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BY JAS. CLARK. HUNTINGDON, PA., TUESDAY, AUGUST 15, 1848. VOL. XIII, NO. 33.

SPEECH OF THE

HON. J. M. CLAYTON,

On the Presidential Question.

Mr. Foote having concluded an elaborate address to the Senate against Gen. Taylor, and called upon the Whig Senators, and especially the Senator from Delaware, to explain the principles upon which Gen. Taylor was to be sustained as a candidate for the Presidency:

Mr. Clayton rose to reply. Mr. Niles, of Connecticut, immediately called Mr. Clayton to order, denying his right to reply, as the whole subject introduced by Mr. Foote was irrelevant, and Mr. Dallas, the Vice President, refusing to hear any debate upon the call to order, decided the debate to be out of order. But the Senate, on a vote taken immediately after this, gave leave to Mr. Clayton to proceed, notwithstanding the decision of the Vice President.

Mr. Clayton then addressed the Senate as follows;—

The decision of the Chair was indeed unprecedented, and directly in opposition to his own solemn decision on a case similar to this, made by him only a few weeks ago. Neither I nor my friends originated this political debate. We were content to leave General Cass and General Taylor in the hands of the people, and the Senate will unanimously bear me witness, that I have never introduced an irrelevant topic into any debate here. The political friends of the gentleman who occupies the chair began this discussion. They attacked General Taylor and his character, and scoffed at his claim to the Presidency. They were allowed to proceed *without interruption from the Chair*, through a debate which extended through the greater part of two days. The Vice President was, by the rules of the Senate, bound to call his own political friends to order, if he thought the debate was out of order. But not a word about *order* was heard from his lips till I took the floor to reply, and then he arrested the debate, and put a seal upon my lips. The Senator from Mississippi had charged upon me and my friends that we wished to evade the discussion—that Gen. Taylor had no principles which we dared to avow—and said that he had, on consultation with his friends, resolved to provoke us to a debate on this subject, and to see that we should "dodge no blows which in chivalry and honesty we were bound to take." He even charged us with a design to pass the resolution for a speedy adjournment of Congress in order to avoid and dodge this very dissussion. He went further, sir. He called upon me personally to meet him in debate on these questions. Yet, after he had been permitted to indulge in this strain of attack on me and my friends, his own party associates seize the occasion, the moment I rise to take up the glove he has thrown at my feet, to dodge the encounter. These are the circumstances under which twenty-one Democratic Senators have this day voted to deny me the freedom of speech. They have a large party majority, but such and so gross was the injustice of this attempt to stifle a discussion which they themselves provoked, that a majority of the Senate has overruled their purpose; and to that majority, and especially to the chivalrous Senator from Mississippi, (Mr. Foote,) who has expressed his own deep sense of the injustice done, I tender my thanks.

I have already stated to the Senate that I have no means of access to the opinions of General Taylor which are not in the possession of every member of this body, and every citizen of the country. Honoring his character, as I sincerely do, I have never yet had the pleasure of an introduction to that distinguished man—I have never addressed a letter to him in my life, nor received one from him. I have formed my opinions of the principles of the man from his writings and actions, and what any other may have seen in the public prints. To these means of information all have equal access, and all can form an opinion as well as I can, on the whole subject of debate.

I think it is also due to Gen Taylor to say, in the outset, that the position which he has assumed before the country, as a candidate for the Presidency, has been entirely misapprehended in the course of this debate. He has been held up here merely as a Whig candidate, bound to sustain every Whig principle with which that party has ever been identified. It has been alleged, that he is bound to carry out all the dictates, and obey all the behests of a mere party—that he runs merely as a party man—that he is bound hand and foot by party pledges—and, that he must carry out at all hazards, and under all changes of time and circumstances, every ancient known measure proposed by the Whig party. Now, undoubtedly, Gen. Taylor is a Whig, but I do not understand him as occupying any such position as that which I have just described. He, himself, has repudiated it in every letter having reference to this subject. It is true that he has been nominated by the Whig party; but it is also true that he was originally nominated by a meeting composed both of Whigs and Democrats. Thousands of Democrats had nominated him for the Presidency before he was nominated by the Whig party. Naturalized citizens and Native Americans, in all sections of the country had nominated him before he received the nomination of the Philadelphia convention.—And now, the great objection urged against him is, that the Whig party of the Union has confirmed the nomination which Gen. Taylor had previously received. He was nominated by the Whig Convention at Philadelphia, with the assurance that he was a Whig. In every letter that he wrote on that subject, he declared that he was a whig, but he uniformly took the bold and manly ground, that if elected President of the United States, he should not consider himself the mere servant or tool of a party, not even of the party to which he had been attached, but that he should be the President of the American people. Under these circumstances, the honorable gentleman from Mississippi can find no difficulty in answering the questions which he has propounded with regard to the principles of Gen. Taylor. If he will examine the principal letter which Gen. Taylor has written with reference to this subject, the letter to Capt. Allison, he will see the ground on which he places himself as a candidate before the American people. Before I proceed further, permit me to read the following extract from that letter:

"BATON ROUGE, April 22, 1848.

"*First.*—I reiterate what I have often said—I am a Whig, but not an ultra Whig. If elected I would not be the mere President of a party. I would endeavor to act independent of party domination. I should feel bound to administer the Government untrammeled by party schemes.

"*Second.*—The veto power. The power given by the Constitution to the Executive to interpose his veto, is a high conservative power; but in my opinion should never be exercised except in cases of clear violation of the Constitution, or manifest haste and want of consideration by Congress.—Indeed I have thought that for many years past the known opinions and wishes of the Executive have exercised undue and injurious influence upon the legislative department of the Government; and for this cause I have thought our system was in danger of undergoing a great change from its true theory. The personal opinions of the individual who may happen to occupy the Executive chair, ought not to control the action of Congress upon questions of domestic policy; nor ought his objections to be interposed where questions of constitutional power have been settled by the various departments of Government, and acquiesced in by the people.

"*Third.*—Upon the subject of the tariff, the currency, the improvement of our great highways, rivers, lakes and harbors, the will of the people, as expressed through their representatives in Congress, ought to be respected and carried out by the Executive.

"*Fourth.*—The Mexican war. I sincerely rejoice at the prospect of peace. My life has been devoted to arms, yet I look upon war at all times, and under all circumstances, as a national calamity, to be avoided if compatible with national honor. The *principles* of our Government as well as its true policy, are opposed to the subjugation of other nations and the dismemberment of other countries by *conquest*. In the language of the great Washington, 'Why should we quit our own to stand on foreign ground.' In the Mexican war our national honor has been vindicated, amply vindicated; and, in dictating terms of peace, we may well afford to be forbearing, and even magnanimous to our fallen foe."

Gen. Taylor, then, stands before the country not merely as a Whig, but as THE GREAT REPRESENTATIVE AND CHAMPION OF THE PRINCIPLE OF THE RIGHT OF MAN TO SELF-GOVERNMENT. He maintains the principle that the majority have the right to govern. He stands precisely upon the ground on which Thomas Jefferson originally made a party difference with John Adams. Let me quote a passage from the letter of Thomas Jefferson to John Adams, stating the grounds on which the Republican party of 1798 commenced its opposition to the encroachments of the Executive power, and to which it owed its true origin. In the 4th volume of Jefferson's Memoirs, page 202, we find the letter to which I refer. It is dated June 27, 1813, and contains the following passages:

"The terms of Whig and Tory belong to national as well as civil history. They denote the temper and constitution of mind of different individuals. To come to our own country and to the times when you and I became first acquainted; we well remember the violent parties which agitated the old Congress, and their bitter contests.—There you and I were arrayed together; others cherished the MONARCHY of England, and we the rights of our country.

"But as soon as the Constitution was put into motion, the line of division was again drawn.—We broke into two parties, each wishing to give the Government a different direction; THE ONE (the Republican party,) TO STRENGTHEN THE MOST POPULAR BRANCH, (Congress,) THE OTHER THE MORE PERMANENT BRANCHES, AND TO EXTEND THEIR PERMANENCE. Here you and I seperated for the first time, and one party placed your name at their head—the other selected mine."

Precisely upon that principle, Lewis Cass and General Zachary Taylor now differ, and stand at issue before the country. Gen. Taylor places himself upon this just principle, laying at the foundation of all republican forms of Government—the right of the majority to govern. He holds that the popular branch of the government possesses rights, and that he, if elected President, would be bound to respect them. He says, therefore, in reference to all these great questions which have heretofore agitated the country, and which are properly within the powers of Congress, that he will be guided by the will of the people, as expressed by their Representatives. On the other hand, what says Gen. Lewis Cass? He denies that the will of the people shall govern. He maintains the high federal doctrines of ancient days, that the President of the United States, with his veto power shall control the will of the people. He stands up as the champion of Executive power, and has received his nomination from a party convention, under circumstances which I think, when carefully examined by the American people, will seal his fate as a candidate before them. What were these circumstances? The very first rule adopted by the convention asssembled at Baltimore was, that the will of the majority should not govern—that the vote of two-thirds should be necessary to nominate the President. They have laid down that doctrine before on a memorable occasion. I refer to the Baltimore nomination in 1844. The result reminds me of one of those games at cards which is called "Solitaire," in which you know a man plays against himself. Did you ever see a man sit down to play that game who did not cheat himself? The democratic leaders, on this occasion, undertook to play "Solitaire"—the Whigs were not present to be cheated—and the very first act or decree was one amounting, in my judgment, to a most flagitous fraud, not only upon the country, but upon the party itself. It ordained that the will of the people should not govern, and that no man should be nominated for the Presidency without the vote of two-thirds of that convention. Well, now, what must be—(every body knows what was the consequence in this case)—the necessary consequence of the establishment of such a principle by any party? We can all very well estimate the power of one hundred thousand office-holders, many of them anxious to perpetuate their dynasty. They can pack a Democratic convention with more than one-third of its members, though they might not be able to control a majority. They can send on their relations, their friends and dependants, as delegates, and, under the operation of this two-thirds rule, govern the convention. It was so on this occasion. All the gentlemen who composed the convention went to Baltimore, bound to nominate some candidate for the Presidency. To fail to nominate by a convention would be to dissolve the party. They were compelled, therefore, to make a nomination, and when they entered the convention, they were met with a rule declaring that the vote of two-thirds was necessary to nominaie their Democratic candidate for the Presidency. They knew that within the walls of the convention there stood a packed minority, of more than one-third, representing the office-holders of the country, who could veto or negative the nomination of any man not subservient to their views, or who would not perpetuate their dynasty and continue them and their friends in office. The candidates all understood this beforehand, and on such occasions he who makes the most satisfactory bargain with this clique or faction—constituting more than one-third, but not one-half of the convention, is sure to receive the nomination. No other man can get it. I say again, every candidate understood this, and every future candidate will, in all future Democratic canventions, understand it. Each of them will know it is impossible for him to procure the nomination unless he can secure the services of those who come there for the purpose of sustaining themselves in office. He is bound then to lend himself to all their views. If they desire to establish a platform of political faith, he must subscribe to it. He has no option. He must either relinquish all hope of the nomination, or subscribe to every dogma that this clique may choose to lay down. Under these circumstances, I ask, what is the inevitable tendency of the party which has nominated General Lewis Cass? Does it not directly tend to the rule of a few over the many, and eventually to a monarchy! It tends to the establishment, in the first instance, of an oligarchy, or an aristocracy of office holders—able to dictate the nomination of any man they please. They have a veto on the acts of the convention as absolute and effectual as that which the President of the United States, whom they may nominate and elect under the magic name of Democrat, may have upon the laws of Congress and the will of the people.

Undoubtedly the great mass of the Democratic party is honest and patriotic. We who are Whigs, and opposed to them in politics, are entitled to a free expression of their opinion in making a party nomination; and Whigs, as well as Democrats are defrauded by this political ledgerdemain—this *hocus pocus*, introduced by some political magicians into that party within a few years past, which compels that party to accept a nomination made and forced upon them by the minority. Such were the circumstances, such was the fraud, such was the established rule and iron law under which Gen. Cass received his nomination.

Let us inquire, in connection with this, what are some of the other doctrines of the party to which Gen. Cass has been compelled to subscribe. Among other things, there stands prominently the assertion of the great right and duty of the President of the United States to exercise the Veto Power, without reference to the limitations prescribed by the fathers of the constitution. Every one who has perused the "Federalist" knows that Mr. Madison and his associates uniformly maintained, that the great object of the veto was to enable the Executive of the United States to defend the Constitution and the Executive power within its limits. No man of their day pretended it was designed that the veto power should be extended, as it has been, to every act of ordinary legislation, and every instance in which a party might by the aid of it elevate or sustain itself against the interests of the whole country. It never was imagined by any member of the convention which formed the Constitution that the veto clause in that instrument could be so construed by the most latitudinarian expositor, as that the President of the United States should be enabled, by the force of that clause, to become a part of the legislative power of the country. Now, however, you find the doctrine laid down by this party boldly in their public prints, that the President constitutes a part of the legislative power of the country and that the veto power is unlimited, and was so intended to be by those who made the Constitution. Let me call the attention of the Senate to a consideration of the principles upon which this veto power was asserted in the American Constitution. The first sentence of the Constitution declares that "all legislative powers herein granted shall be vested in the Senate and House of Representatives." No part of the legislative power is given to the President of the U. States. In the judgment of the fathers of the Republic the Executive power constituted an essential component part of the legislative power. A qualified power or revivision was given to him, but it never was intended that he should exescise any legislative power. In order that we may understand this subject, which enters largely into the great questions now before us, let me read a portion of the debate on the adoption of the Constitution. I am particularly desirous of the attention of the Senate to this point because I wish it to see by whom these extreme notions in relation to the veto power were originally advanced. During this session of Congress, we have heard the honorable Senator from Ohio, (Mr. Allen,) utter very strong denunciations against Colonel Hamilton as the intentional advocate of kingly and monarchial doctrines, and a traitor to the cause of liberty. I do not stand here for the purpose of branding one of the greatest men the country ever produced with ignominious charges—but I desire to show that the great leader of the Federal party when this subject was first first presented to the consideration of the old Continental Congress, was the very man to press this veto power upon the convention, and to insist upon its being made absolute and unqualified. In Madison's state papers, page 151, we read:

"Mr. Gerry's proposition being now before the committee, Mr. Wilson, (then called a 'consolidation federalist,') and Mr. Hamilton moved that the last part of it be struck out, *so as to give the Executive an absolute negative on the laws*. There was no danger, they thought, of such a power being too much exercised. It was mentioned by Colonel Hamilton, the King of Great Britain had not exerted his negative since the Revolution." (i. e. 1688.)

That is the argument in favor of the absolute veto made by one who has been represented in this chamber, as the great aristocrat and monarchist of that day. Mr. Gerry, a Democrat of that day—

Mr. MANGUM, (in his seat.) Republican.

Mr. CLAYTON.—I thank my friend for the word. Republican is a much better name.

"Mr. Gerry said he saw no necessity for so great a control over the legislature, as the best men in the country would be comprised in the two branches of it.

"Dr. FRANKLIN said, he was sorry to differ from his colleague, for whom he had a very great respect, on any occasion, but he could not help it on this. He had had some experience of this check in the executive on the legislature, under the proprietary government of Pennsylvania. The negative of the Governor was constantly made use of to extort money. No good law whatever could be passed without a private bargain with him * * If the executive was to have a council, such a power would be less objectionable. It was true, the King of Great Britain had not, as was said, exerted his negative since the revolution; but that matter was easily explained. The bribes and emoluments now given to the members of Parliament render it unnecessary, every thing being done according to the will of the ministers. He was afraid, if a negative should be given as proposed, the more power and money would be demanded, till at last enough would be got to influence and bribe the legislature into a complete subjection to the will of the executive."

Then comes the Republican shoemaker, Roger Sherman. What did he say?

"Mr. SHERMAN was against enabling any one man to stop the will of the whole. No one man could be found so far above all the rest in wisdom. He thought we ought to avail ourselves of his wisdom in revising the laws, but not permit him to overrule the decided and cool opinions of the legislature."

Mr. Wilson said in his speech for the veto, "there might be tempestuous moments in which animosities may run high between the executive and legislative branches, and *in which the former ought to be able to defend itself.*"

"Mr. BUTLER had been in favor of a single executive magistrate; but could he have entertained an idea that a complete negative on the laws was to be given him, he certainly should have acted very differently. It had been observed, that in all countries the executive power is in constant course of increase. This was certainly the case in Great Britain. Gentlemen seemed to think that we had nothing to apprehend from an abuse of the executive power. But why might not a Cataline or Cromwell arise in this country as well as in others!"

"Mr. BEDFORD, of Delaware, was opposed to every check on the legislature, even the council or revision first proposed. He thought it would be sufficient to mark out in the Constitution the boundaries to the legislative authority, which would give all the requisite security to the rights of the other departments. The representatives of the people were the best judges of what was for their interest, and ought to be under no external control whatever. The two branches would produce a sufficient control within the legislature itself."

"Col. MASON observed, that a vote had already passed, he found—he was out at the time; for vesting the executive power in a single person. Among these powers was that of appointing to offices in certain cases. The probable abuses of a negative had been well explained by Dr. Franklin, as proved by experience, the best of all tests. Will not the same door be opened here? The executive may refuse its assent to necessary measures, till new appointments shall be referred to him, and, having by degrees engrossed all these into his own hands, the American executive, like the British, will, by bribery and influence, save himself the trouble and odium of exerting his negative afterwards. We are, Mr. Chairman, going very far into this business. We are not indeed constituting a British government, but a more dangerous monarchy—an elective one. We are inducing a new principle into our system, and not necessary, as in the British Government, where the executive has greater right to defend. Do gentlemen mean to pave the way to hereditary monarchy? Do they flatter themselves that the people will ever consent to such an innovation? If they do I venture to tell them they are mistaken. The people never will consent. And do gentlemen consider the danger of delay, and the still greater danger of rejection, not for a moment, but forever, of the plan which shall be proposed to them? Notwithstanding the oppression and injustice experienced among us from democracy, the genius of the people is in favor of it, and the genius of the people must be consulted. He could not but consider the federal system as in effect dissolved by the appointment of this Convention to devise a better one. And do gentlemen look forward to the dangerous interval between the extinction of an old, and the establishment of a new government, and to the scenes of confusion which may ensue? He hoped that nothing like a monarchy would ever be attempted in this country. A hatred to its oppressions had carried the people through the late revolution. Will it not be enough to enable the executive to suspend offensive laws, till they shall be cooly revised, and the objections to them overruled by a greater majority than was required in the first instance? He never could agree to give up all the rights of the people to a single magistrate. If more than one had been fixed on, greater powers might have been intrusted to the executive. He hoped this attempt to give such powers would have its weight hereafter, as an argument for increasing the number of the executive."

After this, Dr. Franklin again spoke against the veto power, treating this question as if it involved that of monarchy or republicanism; and one passage of his speech contains a prophecy so remarkable that I must read it to the Senate:

"The first man put at the helm (of party) will be a good one. Nobody knows what sort may come afterwards. The executive will be always increasing here, as elsewhere, TILL IT ENDS IN A MONARCHY."

Thus, then, it appears that the opinion of six out of nine who participated in the debate, was that an absolute and unqualified veto would introduce a great monarchical feature in our free institutions; in other words, that the Executive would be converted into a monarch by its adoption. That was the opinion of Franklin, of Mason, of Sherman, of Bedford, of all except the ultra Federalists of the day. Now, where are we? What is the party which now maintains this ultra veto power? The party that arrogates to itself the name of Democratic? That is the party which places in the foreground of its political platform, the doctrine of the absolute and unqualified exercise of the veto power. That is the party which sustained the absolute and unqualified veto on the land bill in 1833. That bill to distribute the nett proceeds of all the public lands among the States, which passed both Houses in March, 1833, was a bill which would have given the people of each State in this Union the means of educating all their children without taxation, and of improving their harbors and rivers. These funds have been since wasted upon land-jobbers & party favorites, on Government contractors and office-holders, & not a dollar of all these unnumbered millions have been given to those who owned them, as rightfully as any man on earth, ever owned his own house. By an *absolute* veto—"a *pocket* veto"—a vile trick and a fraud upon the people and their Representatives, this bill was defeated after the Represntatives of the nation had passed it by yeas 95, nays 40—more than two-thirds! The bill passed within the last ten days of the session, as three-fourths of all the laws of Congress always have, and always will pass. Experience shows us that the labors of Congress are consummated within the last ten days of each session, and that bills which have been discussed or matured for months are generally signed at the close of the session. If, therefore, the President can, for the want of ten days, within which the Constitution allows him to retain a bill for his signature, withhold his sanction and refuse to return the bill, he can defeat it, although two-thirds of each branch should be disposed to pass it as the constitution authorizes them to do. The Senate, as well as the House, in March, 1833, stood ready to annul the veto on the land bill.—The Senators from North and South Carolina, (Mr. MANGUM and Mr. CALHOUN,) as well as myself were present at the time in the Senate, and we are all here now ready to attest this to be true.

The President obtained secret information of the spirit of the Senate against his veto power, and pocketed the bill, in defiance of the whole spirit of the Constitution. This was a gross case of the exercise of the absolute and unqualified veto, which has never been condemned, but always approved, by your *pseudo* democracy; and is a fatal precedent, which may virtually annul the whole power of Congress. The unqualified rule or power of revision recognized by the Constitution, subject to the will of two-thirds of each branch of Congress, has been exercised in the cases of the bill to pay the interest due the States for expenditures in the last war, the various bills for improvement of rivers and harbors, the bill to recharter the Bank, the bill to equalize the sessions of Congress, the French spoliation bill, and in so many other cases that it is difficult to enumerate them! These vetoes have been sustained by Executive influence. Congress has fallen beneath the Executive arm, strengthened as that is, and always will be, by a venal and subservient press and the ready aid of the Post-Office Department, with a hundred thousand office-holders, many of whom will always "crook the pregnant hinges of the knee where thrift may follow fawning." This whole veto power, as thus exercised, is now sustained by the Baltimore platform, and promptly adopted by Gen. Cass, in his acceptance of the Baltimore nomination. It is part of his established creed.

On the other hand how stands the man we support on this great and vital subject? He denounces the kingly power—the power for the exercise of which a Stuart and a Bourbon lost their heads—confines the veto to the cases in which the fathers of the Republic intended it to be exercised. He treats it as a "high conservative power." So did they. They declared by their exposition in the "Federalist," that its chief object was "to enable the executive to defend himself when attacked." They meant it to be a shield not a sword. "In my opinion," says Gen. Taylor in his letter to Capt. Allison, "it should never be exercised except in cases clearly in violation of the Constitution, or of manifest haste and want of consideration by congress." He modestly adds, "Indeed I have thought that for many years past, the known opinions and wishes of the executive have exercised undue and injurious influence upon the legislative department of the Government: *and from this cause I have thought our system was*

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