

## Poet's Corner.

## SEBASTOPOL TAKEN BY THE ALLIES.

Who took Sebastopol?  
I, said the Times;  
With telegraphic lines,  
I took Sebastopol.

Who saw it fall?  
I, said the Chronicle;  
With triumph sardonical,  
I saw it fall.

Who saw the Russians run?  
I, said the Post;  
I saw the host  
Of beaten Russians run.

Who saw them bleed?  
I, said the Daily News  
(To keep up the ruse);  
I saw them bleed.

Who'll dig his grave?  
I, said the Advertiser  
(Urquhart's improviser;  
I'll dig his grave.

Who'll preach the sermon?  
I, said the Globe;  
I'll don the parson's robe,  
I'll preach a sermon.

Who'll toll the bell?  
I, said the Sun  
(Though he glorified in fun);  
I'll toll the bell.

All the people in the land  
Began to doubt their eyes  
To see their daily papers  
Put forth such awful lies!  
[London Diogenes.]

## Richest Court Scene Out.

The following amusing case was tried at the recent Term of the Orange County Court, and we find it reported in the Newburg Telegraph.

*The People agst. James Allington.* District Attorney for People—Prisoner in Person.

This was one of the most amusing trials ever witnessed by bench or jury in this county. The prisoner was indicted for an assault and battery upon a man by the name of Dodder. It seems that a Plank Road had just been laid in the town of Minisink, running through the lands of said Dodder, and that Allington is the toll-gatherer, and that the gate-house is built upon, or adjoining the lands of Dodder. The other facts will appear in the evidence.

The cause was duly opened by the District Attorney, when his Honor, the Judge, noticed the defendant sitting within the bar, with pencil in hand, ready to take down evidence, without counsel.

'Have you no counsel, Mr. Allington?' inquired the Judge.

'No Sir.'

'There are plenty of gentlemen around you who would be willing to assist you.'

'Well, your Honor, I have feed one and engaged another, and they both turn up missing, and therefore I have concluded to try the case myself.'

'Very well, sir.'

The District Attorney, after stating the case to the Jury, called the complainant, Mr. Dodder, upon the stand, who testified as follows:

'I know the defendant; he is a neighbour of mine. I was driving his cows off my land when he came out upon the road and stoned me. He sent as many as a dozen at me, and the last one struck me upon the back of the neck. It hurt me considerable—not very badly, however, as the rim of my hat hung down, and it and the coat collar prevented.'

'You can examine him now, Mr. Allington,' said the District Attorney.

All eyes were now turned upon the defendant. There he sat, busily engaged in taking notes, a little, short, red-headed, red-faced Yankee, with his feet resting on the lower round of the chair, and his body bent forward at an angle of 45 degrees. At that remark he snapped his head back like a blade in a jack-knife, his eyes winked, and in a shrill, loud voice, he commenced:

'Have you been on good terms with the defendant—I mean me, Mr. Dodder?'

Dodder hesitated.

'Come, Mr. Dodder, have we been on good terms?'

'I can't say,' replied Dodder.

'Well, recollect, Mr. Dodder, that you must say.'

'Say yes or no,' interposed his Honor.

'Yes or no,' responded the defendant.

'I can't say that we are on speaking terms,' answered Dodder.

'Well, Mr. Dodder, you say that I struck you with a stone—will you please to state to the jury whether it was the first stone that struck you?'

'No sir.'

'Did it go fifteen feet to the right?'

'About that.'

'Well, was it the second?'

'No sir.'

'Did that go three feet over your head?'

'Yes, sir.'

'Were you not running after my cow with a stake sharpened at one end? and did you not knock her down? and was it not because you would not stop, that I sent the other stones at you?'

'Well, sir, I must explain.'

'None of your rigmaroles here, Mr. Dodder. No explanations, sir—yes or no, sir.'

'I can't answer.'

'You must answer. Come, sir, yes or no.'

'It wasn't a stake, it was a stick.'

'Yes, 2 1-2 inches at the butt, and twelve feet long.'

'No, sir, one inch across and tapering at the end.'

'You knocked the cow down, didn't you?'

'I struck at her—can't say I struck her.'

'Didn't she fall?'

'Can't say.'

'Well, Mr. Dodder, you were chasing her, were you not?'

'I was in the road, sir, and she was on the side.'

'Was it icy?'

'Yes.'

'Snow deep?'

'Yes.'

'Now, you will say on your oath Mr. Dodder, that you did not strike her?'

Witness hesitating. 'I will not be positive.'

'Well, Mr. Dodder, were you not coming towards me?'

'Yes sir.'

'You did not run back at all, did you?'

'No, sir.'

'You are sure you did not look or go back, are you?'

'Certainly, I am.'

'Are you as positive of that as you are of all the rest you have sworn to?'

'I am, sir.'

'Well, sir, will you then please to inform this jury and myself how that stone came to strike you on the back of the neck?'

Witness was evidently non-plussed, and a roar of laughter burst from bench, bar and jury, as well as the spectators.

'I am not done with you yet,' exclaimed the defendant, as Mr. Dodder seemed rather uneasy and inclined to vacate the chair.'

'Whose house do I live in, Mr. Dodder?'

'I consider it mine.'

'Did you serve a notice on me not to use the rooms, the garret, or the cellar, when I was moving in it?'

'Yes, sir.'

'Was there anything else to use, sir?'

'No, sir.'

'Who built the house?'

'The Plank Road Company.'

'In whose possession is it, Mr. Dodder?'

'Plank Road Company.'

'How did you come to say that the house was yours, when the Company have it in possession and built it?'

Another burst of laughter followed this question and poor Dodder looked as if he was sitting upon a hatchel. Dodder gave no reply.

'Now, Mr. Dodder, have you not been trying to get me out of that house, that you might get your son in my place? And have you not been to the Directors? and have you not applied to them for your son? and have you not told them things derogatory to my character?'

'None of your long preambles, Mr. Dodder; you know it is so and I am going to prove it, too. Yes or no?'

'I can't answer; I must explain.'

'No explanation, sir—yes or no?'

'No.'

'Did you not go to three of the Directors?'

'Yes.'

'Did you not order a window put in the cellar of the house, when building, and say you wanted it there for your son's accommodation?'

'I might have done it.'

'Did you not get a warrant out for me before I was bound over to appear here?'

'Yes.'

'Did you not then swear that I had assaulted you by throwing stones, but did not hit you?'

'Dodder was completely staggered again—he changed all manner of colors, and moved about very uneasily in his chair.'

'Come, Mr. Dodder, answer, exclaimed the defendant.'

'I can't remember.'

'Yes you do—come, think—did you then swear I had hit you at all, sir?'

'I might not.'

'How comes it that you remember it now—three months after—and could not then?'

This was too much for poor Dodder. He looked appealingly round for relief. Nothing met his gaze but a room convulsed with laughter. His legs seemed to be under magnetic influence, and in great desire to try their powers of locomotion. At last the defendant told him to go. 'That will do, Mr. Dodder—I guess we are through with you for the present.' And off he shot as if death was behind him; while the whole bar fairly screamed, as he made awful strides down the aisle, and the Court buried their faces in their handkerchiefs and shook convulsively.

Dodder No. 2 was then called—son of the old Dodder—who testified as follows:

'I was in the house—heard a noise—saw father driving cows; saw defendant come out of his house and throw stones; I ran out and a hill was between me and them, and when I got up all was over. Saw defendant throw three stones—did not see any strike.'

Cross-examined by the defendant.

'You were in the house, you say?'

'Yes.'

'Is there not a hill twenty feet high between your house and where I was?'

'About that.'

'How many stones walls, also—about four?'

'About that.'

'How many plank-fences, or slab fences—two?'

'Only one, I think.'

'Well, sir, how could you see through four stone walls, one slab fence, and a hill twenty feet high? That will do, sir, you can go.'

And without waiting for a reply, off went Dodder No. 2.

District Attorney on the part of the people, here rested.

The defendant, then, with all the gravity becoming such an important occasion, untwisted his legs from the rounds of the chair, and with more than usual dignity walked out in front of the jury, and offered his defence as follows:

'If you please, your Honor, and Gentlemen of the Jury—I am a green hand at this 'ere buzziness. I am ashamed that such a little, small, con-sairn should ever come before an Orange County Jury. It was not my wish, I am sure. I was taken up once before, and then he only swore to an assault; but three months thinking has put the battery to it. I acknowledge the assault, but I am justified, for he was assaulting my cow. He has tried to pick up a quarrel with me ever since I went to the gate. He stoned my cows, my chickens, and I can't stand it. I threw the stones; I admit it—first fifteen feet to the right, then over his head, and when I saw the cow fall as he knocked her down, then I did shave him, but I didn't hit him, and that ain't all, I'll prove it; and I ask you farmers, if you wouldn't do the same thing? I can prove he knocked her down, by my brother.'

Defendant's brother was then called, and stated that it was Sunday when the occurrence happened; saw complainant, Dodder running after and striking at defendant's cows. Saw him strike and one fall—can't say he struck her. Defendant ran out and hallowed to him—did not mind. Defendant then threw three stones; none hit him. I went out, and when I came up to Dodder, he said defendant had thrown stones at him, but he had managed by jumping and dodging, not to have any hit him.

The testimony here closed.

The defendant then proceeded to sum up the cause. His honor dropped his pen, the jury leaned forward, the members of the bar were winking and nodding across to one another, and a universal tittering pervaded the room. He commenced, and his sharp shrill voice drowned all else:

'Gentlemen of the Jury—This is the first time I was ever in such a pickle—never did I before appear before a jury of my country. This Mr. Dodder has brought me here, and I have to appeal to you, not knowing whether you are Woolly Heads, Silver Greys, Hard Shells or Soft Shells. Yet I think this Dodder will find out before I am through that I am a harder shell than he imagined.'

'You know, gentlemen, that I am in the employ of the Mongaup Valley, Forrestburgh and Port Jervis Plank Road Company, as a gate keeper. The Company, it seems, had sufficient confidence in my integrity and honesty 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 I found there in the woods, and I will say for him that he is a very fair specimen of

the rest of the population. But there isn't any of them that seem to appreciate all the benefits of this Plank Road.

It let out to civilization a class of people who never before had the idea there was such a thing as civilized life, and this Dodder was one of them. It is a fact that soon after I moved up there, a young woman, 16 years old, come down out of the mountains on the Plank Road, one day, and she had never been out before. She fairly seemed seemed surprised to see a white man, and after asking a few questions, went back into the woods. This Dodder was my nearest neighbour, and a good deal nearer than I wanted him, and I hadn't been there long before I heard that he had been lying about me to one of the Directors, and I soon found out that he wanted to get his son, who has 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 dispense of Dodder No. 2. He testifies that he saw me throw three stones at his father, and saw the 'old man dodge.' On 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 two 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 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 country particularly, for it. The Doctors say that there are two causes for all diseases, predisposition and excitability. I think it was the latter cause that moved me to stone Dodder.

I therefore confess myself guilty of the assault, but the battery I deny! and if you find me guilty of the battery, I will appeal from the decision of the Court of high Heaven itself before I will submit to it.

Now, Gentlemen, you saw Mr. Dodder and heard him swear upon me. I asked him a great many questions and was sorry to hear him answer them as he did. I might have asked him more questions—I might have asked him if he didn't kill my cat, and if he didn't stone my chickens, because they trespassed in his woods, where actually the rocks are so thick that the cats can't find their way up 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 2 inches across the butt end, and I have also proved that when he struck, the cow fell. It is true my witness couldn't swear that the stick hit her, he was so far off, but take the blow and the fall together, and we can guess the rest. If you, gentlemen, should see me point a gun at a man and pull the trigger, see the flash and heard the report, and at the same time see the man drop, I think you would say that I shot him, although you might not see the ball strike him.

Now, the fact is, gentlemen, that on Sunday, I was lying on my lounge in my house, when my wife said that Dodder was chasing my cows. I jumped up and pulled on my boots and went out of doors, and saw Dodder and the cows coming up the road. It is true he said he wasn't driving them, but says he and the cows was both going along the road in one direction, and this was as near as you could get him to the cows or to the truth; but it is proved that the cows were going along ahead of him, and he was following after them, striking at them with his little switch, 10 feet long and 2 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 direction, which went about 15 feet over his head; at the same time going towards him. 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 a 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 slacked up, and by this time we were within about eight feet of each other. I halted and hallowed at the top of my voice, 'Dodder, why in h— don't you stop?' about then he did stop, and raised his 10 feet switch, as if to strike me. I sang out—'Mr. Dodder, look out! You may wollup my cows, but if you wollup me with that switch, you'll wollup an animal that'll look!' [Here the orator made an appropriate gesture of the head, as if in the act of looking, which was followed with tumultuous shouts of laughter, that continued several minutes.]