

# REEDER-ELKIN RESIGNATIONS.

Full Particulars Regarding the  
Breezy Affair.

THE FACTS IMPAR-  
TIALY PRESENTED.

Without Bias, We Offer Just What  
Passed Between the Re-  
publican Leaders.

The comment and discussion occasioned by the resignation of Secretary of the Commonwealth Frank Reeder and Deputy Attorney General John P. Elkin, from the cabinet of Governor Hastings has become state wide. In many instances there is a misapprehension of the whole affair. Those opposed to the principles of the Republican party and the success of that organization, have in many cases taken advantage of the opportunity to distort facts and shade truths, while ultra factionalists have sometimes been biased in their judgment. We therefore deem it but fair to all who are involved in the talk of "bond" or "agreement," which it is alleged was given to indemnify the state treasurer from losses if any were incurred for advances made to extra employees engaged during the recent session of the legislature, that all the facts in the case be impartially and without bias presented to our readers. It is due each individual concerned, each individual's friend, as well as the Republican party, that the public should have a clear and comprehensive understanding of the whole proceeding. And to be certain that each reader may be left to draw his own conclusion and make his own deductions, and render intelligent judgment in the premises, instead of giving a brief resume of the matter as we might personally view it, we, in fairness to all parties involved, prefer to present the notes exchanged between those to whom public attention has been directed, believing that this means will more distinctly and unmistakably bring out the facts and lay before the friends of each, and the public, the whole matter with impartiality, thus doing full justice to Governor Hastings, Attorney General McCormick, General Frank Reeder and General John P. Elkin, the last named being the head of the Republican organization of the state. The whole "bond" or "agreement" proceeding is included in the following correspondence.

**GEN. REEDER'S RESIGNATION.**  
The first official act in the affair was the request from Governor Hastings to Secretary of the Commonwealth Frank Reeder for the latter's resignation. The resignation was presented, and later the two met by appointment in Harrisburg. General Reeder asked the governor to assign reasons for his removal. They were given, among them being the complaint that General Reeder had, with others, placed his name on a "bond" or "agreement" which had as its purpose the indemnification of the state treasurer for advances made to extra employees engaged during the recent legislature. General Reeder fully explained his position and then retired.

**GENERAL ELKIN RESIGNS**  
He Gives at Length His Whole Connection With the Affair.

The next proceeding was the request from Attorney General McCormick to his deputy, General John P. Elkin, to resign the position he held in his office, sending the latter the following note:

"I respectfully request your resignation as deputy attorney general."

Mr. Elkin's answer was delivered to Attorney General McCormick. It was as follows:

"Harrisburg, Pa., Sept. 10, 1897.  
Hon. Henry G. McCormick, Attorney General.

"My Dear Sir: I am in receipt of your communication of the 9th inst. requesting my resignation as deputy attorney general, and I hereby tender the same. I desire to return my thanks for the many kindnesses and courtesies received at your hands while officially connected with your department. Inasmuch as we have never had any differences, so far as I am aware, except those of a political nature, I feel that I am entitled to know the reasons which actuated you in making your request. I ask this not only for myself, but for the information of the public.

"Very respectfully yours,  
"JOHN P. ELKIN."

The following is Attorney General McCormick's answer to Deputy Attorney General Elkin's letter of resignation demanding reasons why his resignation was asked for:

"Harrisburg, Pa., Sept. 10, 1897.  
Hon. John P. Elkin, Harrisburg, Pa.

"My Dear Mr. Elkin: I am in receipt of yours of today tendering your resignation as deputy attorney general in response to my letter of the 9th inst. In accepting your resignation it is due to you to say that you have performed your official duties in such a manner as to meet my approval and to deserve commendation. I reciprocate what you say with regard to our personal relations. They have been agreeable to me, and I am glad to know that they have been equally so to you. In requesting your resignation I hoped that I would not be obliged to assign my reasons, but your letter asks that they be given. Anything therefrom you say: 'Inasmuch as we have never had any differences, so far as I am aware, except those of a political nature, I feel that I am entitled to know the reasons which actuated you in making your request. I ask this not only for myself, but for the information of the public.'

"It is scarcely necessary for me to say to you that our differences of a 'political nature' have no bearing whatever upon the question. I have conceded to you, as I would to any one, the right to think and act politically as he may deem best. This is proven by the fact that you have continued as deputy attorney general for more than two years since the 'political

differences' arose to which you refer, and which were fully discussed and understood by us so long as the summer of 1895, and to my mind they did not then, and never have since, furnished any sufficient ground for the severance of our official relations. It was your privilege, as it was mine, to think and act as you pleased in regard to differences existing in our own political party, and I desire, once for all, to disabuse your mind of any thought that such a reason could have prompted my action.

"The attorney general and his deputy are the official advisers of the heads of the executive departments of the state government. I conceive it to be my duty and yours to see to it that the constitution is obeyed and the law observed. It appears, however, that not only by your own admission to me, but by what seems to have been an authorized and authentic interview, widely published throughout the state, you saw no propriety in joining with other public officials in an obligation to the state treasurer, during the last session of the legislature, to protect him against the payment of moneys from the state treasury not authorized by law. "This was in effect, and so intended, an agreement on your part and the others who joined with you, to invite the state treasurer to unlawfully disburse the public fund, and if the appropriation therefor by the legislature should fail, by reason of executive disapproval, that you and the others joining with you would hold the treasurer harmless. I cannot bring myself to believe that an act of this character can be justified upon any ground. To agree that certain officers and employees of the legislature, not authorized by any statute, should be placed upon the rolls for the purpose of receiving political promises in greater number than the places would justify, and to receive my approval, and furnish me, as I believe, a sufficient reason for severing our official relations.

"In giving you this reason, I beg to assure you that I have nothing but the most kindly feeling for you personally, nor do I believe that you fully appreciated the effect of your action. I would very much have preferred to be silent upon this subject, but your letter leaves me no alternative.

"Yours very truly,  
"(Signed) HENRY G. MCCORMICK."  
**GENERAL ELKIN'S FULL EXPLANATION.**

The ex-deputy attorney general then sent to Attorney General McCormick a lengthy answer to the reasons assigned for his removal from the office of deputy attorney general. It is clear and dignified, and we present it without comment. It is as follows:

Hon. Henry G. McCormick, Attorney General, Harrisburg, Pa.  
My Dear General: I have the honor to acknowledge the receipt of your communication of recent date, setting forth reasons for requesting my resignation as deputy attorney general. It is gratifying to know that my official relations and professional work while connected with the legal department have merited your approbation and receive your commendation.

You speak of the reluctance with which you state to the public the reasons for my removal. It is much better, in my judgment, that you should state your reasons by a letter addressed to me than that the public press should assign them for you. For this reason I requested them. I, too, desire to assure you that it would have been more agreeable to me to have remained silent on the subject, but I would be untrue to myself, unfair to the public and unjust to my friends if I failed to make answer to your charges.

Inasmuch as you have based my removal upon grounds which involve my official integrity, I assume there can be no impropriety in my stating all the facts in connection with the transaction about which you complain. I will remember that the act of 1874, passed after the adoption of the new constitution, designated the employees of the senate and house of representatives. This act remained unchanged until 1895, although it was known to every one familiar with legislative routine that there were not a sufficient number of employees therein designated to do the work and transact the business of the legislature. This act provided for the appointment of only two transcribing clerks in the house and two in the senate. This was not a sufficient number to do the work necessary to be done in the transcribing rooms, and it became necessary to employ additional clerks during the session of the legislature. These additional clerks were paid out of contingent funds or provided for by items in the general appropriation bill. For more than 20 years this has been the uniform and unbroken custom of the legislature.

At the opening of each session it is the practice of the state committees of the senate and house to select the appointees for the different places. These appointees are recommended by members of the respective bodies. At the beginning of the last session of the legislature, Senator Thomas, who was chairman of the state committee, called upon the governor for the purpose of securing his approval of the appointment of a number of extra employees whose services were not only desirable, but necessary in the senate. It was suggested that the number of appointees be provided for in the acts of 1874 and 1895 were not sufficient to properly transact the business of that body. The governor, after carefully considering the whole question, approved the appointment of a clerk to each of the following committees: Appropriations, corporations, finance, judiciary general, judiciary special, municipal affairs, railroads, compare bills and agriculture. This made in all nine clerks to committees of the senate, to which he gave his unqualified approval.

A short time after this Representative Marshall, chairman of the state committee of the house, and some others called upon the governor with a view of securing his approval to the appointment of some additional clerks and extra employees in the house of representatives. At this time the governor approved the appointment of a clerk to each of the following named house committees: Railroads, corporation, municipal affairs, city passenger railways, judiciary local, agriculture, compare bills, education, mines and mining and insurance. In addition to the clerks which it was agreed could be appointed to the above named committees it was decided that there should be two extra transcribing clerks in the house. This made 12 extra places in the house which met with the approval of the governor and members of the state committee. In order that there could be no misunderstanding about this matter the accounting officers were also called into consultation. After going over the whole matter the governor, in his own handwriting, designated the amount that each clerk to a committee was to receive, and also the amount to be paid to extra transcribing clerks. Several lists of these extra employees were then made out. The governor kept one, the members of the state committee kept one, and one was given to the state treasurer. The other to the auditor general. I presume the purpose of this was to notify all the parties what places were agreed upon, so that they would know to whom payments should be made during the session.

As you are aware, none of these positions had been designated by any previous act of assembly. It is true that several committees had clerks during previous sessions of the legislature, whose compensation was always paid by items in the general appropriation bill. The governor fixed the amount that each extra clerk to committees was to

receive at \$300, and the transcribing clerks were to receive \$7 per day. It was the thought of the governor, with these conferences that it was necessary to appoint these extra clerks so as to facilitate the orderly transaction of business during the session. The 13 extra clerks to committees above named at \$300 each amounted in the aggregate to \$3,900. Each of the transcribing clerks would be entitled to receive, at \$7 per day, about \$125, making \$2,500 for both. It will thus be seen that the extra employees who met with the approval of the executive and legislative branches of our state government would cost \$3,900, or thereabouts. It must not be forgotten that all the clerks appointed to serve on the above named committees were on the extra list. There were a few of the important committees entitled to clerks under acts of assembly. None of these are included in the above list.

Several weeks after the organization of the legislature a number of these extra employees came to me and complained that they were not being fairly treated. A clerk to one of the committees herein before named informed me that he was the head of a large family, was a poor man, without funds to pay his boarding in the city, and without means to buy necessities for his family at home. He further informed me that the state treasurer would not advance money to employees on the extra list. I became interested in the case, as you or any other humane man would have been. I waited upon the state treasurer and asked him if some arrangements could not be made by which advances could be made on the salary of this person.

The treasurer very frankly told me that there was so much contention and factional discord in the legislature that he had no assurance the compensation for the extra employees would be provided for by proper legislation. He thought it was unfair that he should assume the responsibility and bear the burden of paying these extra employees under the circumstances. He did not hesitate on account of the fear of executive disapproval, for the reason that the governor had approved the appointment of these persons at the beginning of the session, and had filed with him a list of the committees so designated, but was uncertain as to the result in the legislature. Afterwards the subject was again called to my mind by several employees, members of the house, and others, and it was the unanimous opinion of these persons that some arrangements should be made through which the employees could secure advances on their salaries. It was suggested that an agreement might be entered into by which the persons signing the same should indemnify the state treasurer for any loss that might occur to him if the legislature failed to make the necessary appropriation for the extra employees.

I note the comment in the public press about what this writing should be called. It was, in fact, an agreement in the nature of a bond, for the purpose of this case, I care not whether it is called an "indemnity," "obligation" or "bond." The purpose was to share the responsibility of these advances with the state treasurer, and that was the only purpose. It was agreed in this obligation that the state treasurer would be protected to the amount of \$15,000. This sum was fixed and agreed upon for the reason that it would take about \$14,000 to pay the extra employees approved by the governor, and it was suggested that on account of the confused condition of things after the burning down of the old capital several additional employees be appointed. The balance of the \$15,000, after paying the extras appointed by the governor, could be used for that purpose. I did not then know, and have never since learned, how many extra employees were on the list in addition to those approved by the governor. I only know the fact that it was represented to me that there were a few extra watchmen, janitors and pages employed when the legislature undertook to do its work in several different buildings in the city of Harrisburg after the fire.

Under these circumstances I signed the obligation. It was not a matter in which I had any personal or selfish interest. I do not personally know many employees to whom advances were made. I signed the obligation because I felt that these extra employees had been properly and regularly selected, with the approval of the executive and legislative branches of the government, and that it was only fair that they should be paid for their services. To my mind it would have been cruel and heartless to have arbitrarily withheld from them salaries which they so much needed to support their wives and families. Advances have always been made to the members of the legislature and employees during the session. At the time these advances are made there is no authority of law. The authority of law comes afterward, when the legislature makes an appropriation in the general appropriation bill, but it is certainly no sin in the back to say that members and employees are not entitled to receive advances on their salaries until the general appropriation bill is passed. Such a rule would mean that poor men could not be members of the legislature. I venture to suggest that there were not five members of the house or senate or employees who did not receive advances on their salaries during the session. I know of no reason why such advances should not be made.

I am familiar with the constitutional requirements to which you refer, namely: "No payment shall be made from the state treasury or be in any way authorized to any person except to an acting officer or employee appointed in pursuance of law."

I respectfully submit, however, that the extra employees were acting officers in that they were appointed in pursuance of custom and law and many of them approved by the governor. In this connection I desire to say that no one, so far as I have any knowledge, was paid for services he did not render the state. I am sure that if I desired to call your attention to the case of the commonwealth versus Gregg, 161 P. S. 582, with which you are entirely familiar, you will remember that by an item in the general appropriation act of 1893 the compensation for clerks in the office of prothonotaries of the supreme court was provided for. There was no prior act of assembly creating such an office or authorizing the appointment of such clerks. The office and compensation therefor was created by an item in the general appropriation bill at one and the same time. The auditor general doubted the right of the legislature to create an office in that way and refused to draw his warrant for the payment of the salaries of such officers. A mandamus proceeding was instituted and the case went to the supreme court. Mr. Justice Mitchell, who delivered the opinion of the court, discussed the question of legislative power and authority in such cases with much interest, from which I quote the following:

"As already said, it is conceded on all hands that the legislature had ample power to do the substantial thing that it did, to wit: To authorize the appointment of a clerk in the office of the prothonotary and provide for his salary out of the public treasury, and as the purpose of such appointment and the duties of the appointee were to secure the performance of the regular and ordinary work of the office, we are of the opinion

that the legislature might constitutionally do it in the form they did, by an item in the general appropriation bill for the judicial department."

The learned justice took the broad ground that under the constitutional requirement the legislature must be the exclusive judge of the form in which its enactments shall be put, and that if it chooses to make an office by providing compensation in the general appropriation act it has the power to do so. If, then, the legislature has the power to provide additional employees in the judiciary department of the state government by an item in the general appropriation bill it seems to me there is much greater force and reason in the position that in such cases much weight must be given to the legislative understanding and practice during a long term of years. In this connection I beg to remind you that the rule and custom followed in the appointment of the extra employees at the last session of the legislature has the sanction of more than 20 years of legislative practice and precedent.

Then, again, I recall that under the general appropriation act of 1895, passed during the present administration, and approved after painstaking and careful consideration by yourself and other members of the cabinet, contains items providing for the compensation of the extra employees, just as the act of 1897 did. The act of 1895, although it contained compensation for extra employees, received the approval of the present executive. I do not state this for the purpose of criticizing his act in so doing. My opinion is that there was no impropriety in approving it then and that there is none in doing the same thing in 1897. I may be at fault, but I fail to comprehend how that can be morally and constitutionally wrong in 1897 which is legally right in 1895.

On this point I would do an injustice to myself if I failed to remind you that the general appropriation act of 1897 contains compensation for the extra employees, approved at the beginning of the session by the governor and members of the cabinet. In other words, the governor and yourself have seen no impropriety in approving the compensation for these extra employees to the amount of about \$14,000, who were on the list without authority of law, according to your own position, yet you do not hesitate to cloud my official integrity and remove me from office because I, in a small way, helped very many men to receive advances on their salaries while they were performing the duties of the positions to which they were appointed.

The general appropriation act of 1897 was approved with full knowledge of the fact by the governor and yourself that it contained compensation for a large number of extra employees. The approval of the appropriation for these extra employees is as constitutionally wrong, if wrong at all, as the approval of any compensation for extra services alleged to be without authority of law. There was no authority of law for the extra employees approved by the governor except the items in the general appropriation act of 1897 containing items of more than \$14,000 for the compensation of extra employees during the session of 1895. This item was unintentionally overlooked in 1896 and the mistake was corrected in 1897. This was money paid without any previous authority of law.

In view of the authority of the supreme court above cited, in the light of legislative precedent during a period of more than 20 years, with a knowledge of the fact that the present administration approved items for the compensation of extra employees in the general appropriation act of 1895, and having in mind that the governor approved the compensation for extra employees in 1897 to the amount of about \$14,000, I respectfully submit that the position I assume in this controversy is supported by precedent and authority.

In conclusion permit me to say that I have but one purpose in the recital of these facts, and that is to inform yourself and the public of the transaction from beginning to end.

Very respectfully yours,  
JOHN P. ELKIN.

The Prosperity Show.

From the Buffalo (N. Y.) Commercial.  
It has been a standing joke with the free silverites and the Bryanites that if McKinley was the "advance agent of prosperity" he was "a long way ahead of the show." He seems, however, to have reached the country, that is in splendid shape, that has come to stay, and that will draw big houses, and a big business. That sound, reliable and conservative business paper, the New York Journal of Commerce says:

"The loans of the Clearing House banks of this city last week touched the highest figure on record. The leading operations of the banks usually attain their highest expansion in the month of September, and this current month opens with a total of loans and discounts amounting to \$569,300,000. In September of last year, the highest weekly average was \$453,100,000, and in 1896, \$522,700,000.

"Compared with September of the panic year (1893), the current figures show an increase of \$169,100,000, and with September of 1899—a year of great financial expansion, the crisis of 1890—the increase is \$70,000,000. The comparison shows that the city banks are now lending 14 per cent. more than the highest volume ever attained in the history of their operations. No more complete demonstration is possible of the completeness of the recovery of business from its late depression. We are far beyond the highest previous normal level of activity."

These are figures that do not lie. They silence every calamity howler; they gladden the heart of every workman. They are splendid re-acting for the laboring men after they come home from their picnic today.

Now the clouds are breaking away. The sun is beginning to smile again. Confidence in American intelligence, business judgment, and commercial loyalty to commercial obligations is restored. The whole magnificent machine of our industrial system is again steadily getting under way. With the final adoption of the Dingley tariff bill, there has come the formal guarantee that our commercial affairs will be handled by the present administration in a broad, liberal and statesmanlike way.—Chicago Dry Goods Reporter.

The new tariff is a thoroughly protective measure. It keeps the campaign promise of 1894 to the letter. There are errors and omissions, of course, as there always have been and always will be in so comprehensive a measure as a general revision of tariff schedules, but in the main, and probably with fewer errors and omissions than usual, the Dingley tariff will be found to be amply protective of American industries.—Philadelphia Iron and Steel Bulletin.



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