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PAID IN ADVANCE.

PENNSYLVANIA LEGISLATURE.

HOUSE OF REPRESENTATIVES.

On the Election of Electors.

The committees of conference, appointed by the house of Representatives and the Senate, not having agreed on any terms of accommodation, the committee of the House of Representatives on the 18th instant, made the following REPORT.—

That impressed with the importance of the object of the conference, as well as with the necessity for a prompt decision, your Committee embraced the earliest moment to enter into a discussion with the Committee of the Senate; endeavouring by a frank, temperate, and conciliatory example, to obtain a candid disclosure of the principles, on which the amendments to the bill were founded; and of the ultimate views and dispositions of the Senate, in relation to an equitable compromise of the difference, which had, unfortunately, arisen between the two houses.

That although expressions indicating a predetermination to adhere inflexibly, to the amendments of the Senate, escaped at the very opening of the conference, from some individuals, it is just to acknowledge, that in their official capacity, the Committee of the Senate declared a readiness to hear any arguments, and to receive and consider any propositions, which could be offered on behalf of the House of Representatives; but they uniformly declined to support by reasoning the amendment to the bill, or to make any overture, on their part, as a basis for accommodation.

That, under these circumstances, your committee represented the magnitude of the question before the conferees; its influence upon the character of the Union. They urged the sacred obligation by which each member of the Legislature was bound to support the Constitution of the United States; and they referred to the Constitutional injunction, that each State shall appoint Electors, in the manner which the Legislature may direct, prescribing a duty, which the legislature could not refuse or neglect to perform.

That receiving no answer to these observations, your committee proceeded to state that the house of representatives was actuated by a just sense of the duty enjoined upon the legislature, and by a fair deference for the opinions of the senate; that therefore, the present conference had been requested by you; and that your committee conformably to the dispositions and views which you had manifested on the occasion, were prepared to make every reasonable concession to the dispositions and views of the senate.

That considering the preservation of the principle of a joint vote, as the only absolute exception from the discretion of your committee, they derived great satisfaction from remarking that while on your part, that mode of proceeding was deemed a matter of constitutional obligation, it did not appear on the part of the senate to be deemed irregular or illegal. Hence it was presumed that if the object of the amendments to the bill could be attained by other means, there would be no hesitation in yielding to the conscientious scruples of the house of representatives, what was, in their view, a principle; though in the view of the senate it was regarded only as a form.

That on this basis your committee predicated the propositions, which they presented to the committee of the senate in the terms contained in the annexed paper marked (A;) stipulating for the appointment of electors by a joint vote, but conceding that the appointment should be so regulated as to give to each branch of the legislature the choice of a portion of the number to be appointed. On this apportionment, however, your committee did not deem it expedient, in the first instance, to express their sentiments; but left the proper blank for the insertion of such numbers as should be settled after an investigation of the subject.

That your committee received from the committee of the Senate, an answer to their proposition, expressed in the terms contained in the annexed paper marked (B)—That the answer while it verbally objects to the stipulation of a joint vote, evidently makes the objection in a way, that did not preclude the hope of surmounting it; and while there remained a hope of accommodation, your committee were anxious to indulge and realize it.

That accordingly without departing from the stipulation for a joint vote, the annexed reply marked (C,) was presented to the committee of the Senate, in which to obviate their principal obstacle, it was unequivocally declared "that the apportionment of the number of electors, to the two branches of the Legislature, was considered as a fair subject for free discussion, and mutual concession, to the whole extent of the number to be appointed." The Senate, as well as the House of Representatives, must recognize in this declaration, the earnest wish of your committee to rescue the state from the disgrace that threatened, and to restore to the Legislature the harmony which has been interrupted.

For, whoever shall candidly consider the nature of the subject; the precedents that have been established in Pennsylvania; in other states of the union; the comparative number of the two Houses; or the general sentiments of the people, expressed through the medium of elections, cannot fail to perceive, that the claim of the House of Representatives might justly have been placed on higher ground; while the strict operation of a joint vote, would inevitably exclude the Senate from any participation in the choice of electors.

That notwithstanding these reiterated propositions (at once sincere and liberal) your committee are finally doomed to be the reluctant medium of announcing to you, and to the public, the peremptory dissent of the committee of the Senate, as expressed in the annexed paper (D,) and the consequent failure of every conciliatory effort. It only remains therefore, to fulfil the duty that has been assigned to your committee, by submitting the following resolution to the House:

Resolved.—That the House of Representatives do not recede from their vote of non-concurrence in the amendments proposed by the Senate to the bill entitled "An act to direct on behalf of this state, the manner of appointing electors of a President and Vice President of the United States."

(A)

PROPOSITIONS

On behalf of the committee of conference of the House of Representatives, to form the basis of a free conference on the Electoral Bill.

1. That the choice of electors shall be made by a joint vote of the two branches of the legislature, but the above shall be so regulated as to give each branch a portion of the number chosen.

2. That before the joint meeting each branch shall nominate a number of persons, equal to the whole number of electors to be chosen; and at the joint meeting each member of the two branches shall vote for fifteen electors of whom shall be taken from the nomination of the senate and from the nomination of the house of representatives.

3. That the senate recede from their amendments to the bill; and that the bill be so amended in the house of representatives as to conform to the first and second propositions.

(B)

The committee of conference on the part of the senate, delivered to the conferees on the part of the house of representatives upon the proposition on Monday evening 17th November.

The committee of conference on the part of the senate, have considered the propositions of the committee of the house of representatives, to which the following exceptions occur.

The first cannot be admitted, because it is destroying the principle on which the amendments of the senate are founded, viz. preserving to the several branches of the legislature their constitutional rights.

This exception resting against the principle therein contained, it is unnecessary to notice the other propositions, as they of course will be rejected; but if the principle were conceded, the second proposition is not sufficiently explicit, the number to be taken from each branch of the legislature not being inserted. On the whole the committee does not discover that any advantage can result from changing the principle.

The only object would appear to respect the number to be appointed by each branch, and the sentiments of the committee have already been unequivocally expressed on that point.

Repeated conferences having already been had on the subject, the committee on the part of the senate cannot consider the propositions made by the committee on the part of the house of representatives as forming the basis of a free conference on the electoral bill, but rather as a conclusive opinion.

This opinion having been opposed to their sentiments, the committee of the senate cannot agree to recommend to that body to recede from their amendments.

(C)

The committee of the house of representatives in reply to the exceptions which are offered by the committee of the senate to their propositions, observe—

1. That it has been admitted in debate by the minority in the house of representatives, it is understood to have been argued by the majority in debate in the senate, and it is not denied by the committee of conferees on behalf of the senate, that an appointment of electors by a joint vote of both branches of the legislature, would be a constitutional mode of proceeding.

2. That the majority of the house of representatives are conscientiously of opinion, that the electors can only be constitutionally appointed by a joint vote of both branches of the legislature.

3. That, therefore, in acceding to a joint vote the senate will only waive, what is in their opinion a matter of form; but in departing from it, the house of representatives would sacrifice, what is in their opinion, a matter of principle.

4. That on an occasion so critical and important, involving not only the respect that is due to the sacred obligation by which the legislature is bound to support the constitution of the union, but the very existence of the union itself, it is presumed, that a disposition will be felt and manifested on both sides of the conference, to produce a conciliatory, and satisfactory result.

5. That under this impression, the conferees on behalf of the house of representatives, have before declared, and now repeat, that they cannot consent to advise a surrender of the principle of a joint vote; but that they are willing to receive and consider a proposition for apportioning the number of electors between the two houses, in such manner as shall not violate the constitutional right of the senate.

6. That the senate having in their amendments proposed the appointment of seven electors to the senate, and eight electors to the house of representatives; the conferees on behalf of the House of Representatives are prepared to receive and consider the reasons of the conferees on behalf of the Senate, for making that appointment, and at the same time, will candidly offer the reasons which occur in opposition to it.

7. That as it is obvious that the only difference which exists between the two houses, is the apportionment of the number of electors, the conferees on behalf of the House of Representatives declare, that any reasonable proposition in that respect will be adopted by them, to rescue the state from the disgrace and odium arising from a dereliction of her federal obligations; and that, they trust, the candor of the conferees on behalf of the Senate, will prevent their making any but a reasonable proposition on the occasion.

8. That, upon the whole, the conferees on behalf of the House of Representatives ultimately declare, that they cannot, conscientiously, recede from the principle of a joint vote; but that they consider the appointment of the electors, to the whole extent of the number to be appointed, as a fair

subject for free discussion, and mutual concession.

(D.)

The committee of conference on the part of the Senate have considered the second propositions of the committee of the House of Representatives, in which they do not discover any thing important, to which the former reply of the committee does not furnish an answer.

The committee of the Senate have already given their opinion on the appointment of the electors, and to enter now into a detail of the reasons on which that is founded would be useless to those who have already heard them, and not practicable in the time given to reply. The committee considers the propositions of the committee of the House of Representatives, as leading to uncertainty and difficulty on a point which (for the honor of the state) ought speedily to be settled. The mode proposed in the amendments, alike with that desired by the committee of the House of Representatives, furnishes the opportunity of a discussion as to the appointment of the electors. Upon the whole, this committee impressed with the justice of the principle which dictated the amendments of the Senate, and feeling themselves conscientiously bound to support them, cannot agree to relinquish the ground which they have taken.

The report being read, a question was taken on the resolution, with which it closes, viz. "Resolved, That the House of Representatives do not recede from their vote of non-concurrence in the amendments proposed by the Senate," and was carried by a large majority.

Mr. Penrose then read a new bill in his place, containing the principle of a joint vote, but so modified that the Senate should nominate 15 electors and the House of Representatives the like number; that, on Friday next (after such nomination and a mutual notification thereof) the members of the two houses should meet together and choose fifteen—5 whereof to be out of the Senate's nomination and 10 of the nomination of the House of Representatives. This bill was made the order of the day for the afternoon—the usual rules being dispensed with.

At four o'clock the house met, and the first section being under consideration, Mr. Mitchell, from Cumberland, rose, and declared his opposition to it.

The question was taken on the bill, and lost, 30 ayes, 36 naves.

On the 19th instant, the bill, lost the day before in the House of Representatives was, revived by a motion to reconsider, made by Messrs. Huston and Moore, two of the Members who were in the majority yesterday. The reason assigned by the mover, Mr. Huston, was, that the vote had been hastily taken, and the bill not fully understood by all the members; several not having voted either for or against it. The question, being then put, was carried in the affirmative; and, the first section being before the house, a postponement was moved by Mr. Boileau, in order that the bill might be printed for the use of the members, which was also carried in the affirmative, and the house, after acting on some other business, adjourned until the afternoon.

When the house met, in the afternoon, the bill was read a second time, and (a few small amendments, no way affecting the principle of it, being made) ordered to be transcribed for a third reading.

On the 20th instant, the bill, proposed by Mr. Penrose, passed the House of Representatives, and was sent to the Senate for concurrence.

The Senate amended it, by prescribing that previously to the election of electors, each house should nominate eight persons, after which the two houses should meet together, and choose by joint vote fifteen electors, each member voting for 15 persons out of the nominations previously made, and the 15 persons having the greatest number of votes being the duly chosen electors.

Thus amended the bill passed the Senate on the 20th inst. Ayes 13, Nays 11.