert that but few or no persons were imprisoned under the old law. This, sir, I question. The cold hand of tyranny is never satisfied so long as it has power to exercise. While the bill was pending before the Senate in 1842, I received a letter from the prisoners confined in the debtors' apartment of the county prison, urging me to vote for the bill, which I did most cheerfully. This letter, if I recollect right, was signed by 30 or forty persons.

In order to place beyond dispute the fact that a large number of persons were annually imprisoned under the old law, I beg leave to read some passages from the report already referred to, which will present the subject in a much stronger light than any thing I can say.

"From an abstract of cases of imprisonment on executions for debts under one dollar, taken from the prison records of the debtors department, in the city and county of Philadelphia, between the 1st of May and the 24th of September, 1830, it appears that the total amount of debts, in forty such cases, was \$23 46½, upon which the costs were \$70 20—making a total of debts and costs \$93 66½. Among these were debts of 2, 19, 25 and 37½ cents! Such persons are generally brought to prison in a state of great destitution and misery—in rags and wretchedness." Yes, sir, the whole system is one of "rags and wretchedness," of misery and woe. The whole system is founded on injustice, and is at war with the alienable rights of man. Here is a system which imprisons men for a less sum than one dollar, and in five months forty such cases occurred in 1830. What

a noble system! How high the aspirations of those who advocate this monstrous doctrine. Imprisoning a man for two cents!! Patriotism weeps over the degeneracy of the times which sustains such iniquity, and philanthropy veils her face and retires from the field in despair. A human body containing an immortal spirit, to be imprisoned for two cents!! Who could believe it! Yet the records of the Legislature establish the fact. It is no excuse for this system to say that these things seldom or ever happen. As long as power exists, bad men will be found to exercise and abuse it.

Let me now turn the attention of the Senate to another class of cases—to debts under forty shillings, or \$5 33¼. The same report says: "from the 1st December, 1829, until the 1st of December, 1830, the imprisonments for debts under \$5 33¼, in the jail of the city and county of Philadelphia, being without stay of execution, were as follows: Number of cases, four hundred and thirty two; total number of days in confinement, three thousand three hundred and twenty-two; total amount of debts, \$1488-13; costs imposed on the above cases \$831 52. Of these, 364 cases were discharged by various processes without satisfying the creditors. It appears then that the payment of the sums due is defeated by the rigorous enforcement of the ultimate process for recovery. Of the four hundred and thirty-two cases, but sixty eight ever paid the creditors a cent, and the total amount altogether paid, was the small sum of \$160 68—after the prisoners who paid, had suffered two hundred and fourteen days of confinement in idleness." Here is a picture which presents the details of the system in its true light. Four hundred and thirty-two persons imprisoned in one year; for sums less than forty shillings, or an average of \$3 11 each suit. All this is done to collect money; yet I find by the record itself, but \$160 68 of the \$1,488 18 was ever collected. Nor is this all, the report says from "the following statement presented in a memorial to the Legislature of Pennsylvania, in 1830, exhibits the number of persons imprisoned in the debtors' apartment in the city and county of Philadelphia, with the amount of debt, and how they were discharged, from November 1st, 1830, inclusive.

After this statement is read, I hope we shall hear no more about imprisonment for debt being a fiction. The table which I shall now read, puts that question at rest forever.

SUMMARY OF THE CASES OF IMPRISONMENT.		Causes under \$5.
By the bread and the credit for falling in weekly payments.	184	100
By the 30 day act, for the relief of poor debtors under \$50.	64	27
Cases bonded for the benefit of the householders.	402	202
Discharged by committment to the County Jail on payment of the debt and costs.	201	266
	181	63
	733	458
	428	193
	124	109
	109	137
	109	102
	90	300
	318	
		395
		100
		500
		1000
		Total

"Ninety hundred and forty-five of these cases of imprisonment for debts under ten dollars, are known to be among the poor; and of those only one hundred and forty three were enabled to effect their liberation, on payment of debts and costs, after suffering the pain, punishment, disgrace, and demoralizing effects of idleness and imprisonment."

Thus we see that in three years, three thousand and one persons have been imprisoned for debt. What a vast amount of misery and wretchedness this must have produced! Is there to be no end to human suffering! In the progress of civilization is not the condition of man to be bettered? Is not the light which christianity sheds around us sufficient to break the iron spell of ignorance and despotism? Is there a Senator upon the floor whose heart does not swell big with indignation, at the continuance of this nefarious traffic? Three thousand human beings—citizens of this glorious old Commonwealth, sent to prison because they were poor and unable to pay their debts. Shame! shame!! on Pennsylvania, if she desires to revive this system. Again "until there was no arrangement for a hospital in the debtors' apartment—there are no attendants for the sick—no medicine in the keeper's hands for immediate relief—no additional nourishment, when the patient becomes convalescent—no bedding—no supplies of clothing, or for washing—for comfort or cleanliness, beyond the scanty provision of the law. The present debtors receive

one five cent loaf of bread daily, from the county, and have each the use of two blankets, some of which are not of sufficient length. It is the design that the loaf of bread should weigh one and a half pounds—but it is often deficient; they do not bake it in the debtors' apartment, but buy five cent loaves of wheat bread from the bakers. The poorer debtors have nothing, by law, but bread and water, and the blankets—a room and fire. Those in good circumstances, or who have friends, are supplied with the necessities of life, with beds and others, whom they employ in various other mental offices. The most decent generally mess together, and the poorest get the remnants; these last sleep upon the floors, and pick up what they can find about the prison.

The prisoners cook and wash for themselves or for one another. When they are extremely wretched and filthy, some are assisted in enforcing cleanliness, personal and by clothing, may be proper, should the present laws for imprisonment be continued.—Sir, who can read these disgusting details without revolting at such monstrous cruelty. In what age do we live, or country inhabit, that human misery finds no sympathy?

We read of the horrors of the slave ship—the middle passage—the unfortunate victims crowded together in the hold of the ship—the cry of despair ascending to high heaven—the stench—the agony—the death struggle. Yet all this does not exceed the condition of every debtors' apartment in every county in the Commonwealth.

I have no patience to discuss the subject. If it is the last vote I ever cast, that vote shall be recorded against reviving imprisonment for debt. Sir, if the vote already taken did not plainly indicate the feelings of the Senate, I would attempt an appeal to the better feelings of our nature. I would attempt to arouse that sense of justice in behalf of suffering humanity which finds an abiding place in almost every heart.

Look in a single case, at the silent though certain execution of the law. Judgment is obtained against a debtor, execution is issued and the officer makes his appearance in the midst of a family. The real estate and valuable personal property is already gone and now the household furniture must go. The mother looks on in anguish, and gathers the little ones around her and presses them to her bosom as the only solace left. The mercy of the law here interposes and arrests its further execution. Such articles as are necessary for house-keeping are exempt from execution; with this assurance, the countenance of the mother and children begin to brighten up—hope which had fled returns—despair which sat brooding over all gives way—the rainbow of peace is about to surround the humble dwelling, when the officer again returns, more ruthless than before, and seizes the body of the father of this family.

The few articles of furniture which are left, are free from execution, while the body of their owner is liable to be imprisoned. Sir, let Senators follow me in their imagination, and see this fellow being in prison—the wife in tears and the children in distress, look up to the husband and father for food and comfort. Unable to provide either, he is compelled to witness their agony without having the power to relieve them. He leaves his home in company with an officer—his heart heaves and swells at the thought of leaving these dear to him behind, without a protector or the means of obtaining bread. As he recedes from his home he looks behind him and away in a distance, far as the eye can reach, he sees his family gathered at him with most intense interest. A tear starts from his eyes—the recollection of other days of wife and children—the happy home—all rush upon his mind at once, but he is a victim of the law's cruelty. He approaches the prison, the high walls and battlements frown upon him, as the keepers open the ponderous door and he is ushered in, the gates are swung back again and he is in prison. A thick wall is raised up between him and the world—the rays of the sun, as they reflect into this miserable abode, mock at his calamity, and the light of heaven is insufficient to dispel the darkness and gloom of his narrow apartment. He trembles at his situation—the desolate scene around him—his more desolate hearth at home than human nature can stand—with his eyes turned toward heaven, he exclaims—

"But what is life?
 'Tis not to stalk abroad and draw fresh air
 From time to time, or gaze upon the sun;
 'Tis not to be free. When liberty is gone,
 Life grows insipid, and has lost its relish."

THE GEORGIA MAJOR—MILITARY TRAINING.
 BY MAJOR JONES.

To MR. THOMPSON:—Dear Sir—Just as I expected, only a thundering sight worse! You know I said in my last that we were going to have a battalion muster in Pineville. Well, the muster has just place, and I reckon such other doings you never heard of afore.

I come in town the night afore, with my regimentals in a bundle, so they couldn't be ridin, and as soon as I got my breakfast, I begun ridin out for the muster. I had a bran new pair of boots, made just a purpose, with long legs to 'em, and a shaperdraw, with one of the tallest kind of red fethers in it, a blue cloth regimental cote, all trivvated off with gold and buttons, and a pair of yellor britches of the finest kind. Well, when I went to put 'em on, I couldn't help but cuss all the tailors and shoemakers in Georgia. In the first place, my britches like to busted and wouldn't reach more'n half way to my jacket, then it tuck two niggers and a pint of soap to git my boots on, and my coat had tail enuff for a bed-quilt, and need

rite strait out behind like a fan-tail pidgin—it wouldn't hang rite no way you could pull it. I never was so dratted mad, especially when there was no time to fix things, for the fellers were comin in in gangs and beginnin to call for me to come out and take the command. Eckspectation was ris considerable high, cause I pledged to quip myself in uniformity to the law, if I was lected Major.

Well, bimeby I went to the door and told Bill Skinner and Tom Cullers to fix their companies, and have 'em ready when I made my pearence. Then the fuss commenced. Thar wasn't but one drum in town, and Bill Skinner swore that should drum for his company, cause it longed to that beat; and Tom Cullers swore the nigger should drum for his company, cause he longed to his crowd. Thar was the old harry to pay, and it was gittin wurse. I didn't know what to do, for they was all comin to me about it, and cussin and shinin and disputin so I couldn't hardly hear one from the other. Thinkin I, I must show my thorty in this business; so says I, 'In the name of the State of Georgia, I command the drum to drum for me. I's Major of this battelion and I's commander of the musick too!' The thing tuck fast rite; thar was no more rumus bout it, and I sot the niggers a drummin and ffin as hard as they could spit rite afore the tavern door.

It was monstrous diffikal to git the men to fall in; thar haint been one of them deformed drunckers down here yit, and the way the fellers does love peach and hunny is mazin. Bimeby Bill Skinner tuck a stick and made a long strate streak in the sand, and then hollered out, 'Oh, yes! oh, yes! all you as belongs to Coon-holler beat is to git in a strate line on this trail!' Tom Cullers made a streak for his beat, and the fellers begun to string themselves along in a strate line, and in about a quarter of an ower they wer all settled like bees on a boanpole, pretty considerable strate. Arter a while they sent word to me that they was all reddy, and I had my horse fetched up to other side of the tavern; but when I cum to him the bominable fool didn't know me sum-how, and begun kickin and prancin, and cavortin about like mad. I made the niggers hold him till I got on; then I sent word to the drummer to drum like blazes as soon as he seed me turn the corner, and to the men to be reddy to salute. My sword kep rattlin agin the side of my horse, and the fool was skeered so he didn't know which end he stood on; and kep dancing about and squattin and rarin so I couldn't hardly hold on to him.

The nigger went and told the men what I seed; and when I thought they was all reddy, round I went in a canter, with my sash and regimentals flyin and my red fether wavin as graceful as a corn tassel in a windrid; but just as I got to the corner ther was a fuss like heaven and yearth was comin together. Rattling, wher-r-r-r! went the drum, and the nigger blowed the fife rite out strate, till his eyes was set in his head—hurr! hey-y-y! hurr! went all the niggers and everybody else—my horse wheelin and pitchin wurse than ever, rite up to the muster—and, fore I could draw my britche, bang! bang! bang! de bang! bang! bang! went every gun in the crowd, and all I swung was, I was whirlin, and pitchin, and kinkin about in the smoke and fire till I cum fall length rite smack on the ground, 'in all the pride, pomp, and circumstances of glorious war,' as Mr. Shakspear ses.

Lucky enuff I didn't git hurt; but my cote was split clear up to the collar, my yellor britches busted all to flinders, and my shaperdraw and fether all knocked into a perfect mush. Thunder and lightnin! thinks I, what must be man's feelings in a rale battle, whar they're shootin in good yearnest! Cum to find out, it was all a mistake; the men didn't know nothin bout military ticktacks, and thought I ment a regular forth of July salute.

I had to lay by my regimentals—but I know'd my character was at stake as an officer, and I tarmined to go on with the muster. So I told Skinner and Cullers to git the men strated agin, and when they was all in a line I sorted 'em all out. The fellers what had guns I put in front, them what had sticks in the rare, and them what had no shoes, down to the bottom by themselves, so nobody couldn't tramp on their tose. A good many of 'em begun to forgit which was their rite hand and which was ther left; and sum of 'em begun to be very diffikal to ransene, so I tarmined to march 'em rite out to a old field, whar they couldn't git no more lickor, especially sence I was bleeched to wear my tother clothes.

Well, arter I got 'em all fixed, ses I, 'Music! quick time!' by the rite flank, file left, march! they stood fer bout a minit lookin at me—'by flank mar-r-r-ch' ses I, as loud as I could holler. Then they begun lookin at one another and hunchin one another with ther elbows, and the fust thing I know'd they were all twisted up in a snarl, goin both ways at both ends, and all marchin through other in the middle, in all sorts of helter skelter fashion. 'Halt!' ses I, 'halt! wher upon yearth is you all goin'—"

and thar they was all in a huddle. They knowed better, but just wanted to bother me, I do believe. 'Never mind,' ses I, 'gentlemen, we'll try that revolution over.' So when I got 'em all strait agin, I splained it to 'em and gin 'em the word so they could understand it—'Forward march!' ses I, and away they went, not altogether, but two by two, every feller waitin till his turn cum to step, so fore the barefoot ones got started, I couldn't hardly see to tother end of the battelion. I let 'em go ahead till we got to the old field, and then I tried to stop 'em; but I had 'em in gangs all over the field in less than no time. 'Close up!' ses I, as loud as I could holler; but they only stood and looked at me like they didn't know what I ment. 'Git into a strait line agin,' ses I. 'That bring 'em all together, and I told 'em to rest a while, before I put 'em through the manual.

But this time out cum a whole heap of fellers with some candidates, and wanted I should let 'em address the battelion. I told 'em I didn't care long as they didn't kick up a row. Well, the men wer all high up for hearin the speeches of the candidates, and got round 'em thick as flies round a fat gourd. Ben Anasley—he's the popularest candidate down here—begun to show by gittin on a stump, and takin his hat off rite in the brillin hot sun.

"Feller-citizens," ses he, 'I spose you all know as how my friends is fetched me out to represent this country in the next legislature—I am poosed to counterfit money and shiplasters; I am poosed to abolition and free niggers, and the morus multicaulis and the Florida war, and all manner of sheeconery whatsumever. I's lected your respectable representations, I shall go in for good munny, twenty cents for cotton, and no taxes, and shall go for bolishin imprisonment for debt and the Central Bank. I hope you'll all cum up to the poles of the lecture, and vote like a patriot for your very humble servant—Amen."

Then he jumped down and went round shakin hands. 'Hurra for Ben Anasley! Anasley for ever!' shouted every feller. 'Down with the cussed bank—devil take the shiplasters and all the rale-roads!' ses Captain Skinner. 'Silence for a speech from Squire Pettybone!' 'Hurra for Pettybone!'

Squire Pettybone was a little short fat man, what had run afore, and knowed how to talk to the boys.

"Friends and fellow-citizens," ses he, 'I's once more a candidate for your sufferins, and I want to splain my sentiments to you. You've just heard a great deal bout the Central Bank—I ain't a bank man—I'm poosed to all banks—but I is a friend to the pore man, and is always roddy to stand up for his constitutional rites. When the Central Bank put out its munny it was good; but now they want to buy it in for less nor what its worth ther detts to the bank, and they is tryin to put it down, and make the pore man lose by it. What does they want to put the bank down for, if it aint to cheat the pore man who's got cum of it! If it's lected, I shall go for making the banks redeem their munny in silver and gold, or put every devil of 'em into the penitentiary to make nigger shoes. I's a hard munny man agin the rich, and if you lect me that's what I ment to do."

Then he begun shakin hands all round. 'Hurra for Squire Pettybone! Hurra for the bank and the veto!' shouted some of the men—'Hurra for Anasley! d—n the bank!' 'Silence for Mr. Johnson's speech!' 'Hurra for Harrison!' 'Hurra for the Veto!' Hurra for Jackson! I can lick any veto on the ground!' 'Silence! Hurra for Anasley, d—n the bank!' 'Whar's them vetos whar's agin Anasley—let me at 'em!' 'Fight! fight make a ring! make a ring!'—'Whoop!' hollered Bill Sweeney. 'I'm the blossom—go it shirt-tail!' 'Hit 'em Sweeney!'—'Tention, Battelion!' ses I, but it want no use—they was at it rite in the middle and all round the edges, and I know'd the quicker I got out of that bilin the better for my wholsom. Thar they was, up and down, five or six in a heap, rollin over and crawlin out from under, bitin and scratchin, gouglin, kickin and cussin, head and heels all through other, non of 'em knowin who they hurt or hurt them—all the same whether they hit Anasley or veto, the blossom or Pettybone. The candidates, wer ruinin about pullin and haulin, and tryin ther best to stop it; but you couldn't hear nothin but cussin, and 'bank' and 'veto,' and 'let me at 'em,' 'I'm your boy,' 'let go my eyes!' and sich talk for more'n twenty minits, and then they only kep 'em apart by holdin 'em off like dogs till they got down pantin.

It want no use so try to get 'em into line agin. Some of 'em had got manual exercise enuff, and was knocked and twisted out of all character, and it would be no use to try to put 'em through the manual in that situation. Lots of 'em had ther eyes bunged up so they couldn't 'eyes rite' to save 'em, so I turned 'em over to their captains, accordin to law, and aint responsible for nothin that tuck place arter I left. No more from

Your friend, til death,
 JOS. JONES.