

DEMOCRATIC BANNER.

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From the Palmyra Whig.

A CARD.
In the "Missouri Whig" of the 29th ultimo, an article appears over the signature of James F. Mahan, Esq., Register of Lands for the United States Government at this place, purporting to be a defence of that gentleman against certain charges of official misdemeanor preferred through the public journals by some of his fellow-citizens. I cheerfully concede to Mr. Mahan the right to defend his acts and his character, both as a citizen and a public officer; but the propriety of inserting me before the public under the pretext of justifying himself, is not quite as apparent. I regret that Mr. Mahan should have found it necessary to resort to this species of attack, and had supposed he would permit me to pass quietly along without further assailing me, especially after the explanations and assurances given me, at the time I called upon him respecting his attacks upon me in his official correspondence with the Land Office Department. In this expectation, however, I am disappointed, and without further apology for presenting my name before the public, I respectfully tender the following in answer to the objectionable portions of his publication.

It would seem that among other statements made in the public journals against Mr. Mahan as a public officer, he has been accused of charging fees not authorized by law. Alluding to some of these accusations, Mr. Mahan says:

"When I first took possession of the office, I charged for the affidavit required by law, in the location of land warrants, which had been the practice of the office, as I learned from Col. Davies, and from some of those who had located, and continued to do so until a doubt of its legality was suggested. I then discontinued that charge, and wrote to the department on the subject. Up to this time there were one or two instances in which soldiers or warrantees were charged for this affidavit."

No such "practice" as that stated by Mr. Mahan, prevailed in the office whilst I had charge of it; nor did Mr. Mahan at any time "learn" any such thing from me. The late law of Congress authorizes the charge of fifty cents to the Register, and the like sum to the Receiver, for locating a land warrant, except in cases where the warrant, or his heirs, make the location—in this latter instance, the law authorizes no charge. Nothing is allowed for administering the affidavit to the person making the location, no such charge was ever made whilst I was Register, nor did I ever tell Mr. Mahan or any other person that such a charge was allowable. But Mr. Mahan states that he "also" learned this "from some of those who had located," and who of course had paid this fee. I now demand the name of one single individual who gave this information to Mr. Mahan, and if he does not furnish it, "the public," to whom he appeals, will render a verdict accordingly. I have no desire to wound the feelings of Mr. Mahan, nor do I write for that purpose; but he has charged me in a public newspaper with having swindled my fellow-citizens under the sanction of an official oath, by charging illegal fees, and in repelling his unjust and false accusations, I desire to employ such terms as will make myself properly understood.

It is not customary in controverted cases to require parties to prove themselves innocent of accusations preferred against themselves—the law always presupposes a man innocent until he is proven guilty. I am fortunate, however, in having abundant testimony at hand to confirm what I have stated respecting my charges for locating warrants, and as one of the many testimonials in my possession, I present the following from Alex. W. Rush, Esq., who is known to be one of the most conscientious, moral and upright gentlemen in this community.

PALMYRA, Mo., Dec. 3d, 1849.
Col. B. DAVIES—Sir: Your note of this date requesting me to state my knowledge of the fee charged by you for locating Land warrants while you were Register of the Land Office at this place, and also any knowledge I may have had of the manner in which you kept the papers, &c., in your office, is now before me.

In answer to your first inquiry, I will state, that my office being immediately adjoining yours, I was frequently present when you were locating land warrants, in no instance did I ever see you charge any person more than one dollar for each warrant; neither did I ever see you charge any thing, either for taking the affidavit of the person for whom you were locating a warrant, or for giving a certificate of location. I know that one dollar each was your uniform charge for locating land warrants. With regard to your second inquiry, I can only say, that being an acting Justice of the Peace while you were Register, I was frequently called on in my official capacity to transact business in your office. On such occasions, it often became necessary to refer to files in your office, and when such a necessity did arise, you would always lay your hand on the required paper without difficulty.

Regretting the necessity which induces you to call on me for the above statement,

I am respectfully, yours,
A. W. RUSH.

In view of the publications made against Mr. Mahan, he, it appears, has been also charged with having slandered me as his predecessor in office, and in defending himself against this accusation, he states as follows:

DEMOCRATIC BANNER.

"UNITED WE STAND—DIVIDED WE FALL."

VOL. 5.] LOUISIANA, PIKE COUNTY, MISSOURI, MONDAY, DECEMBER 24, 1849. [NO. 36.]

In several letters from the Department, my attention was called to the performance of duties, communicated to this office in previous letters, of various dates in 1847-8, which had not been attended to, or fully carried out. I had examined among all the letters and circulars that I could find in the office, to Col. Davies, and on two occasions enquired of him for those letters, without receiving any information. I then wrote to the Department, which was the only thing I could do, that the letters to which my attention had been called were not to be found in the office. When the Colonel came to the office, with his witnesses, I suppose to prove the falsehood and slander spoken of by "Citizen," he then, for the first time, showed me where he had filed the letters in question with his applications in a different part of the office furniture from where the other letters and circulars were found.

Although Mr. Mahan had treated me very unkindly and unjustly, by misrepresenting me in his official communications to the Department at Washington City, and otherwise, I felt no disposition to pursue him, being entirely satisfied with his humiliation and the apologies he offered at the time I called on him for explanation. But as he has in a qualified form renewed his statements (made to the Department) and impudently as a disorderly officer before the public, I am compelled to say a few words on this point also.

Mr. Mahan says he had "examined among all the letters and circulars he could find in the office" (which had been addressed to me) and on two occasions inquired of (me) for those letters without receiving any information—after which he "wrote to the Department that the letters to which his attention had been called could not be found." This language is not quite so emphatic as that employed in his letters to the Department. He there states three different times in one letter, that he has made "careful and diligent search in all the probable sources of information in the office" for these letters, &c., and that "only two could be found" (describing their date) out of a correspondence covering nearly the whole four years of my official term. He also states in his letters to the Department, that "the papers and circulars of the office were in the greatest disorder and confusion," which had caused him great embarrassment and delay in the performance of his official duties.

In reply to all this I have only to remark that I have no recollection of having ever been called on by Mr. Mahan to inform him respecting the locality of papers of any sort more than once, since I transferred the office to his care, and then his inquiry related to certain circulars, which I pointed out to him. I am quite sure it would have given me pleasure to furnish him any information I possessed in relation to any branch of the business of the office. Besides there was no necessity for making inquiries for letters or other papers belonging to the office, of me or any one else. All the different descriptions of papers (with a few exceptions,) were kept in separate cases, and each bundle properly labeled showing the date and nature of its contents. The letters of correspondence addressed to me by the Department, were put up in the same way and kept in the same case used for that purpose by my predecessors, and when I called at the office in company with Messrs. Kibby, Taylor, Valiant and Blakey, to investigate the truth of the statements made in the letters of Mr. Mahan to the Department against me, I opened the case in which the correspondence of the office had always been kept, and pointed out my whole correspondence at a single glance. The left-hand pigeon holes in the large desk case of the Register's office, always has been the place of deposit of official letters. That is where they have been kept for 20 years.—There is where I kept them, and persons going into the office will find them there now, unless they have been removed since I pointed them out in the presence of the gentlemen above named a few days since. For further confirmation of the various points embraced in this, to me, unpleasant controversy, I present the following certificates of gentlemen to whom I addressed notes soliciting their statements:

PALMYRA, Mo., Dec. 3d, 1849.

Col. DAVIES—Sir: In answer to your note of this date, I will state I was duly sworn in as a clerk in your employ as Register of public lands at this place, and that I assisted in adjusting and arranging the files of applications, letters from the General Land Office, and other papers of the office, so as to leave every thing (as you said) in a neat and uniform condition for the convenience of those who might succeed you—that you had resigned, & expected to go out of office which you did, on the 30th of June last.

The papers of your office were neatly tied up, labelled and arranged in their proper places; and it was your custom to keep them in that way. Indeed I have often had occasion to remark that you were too scrupulously particular about the order of your office. In fact, I have frequently heard you complained of by persons visiting your office, for your rigor in prohibiting them from touching, or in any manner handling the books or papers belonging to the office. That your office was in good condition, and every thing in its proper place when I left it, which was a very short time

previous to the expiration of your official term, I knew to be true.

As regards your charge for locating land warrant—it was one dollar.

Respectfully, yours, &c.,

JAMES T. LEWIS.

PALMYRA, Dec. 1849.

Col. DAVIES—Sir: Yours of this date being received, I have to say, that I have been acquainted with the Land Office since the 10th of October, 1833, and for many years have been employed in said office. That for many years the correspondence of the office, and other papers relating to pre-emptions, sub-divisions, &c., have been kept in one desk in the office, labelled and in pigeon holes, and especially during your continuance in office, was carefully kept, and in good order. I was often employed to represent you during your absence, and if the papers remain in the appropriate places, I can readily lay my hand upon any of the papers for any past year. I do not think that you made any change in the order of your predecessors.

Regretting that you should consider it necessary to call on me, I am willing to respond as far as I have any acquaintance with the Land Office.

Yours, respectfully,

EDWIN G. PRATT.

PALMYRA, Mo., Dec. 3d, 1849.

Col. B. DAVIES—Sir: As you have called on us to state what took place on the day we accompanied you to the Land Office at this place, we have no hesitation in saying, that at your instance we went to the office to witness an investigation (as you proposed) between yourself and Mr. Mahan, the Register, respecting certain statements made in a letter of Mr. Mahan to the Land Office Department at Washington City, complaining of your official delinquencies as his predecessor, a copy of which letter had been furnished you by the Commissioner. On arriving at the office, you showed Mr. Mahan the copy of his letter, and asked him what it meant; he attempted what you considered an evasive reply; and you asked him to allow you to examine the files of the office to see whether the papers he had stated in his letter were not in the office, could be found there. He replied that when the Government required him to do so, he would allow your request. Very sharp words then passed between you, and you said you were Register so far as your own official acts were involved; and as he had misrepresented you to the government officially, you demanded the privilege of examining the records of the office to establish your own innocents of his charge, and his guilt in having stated positive falsehoods to the Department against you as an officer. Being much excited, you reached forward and pulled open the door of a large desk laid off in pigeon-holes, for the purpose, as we presume, of preserving these records or files of papers, and showed us instantly all the letters that Mr. Mahan had stated in his letter were not there. Mr. Mahan had stated in his letter that a certain letter of a particular date had been carefully and diligently searched for, but could not be found. This letter you promptly drew out of one of the bundles, and Mr. Mahan then acknowledged that he had not made the examination as carefully as he should have done, which he was willing to state to the department. You showed from the books and other papers that he had misrepresented you in several of the statements of his letter, which he acknowledged and promised to correct. We have thus given the substance of what occurred on the occasion referred to, according to our best recollection, without going into further detail, which we trust will be considered sufficient for all practicable purposes.

Respectfully your fellow-citizens,

JOHN VALIANT,
J. H. KIBBY,
WM. BLAKEY,
JOHN TAYLOR.

It will be seen from the names of the gentlemen attached to these certificates, that this is no partisan proceeding. Mr. James T. Lewis, is the newly appointed whig postmaster at this place, and Messrs. Valiant and Kibby are of the same political party. Having said as little as I thought consistent with my duty to my own character, and without wishing to press my personal affairs—which are of no interest to any one but myself—before the community, I leave the further consideration of the subject to impartial investigation.

BENJAMIN DAVIES

Palmyra, Dec. 4th, 1849.

Whatever is honest and honest is tinged with melancholy. The eye of genius has always a plaintive expression, and its natural language is pathos. A prophet is sadder than other men; and he who was greater than all prophets, was a man of sorrow and acquainted with grief.

A BEAUTIFUL TIME COMING.

A correspondent of the North American criticises severely the recent announcement of a deficit in the revenue. He thinks an explanation of the manner in which this deficit is likely to occur should have been made. The North American is the organ of the Secretary of State. The first indications of the Poussin affair appeared in that paper from the pen of a correspondent. It startled the public a good deal, and set some jobbers aghast, and kicked up a fuss generally. The Republic comes down upon the correspondent for his late letter, thus:

"Let us look at this matter a moment. There are various ways of conveying information to the people. It may be communicated to the anonymous correspondents of journals published in other cities, and appear in the shape of mysterious hints and shrewd intimations in the first place, to be followed up by telegraphic despatches and ampler details from well informed correspondents, or 'correspondents with peculiar advantages of information,' or 'correspondents known to be in the confidence of a member of the Cabinet.' It may then be mixed up with crude and rash speculation, with false glosses and comments, and turn all business affairs topsy-turvy for a day or two, till people begin to think for themselves, and obtain reliable facts from responsible sources. Meanwhile, the operations in the stock-market go on briskly; and in the end, men find that they have been bubbled by an idle clamor or which is raised for the purpose of giving interest to a letter from Washington."

There are some tolerably plain hints to Clayton & Co. in this extract, and the whole article is of like tenor. Meredith has put forth his card proclaiming a deficit. Clayton's organ grows over it, and Meredith's organ takes tilt at Clayton. They will use each other up. Each will do well while he criticises the other, for both are bad enough in all conscience. There is a controversy in the cabinet and not a friendly one either—that's evident from these organs.

The Republic undertakes a formal account of the anticipated deficiency in the treasury, and here it is:

"Here is the deficiency stated, and the cause, which is simply sufficient to account for that deficiency. The reports of Mr. Walker and the statute book fully explain the mode in which this cause has operated. We cite from printed documents. Our receipts in 1847 were \$26,346,790; our expenditures in the same year were \$55,929,098. Our receipts in 1848 were \$35,436,750; our disbursements in the same year were \$42,811,970. In the years of 1847 and 1848, therefore, our expenses exceeded our income \$36,958,523. By the law providing for the execution, in part, of the twelfth article of the treaty with Mexico, \$3,720,000 are appropriated to pay the principal and interest due May 30, 1849, and \$2,540,000 to pay the principal and interest due May 30, 1850. Under the provisions of the fifteenth article of the same treaty, the Secretary of the Treasury will be called upon to pay \$3,250,000 of claims of citizens of the United States against the republic of Mexico. Here is a sum of \$47,467,523, over and beyond all our receipts. A portion of it has already been provided for by the issue of treasury notes, on which interest is to be paid, and all this cannot be defrayed from the current revenue. This constitutes the deficit. It results from the acts of the last administration, with which the present has had nothing whatever to do."

We don't know whether to ascribe this statement to ignorance or mendacity. If the editor does not know better, he is the most ignorant editor in the Union. If he does know better, he is a bold falsifier, and rather a bold calculator upon the ignorance and stupidity of the public. He here arrays \$47,467,523, as if these sums were to be provided for still; and represents that this is to account for the deficit that is to come.

Now, what is the fact? The Republic states the revenue of the country only in the years 1847 and 1848—leaving out the loans to the amount of \$50,127,099, which covers the whole deficit, and more too. These loans are not to be repaid; the interest only is wanted—about 3,000,000, or less. Thus, forty-seven millions of deficiency made out is utterly false for the purpose it is used.

This is the most shallow attempt at falsehood that we have met with. If the organ can't tell a better falsehood, he ought to be discharged as utterly unfit for his position. The lie is altogether unprofitable. The cabinet should not give a cent for it. It's not worth the ink and paper it required to print it. Our neighbor, great a blockhead as he is, could do better than this off-hand. This pretended deficit is thrown out as a feeler. It is to furnish a basis, if it can be swallowed, for banking, for raising the tariff, and other financiering exploits, in which the spoilsman wish to engage.—[Louisville Democrat.]

Whig scribblers have singled out the Hon. B. L. Clarke, a democrat of the convention, as an object to hurl their small shafts at. That's natural. A farmer told us once, he always knew a good apple tree by the number of misfires lodged in it.—[Louisville Democrat.]

THE CABINET IS THE PRESIDENT.

We have on several occasions called the attention of our readers to the fact that Gen. Taylor had, in substance, abdicated the powers of the presidency with which the people invested him, and devolved them upon the cabinet. And, in proof of our statements, we had cited the confession of a whig paper, and the testimony of those which claim to be neutral; but at the same time friendly to the administration. These admissions of the friends of the administration are sufficient, without further testimony, to establish the fact that Gen. Taylor in the President only in name, and that the functions in his office are really performed by his cabinet. The following paragraph, which we extract from a letter of a correspondent, and a correspondent of the Philadelphia Ledger, writing on the nature of "Ossawatimissin" another piece of testimony, from a source friendly to General Taylor, going to prove that the cabinet is the President. The writer thus remarks: "The Herald may preach till doomsday, and throw down the gauntlet to General Taylor's cabinet: 'the old gentleman' will not heed it. He will not even listen to people saying aught against his constitutional advisers, much less read long communications on the subject, however recommended by piquancy of style or force of diction of personal satire. 'Go to the Secretary,' is the standing reply to all solicitations or communications of individuals; and if, by chance, the rejoinder be, 'Justly came from him,' then the conversation is brought to a close by a laconic, 'then I cannot help you!'"

"Go to the Secretary," has been invariably the reply which Gen. Taylor has given to the people, calling upon him for acts and services which alone could be legally done by the President. And if the people go to the Secretaries, are repulsed by them, and gain come to the General for redress, he rebuffs them by the laconic reply, 'I cannot help you!' Never before has the country been favored with a President who either cannot or will not execute the duties of his office, and who has repudiated the functions of his high station, and placed himself within the keeping of his cabinet. It is a melancholy fact in the history of a republican government. We might well have Queen Victoria, or any other respectable woman, at the head of the government, as Gen. Taylor.—[Union.]

A LEGAL ANECDOTE.—Recently while attending a court held in Pike County, where Judge S. presided, a very plain question was presented for the decision of the court. It was argued elaborately on the wrong side, and when the opposite attorney (a real Paddy who had just waded through Blackstone and Chitty, so as to obtain a license,) rose to reply, he was stopped by his honor, who informed him that his opinion was made up against him; and that he would have no further argument. Paddy laid his hand slowly upon a volume of Blackstone, and opened where the law was carefully turned down, and commenced reading the law directly in conflict with the opinion of the court.

"Stop sir," cried the Judge, "I have decided the case, and my mind is no longer open to conviction, nor will I have any further argument in the case."

"Oh," said the lawyer, "I did not intend to argue the point; nor did I expect to convince your honor—I only wanted to show the court what a fool Blackstone was."

Such a shout of laughter as went up from every part of the court house, was beyond the means of the sheriff of the court to control for some minutes; when Paddy was fined a dollar for his slander of Blackstone.

The two most precious things on this side of the grave are reputation and life—yet the most contemptible whisper may deprive us of the one, and the meanest weapon of the other.

Nature has triumphed! Prejudice against color has given way, and race-haters are fashionable.

Trust not to others; but "propel on your own curvature."

Bishop Leverage resolved never to speak of a man's virtues before his face, nor of his faults behind his back. A good rule.

A true picture of a despair is a pig reaching through a hole in a fence to get a cabbage that lies a few inches beyond his reach.

A year of pleasure passes like a fleeting breeze; but a moment of misfortune seems like an age of pain.

A cheerful, happy temper, keeps up a kind of daylight in the mind, and banishes each gloomy prospect, and fills the soul with perpetual serenity.

A woman without brains, is like a charity box without donations—not worth having!

Give me a kiss, my charming girl! A lover said to his blue-eyed girl, "I won't," said she, "you lazy elf, screw up your lips and help yourself."