

**STATE EXPENSES
WERE UP IN 1877**

Attorney General Had to Make Ruling That State Should Pay For Mansion Ice

Forty years ago Capitol Hill was all stirred up because of a controversy over what part of the expenses of maintaining the Executive Mansion should be borne by the Commonwealth of Pennsylvania and George Lear, attorney general under Governor John F. Hartranft, invoked the classics in ruling that coal, ice and flowers were necessary to the comfort and enjoyment of the people who visited the official home of the governors and should be paid from the funds of the State. Mr. Lear also ruled that the State should pay \$15 for sprinkling front street in front of the mansion as a proper expense for the Commonwealth because he reasoned that the furnishings of the house might be damaged by dust from the then unpaved street.

The questions which vexed the official mind in the summer days of 1877 were raised by Justus F. Temple, of Greene county, then auditor general and one of the last of the Democrats to hold that office, a place which has been the storm center of successive administrations. It is interesting that Mr. Temple stood upon the itemization of the general appropriation bill and that he "bucked" on paying the coal and ice bills and cavilled at the flowers because there was no specific appropriation for them.

It was Mr. Lear's legal ruling that the governor was "the host of the people" and that the State should enable him to "dispense a generous hospitality." He held that the State should pay bills for the upkeep of the mansion, although the Temple idea, which was Democratic in days of strenuous politics, did not accord with the thoughts of the Republicans of the Hartranft administration.

There is also something interesting because of the comment of a recent governor that the State gave him a big house and seven or eight servants and required him to feed them when he did not intend to in the Lear opinion of forty years ago. He says that the State did not provide a building with furniture nor repair and replenish it from year to year for the mere purpose of affording a residence for the executive of the State. "The State," he says, "has undertaken to provide him an abode where he can meet his guests on true Republican equality."

The attorney general of that day quoted Latin and used the homely expression "it is necessary to stick in the bark in this case" in holding that "too minute a stress must not be laid on the strict and precise significance of words." He says that "to supply" means "to furnish with anything that is wanted" and asserted that definition "covers the whole ground from the fuel to the flowers."

Apparently the legislators of that day were not given to specific appropriations which became the rigorous rule immediately after the Capitol furnishing scandal because he says "It would be better to appropriate a contingent fund for these purposes, but it has not been the practice. It is impossible to describe every item in such cases in a general appropriation bill. But there may be economy in embracing all the public buildings in one appropriation; for several small appropriations could be passed by the legislature with more facility than one containing a large sum and yet the small ones would aggregate much more than the large one."

Evidently Mr. Lear has his ideas about expenditure of money because he adds "and there will be economy in paying the items referred to out of the appropriation of \$10,000 rather than have it expended, as it will be, for other purposes if not so applied and at the next session of the legislature the supplies or furnishings of the executive mansion will be provided by a special appropriation. The refusal to pay these items out of the present appropriation would undoubtedly result in the expenditure of the \$10,000 in some other way."

After saying that the items are proper and should be paid, he concludes "I will therefore share with you the responsibility of approving the bill before you."

The opinion is rich in the legal phraseology of the day and in addition is filled with florid sentences which roam from natural history to the religious.

150,000 Germans "Are Armed in Chicago"
Philadelphia, Feb. 2. — One hundred and fifty thousand armed Germans, ready for action, are in Chicago, with 55,000 English, also armed, watching them, said William Ellis Scull at the annual meeting of the Transatlantic Society at the Bellevue-Stratford yesterday. He added that he had received the information from good authority.

TOBACCO GROWERS SUED
Test of Contract's Value Being Made in Lancaster Courts
Lancaster, Pa., Feb. 2. — The law has been invoked to decide whether a tobacco grower may sell tobacco at a higher price after contracting to sell to another party. The Seed-Leaf Tobacco Growers Company, of Lancaster, yesterday secured a temporary injunction against H. H. Moore and his tenants, John O. Kleese, Harry, J. Miller, M. O. Gantz, J. F. Markley, Albert R. Lavis, Ellis Moore and J. F. Stoner, a Litz tobacco dealer.

The plaintiff contracted for thirty-six acres of tobacco at stipulated figures, but only six acres were delivered, thirty acres being sold to Stoner. The company sues to secure possession of the entire amount. The case is considered an important one, as it has become a common practice to contract to sell to one party and then deliver to another at a higher figure.

U-BOAT DAMAGES CRUISER
British Warship and Submarine in Battle in South Atlantic
Buenos Aires, Feb. 2. — The British cruiser Amethyst, one of the squadron searching for German raiders in the South Atlantic, was attacked by a submarine, according to the Pernambuco newspaper Jornal Pequeno, but repelled the attack. The cruiser then touched at Pernambuco to repair, although the extent of the damage is not exactly known.

The newspaper declares that the British consul admitted the attack on the Amethyst, although the ship bore no evidence of having been in an engagement.

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