

The Abbeville Banner.

"LIBERTY AND MY NATIVE SOIL."

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WRITTEN FOR THE ABBEVILLE BANNER.

ALCOHOL.—TEMPERANCE, &c.

It is not Mr. Editor, from the scarcity of lawyers in the land, nor even in this little village, that we propose to offer a few reflections in relation to what we consider to be the law on the subject of vending alcohol; but rather in consequence of the gross inconsistency, and the absurdness of the positions often assumed relative to the question, by men who sometimes attempt to instruct the people on the subject.

We all have natural rights: *this is the sum and substance as to the rights of man*—and government is bound to provide for, and to sustain these rights equally to all, so long as they do not infringe upon the rights, and the general good of society, as a whole. Hence, in a state of nature, or under the social compact, either A. has the right to make, sell, give or drink alcohol, and unless this can be shown to be an infringement upon the rights of others, so far as he is concerned, he is not at all responsible for any of the evils that may arise from the inordinate use of the drug—there is no evil in the drug itself but there may great evil arise from the undue use of it. One individual has no right, under any circumstances whatever, to force another to drink alcohol; and what would be what might be called an assault, and here the one so assaulted has the right by nature to repel it, and vice versa.

Have we the right then to sell or dispose of our grain in any way we may think proper? If so we have the right to make alcohol of the same to drink, and to sell it, to any who may be disposed to buy, and he who uses it to the hurt or detriment of others is alone responsible; and not he who made, sold, or gave it. Indeed this view of the subject has ever been held so true that if a man is guilty of murder, or any other crime, whilst under the blinding influence of alcohol, there is no allowance or mitigation, in fixing the penalty of the law, because of intoxication. He is alone and equally as responsible as if he never saw or tasted alcohol.

Why? Because he has knowingly and voluntarily used the drug to an excess, and if that excess, be the cause of the crime he must submit to the consequences, and not he who has made, sold, or given it. The same holds equally good as regards the perpetration of any crime whatever; drunkenness is no excuse, unless a man be made so by being "funneled," which is an assault and may and ought to be repelled. In a social capacity, all men have an equal privilege to exercise their natural rights, and the true object and intent of government and law is and should be, to sustain and protect those rights, equally to all, and to affix penalties for the correction and restraining of all who may be disposed to use them to the injury of others.

Before the law took notice of the many evils resulting from tippling shops &c. each and every man had the right to sell alcohol without restraint or taxation. Hence it was thought expedient to regulate the traffic by certain restrictions, not only for the general good of society but also for revenue purposes. As I understand the law, it is now, and has been, long before our existence as a State, unlawful for any one, without a license, "to sell any wine, cider, brandy, rum, punch, spirituous liquors, or any strong

drink, under the quantity of three gallons." If a tavern keeper, he may obtain the license to sell alcohol in any quantity for fifteen dollars upon his giving bond and good security to keep clean, wholesome meat and lodgings for travellers, and the usual provender for horses. But if he is not a tavern keeper—that is, does not entertain the traveller—to obtain retail license, to sell in quantities not less than a quart, he is required to pay fifty dollars, and enter into recognizance with two securities in the penalty of \$1,000, to strictly observe all laws, in force, in regard to the vending of alcohol and must neither give or sell it to slaves without a *verill* order.

Both the tavern keeper and retailer, on a second application for licence, are required to make oath that they have faithfully discharged all the law in regard to retailing and will continue to do the same in future. Here an exception is made as to distillers, who make and sell the article. They have the liberty to sell in quantities not less than a quart, but it must not be drunk on the premises.

For any violation of any of these restrictions, is a fine not exceeding two hundred dollars, and imprisonment not exceeding six months.

Although it seems that all applications for license are to be heard by the commissioners of roads and town councils, yet they are not to be granted unless it "shall seem meet and proper."

Now, it will be observed, that the above legal restrictions have reference only to the vending of alcohol in small quantities, to make, buy, sell, or to drink it, there are no legal, or natural prohibitions, whatever.

There can be no doubt in the good design of the legislature in thus enacting the above restrictions for the better regulation of the sale of ardent spirits; but what a very easy matter it is for the thing to be carried too far. There is now an old act, if we construe it correctly, imposing a fine of five shillings against all cases of drunkenness, and we are informed that it is, and ever has been, a dead letter, on the statute book. The legislature we presume can pass an act that no man shall drink alcohol, but what effect will such a law have but to bring the law generally more or less into disrepute. This is its only, and inevitable tendency. The great object of our law makers is, and should be to have the laws respected, and hence it is obviously inexpedient to pass any law whatever that will not be respected.

Now how does the thing stand as to the matter of vending alcohol? The fact is, we see that the law is not enforced to one third of its extent as it is, and yet there are men crying for more law—more legislation.—Those who want farther legislation on the subject should, to be consistent, first show that the already existing laws and restrictions, as to retailing, are strictly enforced—that they operate beneficially, and that the people are ripe for stronger and still more ridged enactments on the subject, before they cry more law—more legislation, &c.

The object of the legislature was obviously to restrict the sale, and, as far as possible, the inordinate use of alcohol, and not to legalize the traffic, as some seem to imagine. If there were no restrictions on the traffic, as was once the case, then men might, with some show of truth, say that the legislature was legalizing its sale. But so long as it is sold in our midst, by illegal and improper persons—directly contrary to all law on the subject—so long as men act so inconsistently as to endeavor to revert the true intent of the law, by indiscriminately refusing license to any and all who may make application, so long will it be a matter of regret, to all those who, we think, have correct views as to the means to be used to promote true temperance—for so long as there are men who will drink it, there will be men who will sell it in defiance of the law.

We will now, Mr. Editor, close our remarks on alcohol, by returning you our heartiest thanks for the kind indulgence which we have received at your hands.

(FINIS.)

(REPORTED FOR THE ABBEVILLE BANNER.)

Celebration of the 8th, IN HONOR OF THE 4TH OF JULY, AT GRAHAM'S SPRING.

[In consequence of the number of communications on hand, we have been compelled to curtail somewhat the following proceedings.—E. B. A.]

According to previous arrangements made, for the due celebration of the seventy-first birth day of American independence, a large and respectable concourse of the good people of Mulberry, together with some from Cokesbury, assembled at Graham's Spring, where a stand had been erected, seats prepared and tables spread, by the indefatigable managers. About eleven o'clock the company had collected, and Enoch Carter, Esq., read, in a clear and impressive manner, the Declaration of Independence; after which, Col. Larkin Griffin, acting as President, introduced to the audience, S. L. Heller, Esq., who charmed and delighted the audience about an hour, in an oration replete with glowing patriotism and fervid eloquence. Well did he sustain the high reputation he has acquired. Never have we listened to as good an oration of the kind. The company then sat down to a sumptuous dinner prepared for the occasion. At 3 o'clock, the President, assisted by J. W. Clinkscapes, read from the stand the

REGULAR TOASTS.

1. *The Day we Celebrate.*—The birth day of America's Independence, the fortress of our liberty and the honor of our country: may the citizens of this republic never forget the 4th of July, 1776.

2. *George Washington.*—His memory will fan the fire of patriotism to the consumption of all tyranny.

3. *The President of the U. S.—JAMES K. POLK, sir-named "Young Hickory."*—Long may he live to wear and to honor the mantle of "Old Hickory;" may he possess the genuine spirit of his illustrious namesake.

4. *Andrew Jackson.*—The patriot, the warrior and the statesman. As he was fortunate, we rejoice at it; as he loved us, we weep for him; as he was valiant, we honor him.

5. *Our Senators in Congress.*—South Carolina's favorite sons—*for themselves the honor of being unflinching opponents to a protective tariff, and a terror to Northern abolitionists.*

6. *Hon. Geo. McDuffie.*—Palsied be the hand that would pluck one wreath from his brow, and nerveless the tongue that would detract from his fame.

7. *His Excellency Gov. Johnson.*—His intellectual and moral worth as a man and a patriot, entitle him to the confidence of the people.

8. *Here is to Miss Mexico, and Mr. United States.*—The former, the adopted and beautiful daughter of poor Spain. The latter, the lustiest son of old granny England. May this interesting couple soon quit their scratching and fighting in Kill-kenny-cat fashion, shake hands and be friends; kiss and commence courting make a match, invite us to the wedding, and raise a large family of white-headed boys and girls that shall honor their fathers and mothers, that their days may be long in the land.

9. *Gen. Taylor.*—The hero of Monterey and Buena Vista—the proud chieftain of old Santa Anna's—yankee boys fools, who know not when they are whipped; mark how the people love him.

10. *The South Carolina Regiment in Mexico.*—A regiment of men whom the old Palmetto State may well trust out of her sight. The glow of chivalry in their souls is as strong and bright as in the days of '76; and with the gallant Butler at their head, need only a chance at the enemy to show both their parentage and their education.

11. *General Winfield Scott.*—The hero of Vera Cruz and Cerro Gordo. To him belongs the brightest witness of military fame.

12. *The Abbeville Volunteers.*—Like a noble Theban band, they will stand the front of battle, though Epaminondas fall. They faced the frowning battlements of Vera Cruz until Cortez's city fell. Their brows are wreathed with glory; and though they should return no more, to greet the happy smiles of their applauding mother States, their graves will be in the hearts of their countrymen.

13. *Woman.*—Love's home—Beauty's fortress—Hope's anchor—and Heaven's blessing.

The President then called for volunteer toasts, from any who might favor the company with a sentiment.

VOLUNTEER TOASTS.

By THE COMMITTEE OF ARRANGEMENTS.—*The Orator of the Day, S. L. Heller, Esq.:* A gentleman of high literary attainments: a sound jurist: a man of acknowledged talent; and, from the example we have had to-day, bids fair to attain to high distinction as an orator and statesman. May he get as many students as he pleases—for doubtless he will please as many as he gets.

By F. W. CONNER.—*The President of the Day, Col. Larkin Griffin:* An old and tried public servant, "in whom there is no guile nor shadow of turning;" a generous and noble citizen, whom we delight to honor. [The Col. replied to this toast, in some very pertinent remarks, expressing his obligations, &c. &c.]

By Capt. S. A. HODGES.—*The Committee of Arrangements:* For their laudable efforts in getting up a suitable celebration of the glorious 4th, they are entitled to the hearty thanks of every lover of his country and of good rating.

By S. L. HELLER, Esq.—*Thomas Moore:* The only survivor of the revolution, who has honored us with his presence. Honor, filial love and heartfelt gratitude, are due to him and his compatriots; and he that would withhold them, is unworthy the name of a patriot or a christian. May the evening of his days be peaceful, prosperous and happy.

By Col. LARKIN GRIFFIN.—*The Federal Union:* May it be as durable as the eternal hills and valleys over which it spreads, disseminating the blessings of its institutions, with impartial justice to every portion of our common country.

By Dr. P. W. CONNOR.—*The People of Abbeville District:* Intelligent, active, energetic and enterprising. Wide awake on every subject, except the Rail Road: on that important subject, they are fast asleep.

By Dr. T. R. GARY.—*The Wilmot Proviso:* A sacrilege upon our constitution; an insult to our Union; an outrage upon the interest of our country. May it be branded with infamy and contempt; and may the united action of the South, crush the viper before it stings.

By W. A. MOORE.—*Capt. Walker,* the distinguished warrior: His name alone will ever make the heart of every American thrill with joy.

By Dr. J. A. STEWART.—*Our Army and Navy:* Their recent victories will command the admiration of the world; and as they have ever been the dread of Sir John Bull's Lords and Peers, they will shortly give a terror of Mexico's cork-legged General.

By ENOCH CARTER.—*Honor and glory,* esteem gallantry, love patriotism and honor virtue, we will never leave the name of George Washington.

By B. Z. HERNDON.—*The Constitution of the United States:* In its purity and strictness, we find, emphatically, the Palladium of American liberty: the protection of which we owe to ourselves, who enjoy it; to our ancestors, who handed it down; and to our posterity, who claim it on our hands this, the best birthright and noblest inheritance of mankind.

By A. J. ANDERSON.—*Capt. J. F. Marshall,* the leader of the Abbeville Volunteers: May his latter days be as happy as his past have been brave.

By S. M. G. GARY.—*Hon. Wm. C. Preston:* Vigor of thought, richness of diction, fire of feeling, euphony of accent, dignity of action, harmonize with profound learning, sound judgment and discrimination, to form the orator, the scholar, and the statesman.

By WM. MONTAGUE.—*The Fair Daughters of America:* May their sons never succumb to any arms but theirs.

There were other toasts which we regret were not handed in. Dr. Gary then being toasted as a warm friend of the rail-road enterprise, in reply, spoke of the vast importance, not of rail roads, for all would admit that at once, but of waking up to prompt, energetic and united action upon the subject. He had great hopes of the ultimate success of the project. The audience appeared to join in his enthusiasm.

Esquire Heller was then loudly called for. Whereupon he rose and addressed the audience in a very spirited appeal to the self interest of the citizens of Abbeville. He said that some had recommended the policy, to use the maxim of a wise man, of "masterly inactivity," and contended that inactivity had ceased to be masterly. The learned counsel, however, seemed to favor thus far the "maxim of the wise man"—that he might be "masterly in-activity"—still holding to the *in*, whilst contending for the *in*-applicability of it. He was fully persuaded that now was the time to make an effort, or we would lose it for

ever. There seemed to be a good deal of interest felt in the subject, from the manner in which both speeches were received.

Thus ended the exercises of the day, showing to the world that our Mulberry boys entertain just and proper notions of our institutions—that they, too, are American citizens.

(WRITTEN FOR THE BANNER.)

GEOLOGY, NO. 2.

Mr. Editor.—In continuing our remarks upon this subject we would say by way of preface, that we shall make use of the old nomenclature, or rather, the one used 15 or 20 years ago. We shall also arrange our classification in accordance with those days.

We commence then by saying that the Primitive class consists of the following rock, 1. Granite. 2. Gneiss. 3. Mica Slate. 4. Tal-cose Slate. 5. Granular Quartz. 6. Granular Limerock.

Gneiss, the second rock enumerated has more recently, and with propriety, been considered a variety of Granite, and hence the class has been reduced to 5 rock. The particular country where any of these rocks are found is called a *primitive country*—hence this is a primitive country. The primitive line extends to about Cambleton, a little above Augusta, and so far as this State is concerned from thence up the Savannah river to the North Carolina line.

It also includes much of the upper part of Georgia and North Carolina. Primitive rocks are characterized more by *negative* than by *positive* qualities—they contain no organic remains, no petrifications, from the animal, or vegetable kingdoms. It is supposed that they were created before animals or vegetables had an existence. Some of these rocks are very important, as well on account of the *metallic* associations connected with them, as their uses in the arts, and sciences. For instance, Gold is always associated with *Tal-cose Slate*. We believe it has never been found in any quantity to warrant the working of it, any where else. It has been found out of place—away from home, in *depositional* places, on the beds of rivers, in *transition* and *secondary* countries. But these rivers have already passed through them, or have passed through them in *transition*, and this teaches us to not waste our time, in hunting for gold, in any other than a *primitive* country, unless it be in the river bottoms referred to.

Another important fact, connected with this class of rock, is, that there is no lime stone here, excepting the *Granular lime stone*—the white marble. This rock ought to be found in Abbeville, and it will be found here, doubtless in abundance, at some future day. Lead, copper, arsenic, iron, tin, zinc, manganese, antimony, bismuth &c., belong to this region. Many of them have been found in Abbeville. There is no difficulty in determining whether a country be primitive or not, and when determined, many important practical facts, are at once settled. We may betake ourselves to the searching for certain things, with the reasonable prospect of success, and it would be worse than a waste of time, to search for certain other things which did not appropriately belong here.

SCIENTIA.

LOVE FOR THE DEAD.—The love that survives the tomb, says Irving in one of the noblest attributes of the soul. If it has woes, it has likewise its delights; and when the overwhelming burst of grief is calmed into the gentle tear of recollection, then the sudden anguish and convulsed agony over the present ruins of all that we most loved are softened away into pensive meditations on all that it was in the day of its loveliness. Who would root such a sorrow from the heart, though it may sometimes throw a passing cloud over the bright hour of gaiety, or spread a deeper sadness over the hour of gloom; yet who would exchange it even for the song of pleasure or the burst of revelry? No; there is a voice from the tomb sweeter than the song—there is a remembrance of the dead to which we turn even from the charm of the living.

There is a tendency in modern education to cover the fingers with rings, and at the same time to cut the sinews at the wrist.