

# Carroll Free Press.

VOL. II

CARROLLTON, FRIDAY, JULY 1, 1836

NO. 42.—WHOLE NO. 94.

From the Cincinnati Journal and Western Luminary.

**IMPORTANT DECISION.**  
During the present term of the Court of Common Pleas, for the county of Clermont, an important decision on the interpretation and application of the law, respecting tavern licenses, was made, which will give pleasure to all the friends of good order and morality, throughout our State.

The question came up on applications for the renewal of tavern licenses. Remonstrances were presented by a number of respectable freeholders against their renewal, on the ground that the applicants were not suitable persons, under the statute, for tavern keepers. Evidence was adduced to prove that there had been rioting and drunkenness about their premises; that men of intemperate habits had been supplied with liquor and had been intoxicated on their premises; that they had been furnished with liquor while in a state of intoxication; that gaming had been carried on, upon their premises, within their knowledge; and that liquor had been sold on the Sabbath day. Evidence on the part of the applicants was adduced, that they were men of good moral character, as men in general, and in the opinion of many individuals, were well qualified to keep a tavern.

The Court took the subject under advisement for two days, considering it a very important matter, as establishing a precedent for future decisions on this subject. His Honor, Judge Price, gave an able and lucid decision, which was in substance as follows: When application is made, after due notice, for the granting a tavern license, and the regular testimony of good moral character, and suitable accommodations is given, and no remonstrance is presented against the petition, the Court, as a general rule, will grant the prayer of the petitioners; for the presumption is that there is no reasonable objection against the granting of it, and that those who know the circumstances of the case, are satisfied that the establishment of a tavern is necessary, and the applicant a suitable person to keep one. Nor will the Court require any strong testimony, as to its necessity, in a particular place, or consider the existence of other taverns, a sufficient reason for withholding the privilege to an applicant; as the effect of this would be to establish a monopoly, to prevent competition, and to restrain the citizen in the direction of his faculties and labors to an occupation by him selected, which can only be done so far as the paramount interests of society, in health, good order, and sound morals require it.

But on the other hand, when application being made, a remonstrance is presented against it by respectable freeholders, and evidence is adduced of any riotous or disorderly conduct, profanity, selling spirituous liquor on the Sabbath, except as in the statute excepted, catering to the appetites of the intemperate—in all such cases, the Court will decide differently. They regard the situation of tavern keepers, as one of great importance, as affecting the morals of the community; for connected with their occupation and covered by their license, is generally the privilege of selling liquor by the drink; a privilege which a person unsuitable to keep a tavern, will, through a spirit of gain, pervert to the worst purposes, producing effects alike fatal to the moral condition, mental powers, and pecuniary prospects of large masses of the community. They hold in their hands the power of inflicting great evils on society, injurious to its best interests, if they abuse the privilege, or neglect the duties imposed upon them. For this purpose, the law regulating tavern licenses was passed, that it might impose guards and checks on the exercise of this power, and prevent its perversion for the injury of society.

For this reason the applicant must show clearly, that if any disorderly, profane, or riotous conduct has occurred on his premises, it was without his knowledge or approbation—and furthermore, that he had exercised due caution, and exerted all the influence in his power to prevent it. It is not enough that he did not directly minister to it himself, or countenance it by his presence; but he must make it appear clearly that it was not from a degree of carelessness or indifference as to his duties as tavern keeper, that the evils occurred.

This Court therefore determined, that in future they will grant a license to no man, who under cover of it, seeks only to keep a dram shop, and to protect himself from indictment—or who is proved to have had on his premises, drunkenness, rioting, gambling, breaches of the peace, or ministered to the appetites of intemperate, or who has permitted profanity, gross indecency, or the violation of the Sabbath, by selling ardent spirits, except in the case excepted by the statute. And the Court are of the opinion in the cases before them, that the evidence clearly proves the applicants to have been negligent in these particulars, and they do therefore refuse to renew their licenses to keep tavern.

The above decision is evidently a most fair and correct exposition, of the true intent and meaning of the license law. Its object is to restrain the evils of drinking, as much as possible, by intrust-

ing the sale of it only to men of moral character, who will not permit the abuse of it, and will not sell it to those who will ruin themselves by it. It clearly does not intend to establish taverns, in order that their proprietors may make gain by the sale of ardent spirits—but to establish them for the accommodation of travellers; and these restraints are added to prevent the abuse which might arise from the covetousness of men in selling to all around them, and inducing them to drink, merely to make gain of them. It does not intend to make taverns mere grog shops, the haunt of the drunkard and the idler; but the rest of the weary traveller, where he can refresh himself, unannoyed by the carousing and boisterous mirth of the reveler, or the profanity and obscene conversation of the intemperate.

When all the judges of our Courts, take as noble a stand, as has been taken by this Court, we may see the license laws, not a mere form of legalizing and making respectable the business of making drunkards, but the defence of the community against the flagrant abuses that have too often accompanied the granting of licenses; and we feel ourselves bound in behalf of all the temperate and orderly portion of the community, to tender our thanks to this most Honorable Court, for their bold and independent decision, and to the presiding Judge, for his clear and manly avowal of it.

## OBTAINING CREAM FROM MILK.

A process of divesting milk of its component portion of cream to an extent hitherto unattainable, has been effected by Mr. George Carter, of Nottingham Lodge, and is thus detailed by that gentleman, in a paper presented to the Society of Arts:—A peculiar process of extracting cream from milk, by which a peculiar richness is produced in the cream, has long been known and practiced in Devonshire: this produce of the dairies of that country being well known to every one by the name of "clotted" or "clouted cream." As there is no peculiarity in the milk from which this fluid is extracted, it has been frequently a matter of surprise that the process has not been adopted in other parts of the kingdom. A four sided vessel is formed of zinc plate, twelve inches long, eight inches wide, and six inches deep, with a false bottom at one half the depth. The only communication with the lower compartment is by the lip, through which it may be filled or emptied. Having first placed at the bottom of the upper compartment, a plate of perforated zinc, the area of which is equal to that of the false bottom, a gallon (or any quantity) of milk is poured immediately when drawn from the cow, into it, and must remain there at rest for twelve hours; an equal quantity of boiling water must then be poured into the lower compartment through the lip; it is then permitted to stand twelve hours more, [i. e. twenty four hours altogether.] when the cream will be found perfect, and of such consistency that the whole may be lifted off by the finger and thumb. It is, however, more effectually removed, by gently raising the plate of perforated zinc from the bottom by the ringed handles, by which means the whole of the cream is lifted off in a sheet, without remixing any of it with the milk below. With this apparatus I have instituted a series of experiments; and as a mean of twelve successive ones, I obtained the following results: four gallons of milk treated as above, produced in twenty-four hours four and a half pints of clotted cream, which, after churning only fifteen minutes, gave forty ounces of butter—four gallons of milk treated in the common mode, in earthen ware pans, and standing forty eight hours, produced four pints of cream, which, after churning ninety minutes, gave thirty-six ounces of butter. The increase in the quantity of cream, therefore, is twelve and a half per cent. The experimental farmer will instantly perceive the advantages accruing from its adoption, and probably his attention to the subject may produce greater results. I shall feel richly rewarded, if, by exciting an interest on the subject, I can produce any, the slightest improvement in the quantity or mode of producing an article, which may properly be deemed one of the necessities of life.—*Repository of Patent Inventions.*

## DEATH OF SAMUEL A. TALCOTT.

"To be now a sensible man, and by and by a fool, and presently a beast."

The death of this distinguished man, which took place in the city of New York on the 19th of March inst., has been noticed by several of our contemporaries. Unfortunately, it is, however, for him and for his country, that so many now should mourn his loss as one who has prematurely died—that he who was re-

garded in many particulars, as the pattern of a man, should have fallen in the meridian of his days and in the midst of his usefulness, a victim to intemperance. This also is another case which intemperance has obscured, or rendered less brilliant, another of the stars in our galaxy of learned and elevated men. Numerous indeed is the catalogue of names familiar to us all as household words, whose deaths, if they had not been somewhat suicidal in their character, would have been noticed by anthem and eulogy, that are now only remembered when we would point a moral or adorn a tale.

Mr. Talcott was, as many of our readers may not be aware, for several years the Attorney General of New York, and was considered by the members of the bar, as one of its most distinguished ornaments. The Editor of the Village Recorder says, that intemperance, with him, had become a passion—nay, a mania—altogether beyond his control. He was aware of it, and would converse and weep about it like a child. No man better than himself, knew the consequences to which it was leading him, and no man more decidedly loathed and abhorred the intoxicating cup. But the disease had seized upon him with a grasp too strong to be shaken off. During the periods of abstinence, no man was ever so precise with more bitter pangs of penitence and remorse. We have a letter written during one of these intervals, which is one of the most striking compositions that we ever read.—Perhaps the reader may remember some temperance tracts, written two years ago last summer, entitled the "Trial of Alcohol," his sentence, &c., full of talent, and legal wit and satire. They were written by Samuel A. Talcott, during that season when he was determined to break the spell and emancipate himself from the thralldom which enslaved him, and which he so deeply deplored.—But the effort was vain. We have now to lament the loss of a spirit it than which few were more noble in thought and feeling; of a genius equally brilliant and profound; of a mind rich in its own resources, and amply stored with the legal erudition of past and present ages.

Reader, have you read the above? Consider well. Be not a cautious drinker.—Take the advice, the solemn admonition of a friend—**DRINK NOT AT ALL.** Let your motto from this day, and forever, be—**touch not—taste not—handle not**—*Temperance Journal.*

A FAULT.—Nothing is more common in every day remarks than to hear a person speak of the errors and faults of another with an evident satisfaction that they exist, or that he has been able to find them out. Nor are such persons often disposed to take the trouble to inquire into the true state of the affair, but a bare hint or insinuation that such things are among the possibilities, is enough for him forthwith to give currency to the report as a most important truth. And what is also true, such reports receive new accessions as they are spread abroad.

On the other hand, the case is rarely known where a good deed is sought out, magnified, and spread abroad as a pattern for imitation to others. Such instances may have been, but comparatively speaking, they are rare; and when they do exist the good action is rather considered public property than a cause of individual honor and esteem.

These things are wrong, decidedly so, and unchristian too. People are too much addicted to the habit, or, as the phrenologist would say, have "too great a propensity" to hunt out and magnify the evil, rather than the good deeds of others; hence it is that so great an amount of the common conversation consists in murmuring and complaint, producing in the minds of all, and more especially the young, a spirit of jealousy and distrust. Such a course is also incomparably mischievous in the community, inasmuch as it secretly destroys reputation, undermines virtue, gives preference to evil, and engenders a spirit of strife and contention.

Let the Christian then, labor assiduously, break down this evil habit, this mischievous practice, and give no countenance, not even a hearing, to these jealousies and surmises, although they may seem well grounded; for whether true or false, to hearken to them will only fill the mind with ideas far from agreeable. He should also bear in mind that the religion he professes strictly forbids such conduct. It commands us: "to think no evil, but be of one mind, forgiving one another in love."—*Boston Tramp.*

**THE GUILLOTINE.**  
A correspondent of the New York Commercial Advertiser thus describes the instrument with which Fieschi and his accomplices were beheaded a short time ago in Paris:

"Conceive a scaffold some 16 or 20 feet square, and 6 or 8 in elevation. Between the centre and one side of it stands a frame, much like that of an ordinary door, only not so wide. The two upright posts of this frame are grooved on the inside, and in these grooves is set the axe, as it is called; which is rather an immense cleaver, not exactly horizontal, but making an

angle with the Horizon. By means of pulleys and cords, this axe is drawn up to the top of the frame. The convict is stationed precisely his length in front of it, with his face toward the horrible machine. A plank or board stands up before him, reaching nearly to the lower part of the neck. To that board he is quickly lashed by the executioner. In an instant, the plank, moved by machinery tilts over, bringing the convict down into a horizontal position, with his breast or his belly resting on it, and his head between the two upright posts of the machine.

In another instant the axe descends upon the back of his neck, with a noise which would lead you to believe that it does not weigh less than sixty pounds. Of course the head is severed in the twinkling of an eye! The executioner picks it up & throws it into a basket, and along with it places the body. This is the guillotine instrument of death, which certainly shows some advance in civilization, for it makes death as easy as a violent one is likely ever to be. This famous instrument, it is said, was invented by a French physician about the first commencement of the revolution. It is further said, with what truth I know not, that the inventor of it lost his life, in the revolutionary fury, by the instrument of his own invention."

**The Scythians.**—These people drank the blood of the first enemy they took, and presented to their king the heads of all those whom they had slain in battle. If they brought the heads to him, all the booty was their own. Those who omitted the ceremony, or could not discharge it, were not entitled to the smallest share of the spoils of war. They were accustomed to tan the scalp of the head, and use it as a towel. They tied it to their horses' bridles. It was the most honorable trophy. The value of the Scythians was estimated according to the number they possessed of these trophies. Many of the Scythians sewed together the skins of men instead of those of beasts and wore them for clothes. The poorer people claimed the skulls of the victims and covered it with leather. The rich added a gilding within, and both used them for cups. They used the skull of a friend in the same manner, if they had quarrelled with him, and had vanquished in the presence of a king. When they were visited by respectable strangers, they showed them their skulls. They related to them the unfriendly treatment they had received from the persons whose skulls they exhibited, and the particulars of the combat and victory, which they deemed the greatest glory of their life. Every governor of a province made an annual feast, at which he presented a cup of wine to each man who had killed his enemy. This mark of respect he did not show to those who had not distinguished themselves by some exploit.—They sat apart unnoticed. They were therefore deemed ignominious. Those who had slain many enemies drank at once out of two cups.

**WHO SHALL BE MARRIED?**  
The Taunton (Mass.) Reporter tells the following story of judicial and (we doubt not) judicious interference to prevent a marriage. The idea of incompetency to support themselves, is one of the finest strokes of political economy that we have seen. What would be done in this part of the country, should an inquest of that nature be held upon all "proposals?" We copy the article.

**"To Marry or not to Marry, that's the question."**  
"Two of the worshipful magistrates of this county have been engaged a couple of days in this town, in trying the question whether a man and woman should be permitted to enter into the honorable and responsible estate of matrimony. Evidence was adduced as to the competency to the parties to support themselves, and also as to the intellectual capacity of each. The justices and the counsel seemed utterly to disremember the fact that they could live upon love—as is proved in many novels, plays and poems. They accordingly decided that the parties should not be allowed to marry—though they could not prevent them from living—and thus two fond and affectionate hearts are forever to be kept assunder by the stern decree of the law."

**A JUSTY OLD BACHELOR** who comes almost every day to read the marriages in our exchange papers, has been looking and laughing at the other inquiry of the learned magistrates of Taunton, viz: *The intellectual capacity of the parties, which he*

says is satisfactorily disproved by the very act upon which they were entering. Yet that same bachelor always nibbles a goodly portion of the wedding cake which he finds on our table.—*U. S. Gaz.*

**INDIAN SERENADE.**  
Awake! flower of the forest, beautiful bird of the Prairie.  
Awake! awake! thou with the eyes of the fawn. When you look at me I am happy, like the flowers when they feel the dew.  
The breath of thy mouth is as sweet as the fragrance of flowers in the morning—sweet as the fragrance of evening in the moon of the fading leaf.  
Does not the blood of my veins spring towards thee like the bubbling springs to the sun, in the moon of the bright nights? (April.)  
My heart sings to thee when thou art near, like the dancing branches of the wind, in the moon of strawberries? (June.)  
When thou art not pleased, my beloved, my heart is darkened, like the shining river when shadows fall from the clouds above.  
Thy smiles cause my troubled heart to be brightened, as the sun makes to look like gold the ripples which the cold wind has created!  
Myself! behold me! blood of my bleeding heart. The earth smiles—the waters smile—the heavens smile, but I—I lose the way of smiling when thou art not here—awake! awake! my beloved.

**A VERY HANDSOME ACT.**  
The President of the Branch Bank in Boston, William Appleton, Esq. has most generously given half of his year's salary to the officers of that institution, as a token of his estimation of the faithful performance of their several duties. It is quite fashionable to stigmatize the Yankees as the very personification of stinginess in every relation of life, but it is unusual because it is fashionable, and because it suits the views of certain portions of the country to make the declaration that the aspiration has become so general. There is not to be found in the United States, a spot which can show more frequent, or more honorable examples of an enlarged and high minded liberality of purse and of feeling, than is furnished by New England. Nor is there a spot which has produced a larger share of those personal qualities which enter into the composition of the character, known pretty generally of late years under the denomination of "chivalry." The underdeveloped inhabitants of that region, have generally fought as well as others, when bravery found a legitimate opportunity for its exercise, and they have never been behind their brethren, when the proper call was made upon their bounty.—*N. Y. Courier.*

**WAR.**  
There is a strange idea prevails in the world, that wars are necessary at the return of different periods in the age of a nation; and on this principle, there are those who justify a pleasing anticipation of this most capital of all misfortunes. It will, however, be generally found on examination, that this insensibility to the misery of our species; is from an unprincipled love of gain, for what are wars in general but robbery and murder on an extensive plan?—The two principal inducements to all the wars which have deluged the world in blood, have been avarice and ambition. The first has given rise to predatory excursions, and extended the limits of particular states and kingdoms. The latter has led to that species of war, which, while it diverted the

attention of the people from contemplating their domestic misery, enabled the tyrants of the earth to rivet the chains of slavery, and extend the limits of their despotism. Hence wars however successful, and however advantageous to individuals, are always a losing business to the people. Happy and free must a country be whose policy is of a pacific nature.

**A MAGNIFICENT PROJECT.**  
The proposal of the Independence of Texas has already given rise in New Orleans to a splendid design, which, if carried out, will create quite a new era in the history of a part of the commerce of this country. It is well known that steamboats of 500 or 600 ton burthen can ascend the Red River as high as Natchitoches—and it is now proposed in a New Orleans paper, that a rail road shall be constructed from that point through a gorge in the Southern Rocky Mountains and thence to the Gulf of California. Such a work would give to New Orleans access to the East India, Peruvian, and Chilean trade, which would enable her to set competition at defiance. It appears to us, however that it is not by the Red River, but by the Rio Grande, that this communication must be effected if at all. This last river has a course estimated at from 1500 to 1700 miles in extent, and can be ascended by steamboats of light burthen nearly 700 miles, which will be within an inconsiderable distance of the Colorado of the West, a river that empties into the Gulf of California. It is probable that a portage rail road connecting these two rivers need not be of greater length than 200 miles. If this communication were opened, the route to India and to the western coast of South America would be shortened more than one half.  
*Balt. Pat.*

**FIRST STEPS.**  
The anxiety of accumulating something for their children—if not enough for their entire support, at least enough to sit them well off in life—is very common among parents. This is injudicious and arises from a parental weakness. Educate your children well and you have done enough for them; teach them to depend upon their own strength—and this can only be done by putting them on their own resources—in no other way can they acquire strength. In truth, setting a young man afloat on the wealth accumulated by his father; is like tying bladders under the arms of a swimmer, or rather one that cannot swim; ten chances to one he will lose his bladders, and his sole dependence, and then where is he? Teach him while young to swim a little with his own strength, and then he will be prepared to enter the stream of life; and take care of himself without any extraordinary helps. Under such circumstances, he will be likely to buffet the waves with far more success.

Ceremonies are different in every country, but true politeness is every where the same. Ceremonies, which take up so much of our attention, are only artificial helps, which ignorant assumes in order to intimate politeness, which is the result of good sense and good nature. A person possessed of these qualities though he had never seen a court; is truly agreeable; and if without them; would continue a clown; though he had been all his life a gentleman usher.—*Goldsmith.*

It is said that among the papers taken by the Texans from Gen. Cos, there were letters from no less than five different dies, all of whom he had engaged to marry.