

Chase them, chase them thy conquering dirge
summer's fallen pride,
Chase them the requiem of our buds, nor with thy
voice, flowers!

We know our flowers fit not their cups, brimming
with tears of bliss,
We know their petals furrow no more, bend for the
sun's last kiss.

Then hush thy grieving, hollow voice, earth begs
the boon of peace,
Then hush thy anthem wild and strong, and let thy
anger cease!

The forest groans in distress, when thy spirit
rushes past,
The mountain's pride its proud heat bows, submits
to the blast;

The squirrel hushes thy shade no more, storing its
winter food,
The mourner's heart hugs close its woe, and o'er its
sorrow broods.

Then cease thy moaning, hollow cry, thou wilt not
let me rest,
Earth has enough of thee and thine—thy spirit is
not blest!

Through mountain glens where human ear hears
not thy clarion ring,
Through desert lone, where man is not, there let
thy frenzy sing!

Up to the cloud-capt, eyrie climb, where the eagle
builds her nest,
Her ear defies the storm's loud voice, her eye the
lightnings test.

Then hush thy grieving, hollow moan, earth begs
the boon of peace,
Stay, stay thy anthem wild and strong and let thy
fury cease.

The sad and weary ones of earth heed not thy voice
unkind,
The memories of other days, saddest, O, autumn
wind!

The leaves of life lie withered round, but memory
is just—
A monitor amid life's storms, one who betrays no
trust.

O, cease thou then thy hollow moan, O grieving au-
tumn wind
We have enough of saddened thought, of memories
unkind!

THE BATTLE FIELD.
From the New York Tribune.
THE BATTLE OF THE ALMA.
JOURNALIST'S OFFICIAL ACCOUNT.

HIGHS ABOVE ALMA, Sept. 21, '54.
The order in which our army advanced
in columns of brigades in deploying dis-
tances, our left protected by a line of skir-
mishers of cavalry and of horse artillery.—
The advantage of the formation was, that our
army, in case of a strong attack from cav-
alry and infantry on the left or rear, could
assume the form of a hollow square, with the
baggage in the center. Our great object was
to gain the right of the position, so that our
attacking parties could be sheltered by the
vertical fire of the feet.

THE AGITATOR

Published for the Proprietor, by W. D. FAHEY, at the beginning of Winter, 1854, No. 18, N. Y. Street, New York.

Vol. 1, No. 18, Thursday Morning, November 10, 1854.

Devoted to the Extension of the Area of Freedom and the Spread of Healthy Reform.

Published by W. D. FAHEY, at the beginning of Winter, 1854, No. 18, N. Y. Street, New York.

At the place where the bulk of the British
army crossed the banks generally at the
right side, and vary from two and three to
six and eight feet in depth to the water;
where the French attacked, the banks are
generally formed by the unvaried curve of
the river on the left-hand side. Along the
right or north bank of the Alma are a num-
ber of Tartar houses, a line of numerous
and close enough to form a barrier, and
describing the line of a hamlet, at times
scattered wide apart, in little vineyards, sur-
rounded by walls of mud and stone of three
feet in height. The bridge over which the
post road passes from Bouljnak to Sevastopol
runs close to one of these hamlets—a
village, in fact, of some fifty houses. This
village is approached from the north by a
road winding through a plain nearly level
till it comes near to the village where the
ground dips, so that at the distance of three
hundred yards a man on horseback can hard-
ly see the tops of the nearer and more eleva-
ted houses, and can only ascertain the posi-
tion of the stream by the willows and verdure
along its banks. At the left or south
side of the Alma, the ground assumes a very
different character—smooth where the bank
is deep, and greatly elevated where the
shelves of the bank occurs, it recedes for a
few yards at a moderate height above the
stream, pierces here and there by the course
of the water's currents, so as to form small
ravines, commencing, however, by the heights
above. It was on these upper heights that the
strength of the Russian position consisted.
A remarkable ridge of mountain, varying in
height from 500 to 700 feet, runs along the
course of the Alma on the left or south side
with the course of the stream, and assuming
the form of cliffs when close to the sea. This
ridge is marked all along its course by deep
gullies which run toward the river at various
angles, and serve no doubt to carry off the
floods produced by the rains and the melting
of the winter snows on the hills and table-
lands above. At the top of the ridges, be-
tween the gullies, the Russians had erected
earth-work batteries, mounted with 32 lb.
and 24 lb. brass guns, supported by nume-
rous field pieces and howitzers. These guns
enfiladed the tops of the ravines parallel to
them, or swept them to the base, while the
whole of the sides up which an enemy, un-
able to stand the direct fire of the batteries
would be forced, to ascend, were filled with
masses of skirmishers armed with an excel-
lent two-groove rifle, throwing a large solid
conical ball, with force, at 700 and 800 yds
as the French learnt to their cost. The
principal battery consisted of an earthwork
of the form of two sides of a triangle, with
the apex pointed toward the bridge, and the
sides covering both sides of the stream, and
corresponding with the bend in the river below
it, at the distance of 1,000 yards, while, with
a fair elevation, the 32 pounders threw, as
we saw very often, beyond the houses of the
village to the distance of 1,400 and 1,500
yards. This was constructed on the brow of
a hill about 600 feet above the river, but the
hill rose behind it for another 50 feet before
it dipped away toward the road. The ascent
of the hill was enfiladed by the fire of three
batteries of earthwork on the right, and by
another on the left, and these batteries were
equally capable of covering the village, the
stream, and the slopes which led up the hill
to their position. In the first battery were
13 32 pounder brass guns of exquisite work-
manship, which only told too well. In the
other batteries were some 25 guns in all. It
was said the Russians had 100 guns on the
hills and 40,000 men (40 battalions of infan-
try, 1,000 strong each of the 10th, 31st, 32d
and 52d regiments.) We were opposed
principally to the 13th and 32d regiments,
judging by the number of dead in front of us.
I have been able to ascertain by whom they
were commanded, but there is a general re-
port that Menchikoff commanded the army
in chief, and that the left was under Gortcha-
koff, a relative of the diplomatist, and that
the right was under Bodachoff, the military
Governor of Sevastopol. It is also affirmed
that the carriage of Menchikoff was taken,
and in it was found a copy of the dispatch
addressed to the Emperor, in which the
Prince stated that 40,000 men might take Se-
vastopol, but that 80,000 men could be held
in check for weeks by the position at Alma.
Large masses of cavalry, principally lancers
and heavy dragoons, manœuvred on the hills
on the right of the Russians, and at last de-
scended the hills, crossed the stream, and
threatened our left and rear. As we came
near the river our left wing was thrown back
in order to support our small force of cav-
alry, and a portion of our artillery was pushed
forward in the same direction. Our dan-
ger in this respect was detected by the quick
eye of Sir George Brown, and I heard him
give the order for the movement of the arti-
lery almost as soon as he caught sight of the
enemy's cavalry and just as we were coming
to the village. As I have already said, our
plan of operations was that the French should
establish themselves under the fire of the guns
on the heights on the extreme of the enemy's
left. When that attack was sufficiently de-
veloped, and had met with success, the British
army was to force the right and part of
the center of the Russian position, and the
day was gained. When we were about three
miles from the village, the French steamers
ran as close as they could to the bluff of
the shore at the south side of the Alma, and
presently we saw them shelling the heights in
splendid style, the shells bursting over the
enemy's squares and batteries, and finally

driving them from their position on the right
bank, 3,000 yards to the sea, and positions
of the batteries. The French batteries were
12 o'clock, and for an hour and a half
we could see the shells falling over the bat-
teries of the enemy, and during the night
the shells broke their little specks, which flew
about in all directions, and when the smoke
cleared away there were some to be seen
strewed over the ground. The Russians fire-
dressed the ships from the heights, but without
effect. A powder train was blown up by
a French shell, another shell fell by accident
into an ammunition which the Russians had
prepared for the advancing French, and at
last they drew off from the heights and con-
fined their efforts to the defense of the gullies
and heights, beyond the front of the heavy guns
of the stream. At 1 o'clock we saw the
French columns struggling up the hills, covered
by a cloud of skirmishers whose fire
seemed most deadly. Once at the height of
a threatening mass of Russian infantry, in a
commanding position above them, who fired
rapid volleys among them; the French stop-
ped, but it was only to collect their cartridges
for as soon as they had formed they ran up
the hill at the *pas de charge*, and broke the
Russians at once, who fled in disorder with
loss, up the hill. We could see men drop-
ping on both sides, and the wounded rolling
down the steep. At 1:50, our line of skir-
mishers got within range of the battery on
the hill, and immediately the Russians open-
ed fire at 1,200 yards with effect, the shot
plowing through the open files of the Rifle-
men, and falling into the advancing columns
behind. Shortly after this time dense volumes
of smoke rose from the river, and drifted
along to the eastward, rather interfering with
the view of the enemy on the left of our po-
sition. The Russians had set the village on
fire. It was a fair exercise of military skill
—was well executed—took place at the right
time, and succeeded in occasioning a good
deal of annoyance. Our troops halted when
they neared this village, their left extending
beyond it to the verge of the stream; our
right behind the burning cottages, and within
range of the batteries. It is said the Rus-
sians had taken the range of all the principal
points in their front, and placed twigs and
sticks to mark them. In this they were as-
sisted by the post sign-boards on the road.
The Russians opened a furious fire on the
whole of our line, but the French had not yet
made progress enough to justify us in advan-
cing. The round shot whizzed in every di-
rection, dashing up the dirt and sand into the
faces of the staff of Lord Raglan, who were
also sheltered severely, and attracted much of
the enemy's fire. Sir Lord Raglan waited
patiently for the development of the French
attack. At length an Aide-Camp came to
him and reported that the French had crossed
the Alma; but they had not established them-
selves sufficiently to justify us in an attack.
The infantry were, therefore, ordered to lie
down, and the army for a short time was
quite passive, only that our artillery poured
forth an unceasing fire of shell, rockets and
round shot, which plowed through the Rus-
sians and caused them great loss. They did
not waver, however, and replied to our arti-
lery manfully, their shot falling among our
men as they lay, and carrying off legs and
arms at every round. Lord Raglan at last
became weary of this inactivity—his spirit
was up—he looked around and saw men on
whom he knew he might stake the honor and
fate of Great Britain by his side, and antici-
pating a little in the military point of view
the crisis of action, he gave orders for our
whole line to advance. Up rose these heroic
masses, and passing through a fearful shower
of round, cone shot and shell, they dashed
into the Alma; and "foundered" through its
waters, which were literally torn into foam
by the deadly hail. At the other side of the
river were a number of vineyards, and to
our surprise they were occupied by Russian
riflemen. Three of the staff were here shot
down, but led by Lord Raglan in person,
they advanced, cheering on the men. And
now came the turning point of the battle, in
which Lord Raglan, by his sagacity and
military skill, probably secured the victory
at a smaller sacrifice than would have been
otherwise the case. He dashed over the
bridge, followed by his staff; from the
road he saw the Russian guns, he saw
the state of the action. The British line,
which he had ordered to advance, was strug-
gling through the river and up the heights in
masses, firm indeed, but mowed down by the
murderous fire of the batteries, and by grape
round shot, shell, canister, case shot, and
musketry; from some of the guns of the cen-
tral battery, and from an immense and com-
pact mass of Russian infantry. Then com-
menced one of the most bloody and deter-
mined struggles in the annals of war. The
2d Division, led by Sir D. Evans in the most
dashing manner, crossed the stream on the
right. The 7th Fusiliers, led by Col. Yen-
drew, swept down by files. The 55th, 30th
and 95th, led by Brig. Pennefather, who was
in the thickest of the fight, cheering on his
men, again and again were checked indeed,
but never drew back in their onward progress,
which was marked by a fierce roll of Minnie
musketry, and Brigadier Adams, with the
41st, 47th and 49th, bravely charged up the
hill, and added them in the battle. Sir Geo.
Brown, conspicuous on a gray horse, rode in
front of his Light Division, urging them with
voice and gesture. Gallant follows! they
were worthy of such a gallant chief. The
Sevenths diminished by one-half, fell back to
reform their columns lost for the time; the
28d, with eight officers dead and four wound-
ed, were still pushing to the front, aided by
the fiftieth, thirty-third, seventy-seventh
and eighty-eighth. Down went Sir George
in a cloud of dust in front of the battery.

The Will of a Lost Passenger.
Mr. Gale, of Worcester, Mass., who, with
his wife and only child, was lost by the sink-
ing of the Arctic, left a will with a friend be-
fore starting for Europe. After certain leg-
acies to friends and relative, he bequeathed
the residue of his property to wife and child,
or children; if his wife should survive him,
but no child or children, then all his property
goes to her. The Worcester Transcript says:
It will be remembered that they were in the
boat which, capsizing while being lowered,
and in the boat were precipitated into the sea
and perished, except Mrs. Gale, who clung
shrieking to the thwart, and was drawn into
the steamer again. Mr. Gale was seen, as
he was swept away by the waves, with the
child in his arms.
Where relatives thus perish, by the same
casualty, and interesting question always ar-
ises, as to the one who may be considered the
survivor of the other. The Roman law, in
such cases, has been held to be that the
one who survives is the younger, if a
child, perished first; if an adult, that he sur-
vived the old and feeble. The presumption
of our own law is rather that, where no spe-
cial circumstances are proved, all are sup-
posed to have perished together. But in the
present case, the infant, from its comparative
weakness, must clearly be supposed to have
perished before the father who bore it in his
arms in the last death struggle, and from
what facts have been related, Mrs. Gale would
seem to have been, for a brief and terrible
period, the survivor and heiress of her hus-
band and son, from whom her relatives would
inherit.

How to get rid of Mosquitoes.—The
oil of essence of Pennyroyal, (the oil is the
best), sprinkled around the room, and over
the bed clothes, before retiring to bed, has
been found to answer admirably in correct-
ing these rowdy insects of their calump-
tious and bill-sticking propensities. It is a
volatile article, and therefore can do no in-
jury to the clothes, while the aromatic flavor
is by no means disagreeable.
Tom and Joe were talking over their trav-
els together, when Tom asked—
"Were you ever in Greece?"
"No, but I fell into a thundering big tub
of soap once!"
WEST SAUCE.—The Printer's Money!

EMUSING COURT SCENE.
EVERY MAN HIS OWN LAWYER.
SHE DEFENDS HIMSELF.
At the last term of the Orange Co. (N. Y.)
Court, the following case was tried, upon
which the jury was addressed by the defend-
ant, who had concluded to appear in his own
defense.
The people vs. James Allerton.—This was
a very interesting case, rendered up from the
fact that the defendant acted as his own law-
yer, on the trial, without having the advan-
tage of being one of the legal fraternity.
His "summing up" of which we are able to
give nearly a verbatim report, with the ex-
ception of the "acting," was decidedly rich,
and afforded much amusement for the legal
gentlemen present. The defendant, who is a
small red-haired, thin specimen of a Yankee,
was indicted for an assault and battery on
one Mr. Dodder. The facts, as divulged
upon trial, are briefly as follows:—The defend-
ant is in the employ of the Mongaup Valley
Forestry and Jervis Plank Road Com-
pany as a toll-gatherer, and resides on the
road, some miles above Port Jervis. He and
the complainant, M. Dodder, are near neigh-
bors.
On a Sunday in February last, the defend-
ant saw complainant, in the act of beating
his (defendant's) cows along the highway, & as
an inducement for him to quit, hurled a few
stones at him, one of which, as the complain-
ant testified, struck him on the back of the
neck.
The testimony being concluded, the defend-
ant addressed the jury as follows:
"GENTLEMEN OF THE JURY:—I don't know
much about law, and since the trial has been
going on I have concluded that I ought to
know a little more. I ought to apologise per-
haps for appearing in my own defence, and
will do so by telling you that I feed one law-
yer, and hired another in this case, but they
both come up missing when I need them most.
I suppose I might have secured the services
of some of these other "limbs of the law,"
but I see around me, but have been cheat-
ed by two of 'em, I concluded to let 'em
go on my own hook, and here I am! I want
to tell you, gentlemen, before I go farther, that
it is not my fault that this case is here taking
up the time of this honorable court. I think
you will give me credit for telling the truth,
when I say that it ought to have been tried
before a Justice of the Peace, it being better
adapted to the capacities of such a court,
than of this one. After this difficulty Dodder
did get a warrant for me from Squire Cud-
deback, over in Deerpark. He then charged
that I had insulted him, but five or six months
has freshened his recollection, and he now
says that I assaulted and battered him. I be-
lieve there is some difference between the two
charges.
Dodder says he swore to the complaint be-
fore Squire Cuddeback, and I leave it for you
to say whether he tells the truth now in say-
ing that I battered him. I was taken by a
constable before the Squire, and either be-
cause the Justice was ashamed of what he
had already done, or hadn't time to attend to
it, I don't know which, it went down. Two
or three weeks after that I was arrested again,
and my wife having been confined, I thought
it best as a dutiful husband, to be around him,
so I got rid of it by giving security for my
appearance to Court.
You know gentlemen that I am in the em-
ploy of the Mongaup Valley Forestry and
Jervis Plank Road Company as a gate keeper.
This company it seems had
sufficient confidence in my integrity and hon-
esty as to place me in that important station,
and even if I should receive \$3,000 and
steal \$1,500 of it, that's between me and the
company, and it's none of Dodder's business.
Now when the company sent me up along
this road to collect tolls, this Dodder was one
of the inhabitants that I found there in the
woods, and I will say for him that he is a
very fair specimen of the rest of the popu-
lation, but there isn't any of them that seem
to appreciate all the benefits of this Plank
Road.
It lot out to civilization, a class of people
who never before realized the idea that there
was such a thing as civilized life, and this
Dodder is one of them. It is a fact that soon
after I moved there, a young woman, 17 years
old, came down out of the mountains on the
Plank Road one day, and said she had never
been out before. She fairly seemed surprised
to see a white man, and after asking a few
questions, went back into the woods. This
Dodder was my nearest neighbor, and a good
deal nearer than I wanted him, and I hadn't
been there long before I heard he had been
lying about me to one of the Directors, and I
soon found out that he wanted to get his son,
who was sworn here against me, in my place.
But he hasn't done it yet, and if you don't
convict me, I reckon he won't very soon.
It won't take long to dispose of Dodder No.
2. He testifies that he saw me throw three
stones at his father, and saw the "old man
dodge." On his cross-examination he says
that he was in his own house, in the woods,
and had to look over a hill twenty feet high,
and also over three slab fences and two stone
walls.
Well, if he tells the truth, all I wish is that I
had young Dodder's eyes. He is certainly a
remarkable boy, and can't consistently deny
his "father."
I am willing to admit that I done wrong to
throw stones at Dodder, and I apologize to all
the world and this county, particularly for it.
The Doctors tell us that there are two causes
for all diseases, predisposition and excita-
bility; I think it was the latter cause that moved
me to stone Dodder. I therefore confess my
self guilty of the assault, but the battery, I
deny; and if you find me guilty of the bat-

tery, I will appeal from the decision to the
Court of High Heaven itself before I will sub-
mit to it.
Now, gentlemen, you saw Mr. Dodder and
heard him swear against me. I asked him a
great many questions, and I was sorry to hear
him answer as he did. I might have asked
him if he didn't kill my cat, and if he didn't
steal my chickens, because they trespassed
in his woods; where actually the rocks are so
thick that the birds can't find their way
through them; but then I knew he would
deny it, and it would grieve me to hear him.
He admits that he was driving my three cows
up the road, and that he struck at one of 'em,
but says it was with a small switch. I have
proved that this switch was a pole about 10
feet long, and about 3 inches across the butt
end, and I have also proved that when he
struck, the cow fell. It is "true" witness
couldn't swear that the stick hit her. He was
so far off, but take the pole and fall together,
and we can guess "the rest." If you, gentle-
men, should see me point a gun at a man and
pull the trigger, see the flash and hear the re-
port, and at the same time see the man drop,
I think you would say that I shot him, al-
though you might not see the ball strike him.
Now, the fact is, gentlemen, that one Sun-
day, I was lying on my lounge in my house,
when my wife said to me that Dodder was
chasing my cows. I jumped up and pulled
off my boots and went out of doors, and saw
Dodder and the cows coming up the road. It
is true he says he was not driving them but
says he and the cows were both going along
the road in one direction, and this was as
near as I could get him to the cows or the
truth, but it is proved that the cows were go-
ing ahead of him, and he was following after
them, with this little switch, 10 feet long, 3
inches across the butt and I reckon you'll
think he was "driving" them. I sung out
to him, "Dodder, stop!" but he didn't obey
my order, and I just threw a stone in that di-
rection, which went about 10 feet over his
head; at the same time going toward him,
while he was going towards me. He paid no
attention, and I sung out again, "Dodder,
stop!" still he didn't mind me, and then I just
threw another stone, but on he came, and on
I went, and I threw the third stone, which he
says hit him in the back of the neck, but
which I think is rather strange, as we were
going towards each other as fast as we could
go, but he never slackened up, and by this time
we were within about eight feet of each other.
I halted and hollered at the top of my voice.
"Dodder, why in—don't you stop!"
"Dodder, did you stop, and raise this 10 foot
switch, as if to strike me,—I sang out—"
Mr. Dodder, look out! You may wallopp my
cows, but if you wallopp me with that switch,
you'll wallopp an animal that'll hook!" (Here
the orator made an appropriate gesture of
the head, as in the act of hooking, which was
followed with tumultuous shouts and laugh-
ter, that continued several minutes.)
Now, gentlemen, if you convict me this
Court can fine me \$250 and jug me for six
months, and if you really think I ought to be
convicted of this assault, say so, for I am in
favor of living up to the laws, as long as they
are laws, whether it is the Fugitive Slave Law,
the Nebraska Bill or the Excise Laws. I
will read you a little law, however, which I
have just seen in a book I found here—(the
speaker here picked up a law book and read
as follows:—"Every man has a right to de-
fend himself from personal violence." Now
I don't know whether that is law or not, but
I find it in a law book. [A veteran member of
the bar who was sitting near the speaker, re-
marked to him that it was good law.] Well,
gentlemen, here is an old man, who looks as
if he might know something, and he says this
is good law. Now if you will turn to Bar-
bour something, page 399, you'll find that the
same doctrine is applied to cattle—(great
laughter.) Therefore I take it, I had a right
to defend my cows against Dodder's 10 foot
switch. Why gentlemen, nearly all my
wealth is invested in them three cows, and
you can't wonder that I became a little ex-
cited when I saw Dodder switching them with
his 10 foot pole. I am a poor man and have
a large family, consisting of a wife and six
children, which I reckon is doing pretty well
for as small a man as I am, I could not af-
ford to let Dodder kill my cows!
Now, gentlemen, I don't believe you'll con-
vict me, after what I have said. But if you
do, and this Court fines me \$250, "I shall
repudiate," because "can't pay." And if I
jugged for six months, why these Dodder's
will have it all their own way up there. But
notwithstanding all this, I am willing to risk
myself in your hands, and if you think I ought
to have stood by and not done anything, when
I saw Dodder hammering my cows, why then
I am "gone in," toll gate and all.
It is true, I am a poor man, but not a mean
one. The name of Allerton can be traced to
the May Flower! who she lauded the pil-
grims on Plymouth Rock, among the passen-
gers was a widow, Mary Allerton, with four
fatherless children, and I am descended from
that Puritan stock; and from that day to this,
there has never lived an Allerton who hadn't
Yankee spirit enough to stop a Dodder for
polling his cows. I'm done. (Here the laugh-
ing and shouting were exceedingly boisterous,
in which all participated, and it was
several minutes, despite the repeated cries of
"order, order," by the court, before order
could be restored. Our eloquent and usually
unvanquishable District Attorney, fearing to
cope with so formidable an antagonist mere-
ly remarked: "It is a plain case," &c., and
left it to the jury, who promptly brought in a
verdict of "Not Guilty." Mr. Allerton cer-
tainly deserves judicial promotion, and we
move that he be appointed Crier of the Court.)

Cincinnati M. E. Conference on
Slavery.
CINCINNATI, Oct. 5, 1854.
The following report on the subject of
slavery was presented to the Conference this
afternoon, by the committee which was ap-
pointed last week. This committee which
consisted of J. B. Betsworth, David Reed,
Wesley Rowe, E. G. West, D. H. Lawton,
T. D. Crow, M. Dustin, A. Lowrey and Cy-
rus Brooks.
REPORT.
In regard to slavery, as practised in the
U. S. we cannot better express our views than
in the language of the fathers at the Confer-
ence of 1785. That language is: "We do
hold in the deepest abhorrence the practice of
slavery, and shall not cease to seek its de-
struction by all wise and prudent means."
And your committee cannot but regard it as

the people vs. James Allerton.—This was
a very interesting case, rendered up from the
fact that the defendant acted as his own law-
yer, on the trial, without having the advan-
tage of being one of the legal fraternity.
His "summing up" of which we are able to
give nearly a verbatim report, with the ex-
ception of the "acting," was decidedly rich,
and afforded much amusement for the legal
gentlemen present. The defendant, who is a
small red-haired, thin specimen of a Yankee,
was indicted for an assault and battery on
one Mr. Dodder. The facts, as divulged
upon trial, are briefly as follows:—The defend-
ant is in the employ of the Mongaup Valley
Forestry and Jervis Plank Road Com-
pany as a toll-gatherer, and resides on the
road, some miles above Port Jervis. He and
the complainant, M. Dodder, are near neigh-
bors.
On a Sunday in February last, the defend-
ant saw complainant, in the act of beating
his (defendant's) cows along the highway, & as
an inducement for him to quit, hurled a few
stones at him, one of which, as the complain-
ant testified, struck him on the back of the
neck.
The testimony being concluded, the defend-
ant addressed the jury as follows:
"GENTLEMEN OF THE JURY:—I don't know
much about law, and since the trial has been
going on I have concluded that I ought to
know a little more. I ought to apologise per-
haps for appearing in my own defence, and
will do so by telling you that I feed one law-
yer, and hired another in this case, but they
both come up missing when I need them most.
I suppose I might have secured the services
of some of these other "limbs of the law,"
but I see around me, but have been cheat-
ed by two of 'em, I concluded to let 'em
go on my own hook, and here I am! I want
to tell you, gentlemen, before I go farther, that
it is not my fault that this case is here taking
up the time of this honorable court. I think
you will give me credit for telling the truth,
when I say that it ought to have been tried
before a Justice of the Peace, it being better
adapted to the capacities of such a court,
than of this one. After this difficulty Dodder
did get a warrant for me from Squire Cud-
deback, over in Deerpark. He then charged
that I had insulted him, but five or six months
has freshened his recollection, and he now
says that I assaulted and battered him. I be-
lieve there is some difference between the two
charges.
Dodder says he swore to the complaint be-
fore Squire Cuddeback, and I leave it for you
to say whether he tells the truth now in say-
ing that I battered him. I was taken by a
constable before the Squire, and either be-
cause the Justice was ashamed of what he
had already done, or hadn't time to attend to
it, I don't know which, it went down. Two
or three weeks after that I was arrested again,
and my wife having been confined, I thought
it best as a dutiful husband, to be around him,
so I got rid of it by giving security for my
appearance to Court.
You know gentlemen that I am in the em-
ploy of the Mongaup Valley Forestry and
Jervis Plank Road Company as a gate keeper.
This company it seems had
sufficient confidence in my integrity and hon-
esty as to place me in that important station,
and even if I should receive \$3,000 and
steal \$1,500 of it, that's between me and the
company, and it's none of Dodder's business.
Now when the company sent me up along
this road to collect tolls, this Dodder was one
of the inhabitants that I found there in the
woods, and I will say for him that he is a
very fair specimen of the rest of the popu-
lation, but there isn't any of them that seem
to appreciate all the benefits of this Plank
Road.
It lot out to civilization, a class of people
who never before realized the idea that there
was such a thing as civilized life, and this
Dodder is one of them. It is a fact that soon
after I moved there, a young woman, 17 years
old, came down out of the mountains on the
Plank Road one day, and said she had never
been out before. She fairly seemed surprised
to see a white man, and after asking a few
questions, went back into the woods. This
Dodder was my nearest neighbor, and a good
deal nearer than I wanted him, and I hadn't
been there long before I heard he had been
lying about me to one of the Directors, and I
soon found out that he wanted to get his son,
who was sworn here against me, in my place.
But he hasn't done it yet, and if you don't
convict me, I reckon he won't very soon.
It won't take long to dispose of Dodder No.
2. He testifies that he saw me throw three
stones at his father, and saw the "old man
dodge." On his cross-examination he says
that he was in his own house, in the woods,
and had to look over a hill twenty feet high,
and also over three slab fences and two stone
walls.
Well, if he tells the truth, all I wish is that I
had young Dodder's eyes. He is certainly a
remarkable boy, and can't consistently deny
his "father."
I am willing to admit that I done wrong to
throw stones at Dodder, and I apologize to all
the world and this county, particularly for it.
The Doctors tell us that there are two causes
for all diseases, predisposition and excita-
bility; I think it was the latter cause that moved
me to stone Dodder. I therefore confess my
self guilty of the assault, but the battery, I
deny; and if you find me guilty of the bat-

tery, I will appeal from the decision to the
Court of High Heaven itself before I will sub-
mit to it.
Now, gentlemen, you saw Mr. Dodder and
heard him swear against me. I asked him a
great many questions, and I was sorry to hear
him answer as he did. I might have asked
him if he didn't kill my cat, and if he didn't
steal my chickens, because they trespassed
in his woods; where actually the rocks are so
thick that the birds can't find their way
through them; but then I knew he would
deny it, and it would grieve me to hear him.
He admits that he was driving my three cows
up the road, and that he struck at one of 'em,
but says it was with a small switch. I have
proved that this switch was a pole about 10
feet long, and about 3 inches across the butt
end, and I have also proved that when he
struck, the cow fell. It is "true" witness
couldn't swear that the stick hit her. He was
so far off, but take the pole and fall together,
and we can guess "the rest." If you, gentle-
men, should see me point a gun at a man and
pull the trigger, see the flash and hear the re-
port, and at the same time see the man drop,
I think you would say that I shot him, al-
though you might not see the ball strike him.
Now, the fact is, gentlemen, that one Sun-
day, I was lying on my lounge in my house,
when my wife said to me that Dodder was
chasing my cows. I jumped up and pulled
off my boots and went out of doors, and saw
Dodder and the cows coming up the road. It
is true he says he was not driving them but
says he and the cows were both going along
the road in one direction, and this was as
near as I could get him to the cows or the
truth, but it is proved that the cows were go-
ing ahead of him, and he was following after
them, with this little switch, 10 feet long, 3
inches across the butt and I reckon you'll
think he was "driving" them. I sung out
to him, "Dodder, stop!" but he didn't obey
my order, and I just threw a stone in that di-
rection, which went about 10 feet over his
head; at the same time going toward him,
while he was going towards me. He paid no
attention, and I sung out again, "Dodder,
stop!" still he didn't mind me, and then I just
threw another stone, but on he came, and on
I went, and I threw the third stone, which he
says hit him in the back of the neck, but
which I think is rather strange, as we were
going towards each other as fast as we could
go, but he never slackened up, and by this time
we were within about eight feet of each other.
I halted and hollered at the top of my voice.
"Dodder, why in—don't you stop!"
"Dodder, did you stop, and raise this 10 foot
switch, as if to strike me,—I sang out—"
Mr. Dodder, look out! You may wallopp my
cows, but if you wallopp me with that switch,
you'll wallopp an animal that'll hook!" (Here
the orator made an appropriate gesture of
the head, as in the act of hooking, which was
followed with tumultuous shouts and laugh-
ter, that continued several minutes.)
Now, gentlemen, if you convict me this
Court can fine me \$250 and jug me for six
months, and if you really think I ought to be
convicted of this assault, say so, for I am in
favor of living up to the laws, as long as they
are laws, whether it is the Fugitive Slave Law,
the Nebraska Bill or the Excise Laws. I
will read you a little law, however, which I
have just seen in a book I found here—(the
speaker here picked up a law book and read
as follows:—"Every man has a right to de-
fend himself from personal violence." Now
I don't know whether that is law or not, but
I find it in a law book. [A veteran member of
the bar who was sitting near the speaker, re-
marked to him that it was good law.] Well,
gentlemen, here is an old man, who looks as
if he might know something, and he says this
is good law. Now if you will turn to Bar-
bour something, page 399, you'll find that the
same doctrine is applied to cattle—(great
laughter.) Therefore I take it, I had a right
to defend my cows against Dodder's 10 foot
switch. Why gentlemen, nearly all my
wealth is invested in them three cows, and
you can't wonder that I became a little ex-
cited when I saw Dodder switching them with
his 10 foot pole. I am a poor man and have
a large family, consisting of a wife and six
children, which I reckon is doing pretty well
for as small a man as I am, I could not af-
ford to let Dodder kill my cows!
Now, gentlemen, I don't believe you'll con-
vict me, after what I have said. But if you
do, and this Court fines me \$250, "I shall
repudiate," because "can't pay." And if I
jugged for six months, why these Dodder's
will have it all their own way up there. But
notwithstanding all this, I am willing to risk
myself in your hands, and if you think I ought
to have stood by and not done anything, when
I saw Dodder