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Gentlemen of the Legislative Assembly: Having now taken the oath of the office as Chief Executive Magistrate of Oregon, I cannot but feel the greatest distrust of my abilities towards a proper and faithful discharge of its high and responsible duties.

Now, population will become denser and new issues of great moment and new questions of policy will devolve upon those who have control of government.

A law was passed by the last Legislature fixing the maximum rates of fare over railroads within the State, but establishing no maximum rates of freight.

of our present system was also marked that the last Legislature appointed a commission to revise the laws relating thereto. That commission has done the State great service by procuring and presenting data of great interest, and of suggesting a law in many respects very much superior to the one now in force.

The merely casual observer cannot fail to notice that the most prosperous class of community is the money-lending class. The profit on money loaned out at the present legal rate of interest is much greater than is the profit on money invested in farming and other ordinary pursuits.

In obedience to the expressed will of every voter of the State, both parties having declared for it, the Legislature at its last regular session passed a general election law, among the provisions of which was one requiring the registration of voters preceding each election.

that part of the statute relating to registration, duly enacted by the Legislative Assembly of Oregon, was not the law of the State, it being, in the judgment of two of the three judges of that Court, in conflict with a provision of the State Constitution.

Each is independent in its sphere, and the action of each operating within each sphere is binding upon the other. The judicial branch can no more nullify a law of the Legislature by a decision, under our State Constitution, than can the legislative branch nullify a decision of the Court by a legislative enactment.

It is not a judicial question. It is a legislative question. The members of the Legislature, as well as the Judges of the Courts, before entering upon their

duties take an oath to support the Constitution of the State. Hence, in obedience to that oath, whenever a bill is presented, the question is at once raised in the Legislature as to whether it is constitutional or not.

But suppose, as is the frequent custom, this question is brought before the Courts. They pass upon the statute, and declare, as is the increasing wont of the Courts, that it is contrary, in their judgment, to the Constitution and therefore that it is no law.

When the motion was made to add the words, "the Constitution," objection was raised because it was thought "it was going too far to extend the jurisdiction of the Courts generally to cases arising under the Constitution and that it ought to be limited to cases of a judiciary nature."

1886. FALL AND WINTER. 1886.

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