

PATRONS OF HUSBANDRY.

DIROTORV.

OFFICERS OF THE NATIONAL GRANGE. Master—John T. Jones, Barton, Phillips, Ark. Overseer—J. J. Woodman, Paw Paw, Van Buren, Mich.

Notes of Travel in Linn County.

Leaving our home in the Waldo Hills on the 15th of April, we crossed the roaring Santiam at the enterprising town of Stayton, where we found a large tannery in course of construction. Near Stayton are large quantities of hemlock bark, and tanning will doubtless be profitable here.

SUPREME COURT DECISION. The Power of State Legislatures.

WASHINGTON, March 1.—The Supreme Court of the United States, to-day, decided the so-called Granger cases, the first one being that of Ira Y. Munn and George L. Scott, plaintiffs in error, vs. The People of the State of Illinois, in error to the Supreme Court of the State of Illinois.

Chief Justice Waite delivered the opinion of the Court. The question to be determined in this case is whether the General Assembly of Illinois can, under the limitations upon the legislative power of the States, fix by law the maximum of charges for the storage of grain in warehouses in Chicago and other places in the State having not less than 100,000 inhabitants, in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of the different lots or parcels can not be accurately preserved.

1. To that part of section 8, article 1, of the Constitution of the United States which confers upon Congress the power "to regulate commerce with foreign nations and among the several States." 2. To that part of section 9 of the same article, which provides that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

THE EFFECT OF USAGE. To determine its significance, therefore, it is necessary to ascertain the effect which usage has given it. It is a principle of the law that a custom or usage which is so general and so long continued as to be considered as a part of the law of the land, is binding upon the courts.

WHAT "A BODY POLITICAL" IS. "A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, is a social compact by which the whole people covenant with their fellow-citizens, with the whole people that all shall be governed by certain laws for the common good.

That is to say, the power to govern men and things. Under these powers the Government regulates the conduct of its citizens, one toward another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished and articles sold.

WHERE THE POWER OF THE REGULATION RESTS. This brings us up to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what without its operative effects. Looking, then, to common law, from whence come the rights which the

Constitution protects? We find that when private property is affected with a public interest it ceases to be *jure privati* only. This was said by Lord Chief Justice Hale more than 200 years ago in his treatise, "De Vertibus Maris," and has been accepted without objection as an essential element in the law of property ever since.

After quoting Lord Hale as to ferries, wharves and wharfingers, and the decision of the Supreme Court of Alabama, because the Court thought they found in them the principle which supports the legislation they were examining, the opinion continues as follows: "Enough has already been said to show that when private property is devoted to a public use it is subject to public regulation."

WHAT THE PLAINTIFFS' STATEMENTS SHOW. From these it appears that the great producing region of the West and Northwest sends its grain by water and rail to Chicago, where the greater part of it is shipped by vessel for transportation to the seaboard by the great lakes and some of it is forwarded by railway to the Eastern ports.

It is insisted, however that the owner of the property is entitled to a reasonable compensation for its use, even though it be clothed with a public interest, and that what is reasonable is a judicial and not a legislative question. In countries where the common law prevails, it has been customary from time immemorial for the Legislature to declare what shall be a reasonable compensation under such circumstances; or perhaps more properly speaking to fix a maximum beyond which any charge made would be unreasonable.

THE POWER OF CONGRESS. We now come to consider the effect upon this statute of the power of Congress to regulate commerce with foreign nations and among the States. It is in the case of the State tax on railway gross receipts (15 Wall, 203) that it is not everything that affects commerce that amounts to a regulation of it within the meaning of the Constitution.

WHAT THE PEOPLE OF ILLINOIS DID. We also are not permitted to overlook the fact that, for some reason, the people of Illinois, when they revised their Constitution in 1870, saw fit to make it the duty of the General Assembly to pass laws for the protection of producers, shippers and receivers of grain and produce.

It is not often that a sudden shock is fatal so quickly as in the case of a Nevada drinker. He had been a heavy drinker, and had entered a saloon and called for a glass of liquor. The bar-keeper gave him a glass of water and he drank it. A moment afterward he fell dead on the floor.

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F. C. SULLIVAN, ATTORNEY AT LAW, OPERA HOUSE, SALEM. S. E. corner, at head of stairs. fe12y

Administration Sale of Land. By order of the County Court of Marion county, State of Oregon, made April 14th, 1877, I will sell at public auction the following real property, belonging to the estate of Drury S. Stayton, deceased: The N. half of Lots 3 and 4 in Block 4, having a barn thereon; Lot No. 2, beginning 30 feet W. and 60 feet S. of the N. W. corner of Water and Third Streets in the town of Stayton, thence S. 48 deg. 35 min. E. 20 min. W. 90 feet, thence S. 85 deg. 35 min. E. 125 feet, thence S. 195 feet to place of beginning, in tracts to suit purchasers; Lot No. 3, 5 feet wide on the S. side of the Mulkey block in the town of Stayton, N. E. corner of the Mulkey block in Stayton aforesaid, thence N. 155 feet, thence N. 61 feet, thence W. 125 feet, thence S. 61 feet to place of beginning; Lot No. 6, beginning 60 feet E. of the S. W. corner of High and 33 Streets in Stayton aforesaid, thence N. 155 feet, thence S. 29 feet, thence W. 160 feet to place of beginning; Lot No. 7, a piece of land 52 feet front on the S. side of the Stayton ditch, and on the west of Powell & Hoey's wagon shop, the same being located for water-powers, and running S. about 40 feet to sec. line of sec. 10 and 15; Lot No. 8, a strip of land 10 feet wide and 275 feet long, lying on the N. side of G. W. Custer's land and present residence in Stayton aforesaid; Lot No. 1, beginning 493 feet E. of the S. E. corner of the Mulkey block, thence N. 220 feet to bank of Stayton ditch, returning then to beginning point; thence N. 190 feet, thence E. 215 feet, thence N. 198 feet, thence E. 204 feet, thence S. 86 deg. 35 min. E. 221 feet, thence S. 28 feet, thence South Westerly, measuring the Stayton ditch, to the S. end of the first-run line at said ditch, containing 3.75 acres, more or less, to be in tracts to suit purchasers, and the water-power thereon, the same being situated on a water of 45 inches under a two foot head, or otherwise as may be agreed on at the sale. Said lands all lie in, or adjoining, the town of Stayton, in Marion county, Oregon, and will be sold on SATURDAY the 19th day of May, 1877, upon the premises, for gold coin, one third down, one third in three months; and the other third in six months; payment of notes secured by mortgage on the premises purchased. Sales will commence at 11 a. m. on said day. G. W. LAWSON, Administrator of said Estate.

Citation. In the County Court of the State of Oregon for the county of Marion. In the matter of the Guardianship of George Parker, a minor. It appearing to the Court, from the petition this day presented and filed by J. W. Thornbury, guardian of the person and estate of George Parker, a minor, to be necessary that the land of said minor described as follows, to wit: the one undivided one-sixth of the Donation Land-claim of Henry Martin and wife, in Sections 2, 10, and 11, in T. 1 N. R. 9 W. of Willamette Falls, a newspaper of general circulation of the United States returned to the office of the Surveyor General of Oregon, said interest being all the right of the said George Parker as one of the heirs of William Parker, deceased, in said premises, situate in Clatsop county, Oregon, should be sold; it is hereby ordered that the next of kin of said minor, and all persons interested in said estate, appear before this court on the 4th day of June, 1877, at one o'clock in the afternoon of said day, at the courthouse in the city of Salem, in Marion county, Oregon, then and there to show cause why a decree should not be granted said guardian for the sale of the above-described land; and that service of this order be made on all parties interested in said estate, by publication in the WILLAMETTE FARMER, a newspaper of general circulation, published weekly in said Marion county. Dated this 14th day of April, 1877. J. C. FEEBLES, County Judge.