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## 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, endeavoring 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, your Committee and 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 this bill, or to make any overtures, on their part, as a basis for accommodation.

That, under the circumstances, your committee represented the magnitude of the question before the conferees; its influence upon the character of the Union. They urged the fixed 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, preferring a duty which the Legislature could not refuse or neglect to perform.

That receiving an 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 desire for the opinions of the Senate; that therefore, the previous 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 exemption 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 irreconcilable. 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 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 presented the propositions, which they preferred 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 containing that the appointment should be regulated, as to give to each branch of the Legislature, the choice of a portion of the number to be appointed. On this appointment, however, your committee derived great satisfaction, in the first instance, to express their sentiments; but left the proper Ballot for the insertion of such numbers as should be fitted after 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 legislation of a joint vote, evidently makes the objection in a way, that did not preclude the hope of formulating it; and while there remained a hope of accommodation, your committee were anxious to fulfill and realize it.

That accordingly without departing from the legislation for a joint vote, the annexed reply marked (C.) was presented to the committee of the Senate, in which to obviate their principal objections, it was unequivocally declared "that the apportionment of the number of electors, to the two branches of the Legislature, was considered as a fair basis 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 endorsement of your committee to refine the bill from the difference that existed, and to refer 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; for the general sentiments of the people, expressed through their members, they cannot fail to perceive, that the claim of the House of Representatives might justly have been placed on higher ground; while the first proposition 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 deemed to be the reluctant medium of announcing to you and to the public, the proprietary dissent of the committee of the Senate, as expressed in the annexed paper (D), and the consequent hope of every conciliatory effort. It only remains therefore, a full conviction, 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 the mode of appointing electors, and to provide for the election of the President of the United States."

### 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 regulated so 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 the electors, and the names 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 amended in the House of Representatives as 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 the 14th inst.

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 are their answers.

The first cannot be admitted, because it destroys the principle on which the amendments of the Senate are founded, viz: referring to the several branches of the Legislature their constitutional rights.

This exception referring against the principle of the election of electors, is unnecessary, as the other propositions, as they are concurred in, 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 inferred. On the whole the committee does not discover that any advantage can result from changing the principle.

The only objection would appear to refer to the number to be nominated 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 framing the basis of a free conference on the electoral bill, but rather as a conclusive opinion.

This opinion having been opposed to their amendments, the committee of the Senate cannot agree to recommend that they recede from their amendments.

### (C)

The committee of the House of Representatives, in reply to the propositions 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, that the amendments proposed 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 contentiously of opinion, that it is undesirable to have been appointed by a joint vote of both branches of the Legislature.

3. That, therefore, in according to a joint vote the Senate will only have, what it is 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 due to the fixed 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 discussion will be held in the presence of 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 divide a majority 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 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 amendments of the Senate, and 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 refer to the House the discretion and advice arising from a discussion 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 that 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 fair

subject for free discussion, and mutual concession.

### (D)

The committee of conference on the part of the Senate have considered the second proposition 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 already would be useless to those who have already heard them, and not practicable in the time given to reply. The committee considers the proposition of the committee of the House of Representatives, as leading to uncertainty and difficulty on a point which for the honor of the House ought finally 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 propriety of the amendments, and in 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 between the resolutions, with which I adhere, 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. Bourne then read a new bill in his place, containing the principle of a joint vote, but so modified that the Senate should nominate a number of electors and the House of Representatives the number a third, or thirty next (after their nomination and a mutual notification thereof) the members of the two Houses should meet together and choose electors—5 to be chosen by the Senate, 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 action being under consideration, Mr. Mitchell, from Cumberland, read and declared his opposition to it.

The question was taken on the bill, and left, 30 yeas, 36 yeas.

On the 19th instant, the bill, left the day before in a House of Representatives was, revised by the majority of conferees, made by Messrs. Hinton and Moore, two of the Members who were in the majority yesterday. The reason assigned by the mover, Mr. Hinton, was, that the vote had been badly taken, and the bill not fully understood by the members. Several votes having voted either for or against it. The question, being then put, was carried in the affirmative, and the first action being taken by Mr. DeLoan, 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 a few 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, now affecting the principle of it, being made, it was ordered to be transferred for a third reading.

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

The Senate attended it, by preferring that previously to the election of electors, each House should nominate a certain number of electors, and that the two Houses, together, and electors by joint vote fifteen electors, each member voting for 13 persons out of the nominations previously made, and the 13 persons having the greatest number of votes being the duly chosen electors.

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