

whole number elected to that House, might pass a bill by a majority of a single vote, and in that case a fraction more than one-fourth of the people of the United States would be represented by those who voted for it. It might happen that the same bill might be passed by a majority of one, of a quorum of the Senate, composed of senators from the fifteen smaller States, and a single senator from a sixteenth State, and if the senators voting for it happened to be from the eight of the smallest of these States, it would be passed by the votes of senators from States having but fourteen representatives in the House of Representatives, and containing less than one-sixteenth of the whole population of the United States. This extreme case is stated to illustrate the fact, that the mere passage of a bill by Congress is no conclusive evidence that those who passed it represent the majority of the people of the United States, or truly reflect their will. If such an extreme case is not likely to happen, cases that approximate it are of constant occurrence. It is believed that not a single law has been passed since the adoption of the constitution, upon which all the members elected to both houses have been present and voted. Many of the most important acts which have passed Congress have been carried by a close vote in thin houses. Many instances of this might be given. Indeed, our experience proves that many of the most important acts of Congress are postponed to the last days, and often the last hours of a session, when they are disposed of in haste, and by houses but little exceeding the number necessary to form a quorum.

Besides, in most of the States the members of the House of Representatives are chosen by pluralities, and not by majorities of all the voters in their respective districts; and it may happen that a majority of that House may be returned by a less aggregate vote of the people than that received by the minority.

If the principle insisted on be sound, then the constitution should be so changed that no bill shall become a law unless it is voted for by members representing in each House a majority of the whole people of the United States. We must remodel our whole system, strike down and abolish not only the salutary checks lodged in the executive branch, but must strike out and abolish those lodged in the Senate also, and thus practically invest the whole power of the government in a majority of a single assembly—a majority uncontrolled and absolute, and which may become despotic. To conform to this doctrine of the right of majorities to rule, independent of the checks and limitations of the constitution, we must revolutionize our whole system. We must destroy the constitutional compact by which the several States agreed to form a federal Union, and rush into consolidation, which must end in monarchy or despotism. No one advocates such a proposition; and yet the doctrine maintained, if carried out, must lead to this result.

One great object of the constitution in conferring upon the President a qualified negative upon the legislation of Congress, was to protect minorities from injustice & oppression by majorities. The equality of their representation in the Senate, and the veto power of the President, are the constitutional guaranties which the smaller States have that their rights will be respected. Without these guaranties, all their interests would be at the mercy of majorities in Congress representing the larger States. To the smaller and weaker States, therefore, the preservation of this power, and its exercise upon proper occasions demanding it, is of vital importance. They ratified the constitution, and entered into the Union; securing to themselves an equal representation with the larger States in the Senate; and they agreed to be bound by all laws passed by Congress upon the express condition, and none other, that they should be approved by the President, or passed, his objections to the contrary notwithstanding, by a vote of two-thirds of both houses. Upon this condition they have a right to insist, as a part of the compact to which they gave their assent.

A bill might be passed by Congress against the will of the whole people of a particular State, and against the votes of its senators and all its representatives. However prejudicial it might be to the interest of such State, it would be bound by it if the President shall approve it, or it should be passed by a vote of two-thirds of both houses, but it has a right to demand that the President shall exercise his constitutional power, and arrest it, if his judgment is against it. If he surrenders this power, or fail to exercise it in a case where he cannot approve, it would make his formal approval a mere mockery, and would be itself a violation of the constitution, and the dissenting State would become bound by a law which had not been passed according to the sanctions of the constitution.

The objection to the exercise of the veto power is founded upon an idea respecting the popular will, which if carried out, would annihilate State sovereignty, & substitute for the present federal government a consolidation, directed by a supposed numerical majority. A revolution of the government would be silently effected, and the States would be subjected to laws to which they had never given their constitutional consent.

The Supreme Court of the United States is invested with the power to declare, and has declared, acts of Congress passed with the concurrence of the Senate, the House of Representatives, and the approval of the President, to be unconstitutional and void, and yet none, it is presumed, can be found who will be disposed to strip this

highest judicial tribunal under the constitution of this acknowledged power—a power necessary alike to its independence and the rights of individuals.

For the same reason that the Executive veto should, according to the doctrine maintained, be rendered nugatory, and be practically expunged from the constitution, this power of the court should also be rendered nugatory and be expunged, because it restrains the legislative and executive will, and because the exercise of such a power by the court may be regarded as being in conflict with the capacity of the people to govern themselves. Indeed, there is more reason for striking this power of the court from the constitution than there is that of the qualified veto of the President; because the decision of the court is final, and can never be reversed, even though both houses of Congress and the President should be unanimous in opposition to it; whereas the veto of the President may be overruled by a vote of two-thirds of both houses of Congress, or by the people at the polls.

It is obvious that to preserve the system established by the constitution, each of the co-ordinate branches of the government—the executive, legislative, and judicial—must be left in the exercise of its appropriate powers. If the executive or the judicial branch be deprived of powers conferred upon either as checks on the legislative, the preponderance of the latter will become disproportionate and absorbing, & the others impotent for the accomplishment of the great objects for which they were established. Organized as they are by the constitution, they work together harmoniously for the public good. If the executive and the judiciary shall be deprived of the constitutional powers invested in them, and of the due proportions, the equilibrium of the system must be destroyed, and consolidation, with the most pernicious results, must ensue—a consolidation of unchecked despotic power exercised by majorities of the legislative branch.

The executive, legislative, and judicial, each constitutes a separate co-ordinate department of the government; and each is independent of the others. In the performance of their respective duties under the constitution, neither can, in its legitimate action, control the others. They each act upon their several responsibilities in their respective spheres; but if the doctrines now maintained be correct, the executive must become practically subordinate to the legislative, and the judiciary must become subordinate to both the legislative and the executive, and thus the whole power of the government would be merged in a single department. Whenever, if ever, this shall occur, our glorious system of well-regulated self-government will crumble into ruins—to be succeeded, first by anarchy, & finally by monarchy or despotism. I am far from believing that this doctrine is the sentiment of the American people; and during the short period which remains in which it will be my duty to administer the executive department, it will be my aim to maintain its independence, and discharge its duties, without infringing upon the powers or duties of either of the other departments of the government.

The power of the executive veto was exercised by the first and most illustrious of my predecessors, and by four of his successors who preceded me in the administration of the government, and it is believed, in no instance prejudicially to the public interest. It has never been, and there is but little danger that it ever can be abused. No President will ever desire, unnecessarily to place his opinion in opposition to that of Congress. He must always exercise the power reluctantly, and only in cases where his convictions make it a matter of stern duty, which he cannot escape. Indeed, there is more danger that the President, from the repugnance he must always feel to come in collision with Congress, may fail to exercise it in cases where the preservation of the constitution from infraction, or the public good, may demand it, than that he will ever exercise it unnecessarily or wantonly.

During the period I have administered the executive department of the government, great and important questions of public policy, foreign and domestic, have arisen, upon which it was my duty to act. It may indeed be truly said that my administration has fallen upon eventful times. I have felt most sensibly the weight of the high responsibilities devolved upon me. With no other object than the public good, the enduring fame, and permanent prosperity of my country, I have pursued the convictions of my own best judgment.—The impartial arbitration of enlightened public opinion, present and future, will determine how far the public policy I have maintained, and the measures I have from time to time recommended, may have tended to advance or retard the public prosperity at home, and to elevate or depress the estimate of our national character abroad.

Invoking the blessings of the Almighty upon your deliberations at your present important session, my ardent hope is, that in a spirit of harmony and concord, you may be guided to wise results, and such as may redound to the happiness, the honor, and the glory of our beloved country.

JAMES K. POLK.  
WASHINGTON, Dec. 5, 1848.

A negro preacher in Mercer county, Ohio, recently beat his wife to death and fled for Canada. He was pursued, overtaken at Maumee, & taken back for trial.

Exporting a City.—A Brooklyn gentleman is having some two or three hundred frame houses built for exportation to California.

**Democratic Banner.**  
CLEARFIELD, Pa., Dec. 21, 1848.

Several articles are crowded out—among others the tributes of respect of the Odd Fellows and Sons of Temperance to the memory of their deceased brother, James A. Cathcart.

**CONGRESS.**—From the commencement already made, it would appear as if the peoples' servants at Washington were really determined to give us a business session. In the Senate, Mr. DOUGLASS, of Illinois, introduced a bill admitting California into the Union as a State, which he afterwards amended so as to include New Mexico within the limits of the said new State. Should this bill pass—and we hope it will, and that speedily—a great deal of useless, and worse than useless talk, about slavery in the territories, will be prevented.

In the House, a very fair postage bill has been reported. It provides a uniform rate of three cents for all distances on single letters, to be pre-paid; and one cent for all distances on the largest class of newspapers—half a cent on the medium size—and fourth of a cent on all less than 500 square inches. This will do; but we would prefer the bill of last session, known as Mr. BRODHEAD'S.

But Congress should lose no time in adopting the necessary measures to secure the immense treasures that seem to be offered to us in California—even admitting that nine-tenths of all the statements from that quarter are false. A Branch Mint, Surveyors, Marshalls, and a force sufficiently strong to maintain the rights of our country, should be sent out immediately.

**The Golden Era.**

The excellent message of President POLK has crowded out every thing in the shape of News this week, not having even a spare line to tell our readers any of the particulars relating to the discovery of the long-sought-for fountain-head of the gold-stream, from whence all other gold mines receive their supply. Yes, it really seems to have been found, and found, too, in that "drear, barren waste, not worth a dollar"—as Mr. Webster said—which the present "rainy" administration acquired from Mexico, known as upper California. The gold is found on the American Fork, Feather river, and other branches of the Sacramento. A portion of the gold that was sent to Washington by Col. Mason, Military Governor of California, has been assayed at the Mint in Philadelphia, and found to be extremely rich—being nearly, or quite, as pure as the American Eagle or British guinea now in circulation. Many vessels, loaded with merchandise, and crowded with gold-diggers, are now starting and getting ready to start from the Atlantic cities. A New York paper gives a list of 30 vessels, of all sizes, from that port alone. We will give the particulars in our next.

**MELANCHOLY.**—LOU W. IRVIN, formerly of Centro county, but lately engaged in the iron business as a manager for his brother, in Mercer county, committed suicide by hanging himself in one of the buildings attached to the works, one day last week. It is said that when found, he was holding a letter in his hand, containing his reasons for the act. He left a wife and three small children.

**The Cholera in New York.**

This most singular and fearful disease reached the vicinity of New York about the first of this month. It broke out among the emigrants on board of a vessel while on her voyage to this country. Seven deaths occurred on the voyage, and several more after reaching Quarantine, at Staten Island. It is now believed to be slowly but steadily spreading in that city.—Cleanliness, steady and regular habits, and cheerfulness of spirits, are recommended as the best preventatives.

**THE WAY.**—The quickest way to reach the gold "diggins" in California, is to take passage on board one of the new line of mail steamers at New York.—You can go to Chagres, by steam, 2500 miles; thence cross the isthmus to Panama, on the Pacific, 60 miles; and thence again by steam to California, say 3000 miles, or 5,500 miles in all. To go in the first cabin, will cost about \$300, and take 30 days.

A respectable citizen of New Orleans has been charged by Major Desbriels with obtaining soldiers' bounty warrants and extra pay by forgeries. It is supposed he got the muster roll from some one of the clerks employed in the War Department. The amount thus fraudulently obtained is unknown. The matter will undergo a searching examination in Washington, as it is supposed this fraud is very extensive. In some cases six signatures have been forged, including those of the Governor and Secretary of the State of Louisiana, as well as in every case that of Judge Beverly.

**WESTERN ANIMALS, &c.**—The Cairo Delta, Nov. 24, says: An English nobleman came down on the General Jessup from St. Louis, last week, having with him a number of animals, birds, &c., obtained in an excursion of some months among the wilds of the West. He had four fine buffaloes, one with call, and the largest cow Buffalo we ever saw. He intends stocking his park with these. He had also a beautiful antelope, obtained from a naval officer, with a fine bear, &c. He showed a large collection of our prairie birds, &c., preserved in a fine state by his naturalist.

Although a vigorous effort was making for Cavaignac, it appeared to be conceded that Louis Napoleon would be elected President of France, when the Ostade left.

**THE REAL GRIT.**—Horace Greeley thus discourseth over the specimens of California gold in Washington: "Any goose who could talk of 'mica' after seeing these specimens would not be worth noticing; it is no more like mica than it is like cheese; and just as little like any sort of iron, magnetic or otherwise. It is the real 'root of all evil'—I mean the love of it."

**SPITTING OF BLOOD.**—When the stream of life is encumbered with morbid humors, its volume or quantity is increased, and the blood-vessels are filled to overflowing; hence a rupturing of those which terminate in the lungs, and spitting of blood, consumption, and other dreadful complaints. Wright's *Indian Vegetable Pills* are certain to put a stop to spitting of blood; because they expel from the circulation those corrupt humors which are the cause of the bursting of blood-vessels, and of every malady incident to man. From three to six of said *Indian Vegetable Pills* taken at night on going to bed, will in all cases give relief, and if repeated a few times, will most assuredly restore the body to a state of sound health.

**Beware of Counterfeits and Imitations.**—Remember that the original and only genuine *Indian Vegetable Pills* have the signature of WM. WRIGHT written with a pen on the top label of each box.

*The genuine for sale by R. SHAW, sole Agent for Clearfield; CRANS & BROTHER, Curwensville; DANIEL BARRETT, Luthersburg; and wholesale at the office and general depot, 169 Race street, Philadelphia.*

**MARRIED.**—On Thursday Dec. 14th, by Rev. Miles T. Merwin, Mr. ALEXANDER REED, to Miss ISABELLA, eldest daughter of Samuel Clyde, all of Lawrence tp.

Again we are called upon to acknowledge the kind remembrance of our young friends, who, in the midst of their festivities and rejoicing, did not forget, but abundantly remembered the Printer. May the above couple so love that their example may afford a beautiful and pleasing commentary on the joys of wedlock.

"While the poet's muse would bless you,  
In a silent prayer hath given,  
That should sorrow e'er distress you,  
Ye may meet and love in Heaven."

On the same day, by John W. Wright, Esq., Mr. JEREMIAH COOPER, to Miss MARY M. KEAGGY, all of Beccaria tp.

**DIED.**—At his residence in Lawrence township, after a lingering illness of consumption, FRANKLIN LAWHEAD, aged 36 years.

**CONSUMPTION CAN BE CURED.**

**THOMPSON'S**  
*Compound Syrup of Tar and Wood Nup.*  
It will cure Consumption.

This excellent medicine has fully established its reputation, and all that is asked is a fair trial of it to prove it the only certain remedy for the cure of Consumption, Obsolete Coughs, Spitting Blood, Bronchitis, Hoarseness, Loss of voice, Pain in the Breast, and short, all diseases of the Throat and Lungs. Numerous individuals of the first respectability certify to its beneficial effects, when nothing else would relieve.

Prepared and sold by AGNEY & DICKSON, N. E. corner of FIFTH and SPRUCE streets, Philadelphia.

Sold by A. M. HILL, Clearfield, Pa., and by Druggists generally. Price 50c or \$1.00 per bottle.

**Orphan's Court Sale.**

By virtue of an order of the Orphan's Court of the county of Clearfield, will be sold at public sale at the Court House in the borough of Clearfield, on Monday the 29th day of January, 1849, a House & Lot in the said borough, known by No. 49, now in possession of Wm. C. Welch, Esq., being the interest of Amelia, Alfred and Caroline Smith, minors.

A credit of one year will be given to the purchaser for the largest portion of the purchase money.

JOSIAH W. SMITH,  
Guardian.

Clearfield Dec. 18  
1848

**Notice.**

**WHEREAS**, By an article of agreement made and concluded between George Conaway, sen, and his son Israel Conaway, of Karthaus township, Clearfield county, on the 15th day of November, A. D. 1848, the said Geo. Conaway, sen., conveys all his right, interest and claim, to all his (the said George's) real and personal property, (excepting one Cow) to the said Israel Conaway, during his natural life, in consideration that he, the said Israel shall keep & maintain the said George Conaway, sen., and his wife Catharine, as long as they both shall live.

In witness,  
GEO. CONOWAY, sen.  
Dec. 15, 1848.—pd

**Estate of Jas. A. Cathcart, dec'd.**

**LETTERS** of Administration having been granted to the subscriber, on the estate of James A. Cathcart, late of Pike township, Clearfield county, dec'd, all persons having claims or demands against said estate will present them duly authenticated for settlement—and all persons indebted to the same are requested to make payment without delay.

JOHN McCORD, Ad'mr.  
Dec. 19, 1848.—46

**Meeting of County Commrs.**

**PERSONS** having business to transact with the board of Commissioners of Clearfield county, will take notice, that said Board will be in session at their office, in the borough of Clearfield, on Monday, the 25th of December, (inst.)

Attest—WM. RADEBAUGH, CTR.  
Comm's Office, 11th  
Dec. 1848.

**Queensware, Queensware.**

**ALL** persons can be sooted in price and style by calling at **THE CHEAP CORNER. Come and examine our stock.**

CRANS & BROTHER.  
Nov. 22, 1848.

**BLANKS** for sale at this office.

**A FAIR OFFER**  
**To the People of Clearfield county.**

The subscribers, deeply anxious for the welfare and prosperity of the people of Clearfield county, and being well aware that nothing will more materially aid in securing real property than the general diffusion of useful information among the people, propose to publish a weekly paper, in the borough of Clearfield, at the very low price of

**ONE DOLLAR per YEAR,**

(In Advance.)

To enable us to do this, we must have at least ONE THOUSAND subscribers. The number, it is believed, can be raised within the limits of Clearfield county, if proper exertions are made. But there must be no holding back on the part of any man who can possibly get a paper conveyed to him. It will require the unanimous effort of all citizens of the county.

We therefore appeal to those of our fellow citizens who desire the dissemination of general information among the people, to use their efforts and influence in behalf of this useful enterprise. Your county cannot get along without a paper. You are unwilling to publish one at a loss of labor and outlay to ourselves. To enable every man to assist in thus extending the name and credit of the county, therefore, we offer to reduce the subscription price within the reach of all.

For at least three years, there will be no political excitement, and our paper will bear more character of an Independent, than that of either Partisan or a Neutral Journal. That is, we shall approve, or condemn, as the acts of either party may seem to deserve—speaking our own sentiments as freemen—and allowing the free use of our columns for others of either party to do the same.

Thus we appeal with much confidence to the members of the party as the others. Our aim shall be to make our paper beneficial to the people of Clearfield county, by supporting and defending their interests—by aiding to develop and make profitable the various resources of the county—and by laying before them, regularly every week, a faithful sketch of the events, great and small, as they may occur throughout the world.

When so much is to be gained, shall we appeal in vain to the friendship—to the liberality—to the patriotism—to the county pride—of the citizens of Clearfield county? We hope not. Then, gentlemen, all you have to do, is to assist us in procuring the required number of subscribers.

It is our intention to issue the first number about the first of May next. In the meantime, persons having Prospectuses will procure all the subscribers they can, and inform us, at the February court, of the number they may have.

The paper shall be printed on new type, and as large, and perhaps larger, than the present size of the BANNER, and contain as much reading matter as any of the country papers of the State.

In every case the subscription price (\$1) must be paid in advance—on or before 1st May, 1849.

D. W. MOORE,  
A. J. HEMPHILL.

Nov. 30, 1848.

**Philadelphia Type Foundry:**

NO. 8, PEAR ST., NEAR THE EXCHANGE,  
PHILADELPHIA.

THE Subscriber having made great improvements in his method of casting type and mixing of metals, and had a thorough revision of his matrices, the faces of which are not excelled, in beauty and regularity of cut, by any in the country; flatters himself that by a strict personal attention to business, and employing none but the most skillful workmen, he is enabled to offer

**A SUPERIOR ARTICLE**

**AT GREATLY REDUCED PRICES.**

It is continually adding to his stock all that is new from the best workmen of this and other countries, and having lately procured from Europe, a great variety of *New Faces and Ornaments*, solicits the attention of Printers thereto.

Specimens will be sent to those wishing to order.

Presses, Cases, Chases, Ink, Stands, Gallies, Brass Rules, and every other article needed to furnish a complete Printing Office, supplied at the shortest notice.

*German Book and Job Type,*  
Of the newest style and of all sizes, carefully put up in pounds of correct proportion.

ALEXANDER ROBB.  
Aug. 19, 1848.—8ms30.

**NEW GOODS.**

**KRAITZER & BARRETT** have just received a general assortment of *Fall and Winter Goods*, at their old stand, which they will sell low for *Cash or Produce* consisting of *Dry Goods, Groceries, Queensware, Hats, Caps, Boots and Shoes, etc., etc.*

They invite attention particularly to their stock of *Dry Goods, and Ladies' and Children's Shoes.*

For the ready cash they will sell goods cheap.

Nov. 22, '48.

**GRAND-BIBLIOTHEQUE**

*A valuable Scientific Work upon the subject of Gestation and Child Birth, by R. G. GEISSNER, M. D. late of Paris, just published in N. York by the Author.*

PRICE TWENTY-FIVE CENTS.

**THIS WORK** contains recently discovered information upon a subject of the highest importance to Married Persons, or those contemplating Marriage.

It will be found of special value to those whose means, health or other circumstances, do not permit them to increase the number of their family, without great inconvenience, suffering, or perhaps risk of life. A method of avoiding these troubles and dangers, at will (recently discovered by a celebrated French Physician,) is fully communicated in this work so that any person may avail himself of it at once, without cost. The means of prevention here set forth are therefore within the reach of all. The process is new, safe, infallible, convenient, simple, and cannot injure the health of the most delicate.

**CAUTION.**

Some speculator has clandestinely (under another name) published an imitation, (bearing the same title,) which, besides omitting the most important portions of it, dupes the credulous out of ONE DOLLAR.

When the price is

**TWENTY-FIVE CENTS.**

For the genuine, full, and complete Work. Copies of this work will be sent in a close envelope, single letter postage to any part of the United States, for twenty-five cents; sent, post-paid, to Dr. R. G. Geissner, Box 2456, office 127 1-2 Liberty Street, N. Y.

N. B.—No Book-seller allowed to sell this work.  
Nov. 13, 1848.—3m—95.