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What says the Law?

Can Congress by Enactment Divest the President of his Constitutional Powers?

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There is an instrument which confers upon men who are acting as a government at Washington all the power and all the authority which they have for acting at all. It is called the Constitution of the United States, was framed by men of the profoundest philosophical insight and purest motives, and has been universally admired by other men of the same cast all over the world. What has been regarded as the principal excellence were its nice distributions of power, its careful check upon the misuse of power, and the fixed limits placed not only upon the general functions of government, but upon all its special and subordinate branches.

This Constitution, in accordance with the teachings of the soundest political writers, has divided the administration of the government into three equal and coordinate departments. One of these is for the making and devising of laws; another for executing them; and a third for constraining them, when they conflict with each other or may be otherwise brought into doubt. Each of these departments is a unit; it has its distinct and clearly defined sphere; it is, except in certain defined instances, totally independent of the others, not to interfere with them nor to be interfered with by them; and it is responsible, like all the others, to the people by whom it is made, and for whose interests alone it was made. The powers conferred upon each of these departments are precisely in the same words, that is, they are complete and conclusive in each, save where the exceptions are especially made.

The words are these: "All legislative power herein granted shall be (i. e. is) vested in a Congress, &c." "The executive power shall be vested in a President of the United States of America," "The judicial power of the United States shall be vested in one Supreme Court, &c."—words which show that the President, the Supreme Court, and Congress hold their trusts from the same authority, under the same grant, by a similar tenure, and on equal conditions, i. e., without any real or implied inferiority in either. The range of their powers is different, both as to its objects and its extent, but the substance or ground of it is identical. The President is just as much the President, as Congress is Congress, or the Supreme Court is the Supreme Court. The President is the whole and the only executive power, and the Supreme Court, with the interior courts, is the whole and only judicial power, as Congress is the whole and only legislative power—save, as we have before said, a few exceptional but necessary interferences of jurisdiction.

The President being constitutionally the Executive power, that is, the power required by the Constitution to enforce its own provisions and laws made under them by what authority, what right, what show of right can Congress commit the execution of the laws to officers not belonging to the executive, nor responsible to it, but holding directly from the Congress? Would not such an act be the abrogation, so far forth, of the executive Department? Would it not be making a second executive Department, thereby destroying the unity of that branch of the government whose efficiency especially depends upon its unity. Legislature and judges may be divided in opinion, and the results of their action be the better for such division, but the executor of the laws, to be an executor at all, must be one. Courts, councils, assemblies, parliaments, are proper in the sphere of deliberation, but the emperor, the king, the president alone is tolerated in the sphere of action.

By virtue of his office the President is made "Commander in Chief of the Army and Navy of the United States;" in that capacity he is the head of the military arm of the executive, as he is already in his capacity as President head of the civil arm. All military officers, as well as all civil officers, engaged in the execution of the laws, are subordinate to him; he appoints them, commissions them, and gives them orders; and it would be mutually in any subordinate to refuse obedience to his orders once clearly promulgated.

Has Congress the power given it any where to change this fundamental disposition of things? Can it by mere enactment divest the President of the powers vested in him, make another man the Commander in Chief, and order him to execute the laws, at his own discretion, or subject only to the supervision and control of Congress. If so, what becomes of the constitutional limitations? What meaning is there in the positive, specific, unmistakable clauses vesting the several powers of the government? Or is Congress, in spite of this language, an omnipotent parliament, in reality like that of Great Britain, representing alone the nation, and entitled to override all other powers when its convictions of the public interests shall so require? If that be the truth, let us know it at once, and pride ourselves no longer on the superiority of our political system to the absolutisms of Europe, which have wrought so much mischief.

Plymouth, Mass., lost \$50,000 the past year by the cod fishing business.

The Revolution.

It will no longer be denied that we live in revolutionary times. The whole country is rocking and reeling as if an earthquake in its terrible course was passing over it. The government, framed by our fathers, and cemented by the blood of the bravest men and the purest patriots of the world ever saw, no longer commands the love, respect and veneration of the whole American people. A party has obtained possession of power which ranks Stevens and Sumner above Washington, Jefferson and Madison, and is willing to barter the priceless inheritance of constitutional rights, civil law, and national prosperity, for the idle fancies of humanitarian dreamers. Old laws, ancient customs, precedents made precious by the accumulated wisdom of years, are scoffed at; the decisions of wise, learned, and pure judges treated as the babble of gossips, and the history of other countries unheeded. The whole land is cursed with this revolutionary spirit, and Congress is leading the column and pushing on the attack.

In order to measure the full force of the revolution which is upon the country, let us look at some of the innovations already made upon the Constitution and our republican form of government. The Constitution declares that the House of Representatives shall be composed of members chosen every second year by the people of the several States. This provision of the fundamental law of the nation is entirely ignored. Ten States have no representation at all. The Constitution says the Senate shall be composed of two Senators from each State. The revolution has made a nullity of this plain provision of the fundamental law of the land. Representatives and direct taxes, shall be apportioned among the several States. So says the Constitution. And yet this duty is ignored by the revolutionary body which has usurped the whole government of the United States. According to the Constitution, the President is the Commander in Chief of the army and navy of the United States. The revolution has blotted out this position of that instrument and reduced the President to a mere subordinate. The Constitution says the judicial power of the United States shall be vested in the Supreme Court. But Congress is about to assume the functions of that branch of the government, by putting it in the power of two judges to prevent any law passed by the National Legislature from being declared unconstitutional. The United States is required by the Constitution to guarantee to every State in the Union a republican form of government. Instead of doing this, the revolutionists in power have deprived ten States of a republican form of government entirely, and erected a military despotism in its place. These are some of the footprints of revolution, and yet the people slumber, and will not heed the warning of those who proclaim the danger by which the nation is surrounded.

What are the present effects of this revolution? A divided country, States denied their just and constitutional rights under the Federal compact, civil courts broken up, Governors of States driven from power by Federal bayonets, negroes elevated to seats of trust, honor, and responsibility; constitutions forced upon the majority by the acts of a minority, business destroyed, trade blotted out, the products of the South reduced, and the people of that section starving. A step further, and we meet a war of races, negroes murdering white men, outraging white mothers and daughters, burning houses, destroying towns, and tramping out the whole progress and civilization of the white race, as they did in St. Domingo. And in this work they will be acting as the agents of that party which is now pushing on that revolution, the headquarters of which are in the Senate and House of Representatives at Washington.

In the future this revolution assumes still more gigantic and alarming proportions. The despots and usurpers who now control the legislation of the land will not halt in their work of destruction. Robespierre and his bloody associates did not, until the guillotine performed its necessary mission. If the President can be virtually deposed, the Supreme Court muzzled, the army turned into a political machine, States reduced to military provinces, and white men ruled by negroes, what may not be expected? Is it probable that Sumner and Stevens and Stanton and Butler will turn patriots, and surrender power, or use it for the benefit of the masses? As well expect the Czar of Russia to proclaim a republic. The revolution now in progress in our country will continue until this once happy republic is remembered among those which have passed away, unless the people awaken to the full realization of the dangers by which they are surrounded, and determine to hunt the despots and usurpers from power. It cost labor, treasure, and blood, to build this ark of constitutional freedom in the New World. Is its preservation not worth an effort at the polls?

—Virginia City, Nevada, is caving in. A gentleman went to look for his boarding house the other day, and on returning, was asked his success. "Well," said he, "I found every thing settled except my bill."

Angling for Dog!

Brick Pomeroy tells the following: Another time we were traveling on grounds we had no right to tramp over. The only excuse was like that of military necessity—it was better fishing through the farms where the trout had been preserved than in the open lots where all could fish.

It was early morning. We had risen at three, ridden ten miles, and struck the creek as the trout were ready for breakfast. Looking carefully for a sheltered place to hitch our horses, we slyly crept on behind fences, etc., till we reached the part of the stream not generally fished. A farm house stood a quarter of a mile away. We saw the morning smoke curling lightly from a stove pipe—saw a man and two boys come out to do chores—saw two women busy about the door, and a ferocious bull dog wandering about the yard.

If ever we fished close, it was then. Not a whisper to disturb the birds, or the owner of the land. We crawled through the grass—dodged behind clumps of alders, and lifting large speckled beauties out of the water till our basket was full.

This was the time to have gone; but the trout were so large and bit so readily, that we could not withstand the temptation, so we decided to string and hide what we had, and take another basketful. So at it we went. No sooner would the hook touch the water than we had a trout. We forgot the house, the man, the boys and the dog!

Suddenly there was a rushing through an oat field, as if a mad bull were coming! We looked toward the house, and saw the farmer and his two boys on a fence, the women in the door, and the bull dog bounding toward us. We saw it all—we had been discovered. The well trained dog had been sent to hunt us out, and, as the matter appeared, it was safe to bet he was doing that thing right lively.

To out run a dog was not to be thought of. There was no time to lose. He cleared a fence, came for us just as we reached a front seat on a limb above his reach.

Here was a precious go! A vicious bull dog under the tree, and a farmer and two big boys ready to move down upon our works. It was fight, foot race, or fangs!

The farmer yelled to his dog—"Watch him, Tige!"

Tige proposed to that little thing, and keeping his eyes on us, seated himself under the tree.

Then spoke this ugly farmer man—"Just hold on thar, stranger, till we get breakfast; then we'll come and see you! If you are in a hurry, however, you can go now! Watch him, Tige!"

We surmised trouble—quite much; for twice had that bold man of bull dogs and agriculture elegantly walloped innocent tourists for being seen on his suburban premises. His reputation as a peace man was not good; and there arose a large heart toward our throat!

Time is the essence of contracts, and the saving ordinance for those in trouble. We had a stout line in our coat pocket and a large hook intended for rock bass if we failed to take trout. And, as good luck would have it, we had a nice sand-wich and a piece of boiled corned beef in our other pocket.

We called the dog pet names, but he wasn't on it! Then we tried to move down—when he'd move up! At last we trebled our bass line, fastened the great hmerick to it, baited it with the corned beef, tied the end of the line to a limb, and angled for dog!

Tige was in appetite. He smelt of the beef; it was very nice. He swallowed it and sat still with his eyes on us for more, but with no friendly look beaming from his countenance. Not any!

When we pulled gently on the line—it was fast! Tige yanked and pulled, but 'twas no use! The attention of the canine was diverted from us—his business was being done by another line!

We quickly slid down the tree—coming near blistering our back doing it—seized the basket and pole, and straightway went thence somewhat lively.

We found our string of fish, and reached the buggy and a commanding spot in the road, in time to see the sturdy yeoman move forth.

We saw him and his cohorts, male and female, move slowly, as if in no haste. We saw them look up the tree. We saw an anxious group engaged about the dog. We came quickly home, and kindly left the bass line and hook to the farmer.

A Trap for a General.

The new amendment to the Reconstruction acts, which have been so often amended before, proposes to put aside the Supreme Court as an interpreter of the laws, and the President as the executor of them, in order that Congress may absorb into itself all the functions of Government. It has therefore evinced such superior wisdom, in the restoration of the late insurgent States, and in the management of finance and taxation, that it thinks nothing less than universal power its due.

While it proposes to forbid the judiciary to pronounce an opinion on certain subjects, it also declares the number of votes in bench by which any opinion is to be held as valid. Two thirds of the judg-

es—not a majority of them—must concur in pronouncing upon the constitutional merits of any law; that is, two thirds this month, but as Congress regulates the matter, it may be three fourths next month, and the month after unanimity. In other words the decisions of the highest judicial tribunal will be made to take their complexion from the politics of the legislative department.

By the organic law, the President of the United States is made the Commander in Chief of the Army and Navy of the United States; but that is an antiquated law, and Congress proposes to set it aside by enacting a law of its own "sovereign will"—as the impeachment report would say—conferring the power upon our principal general. As a soldier of great distinction and merit, he is ordered to begin with an act of insubordination towards his chief whose authority he is to disregard, and assume the character of military dictator in ten at least of the States of the Union.—N. Y. Post, Radical.

Naturalized Citizens.—Position of the Democratic Party concerning their Rights.

Meetings are being held in various cities for the purpose of asserting the rights of naturalized citizens. There is nothing new in the claims made for the protection of this class of persons. The Democratic party has always maintained that the government was in duty bound to protect them wherever found.

A happy allusion was made to the position of the Democratic party and of the United States government under Democratic control by Hon. Marshall B. Chapman during the debates in the Constitutional Convention. While speaking against the unjust and odious discrimination against adopted citizens contained in Greeley's report on suffrage, in alluding to Governor Marcy's demand of Martin Kosza, while held by a foreign power in the port of Smyrna, he said:

"What is this sacred right of citizenship imputed the power of this Constitution? Is it a right that can be hawked at and torn away by State authority? Sir, in the better days of the Republic, there was a man who was a political exile from his own country where he had followed the flag of liberty until it went out in the night of despotism. He made this country his asylum. He afterwards wandered abroad, and in the port of Smyrna he was seized by the tyrannical hand of Austria for his political offense. He had then done nothing, but declare his intention to become a citizen of the United States. But what was the notion of our government? In tones as clear as the notes of a silver trumpet, which thrilled and electrified the nation, the right of nationality was asserted. His cry, though feeble and far off, fell upon the quick ear of a great people, and the arm of this mighty republic was stretched forth to succor him, and at the mouth of the cannon he was surrendered from the prison ship in which he was confined. The principle of this nationality, with which the citizen is invested, is, that as long as he can discern every star in its place upon the ensign, he cannot wander so far from his country and his home in any legitimate pursuit, but that he carries with him and is protected by his paucity of nationality, and the ruthless hand of tyranny and oppression cannot be laid upon him with impunity. It is kindred to that other great national principle that the deck of an American vessel is as sacred as the soil of the Union, and the colors that float at the mast head are the credentials of our seamen!"

This covers the whole ground. Marcy's great manifesto settled the whole question and all that is now necessary, is for the government to act up to the noble precedent established in the Kosza case.—Albany Argus.

Systematically Sold.

Two gentlemen from New York, one of whom had been in California nearly a year, and the other just arrived, were accidentally overheard in the following conversation at the Sutter House, Sacramento. The new comer was lamenting his condition, when he asked the other if he had a family.

"Yes, sir, I have a wife and six children in New York, and never saw one of them."

After this, the couple sat a few moments in silence, and then the interrogator again commenced:

"Were you ever blind, sir?"

"No sir."

Another lapse of time.

"Did I understand you to say, sir, that you had a wife and six children living in New York and had never seen one of them?"

"Yes, sir; I so stated it."

Another and a long pause of silence. Then the interrogator inquired:

"How can it be, sir, that you never saw one of them?"

"Why," was the response, "one of them was born after I left."

"Oh ah!" and a general laugh followed.

After that the first New Yorker was especially distinguished as the man who had six children and never saw one of them.

The Mormon Temple at Salt Lake.

The temple block is forty rods square and contains ten acres. The centre of the Temple is 156½ feet of the east line of the block. The entire length of the building is 180½ feet, including towers, and the width 91 feet. On the east of the front end there are three towers, and corresponding with these are three towers on the west or rear end. The north and south walls are feet thick, clear of pedestal. They stand upon a foot wall 16 feet wide at the bottom, which slopes 3 feet on each side to the height of 7 feet. The footings of the towers rise to the same height as those of the sides, and consist of a solid piece of masonry of rough ash-lars laid in good mortar. The basement of the main building is divided into many apartments by walls all resting on broad footings.

The line of the basement and floor is 6 inches above the top of the footings. Of the towers named there are four, one at each corner of the building, cylindrical in shape, 17 feet inside, within which stairs ascend 5 feet wide, with landings at the various sections of the building. The whole house covers an area of 21,850 square feet. Freeman Angell is the architect.

The massive blocks of stone of which the foundations of the Temple are built are granite, hauled we believe a distance of twenty miles, the teams and labor being furnished by the Saints. It was at one time the purpose of Brigham Young to turn a neighboring river to the quarry and thence build a canal on which to transport the stone.

Quite as interesting as the temple is the Mormon Tabernacle, which is built for the use of the immense Mormon congregations which meet every Sunday to hear preaching from the Prophet Brigham Young and his associated apostles. It is in many respects the most remarkable building on the continent of America. It stands on the Temple Block, west of the Temple.

We may state that it is oval in shape, the interior being, above and below, and all around, shaped like an egg. It is 282 feet long by 132 wide in the clear. The height from floor to ceiling is 65 feet; running lengthwise of this egg-shaped affair are forty-four pillars, averaging 14 ft. in height, 3 feet thick, and 9 feet deep.—Resting on these pillars are arches of lattice work and rib, and each rib requires 24,000 feet of lumber. Each rib has a rise in the centre of 55 feet.

The entire Tabernacle consumed 1,500,000 feet of lumber in the building. It will seat 10,000 people. The stand from which the apostles deliver their discourses is advanced about 65 feet from the west end, standing say about in one of the foci of the elliptical structure. This stand is divided into sections for the bishops, the President, the twelve Apostles and the First President.

One remarkable structure inside of this immense building is the grand organ, standing upon a base 23 feet wide by 30 deep. The front of the organ is octagonal in form, rising to the height of 45 feet. It contains 2,200 pipes, two banks of keys and thirty-five stops on the register. It contains 3,500 feet of lumber, which was brought on wagons from Iron County, a distance of 300 miles. The longest piece of lumber used in the pipes of the organ, is 35 feet in length. The lumber of which this organ is built has been three years in seasoning. It requires four men to blow the bellows. The builder of it is Joseph H. Ridges, and every portion of it was made by Salt Lake workmen and Mormons. It is undoubtedly one of the largest organs in America, surpassed perhaps by that in Boston only.—St. Louis Republican.

Queer Employment.

We heard a pretty good story the other day, where an honest-faced Hoosier went into a fancy store in Cincinnati, in hunt of a situation. The proprietor was sitting in the counting room, with his feet elevated, contemplating life through the softening influence of cigar smoke.

Our Hoosier friend addressed him as follows:

"Do you want to hire any man about your establishment?"

The clerk looked indifferently, but seeing his customer, concluded to have a little fun out of him, so he answered very briskly, at the same time pulling out a large and costly handkerchief, and wiping his nose on it.

"Yes, sir; what sort of a situation do you want?"

"Well, I'm not particular. I'm out of work and almost any thing will do for me for a while."

"Yes, I can give you a situation, if it will suit you."

"What is it? What's to be done, and what do you give?"

"Well I want a hand to chew rags into paper, and if you are willing to set in, you may begin at once."

"Good as wheat! Hand over your rags."

"Here, take this handkerchief and commence with it."

The Hoosier saw the "sell," and quietly putting the handkerchief into his pocket, walked out, remarking:

"When I get it chewed, stranger, I'll fetch it back."

From a Prominent Republican.

The Manchester (N. H.) Union prints the following letter from a prominent politician of that State:

WHITEFIELD, Dec. 31, 1867.
To Hon. E. H. Rollins, Chairman Republican State Committee:

DEAR SIR: Having seen in the proceedings of the late Republican State Convention that I was chosen a member of the Republican State Committee, I take the earliest opportunity after hearing of its organization to inform you, as its chairman, that I cannot serve in that capacity, and to give you some of the reasons that have led me to that conclusion.

I think that the leadership of the Republican party has fallen entirely into the hands of extreme and radical men. Attached as I have been to this party, events have forced me in spite of myself, with much regret and great reluctance, to this conclusion. My conscience will not permit me longer to act with the Republican party. I feel that I have, as an American citizen, obligations of a higher character than mere fealty to party.

I am, sir, for peace. I am for a restored Union and the maintenance of the Constitution. Throughout the varying fortunes of the late civil war—to its triumphant close, I gave the government a firm and unwavering support. I was unable, through an accident which deprived me of the use of one of my hands, to actively participate in the dangers and hardships of the field, but did contribute a soldier to the army of the republic, who was shot through the lungs at the battle of Fair Oaks, but whose life, by the mercy of God, was spared almost by a miracle. When the shock of arms was over, and the enemy utterly overthrown and entirely submissive, I looked for the speedy restoration of the Union under the Constitution. I need not say how sadly I have been disappointed, and how day by day my confidence in my party has waned, until now it is clean gone.

I have become satisfied that the short sighted policy of looking only at measures with reference to their effect upon the party, and of utterly disregarding their effect upon the welfare of the nation, guides and controls our leaders. To strengthen the Republican party the attempt is being made to introduce negro equality, which will amount to negro supremacy in some sections.

I wholly condemn the scheme of negro equality, and believe that to have negro supremacy in any section would be unwise and dangerous. To do this, the Constitution is trampled under foot, the common sense of the people is outraged, the business of our whole country is paralyzed and distrust and anxiety everywhere awakened.

I am profoundly impressed with the serious nature of the difficulties with which the country has now to contend—its unsettled condition, its immense debt. I know that the best statesmanship is necessary to extricate us from our embarrassment. I see no ability on the part of men now in office or disposition even to do the things necessary to be done to give the people peace, to economize and devise a system of just and equal taxation that shall cause our debt to be paid, or that shall even diminish it.

I feel, sir, that the country demands and must have a change of rulers; and so feeling, I cannot longer act with the Republican party, but shall give my vote and influence in favor of the Democratic party.

Very respectfully yours,
CHARLES LIBBY.

The Adulteration of Women.

A spicy correspondent of the Louisville Courier relates the matrimonial experience of one Verdant Green, a friend of his:

Verdant had lived an unspiced life until he had reached the ripe age of twenty-one. About that time a neighbor of V's father employed a governess from New York. V met her at a picnic, and as she was the first lady he had ever met that could make him feel at ease in her society, he fell violently in love with her. His bashfulness, under the skillful tutelage of the governess, wore rapidly away, and ere long he had consented to become her bridegroom. The bridal party stopped at a Cincinnati hotel, and after many a weary hour, the most momentous moment in a man's whole life arrived for Verdant. On two chairs were piled a pyramid of skirts, etc., and on a table near the head of the bed the astonished eye of Verdant beheld a sight which froze him with horror. There were false calves, false hips, false palpitators, and false hair. In one tumbler of water was a full set of false teeth, and from another a glass eye stared at the bewildered bridegroom. How long he stood, Verdant knoweth not, but after a while a hollow and strange voice, from under the bedclothes addressed him thus:

"Why don't you come to bed dear?"

"So I would, but by—, I don't know whether to get into bed or on the table."

—A little boy some six years old was using his slate and pencil on Sunday when his father who was a minister, entered and said:

"My son, I prefer that you should use your slate on the Lord's day."

"I'm drawing meelin' houses, father, was the prompt reply."