

The Sun

TUESDAY, DECEMBER 11, 1888.

Mr. Cleveland and the Monopolies.

The wandering opinions as to what Mr. CLEVELAND will do for a living after the 4th of March next are surpassed in extravagance by two others as to what he will not do. For example, that generally unexpecting journal, the Springfield Republican, looks toward the future in this way:

"President CLEVELAND's message is considered to have disposed of one rumor—that he will identify himself with some corporation after retiring from office; also another—that he will become a 'long suffering and patient farmer' impoverished by the tariff."

And that out-and-out organ, the Albany Argus, backs up its Massachusetts contemporary thus:

"Whatever may be the plans of President CLEVELAND after the 4th of March, it is very certain he will not figure as counsel for a trust or railroad monopoly."

It must be remembered that the President, before he went into public life, was a lawyer, and particularly, we believe, a railroad lawyer. At least, as we understand, he was attorney for the New York Central Railroad.

In one of the greatest monopolies of the State or of the country, it would indicate a more radical change in his mind than even the public has a right to estimate if he should refuse to be its attorney again. In case he should return to his old profession, it is strange how those who pose as the President's unmitigated friends so frequently manage to attribute to him notions or feelings which are petty and unpraiseworthy. To say that he would not be counsel for a railroad is to write him unworthy of being a lawyer. It is a social rule, and a most admirable and indispensable rule, that when the case concerns a monopoly or a murderer, the defendant is entitled to counsel.

Who Will Have the Power of Appointment?

In this provision of law which gives the Mayor the right to appoint a next power to appoint a new Commissioner of Public Works and a new Corporation Counsel unconstitutional and void? The practical bearing of this question lies in the fact that if the statute were unconstitutional Mayor HEWITT would have the power of appointment and not the Mayor elect, Mr. HUGH J. GRANT. During the late campaign, and in fact until recently, it was assumed by all parties that the Mayor elected on Nov. 6 would have the right on May 1 next to fill these two offices, but mere concession or assumption, even if conclusive as to good faith, would not avail to aid a mistaken interpretation of law if such had been made. The question, therefore, resolves itself into one of pure law or of mere construction.

In section 106 of the Consolidation act, chapter 410 of the Laws of 1882, is found the following clause:

"But the Corporation Counsel, and Commissioner of Public Works to be appointed on the expiration of the term of office of the present Commissioner of Public Works, shall hold their offices until four years from the day of their appointment."

This sentence, it is claimed, is in violation of section 16 of article III. of the State Constitution, which provides:

"No private or local bill which may be passed by the Legislature shall embrace more than one subject, and that shall be expressed in the title."

In other words, it is argued that the subject matter of the appointment of a Corporation Counsel and a Commissioner of Public Works does not fairly come within the title of the Consolidation act: "An act to consolidate into one act and to declare the special and local laws affecting public utilities in the city of New York."

This matter, contention cannot be sustained. Anyhow, it is a matter of law, affecting public interests in the city of New York and is fairly expressed in the title of the Consolidation act. So, for instance, we find in section 1108 of that act power given to the Board of Estimate and Apportionment to provide for raising by tax and for payment to the Supreme Court Justices in this district of such additional annual compensation as they may deem proper. This is now matter called into being by the Consolidation act, giving as it does to another Board the power formerly vested in the Board of Supervisors, and under an absurd or restrictive construction of the title it might just as easily be held unconstitutional as the appointment of a Corporation Counsel.

Moreover, on this very question as to the scope of the title of the Consolidation act, the recent decision of a distinguished jurist is apposite and timely. In the case of the People ex rel. the Second Avenue Railroad Corporation against the Commissioners of Taxes and Assessments it was claimed that the sections of the Consolidation act regulating the review and correction of assessments were unconstitutional because the title did not embrace them. Judge VAN VORST, sitting as referee, held the sections to be valid in these words:

"It was intended that the title should so express the subject that the attention of the Legislature and the public might be directed to the subject and its nature. But if, as in the case of the Consolidation act, it is necessary that the bill should contain a reference to each and every law to be revised, modified, amended, or affected in any way by its provisions, the multiplicity of details would obscure the expressed purpose. The title would not, therefore, be so construed as to embrace the sections completely revised. And the simplicity and directness necessary to secure the desired end would be wholly destroyed."

This is sound reasoning, and the law could not be more happily expressed. Moreover, there is a judgment of the Supreme Court, affirmed and sustained by the Court of Appeals, which is a contention that the term of office of the present Corporation Counsel expires before May 1 next. Mr. HENRY R. BECKMAN is the successor through the intervening incumbent—Judge O'BRIEN—of E. HENRY LACOMBE, and is now serving out the unexpired term for which Judge LACOMBE was appointed by Mayor GRACE on Jan. 14, 1885. In the action brought in behalf of EDWARD T. WOOD against E. HENRY LACOMBE to test the latter's title to the office of Corporation Counsel it was expressly adjudged that Mr. LACOMBE was entitled to hold that office until May 1, 1889.

Mr. GRACE, therefore, will have the power of appointment to these two offices on May 1 next, or at any time after Jan. 1, 1889, should a vacancy occur between that date and the 1st day of May.

The Ticket Speculators.

Of course, as JOE SHADWIT argued in THE STRY yesterday, the business of the ticket speculator in theatre tickets is entirely proper and legitimate. Anybody has a right to buy such tickets for the purpose of selling them again at whatever price he can get; and the fact that the business is profitable, when conducted by experienced men like Mr. SEAGRAM, indicates that it meets a public demand.

New York has grown so large that the convenience of the public requires that these tickets should be obtained at their places besides the box offices of the theatres themselves. Accordingly they are sold on commission at many hotels and newsstands, and in the vicinity of Wall street, for instance, they are sometimes distributed by itinerant peddlers, those unscrupulous being referred to the theatres before the rising of the curtain.

Of course, if the play is popular, the number of tickets disposed of in these ways may be so great that a man who goes to the box office on the night of a performance may be unable to get a seat, unless he buys it of a ticket speculator on the sidewalk at a premium. The speculator therefore renders him a service, for which he is ready to pay in an extra price for the seat; and the bargain between the two is really of no public concern so long as it is fair, whatever the difference between the speculator's price and the regular price. There is no question about that.

But a reasonable outcry against such ticket speculation has been raised when it has been made manifest that the theatre itself was concerned in the business, using the speculators as a means of obtaining more than the advertised price, for the benefit of the box office. Such a practice is tricky and dishonest, and the suspicion of it has brought the ticket speculators into disrepute. That is probably the reason why some managers put up notices warning the public against them, though, of course, if the tickets are genuine, they cannot be repudiated simply because they come from a sidewalk vendor.

It is absurd also to talk about preventing ticket speculation by law, for a man has just as much a right to sell his theatre ticket over again as to sell anything else which he has bought. The partnership of the managers in such speculation might properly be prevented, if it could be done, but so long as theatre tickets are transferable they will be sold by their purchasers, and the speculation will continue until it ceases to be profitable. That time seems to be far off, for an increasing number of people prefer to pay a premium on their seats rather than take the trouble to run the risk of engaging them long in advance.

An Essential Condition of Electoral Reform.

The Republicans are keeping up a steady outcry in favor of what they call electoral reform.

They propose to pass a new electoral reform bill at the coming session of the Legislature; and they menace the Governor with all sorts of threats if he ventures to veto the bill they intend to enact.

Not one person in a thousand of those who have criticized Governor HILL for refusing to approve the so-called SAXTON Electoral Reform bill ever read that measure, or can state the substance of the provisions which it contains.

Very few of these people were or are aware that the SAXTON bill compelled the voter who could not read to tell a Government officer how he wished to vote before he would be allowed to exercise the right of suffrage.

This was an insuperable objection to the measure, and any similar provision in any other bill ought to be and will be opposed by every true Democrat in the State. To compel a man to disclose the contents of his ballot to a person not selected by himself, and, above all, to a Government officer, is to destroy the secrecy of the ballot under the pretence of preserving that secrecy.

An essential condition of any desirable electoral reform is the omission of this objectionable feature of the SAXTON bill from any legislation on the subject.

Let the Investigation be Fair but Final.

We have recently given publicity to certain charges concerning the treatment of the Aleuts by the agents of the Alaska Commercial Company, also concerning the general policy of that corporation in the region which it occupies as the Government's tenant, and where its power is practically although not nominally supreme.

These charges have attracted widespread attention and interest. This is natural, for some of the offences imputed to the employees of the Alaska Commercial Company are so horrible as to arouse to indignation every sentiment of common humanity. If the facts alleged are true, and if, as we believe, the Government cannot remain indifferent or inactive without making itself a partner to a crime against civilization.

The charges against the Alaska Commercial Company rest mainly upon the testimony of Gov. ALFRED P. SWINFORD of Alaska and of Mr. THOMAS F. RYAN and Mr. WILLIAM GAVITT, both of whom have lived on the Seal Islands as Special Agents of the Treasury Department. There is also said to be now in Washington, waiting for the attention of Congress, a most impressive and pathetic appeal from certain leading men among the Aleuts, charging the worst that has been charged concerning the system of terrorism and outrage pursued by the Company, and the shocking violation of the most sacred family relations among the natives by the Company's representatives on the Seal Islands and at its other stations in Alaska.

On the other hand, the Alaska Commercial Company collected and printed about a year ago matter for a general denial practically covering these later accusations. The two adverse reports of Gov. SWINFORD and of the assertion that he had and could have no personal knowledge of the alleged outrages. The statements of various navigators, travellers, and missionaries, favorable to the Company, were likewise included, and in particular there was published a letter of Mr. T. F. RYAN, dated Nov. 7, 1887, from Mr. GEORGE R. TINGLE, the present Special Agent of the Treasury Department at Sitka, Paul, denouncing as false the charge that the Company "has reduced the native population to a condition of helpless dependence. If not slavery, and that its oppression and robbery of the natives are notorious."

Mr. TINGLE wrote as follows to Mr. LOUIS FLOSS, the President of the Alaska Commercial Company:

"The natives were lifted from a condition of slavery and privation by your Company's generosity, to one of peace and domesticity and comfort; to them, luxury is a new and unknown thing, and they are now as happy as any people in the world. I have never known an instance of abuse of natives by your agents or employees, and when the Treasury Agent has occasion to reprimand a native, he has always done so in a way that tends to strengthen him with transportation to Sitka, where they can get your Company to work for them. I have not any opportunity of knowing your treatment of natives, and I am sure that you are as fair and just as any other man in Alaska. I have never known an instance of abuse of natives by your agents or employees, and when the Treasury Agent has occasion to reprimand a native, he has always done so in a way that tends to strengthen him with transportation to Sitka, where they can get your Company to work for them. 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