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A HISTORY OF THE GREAT STRUGGLE BETWEEN LIBERTY AND DESPOTISM FOR THE LAST HUNDRED YEARS.

THE PRESIDENT BOUND BY HIS OATH TO OBEY THE CONSTITUTION, INSTEAD OF CONGRESS.

The New York Tribune says "President Johnson means war. War be it then and God speed the right! The evident fact is that the President wants five Commanders in the South who will construe the law as he construes it—as a nullity. It is nearly a hundred days until Congress meets. Till then we can only look to this dreadful tyranny. Let our friends organize everywhere, and having defeated him at the ballot-box, we can prepare, through our representatives, to consider the best course to be taken to punish him for his crimes against the sovereign will of the American people."

If this Republican party, who are threatening to impeach, or otherwise punish President Johnson for not obeying their will, are as learned and intelligent as they profess to be, they are knowingly compelling the President of the United States to commit perjury to escape their vengeance. They know that on the day of his inauguration he took an oath that reads as follows: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States." President Johnson did not swear to obey the will of the party who were in power on that day, nor of the American people who were living at the time he took the oath, but he solemnly swore that to the best of his ability he would preserve the Constitution from destruction at their hands, if he perceived an intention on their part to destroy it. A President cannot swear to protect the Constitution from overthrow by the people who are living when he is dead, but he swears that he will defend it from all the assaults of its enemies who assail it while he is placed over it, for the very purpose of its preservation, protection and defence.

The Tribune and the Republican party are enraged at the President for construing the Reconstruction law as a nullity, yet Alexander Hamilton, the ideal of the party, wrote a "standard commentary on the ends and aims of the Federal Constitution and its true interpretation," in which he says, "There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm that the deputy is greater than his principal, that the servant is above his master, that men, acting by virtue of powers, may do, not only what those powers do not authorize, but what they forbid."

Now can any sane person believe that the Patriots of the Revolution of 1776, who fought against a military despotism, framed a Constitution which delegated authority to the Republican party to treat their posterity as Great Britain treated them. If they never delegated authority to Congress to reduce a portion of the American people to a state of slavery, then every act of the Reconstruction bill is void. None of these acts are valid, and nobody is bound to obey them. To deny this, says Hamilton, would be to affirm that Sumner, Stevens, Wilson, and the host of Radicals in Congress, are greater than the Patriots who framed the Government; that these men, who are but servants, are above their masters who framed the Constitution which they are to administer, and have sworn to obey; that Congress, acting by virtue of powers, may do, not only what their powers do not authorize, but what they forbid. Hamilton says further, "The interpretation of the laws is the province of the courts. A Constitution is, in fact, fundamental law. It must therefore belong to them to ascertain its meaning. The Constitution ought to be preferred to the statute; the intention of the people declared in the Constitution, to the intention of their agents. Where the will of the Legislature, declared in the statutes, stands in opposition to that of the people declared in the Constitution, the judges ought to be governed by the latter instead of the former. They ought to regulate their decisions by the fundamental laws, rather than by those not fundamental."

Now here is an express injunction from the statesman, whose legal talents and abilities are held in the highest estimation by the Federal party, that the intention of the people in the days of the Revolution of 1776, and when the Constitution was framed, should be preferred to the intention of the Congress of 1867. This is why Congress set itself above the supreme court, and defied its authority, and Mr. Hamilton has adapted his expositions of the Constitution to a crisis precisely like the present one. He says:

"If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution, against legislative encroachments, this will afford a strong argument

for the permanent tenure of judicial offices, since nothing will contribute so much as this, to that independent spirit in the judges, which must be essential to the faithful performance of so arduous a duty. This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, occasioning dangerous innovations in the government, and serious oppressions of the minor part in the community. Though I trust the friends of the proposed Constitutional principle of republican government which admits the right of the people to alter or abolish the established Constitution, whenever they find it inconsistent with their happiness; yet it is not to be inferred from this principle, that the representatives of the people, whenever a momentary inclination happens to lay hold of a majority of their constituents, incompatible with the provisions in the existing Constitution, would, on that account, be justifiable in a violation of those provisions, or that the courts be under a greater obligation to connive at infractions in this shape. Until the people have, by solemn act, annulled or changed the established form, it is binding on themselves, collectively and individually, and no presumption, or knowledge of their sentiment, can warrant their representatives in a departure from it, prior to such an act."

Now, however large the majorities were, or are to be in favor of sustaining Congress in their violations of the Constitution, it is no justification for their acts—and affords them no warrant for the commission of perjury. The Constitution is binding on all the people, and however anxious the Republicans may be to punish the people of the South, and to compel them to live under negro governments, Congress has no authority whatever to gratify their malignant desires. Their own chosen leader tells them that they must obey Washington instead of Congress, and Washington, in his Farewell Address, says: "The Constitution, milt changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

The Constitution which Washington signed, is yet the supreme and fundamental law of our country. The Patriots who framed it are yet the rightful rulers of America. Their will is to be obeyed, instead of the will of the Radicals, and the Radicals should be compelled, by force of arms, if need be, to obey the Constitution of the United States. They are enemies of Washington, and followers of Cromwell and Robespierre. Washington fought against both these tyrants, as well as against George the Third, as this history will show. Let the people stand by the President, who is fighting for Washington. His name is the synonym of Liberty, of Union and Peace. Americans owe allegiance alone to Washington, who is yet the "Father of his Country."

A Fact for Tax-payers.

The Legislature of 1847, under the administration of Governor Shunk, Democrat, cost \$7,819 19.

The Legislature of 1867, under the administration of Governor Geary, Radical, cost \$265,061 16.

From these figures it will be seen that the Radical Legislature under a Radical Governor has cost more than four and one-half times a greater sum than a Democratic Legislature under a Democratic Governor.

Is it possible that the people of Pennsylvania will longer tolerate such barefaced robbery of the Treasury? If the so-called Union League were avowedly a band of thieves and the Radical party composed of robbers, a worse state of affairs could not be expected.

The above is obtained from the official record, at Harrisburg, by the Patriot and Union, and exhibits a single example of the extravagance and wholesale robbery that prevails in every department of the government, State and National, where Radicalism bears sway. Let the tax-payers of Pennsylvania contrast the expenses of Governor Geary's administration with those of the late Governors Porter and Shunk, or of Governors Bigler and Packer, and they can readily perceive the great difference which exists between Radical and Democratic rule. Facts are stubborn things, and figures cannot lie.

Too Risky for the Quakers.

A correspondent of the Press, writing from New Jersey, says:

"Some of the Quaker districts, strangely enough, seem to hang fire on the word 'white.' The manhood suffrage platform adopted at the late convention being a little too strong for them."

If the "Quaker districts" stagger at the insane efforts of the Radicals of New Jersey to enforce negro suffrage, how will it be in the other portions of the State, where affection for the negro has not been so persistently cultivated? This negro suffrage plank in the New Jersey Radical platform can't stand the pressure. It must give way. It is a rotten plank on which even a Quaker will not trust, for support.

RADICAL THUNDER.

The Radical State Committee are circulating through the State, and endeavoring to place in the hands of Democrats, a lying document, appealing to the pecuniary interest of the voter. We give it entire, and also annex some comments upon it. Read it and notice its falsehoods:

Facts for Government Bondholders, And the holders of Greenbacks. READ, REFLECT—AND HAND TO YOUR NEIGHBOR!

In 1861, eleven States seceded; and since then only twenty-three have been represented in Congress, and the admission of Tennessee in 1866. All the United States Bonds—5 20's, 7 30's and 10 40's—all the greenbacks, and all the National Banks, were created by this Congress of twenty-three States. President Johnson calls this an "insolvent Congress," therefore not legal. His supporters and the Democrats call it a "rump Congress," and a "separating Congress," and hence, not a lawful Congress; and the great effort has been to elect Congressmen in the North, and admit enough from the rebel States to enforce this "pulling Congress," representing but twenty-three States, not a lawful Congress, then every United States Bond, and all our greenbacks, and National Bank notes are worth nothing; because an unlawful Congress could not make lawful bonds or lawful money.

The mad effort, so recently made by the rebels and their sympathizers, to destroy this government by force of arms failed. Thus far the attempt to do the same thing, through Congress, has also failed, because the action of the loyal voters at the ballot-box, and the last effort at destruction is now being made through the courts. Witness the recent attempt by Democratic lawyers to induce the Supreme Court of the United States to issue an injunction, nullifying the Reconstruction Laws of Congress in Mississippi, Georgia, and the other rebel States. Read also the opinion of Judge Sharwood, the Democratic nominee for Judge of the Supreme Court of Pennsylvania, in which he gravely denounces the constitutional power of Congress to make paper money a legal tender. (Borie vs. Trot, Legal Intelligencer of March 18th, 1867, page 24.) Judge Woodward and Thompson of the same Court, announced from the bench the same alarming doctrine, in 1865. (See Morning vs. Sator, et al., Legal Intelligencer of June 18th and 19th, 1865, pages 18 and 20.) And this too, in the face of the fact, that the Supreme Court of every loyal State in which the question has been raised, have sustained the power of Congress to require, therefore, but little knowledge of either arithmetic or law, to estimate the imminent danger of putting any more men of Judge Sharwood's opinions on the Supreme Bench of the United States.

It is not the present Congress to be despised, or to desire our National Currency and Government Bonds to be declared a legal tender for taxes. Sharwood and Woodward, who are the authors of this doctrine, are the authors of the Greenbacks and the Bonds—the party that created the war, and compelled submission to the National authority—and that stands pledged to keep faith with the Bondholders, and to maintain the National credit.

LOOK AT THE OTHER SIDE.

When secession came, Democrats sustained the Government, shed their blood, invested their money in 5-20's, 7-30's and 10-40's, and they were the first to pay the taxes that a Congress of twenty-three States enacted. That was their Government and they loved it, they defended it, and many of them died for it.

During the war, eleven States were not represented in Congress, and they refused to be. That was a lawful Congress, all obeyed it, and all its laws are binding under the Constitution.

When the war was over the South submitted, then the Radicals kept them out to give the negro power. They "acted outside of the Constitution" as Thaddeus Stevens says.

If it be true that the Democrats are trying to destroy this Government, how strange it is that they should hold its bonds and notes, and fight and die for it. Their object is to preserve it, to bring it within the Constitution, to govern it according to law, to economize its resources and to pay its debts.

Are your bonds and greenbacks safer inside of the Constitution or outside of it? If we have no Constitution, as Stevens says, what security have you for your debt? The Constitution is the title deed to the property that your debt is a lien upon.

In the case of Borie against Trot, Judge Sharwood decided that a man who agreed to pay a debt in gold should pay in gold. Was not that right? He did not decide the question of the power of Congress.

You hold a 5-20 or a 10-40 bond, the interest is payable in gold. The government agreed to pay you in gold. The Radicals and their Judges say the Government may pay you in paper. Judge Sharwood holds that a contract to pay in gold should be enforced; which best suits you? Which is the more honest?

Do you see where this Radical doctrine leads you? They already say that the principal of the bonds may be paid in paper. If Judge Williams decides that your interest is payable in paper, is your contract with the Government carried out? Will he not so decide?

They will pay in paper if their extravagance makes it necessary. The interest on our State bonds was payable in gold, the law made it so. (See Act of 1840.) In 1864, when gold was 166, the Radicals in the Legislature passed a law making it payable in paper, on the ground that they could save money. (See Legislative Rec. 1864.) Are you any more secure than the bondholders of the State?

The expenses of the Government are more than its income. The Radicals are expending \$225,000,000 of your money for this year. The Democrats expended \$62,000,000 the last year they were in power, for the same purposes. Can you sustain this extravagance? Does not the security of your debt consist in prudent management, economy in public business, and nourishing and developing our resources? Are the Radicals pursuing this course?

If you wish your bond and its interest

paid in paper, and your contract with the Government violated, vote for Henry W. Williams.

If you want contracts between man and man, and between the Government and yourself carried out, vote for George Sharwood.

Negroes in the Jury Box and in the Public Schools.

It is a positively demonstrated fact that the Radical party intends to force negro suffrage and equality upon the States by Congressional action. Mr. Wilson's bill is ready for consideration in the Senate when that body meets in December next. That bill raises negroes in all the Northern States to the full level of citizenship, anything in the Constitution of the several States, to the contrary notwithstanding. The word "white" in the Constitution of this State will be no bar to the progress of Radical usurpation. The fact that the people of this Commonwealth are opposed to the disgusting and revolutionary scheme will not be considered by the party in power. The leaders of the dominant organization declare that a negro enfranchisement bill will secure them three thousand votes in Connecticut, and fifteen thousand in this State; that it is needed in New York and Indiana, indeed in all the States, as a means of keeping the Radical party in power, and that consideration will be sufficient to poll every vote of the Radicals in its favor in both houses of the National Legislature. In a late number of the Cincinnati Commercial it is announced that Senator Sumner has positive assurance of votes enough to pass his universal suffrage bill, which is kindred to that of Senator Wilson, and in this manner negro suffrage will be fastened upon the people of this State, and that, too, in open defiance of the Constitution, which declares that none but "white" men shall be depositaries of political power in this Commonwealth.

This is to be followed by the enactment of State laws carrying the idea of negro equality, which is a leading and cardinal doctrine of the Radical party, to its legitimate goal. In the first place, negroes are to be admitted to the jury-box. This point is insisted upon by the leaders of the negro movement, and the politicians have yielded. They want the votes of the negroes, and for their support, at the box to them as it is open to white citizens. The result of such an act cannot but be disastrous to the interests of white men. Negroes, with all their ignorance, caste, bigotry, and prejudice against white men, will not make safe jurors to determine cases in which the life, liberty or property of the superior race are involved and imperiled. They will be led and controlled by their clannish feelings, and Radical lawyers will artfully introduce politics into the consideration of all cases, and thus make them depend upon the political opinions of the litigants, not the facts which may be given under the rules of evidence. The introduction of negro votes into the ballot-box will throw a mass of ignorance and want of reason and judgment into that safeguard of the rights of American citizens which will be productive of the most serious consequences to the white people of this State. And yet, this measure will be carried out by the Radicals if they are successful this fall. It is therefore an element in the present State contest which should not be overlooked.

Following this attack upon the interests of white men will be the passage of a bill by the Legislature introducing negro children into all the public schools of the Commonwealth, on a full equality with white children. The Radicals are not content that separate schools shall be maintained, where negroes can be educated at the public expense. They are not satisfied to make white men educate negro children in addition to their own. This does not carry the principle of negro equality far enough for the dominant party. They insist that negroes shall be sandwiched between whites in the same building; that white girls and boys shall be compelled to sit beside negroes, and mingle with them in all the exercises incident to and connected with school-life under our present educational system in this Commonwealth. This is what white girls and boys will have to do if the Radicals are successful at the polls this fall, or else forego the chances of receiving an education fitting them to act well their parts on the stage of busy and exacting life.

These are issues of a deeply interesting and practical character, and they are directly involved in the State contest now going on in Pennsylvania. If the Radicals are successful, white men will have to sit beside negroes in the jury-box, and white children herd with negroes in the school room. This is the price white men will be compelled to pay for a Radical triumph in this State. Are they willing to do so?

It is said that the hotel keepers at the White Mountains are about to petition Congress to have the name of those hills changed to Black Mountains, in deference to the popular sentiment of New England. They need not do so in view of the late elections.

Radical Duplicity.

In an article on the Ohio election the Press says: "The vital point at issue is the question of manhood suffrage, and it is that great principle which draws out such an array of force." Why was the "vital point" repudiated in this State? Why did the Williamsport Convention ignore "manhood suffrage?" If that great principle is calculated to draw out the whole force of the Radical party, and make it effective at the polls, by what strange oversight was that fact overlooked by the men who engineered the Convention which nominated Judge Williams, of Connecticut? The truth is, the Radicals are not controlled by principle in this matter of negro suffrage. Where they can win on the black issue, there the negro will be brought to the surface; where they can make nothing of the "colored brother," he will be pushed under the ice and allowed to remain there. In Ohio they are clamorous for negro suffrage. In this State the question is not even mentioned in their State platform. Here they rely upon Congress to force negro votes into the ballot-box, in opposition to the will of the people. This, they hope, will save the party from a certain defeat upon the open issue. But the body of the ostrich can be seen although its head is buried in the sand, and the white men of Pennsylvania will defeat at the polls a party which intends to place the negroes on a full equality with them in all parts of the Union.

United States Bonds.

The Republican papers are abusing some Democrats of Ohio for proposing to pay off the funded debt of the country in legal tenders. This is called "repudiation," the "sacrifice of national credit," and other hard names; but is not half so bad, if laid at all, as the measures that the Radicals have already endorsed and forced upon the country. Who made legal tenders good payment for debts incurred in gold and silver, thus legalizing the repudiation of private contracts? Who compelled the creditor to accept a depreciated currency for his demands, giving him oftentimes only fifty cents on the dollar? If we are to suffer the name of repudiators, the stigma has already attached. The public debt was incurred in greenbacks; why should it not be paid in gold was two hundred and thirty percent now that gold is one hundred and forty. If the Radicals can point to any law guaranteeing the payment of the public debt in gold, they need not hunt so far as they do at present for their arguments. If there is no such law there is no obligation, express or implied, to repay other money than that loaned. But in any event, a simple way of avoiding all questions is to buy up the bonds in open market.—New York Citizen.

Strong Radical Endorsement of 'Our Candidate.'

Over forty thousand Republicans of Philadelphia voted for Judge Sharwood when he was last a candidate for the position he now fills so ably. That was in the very hottest excitement of the war. He was then regarded as sufficiently loyal and was considered sound on all constitutional questions. No paper in Philadelphia then spoke of him except in terms of the highest praise. The assaults made by them upon him now, come with a very bad grace. Either they lied when they praised him, or they are lying now.—Which it is any man of sense can easily tell for himself. The people of Philadelphia and of the whole State know Judge Sharwood so well that the falsehoods of a set of mercenary and corrupt political scribblers cannot affect his fair fame. That he will be elected by a large majority there is no reason to doubt. He is just the man to be placed on the Supreme Bench, and the lawyers, the business men, the capitalists and the masses of the people all know that to be the fact. Even the Republicans of Philadelphia can not "go back" on their endorsement of him. Multitudes of them will vote for him.

When Thaddeus Stevens stated that the Republicans would come to grief in Pennsylvania this fall on account of their frightful corruption, he, in advance, gave an explanation of the painful defeat of Radicalism in California and Montana, and the overwhelming gains of the Democracy in Vermont and Maine. The truth is apparent that the masses are becoming thoroughly disgusted with the usurpations of the Congressional traitors, and they are preparing to strike the Radicals a crushing blow in Pennsylvania.

A Paris letter reports that M. Debrauzde Raldapenna, of the Memorial Diplomatique, is left literary executor to Maximilian, and is about to publish a biography of his brief life. M. de Raldapenna had already begun the work before the arrangement of Miramar was concluded, and he has recently received documents which will nearly lead him to the end of the life of the Prince.

The popular question of the day now is—Have you heard from California?

GOLDEN NEWS.—That from California.

The Despotism Bill—Conflict of Races.

Hon. James Brooks, member of the Rump Congress from New York, and one of the proprietors of the New York Express, delivered an able speech against the Five-monarch bill as it passed through the House. We quote his remarks upon "the development of a conflict of races," as follows. The truth of the statements and deductions cannot be denied:

Sir, I deprecate the passage of this bill in its effect upon the people of the Southern country. Far better would it be for that land, from the Potomac to the Rio Grande, to be as it was one hundred years ago, a howling wilderness; than to be subjected to the amalgamation of races which you are "proposing" in this bill. Our country is now made up of many different races, not only Caucasian, Mongolian, Indian, Chinese, with Japanese about to come here in the Pacific steamers by thousands, and at last the Esquimaux; but you have selected the least intelligent, the poorest informed, except the Esquimaux; you have selected the African to share with you copartnership in this Government, while your own wives and children, your minor boys are shut out from the right of suffrage. You have given to the negro equality and copartnership with the white man. Sir, it is impossible for these two races, in my judgment, ever to live together on terms of intimacy, amity and friendship, as you propose in this bill.—You have stored up and are yet storing up for them the elements of awful strife which will produce a perpetual conflict of races.

Sir, the negro Haytien is wiser than you. He allows no white man to hold real estate on that island. The black Liberator is wiser than you. He allows no white man to share with him the government of that country. The experiment in Jamaica of a mingled government has broken down, and all the free government there is absorbed by the British Parliament, which now, through orders in council, disregarding both whites and blacks, exercises supreme power. Nowhere on this earth has this mixed government succeeded.

One race is superior to another. God so ordained, and no fiat of authority of yours can bring down the Caucasian to the African, or bring up the African to the Caucasian. All efforts, all struggles to mix the races, and to create a half Indian, now Governor and ruler of Mexico, is just now showing there the barbaric character of this mingled Government of unnaturally associated races, while the numerous other Spanish negro Indian hybrid States are almost all of them in constant civil war, armies running and overrunning one another, with the blood of the white man and the blood of the negro both deteriorated by thus commingling, and yet here this rash, this fearful experiment! No, not an experiment, for experience has already shown that it never can succeed.—You propose to mix and mingle the twelve millions of your countrymen in the Southern States of the Union. You take the most ignorant, the most uneducated, the most brutish of the population, and give them absolute control in boards of registration or through the ballot-box. It needs not the eye of prophecy, it needs no skill of divination to foretell what must be the effect of such a crime as this, for all history shows you what has been its effect and pronounces what will be hereafter.

The "Groundswell" against Radicalism.

There can be no doubt that the decadence of Radicalism has set in, and that its falling fortunes can only be retrieved,—if even thus—by a resort to negro suffrage.

In March, New Hampshire, one of the strongholds of Radicalism, fell from its annual Radical majority more than one-half. In April, Connecticut, always Radical, threw off its bonds and declared in favor of Democracy.—In August, Kentucky, which gave the Democracy 37,944 in 1866, ran the majority up to 50,260. Next Vermont, during the present month, has fallen so far below the usual Radical majority that the Radical press and officials keep back the returns—merely claiming the election by a reduced majority. Lastly we have California, which wheels out of the thralldom of Radicalism into the Democracy by a majority estimated at ten thousand.—Tennessee, alone, maintains itself unrepudiated in Radicalism—but how? Through negro votes!—the unjust and infamous disfranchisement of nearly all the best citizens of the State.

Taking these facts together, the Democracy have great cause to rejoice, and to renew their efforts to carry the October and November elections in the other States.

Prof. Watson, of Ann Arbor, Michigan, announces the discovery of a new planet, situated in right ascension 1° 40', and in declension 3° 10' south—moving west and south.

Hon. James A. McDougall, an ex-Senator of the United States, from the State of California, died at Albany, N. Y., on the 3d inst.