



BY JAS. CLARK.

HUNTINGDON, PA., TUESDAY, APRIL 30, 1850.

VOL. XV, NO. 18.

### CHOICE POETRY.

#### SPRING.

BY J. R. BARBOUR.

The winter winds and storms are past,  
The early blasts are blown,  
The voice of spring is heard at last,  
In little and joyous tone.  
The little streams from frost set free,  
With gladning music sing;  
The south wind comes with songs of glee  
To welcome in the Spring.

The heart of earth its foliage wide  
Unfolds like summer's rose;  
Through wood and stream a quick'ning tide  
Of life and beauty flows;  
The light of May is on the sky,  
Its sunshine on the wing,  
While winter's shades and shadows fly  
To welcome in the Spring.

The flowers are gently springing up  
On hill-side and on lawn,  
The daisy and the buttercup  
Breathe in the balm of morn;  
The rills and brooks soft answers make  
To birds on soaring wing,  
The mingled strains of nature wake  
To welcome in the Spring.

I list me to the cheering song  
Of robin and the wren,  
The mocking bird and junced throng  
Of warblers in the glen;  
The winds and zephyrs to rejoice,  
While every living thing  
On earth outpours a grateful voice,  
To welcome in the Spring.

## THE JOURNAL.

Huntingdon, April 30, 1850.

We copy the following decision rendered in the Circuit Court of the United States for the Eastern District of Pennsylvania, in the case of O. H. P. Parker assignee of Zublon Parker, vs Joseph Brant and others, to establish his Patent Right to, and recover damages for the infringement of said right to an improvement in the application of Hydraulic Power. It will be seen that the Plaintiff in this case, failed to obtain the decree of the injunction sued for solely upon the ground of a technical omission. While in fact his right to such decree and damages, was fully established by the opinion of the Judges.

In a similar case in 1847 Zebulon Parker's right to said Patent and an invention for applying the same principle to common wheels now in use was fully established against William Hatfield in the Circuit Court of the United States at Columbus, Ohio. We annex the above for the benefit of the community, as a number of citizens of this and adjoining counties have unknowingly been profiting by the above named invention under the more familiar name of Reaction Wheels. As the use of these reaction wheels in any form whatever, is an infringement on the original Patent Right of Zebulon Parker, persons, by observing this notice, may save expenses in the shape of suits and damages. John J. Mooney, is the legal Agent for the sale of rights of Parker's Patent, who will remain in this county for three or four weeks.

#### Important Legal Decision.

#### Case of Parker's Patent Reaction Water Wheel.

In the Circuit Court of the United States, for the Eastern District of Pennsylvania, in Equity, between Oliver H. P. Parker, assignee of Zebulon Parker, complainant; and Joseph Brant and divers other persons defendants: March 13th, 1850, by leave of court, the original bill in each of the above cases is amended by the insertion of the matter following:

Your orator avers that the said improvements, either separately or in combination, had not been patented or described in any printed publication, or in anywise known or used at the date of the discovery hereinafter mentioned, or of the letters patent aforesaid; and avers that the said Zebulon and Austin Parker, in the year 1847, by observing in a horizontal reaction wheel with a fixed flume, the operation of a fallen board, which formed a simple stationary guide, had discovered—and, by removing and replacing such guide, had tested—the utility of applying, as a motive power, the pressure, or centrifugal force of water made to revolve within such a wheel, and pass into, and act upon, its circumferential buckets, with a circular motion coinciding with that of their revolution; and that in the following year, before taking out their patent they had experimentally exemplified this improved application of hydraulic power, in both horizontal and vertical reaction wheels, by various adaptations of fixed guides so formed and adjusted as to produce, maintain and regulate the proper vertical or circular currents, and give to them the required direction within the buckets; and that in the vertical wheels, the appendages and fixtures were so arranged and adapted, that in several particulars, a single piece of machinery served for two wheels; all which in the said specification appears. That the mechanical principle of their said discovery was defined

and applied, and the interpretation of the specification of the said patent determined, in a late case of Parker vs. Hulme on the law side of the Circuit Court of the U. S. for the Eastern District of Pennsylvania.

The opinion of the court with the docket entries, in the said case, of which opinion and entries a copy is herewith exhibited as part of your orator's bill of complaint, show, and your orator avers, that in the investigation which took place therein, and opinion and verdict of the jury, and judgment of the court thereon, the title at law of the said patentees, their representatives and assigns, and of your orator as such assign, has been and is established to the exclusive privilege secured by the said letters patent.

And your orator avers that the said suit was instituted, maintained and prosecuted in good faith and without collusion or connivance or secret understanding of any sort; and was in all respects an adversary and contested proceeding, in which the best legal and scientific and practical skill and knowledge were opposed to his assertion and vindication aforesaid of the said legal title.

In the absence of the averments contained in the foregoing amendments, the following minute had been made in each of the above cases, on the 11th instant, viz: It appears to the court that the bill of the complainant does not set forth that he has had such possession of the invention discovered and claimed by him as to support his application for the interlocutory injunction.

The motion for an injunction is refused. In announcing the above order the following remarks were made by his Hon. Mr. Justice Grier.—

I take this occasion to say, that the Court has no doubt, of the validity of the complainant's patent. That question has been fully settled here, by a trial at law, of extraordinary duration, and closeness of research. The report of the case of Parker vs. Hulme, by my brother Kane who presided at the trial, and information derived from the affidavits and printed works, which have been read on both sides, during the present hearing, as well as the acquaintance with the subject which I derived while engaged in the trial of another case growing out of this patent, leaves no doubt on my mind, that the complainant's patent is not only valid, but of the greatest importance to the country.

I may add, on the part of both of us, that we approached the question without any previous hearing in favor of the rights asserted by Mr. Parker as an inventor, and that it was only upon a more than usually close scrutiny of the facts that we came to the conclusion which we now express.

Indeed, it is a subject of regret that the public has been so tardy in acknowledging the merits of the Messrs. Parker as inventors. Their improvement, as described in the patent before us, is not less ingenious and profound than useful. In France, M. Fourneyron received the highest honors, and most liberal rewards for introducing into use this very improvement, after it had been invented in this country by the Messrs. Parker. And it was not until the circulation of Fourneyron's paper, on Turbines in this country, that the public attention was fairly called to the valuable improvement of the Messrs. Parker.

Of the infringement by the defendants the Court has no doubt. The wheels which they use are direct and positive violations of the complainant's right, as appear by the affidavits on behalf of the defendants, and the models which they themselves have submitted to the Court. In point of fact, the complainant has established his right to the injunction which he prays. But I do not wish to establish the precedent in this Court, that a party who relies upon the verdict of a jury and the judgment of a Court of law, for the establishment of his title, as the foundation of his claim to be quieted in the possession and enjoyment of it, and for protecting him against infringements by others, shall omit, as the complainant has here omitted to aver in his Bill, that such proceedings at law have taken place. Without such averment, the ground of the Court's action may be misunderstood, and the Defendant may not be properly apprised, beforehand, of the case which he has to meet. In these cases, we are the more ready to lay hold of the omission, as we feel a reluctance to stop two hundred mills from grinding a bushel of grain or sawing a board, without giving the defendants a chance of making a settlement or compromise. On the other hand, it is by no means our intention to compel this complainant, to litigate his patent already established at law, against a combination of two hundred wealthy mill owners, in this District, who are, as these defendants allege, using machines, of which the model afove described, is the representation.

By an amendment of his Bill, the complainant may overcome his present technical difficulty.

No ground has been shown for the imputation, that an attempt has been made by this complainant, "to levy black mail," as it is called. Indeed, his course towards these defendants, as well as other persons, appears to have been one of great liberality and forbearance; and I advise these defendants to settle with him. If they do not, damages may be found against them, to the extent of their profits from the use of this patented improvement; at all events, amounting to the whole profits of their mills, since the time of filing those bills. This might be no more than equitable.

On default of settlement by defendants, the Court will order the injunctions to issue, on the first Monday of April next; the complainant, in the meantime, so amending his bill, as to allege the establishments here at law, of his title to an exclusive right in this improvement, and filing the affidavit of the surviving patentee, which has been read to us in the course of the hearing.

In all this, I am authorized to say, that my brother Kane fully concurs with me.

### SELECT MISCELLANY.

#### TO YOUNG WOMEN.

BY MATHEW CAREY.

Some one hath said, that "matrimony is with woman the great business of life, whereas with men it is only an incident," an important one, to be sure, but only one among many to which their attention is directed, and often kept entirely out of view. Now, this difference gives the other sex a great advantage over you; and the best way to equalize your lot, and become as wise as they are, is to think as little about it as they do.

The less your mind dwells upon lovers and matrimony, the more agreeable and profitable will be your intercourse with gentlemen. If you regard men as intellectual beings, who have access to certain sources of knowledge of which you are deprived; and seek to derive all the benefit you can from their peculiar attainments and experience—if you talk to them as one's rational being should talk to another, and never remind them that you are candidates for matrimony—you will enjoy far more than you can by regarding them under that one aspect of possible future admirers and lovers.—When that is the only absorbing thought you have not the proper use of your faculties; your manners are constrained and awkward, you are easily embarrassed and made to say what is ill judged, silly and out of place; and you defeat your own views of appearing to a great disadvantage.

However secret you may be in these speculations, if you are continually thinking of them, and attaching undue importance to the acquaintance of gentlemen, it will most certainly show itself in your manners and conversation, and will betray a weakness that is held in especial contempt by the stronger sex.

Since the customs of society have awarded to man the privilege of making the first advance towards matrimony, it is the safest and happiest way for woman to leave the matter entirely in his hands. She should be so educated as to consider that the great end of existence—preparation for eternity—may be equally attained in married or single life, and that no union but the most perfect one is at all desirable. Matrimony should be considered as an incident in life, which if it come at all must come without any contrivance of yours; and therefore you may safely put aside all thoughts of it till some one forces the subject upon your notice by professions of a particular interest in you.

Lively, ingenious, conversable, and charming little girls are often spoiled into dull, bashful, silent young ladies, and all because their heads are full of nonsense about their beaux and lovers. They have a thousand thoughts and feelings which they would be ashamed to entertain; and their pre-occupation with a subject which they had better let alone prevents their being the agreeable and rational companions of the gentleman of their acquaintance, which they were designed to be.

Girls get into all sorts of scrapes by undue pre-occupation of mind; they misconstrue the commonest attention into marks of particular regard, and thus nourish a fancy for a person who has never once thought of them but as an agreeable acquaintance. They lose the enjoyments of a party, if certain beaux are not there whom they expected to meet; they become jealous of their best friends if the beaux are there and do not talk to them as much as they

wish; every trifle is magnified into something of importance—a fruitful source of misery—and things of real importance are neglected for chimeras. And all this gratuitous pains-taking defeats its own end! The labor is all in vain; such girls are not the most popular; and those who seem never to have thought about matrimony at all, are sought and preferred before them. We may add the advice that young women should not consider it a serious misfortune even if never married; there is nothing disreputable, while there may be much happiness in the condition of an old maid.

#### Keep Your Promises.

We have often been shocked at the reckless disregard which many persons manifest for the fulfilment of their promises. They are ever ready to make engagements for the future but when the time arrives for their fulfilment, they seem to have forgotten them entirely, or at least, to treat them as though they involved no obligation whatever. Such conduct is highly injurious in its influence on society, inasmuch as it necessarily tends to destroy that confidence of man in man, which is so essential to the happiness of the community. It is especially detrimental to the interests of the individual himself who is guilty of it, as he thereby forfeits the confidence and respect of his fellows. His word accordingly is not relied upon, and he is obliged to suffer all the unhappy consequences. This sinful and injurious habit is one of the most inexcusable of which any one can be guilty. In 99 cases out of a hundred, there is no absolute necessity whatever for any one to break his word. No one should ever make a promise unless he looks well into the circumstances before hand, and has every reason to believe that it will be in his power to fulfil his promise.—And whenever a promise has once been made it should be his fixed determination to keep it; and with a particular reference to this his subsequent conduct should be shaped. Were this course to be faithfully pursued, not only would the serious evils resulting from a disregard to one's word be avoided, but also the confidence of those around speedily gained and enjoyed, and a character thereby eventually established that will be of more value than "ermine, gold or princely diadems."

#### A Capital Rat Story.

Rev. Walter Colton, in his agreeable and christian-like diary of a voyage to California in a Man-of-war, entitled, "Deck and Port," (in which, by the way much is mildly and convincingly said against the spirit ration and flogging in the navy,) relates the following capital rat story:

"I have always felt some regard for a rat since my cruise in the Constellation. We were fitting for sea at Norfolk, and taking in water and provisions; a plank was resting on the sill of one of the ports which communicated with the wharf. On a bright moonlight evening, we discovered two rats on the plank coming into the ship. The foremost was leading the other by a straw, one end of which each held in his mouth. We managed to capture them both, and found to our surprise, the one led by the other was stone blind. His faithful friend was trying to get him on board, where he would have comfortable quarters during a three years' cruise. We felt no disposition to kill either, and landed them on the wharf. How many there are in this world to whom the fidelity of that rat reath a lesson."

#### Idleness.

No matter what may be the fortunes or the expectations of a young man, he has no right to live a life of idleness.—In a world so full as this of incitements to exertion and of rewards for achievement, idleness is the most absurd of absurdities and the most shameful of shames. In such a world as ours the idle man is not so much a bipe as a bivalve; and the wealth which breeds idleness; of which the English peerage is an example, and of which we are beginning to abound in specimens, in this country, is only a sort of human oyster bed, where heirs and heiresses are planted, to spend a contemptible life of slothfulness in growing plump and succulent for the gratworm's banquet.—Horace Mann.

To make men scratch their heads, coax them to endorse for you. By the way, speaking of philosophy, can Dr. March tell us why a man's head always itches just after doing something he is sorry for? We pause for a reply.

The Arabs allow a man to divorce himself from a wife who does not make good bread. Were such a law in our country, half the young married ladies, we fear, would be in danger of single-blessedness.

#### ARREST IN PHILADELPHIA. HEROISM OF A SOUTHERN LADY.

The police of Philadelphia, on Saturday, arrested a large and athletic negro, known as "Black Bill," for entering, a few weeks ago, the dwelling of Mrs. Revoldt, in Arch street, and robbing it of a quantity of jewelry and clothing, and \$26 in money. The Philadelphia Sun says:

The only person in the house at the time, was Miss Sarah Ann Drane, a young lady from Virginia or Maryland, who resided with Mrs. R.—The courage which she exhibited in an encounter with the thief, justly entitles her to the heroic name of the Jagello of Philadelphia. She is an honor to her sex and the rest of mankind, and Maryland or Virginia should feel proud of such a brave fair one.

Whilst seated in the parlor, enjoying the pleasure of profound retirement, a slight noise overhead arrested her attention. She picked up a lamp and ascended to the bed-chamber, and on opening the door discovered the sable thief in the act of getting out of the window. She dashed after him, and holding the lamp close to his face, satisfied that he was black by nature. He was so far out of the window that she could not arrest him. He descended the arbor as quickly as he could, and she, retracing her steps, passed hurriedly down the stairs, opened the door leading to the yard, and caught him in a recess near the fence. He was powerful; she, though weak, was courageous. She caught him by the wool of the head, and succeeded almost in pulling him down. It was a terrific struggle; he had the clothes on his arm; held on to them with great pertinacity, not knowing, perhaps at the time, that they acted, fortunately too, as a shield for his weaker antagonist. She screamed for assistance, holding on all the while to the woolly fabric, that stuck out like a brush heap. At last he drew a knife and made a desperate plunge at her, but the weapon entered and cut the clothing which over-loaded his arm.—Still she held on, and called more loudly for assistance, but no one came.

The front door of the house was locked, which prevented ingress there, and the yard could not be found readily from the sound of her voice. He made one or two more ineffectual thrusts at her with the weapon. The fourth thrust had some effect. The blade passed entirely through her dress, entered the skin, and cut clear down to the groin.—At the same moment she uttered a most heart-rending shriek, the wool gave way and the desperate and cowardly villain bounded over the fence, leaving behind him the stolen clothing, which, on a subsequent examination, were found to be more or less cut. The thief escaped; the courageous young lady hastened to the house, still holding on to the handful of wool, and becoming exceedingly nervous from the desperate adventure, was taken ill, and remained quite sick for several days.

The burglar then escaped, leaving the clothes behind him, but keeping possession of \$26 in gold coin, and a quantity of jewelry.

On Saturday, however, the vigilant officers ferreted out "Black Bill," and took him into custody. He was taken to the residence of Mrs. Revoldt, and Miss Drane sent for to recognize him. The moment she laid eyes upon him, she shrank back with evident horror, and exclaimed—"My God, don't bring him near me!—he is the man!" As a matter of course, Bill professed his innocence, but in default of \$2000 bail was committed to prison by Alderman Mitchell to await a further hearing, when further developments are expected to be made.

The entrance into the dwelling, the robbery, discovery, the conflict, and escape, are indeed not only interesting, but filled with romance that might some future day be underlined as in preparation at any one of the many places of public amusement in our city. The cool, daring heroism of the young lady was extraordinary, and certainly commendable in the highest degree. Struggling, as it were, with one who hesitated not at the commission of any crime, no matter how heinous, her escape from instant death is truly surprising.

Cod Liver Oil Candy has been invented by a druggist in Springfield, Mass. The New York Mirror states that a single house in that city is under contract to supply no less than fifteen thousand gallons of cod liver oil between this and the 1st of May next.

The man with the carpet bag says, always travel with baggage, if you wish to insure respect. He who carries a dekey in his hat is not considered "much pumpkins" by a hotel keeper or porter.

#### A BET AT THE SPRINGS.

When I visited the Springs, last Summer, I met young R.—a lively and most agreeable person, witty and intelligent, but exceedingly slight, and small of stature, almost a dwarf, a real little pocket Adonis, and most decided pet of the ladies. At the same hotel, there was also a prominent personage, known as Tom B.—, who stood six feet and I don't know how many inches in his stockings; a broad, heavy, coarse-built fellow, strong as a lion, proud of his strength, which, with the exception of his good nature, was all he had to be proud of. If he had a failing, (more particularly a failing,) than any other in his catalogue, it was his sovereign contempt for any one not possessed of physical strength. R.—, of course, met no favor in his eyes, weak, small, and delicate as he appeared.

One evening after supper, the conversation turned on feats of strength; Tom B.— held chairs out at arms' length, bent pickers over his arm, took with apparent ease, one after the other, such heavy whiskey toddies as few ordinary men could lift, gloried himself and other Sampsons until he reached a pitch of genuine excitement.

"Why, Tom," observed R.—, "a great fame is not always indicative of great strength, neither does a slight one indicate the reverse; I am very small and very slender, yet I will bet you supper and champagne for the party, that I can carry you from the Pavilion to the Spring and back without putting you down."

"Carry me?"

"Yes carry you!"

"Nonsense! my weight will crush you."

"Well, well, that's my look out; will you bet the supper?"

"Supper! yes, fifty suppers! why you little cherub, I weigh nearly three hundred pounds; do you dare to think that you can carry me from this Pavilion to the Springs and back without putting me down?"

"That is what I offer to do, but you are to use no unfair means to prevent, no dragging of your legs or any thing of that sort."

"Of course not."

"I am to carry you to the Spring and back again without putting you down, that's the bet."

"That's it; it is a nice investment for your surplus capital."

All doubted R.'s ability to accomplish the feat, yet, from his determined manner, some were induced to back him; still bets were freely offered at two to one against him, Tom B.— being among the most extensive operators. It was an incident in the quiet routine of our household. The young gentleman told it to the young ladies; the young ladies thought it would be capital fun, but they were afraid poor dear little R. would strain himself.

"R. says he will do it if he breaks a blood-vessel."

"Oh, shocking!"

The excitement increases, and many pair of gloves, handkerchiefs, and bouffets were staked upon the result. Next morning R. did not make his appearance at breakfast, and it was whispered that he had set up all night making his will, and practising with dumb bells. At length the clock strikes twelve, the hour appointed for the performance; all is bustle, confusion and excitement, not only the piazzas and balconies; but the entire road from the Pavilion to the Springs was lined with ladies; on every side their sunshades glanced in the sunbeams; and their light summer scarfs waved to the breeze. And now, amid breathless silence, step forth from the hall of the Pavilion the observed of all observers, the Dwarf and the Giant. Expectation is on tiptoe, the excitement is intense, when suddenly the musical voice of R. breaking the solemn stillness, is heard to exclaim—"Strip!"

"What?" exclaimed the Giant.

"Strip!" repeated R.

"What do you mean?"

"Why, exactly what I say—strip, come hurry, don't disappoint the ladies."

"You don't mean undress?"

"Yes, I do; I wagered to carry you, you are heavy enough in all conscience, I'm not going to burden myself with an extra fifty pounds of clothing."

"You don't pretend that you were to carry me without my clothes!" almost shrieked the astonished giant.

"I bet that I would carry you and nothing else, will you get ready?"

"Sold, oh! Jimima!" and by such a little devil?" exclaimed Tom, and seizing R. by the waistband of his trousers, he rushed, amid those shouts of laughter and waving handkerchiefs, into the bar-room, deposited R. upon the counter, called for brandy smashers all around, and ordered supper at nine precisely.—Spirit of the Times.

A SINGULAR DISCOVERY.—Has lately been dug up some fourteen feet below the surface of the earth, and more than fifty above high water mark, in the garden of Captain G. W. Cutter, an elephant's tusk, which time and the elements have reduced to a substance resembling chalk; it crumbled when taken out of the earth, but a portion of it entire, more than twenty inches long, is in the possession of the proprietor of this place, just above the mouth of Licking opposite. The whole animal is probably in the bank. If this proves to be a real elephant's tusk, which every evidence now tends to do, it will prove a singular zoological fact that elephants did once belong to this country.—Cincinnati Commercial.