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ALBANY, OREGON, FRIDAY, FEBRUARY 4, 1887.

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INAUGURAL ADDRESS OF GOVERNOR PENNOYER.

entlemen 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 discharg of its high and responsible duties. We are at the very threshold of an era in the history of our government which will call for and imperatively demand the highest order of statesmanship, the most deep-seated patriotism, and the profoundest devotion to our constitutional form of government. While Providence is still vouchsafing to us fitting seed-times and abundant harvests, and while we are blessed with a most salubrious climate and fruitful soil, yet there is abroad within our own State and all over the land a feeling of discontent, not by any means confined to the over-crowded population of our large cities, but pervading the great masses of the working classes of the country. he farmers and the day laborers toll early and late, barely . receiving enough remuneration for the absolute a tax should not be by any means laws. But it is claimed that that pro- is a rule of law recognized by the Courte, necessaries of life, and all trades and cmitted. Our present law requires vision of the statutes relating to the that when a Court has jurisdiction its industries not favored by especial the property owner to make a state- registration of roters was not a law, it judgment is final and conclusive except legislation are languishing, while, on ment under oath, but as there is no having been held by the Court as being where appeal is given by law. But in the other hand, wealth continues to penalty for non-compliance such pro- void because it was in conflict, as the relation to the Legislature they disrebefore in the coffers of the favored then be no evasion, under such com- provision. If this claim be correct the Legislature, because it is its duty, moneyed classes. The accumulation within the last three decades of great wealth in the hands of the few, the unprecedented growth and arrogant assumption of overshadowing monop. olies and the bestowment of the great bulk of the burdens of government upon the laboring and producing classes, is charged, and with great measure of truth, to a long-continued and persistent series of victous class legislation on the part of the Federal Government, Added to this, is the further feet that while our population is very rapidly increasing, and while a large stream of immigration is still pouring upon us, this country has not in the future any new and fertile fields upon which to pour its over-

crowded peoples. Now, population will become denser and new issues of great moment and new questions of policy will devolve upon those who have control o government. Feeling, then, the great responsibility which the march of events has placed upon those entrusted with government at this period, I approach the discharge of the duties assigned me with feelings of awe, but with the fervent hope that the God of our fathers, whose guiding hand has been plainly witnessed in the past history of our country, may still lead it in the ways of justice, peace and prosperity, for long ages yet to come. The retiring Executive, who has graced the office during his term with both dignity and ability, has just now given you the required information concerning the condition of the State. and it now devolves upon me to rec ommand such measures as by me are deemed expedient. In doing this shall strictly confine myself to the recommendation only of such practical legislation as shall in my judgment be in strict accordance with the support, and as shall be conducive to the best Interests of the State and the

FRZIGHT REGULATIONS.

A law was passed by the last Legislature fixing the maximum rates of fare over railroads within the State, the same protection as a boot or over-gaiter. It is convenient to put on and the top can be adjusted to but establishing no maximum rates at any ankle by simply moving the buttons. unremitting labor. It is the untherelis healthy competition, while establishing reasonable rates on all cheerfully give my assent thereto.

> ASSESSMENT AND TAXATION. There is no matter to which you

ttention will be called during the resent session of any greater imporand taxatior. The utter inefficiency the reason, as alleged by the Court, that the Courts, before entering upon their

commission to revise the laws relat- tive Assembly of Oregon, was not the dience to this outh, whenever a bill is ing thereto. That commission has law of the State, it being, in the judg- presented, the question is at once raised done the State great service by pro- ment of two of the three judges of that in the Legislature as to whether it is curing and presenting data of great Court, in conflict with a provision of constitutional or not. If it is a necesdeference to the very able gentlemen | ceeding. There cannot be found in that | their judgment in regard to the constiwho constituted the majority of that Constitution any provision by which tutionality is a final judgment, (subject Board, I doubt not that the views of the Judges of the several Courts of only to the revision of the people who this Legislature upon this question Oregon are exempted from obedience make the Constitutions,) and it is conwill coincide exactly with the views to the laws of the State. There cannot clusive upon the other departments. of the minority, and fer the reasons be found there any warrant by which The common law doctrine, which recoghe has so tersely and ably set forth. they can suspend, by an order, the oper- nizes as a legislative prerogative the perfection in a tax law, but that can expressly declares shall never be sus- of laws in absence of express delegation be nearest attained by taxing all prop- pended but by the Legislative Assem- by the Constitution of such legislative erty within the State, real and per- bly. By that instrument they are power to the Courts, is the law of the sonal, at its full value, and allowing bound to obey and enforce the law, and land to-day, and hence the Legislature no deductions whatever. That fee- are not privileged to disregard and of the State like the Parliament in ture of the Vermont tax law should nullify the law. In that instrument England is the rightful judge as to be added which requires that each there is no provision by which the unan- whether a law is Constitutional or not. person shall give, under oath, a full imous will of the people in regard to The Courts have no appellate legislative statement of his property, under the this registry law, regularly expressed power under the Conscitution, to revise penalty of having his assessment in a legislative enautment, can be thwart- the judgment of the Legislature in this made, as nearly as it can be, by the ed by any two or three men in the regard. And when they claim this Assessor, and then doubled. I would State. Judges cannot make or unmake right, it is in defiance of a rule which impress upon you that this feature of laws, but, like others, they must obey in regard to themselves they obey. It puision, on the part of any one, from then the duly enacted statutes of the to pass upon the constitutionality of bearing his just proportion of taxa- State may not all be the laws of the every measure brought before it. It tion, and as the volume of the tax- State. If this claim be correct the peo- must necessarily do so. It therefore able property would! be largely in- ple of the State are in ignorance as to has jurisdiction of this very question creased under such a law, the rate the laws to which they must render and inasmuch as there is no appellate would be correspondingly decreased. obedience until they have passed the legislative power given by the Consti-The honest taxpayer's burden by this scrutiny of the Supreme Court and re- tution to the Courts, the Judgment of plan would be very meterially diminshed, as the dishonest one could no longer evade the law. Provision Constitution of Oregon. Such a doc- The question as to whether a law is should also be made for the taxation of foreign corporations doing large buriness in this State without much of either real or personal property Oregon, duly enacted, is a law of the it is upon the Executive or upon the within the State, and provision should also be made for the taxing of the stock of allen owners pastured during certain portions of the year within State limits, which have heretofore

escaped taxation. RATES OF INTEREST. fail to notice that the most prospering and other ordinary pursuits. And, government of Oregon is composed of over his veto, and thereupon the Conas the law should allow no favored three separate departments -the legis- stitution declares that "it shall become classes, it would be proper that the lative, the executive and the judicial. a law." Has the Executive a right to legal rate of interest ou money be Each is independent in its sphere, and disregard this law and treat it as a it may not be so much greater than such sphere is binding upon the others. | unconstitutional? There is no warrant

THE REGISTRY LAW.

In obedience to the expressed will of every voter of the State, both parties having declared for it, the Legislature at solutely needed. The people of Ore- election law, among the provisions of gon and of the eastern portion of our which was one requiring the registra-State especially are subject to a most | tion of yoters preceding each election oppressive tariff rate of transportation | At the special session following, some on the products of the soil, so burden- imperfections in the law were remedied some as to deprive them of the fair and another act was passed, definitely result of their hard, persistent and describing the manner in which such registration should be effected. Under, claimed by them, possess the power to doubted right and the imperative and in pursuance of this law the necesduty of the State to interpose its pro- sary steps were taken for carrying it tecting care to that class of our fel- into effect. A few days preceding the low citizens who constitute the main- time mentioned in the law, in which stay and support of the com mon such registration should be made, the wealth. Under the law as it now ex- various officers appointed to carry ists rates of freight established by the into effect abandoned all further comrailroads have to be posted publicly pliance with its provisions in regard to every six months. It would be prop. registration, and as a consequence the er that the rates established on the operation of the law in that regard was All kinds of rough, dressed first of this year be taken into con- suspended, in plain defiance of that and seasoned lumber, laths and sideration by the Legislature, and Constitutional provision which declares pickets kept constantly on that the rates on the main products that "the operation of the laws shall hand. Bills sawed to order on of the country be fixed at a figure never be suspended except by the aushortest notice Use only best | not exceeding the rates charged on | thority of the Legislative Assembly." Calapooia timber. Price and railroads in the Atlantic States where (Art. 1, Sec. 23.) This anomalous and other articles on the schedule. This brought before the courts by a citizen is a feasible suggestion, but should of Multnomah county, in which it was the Legislature devise a better and demanded of the Court that an injuncmore effective scheme, I would most tion should be issued against the County Commissioners of that County restraining them from auditing and allowing bills against the County incurred in the execution of the registration law. The Supreme Court commanded the issuance of the injunction prayed for, for

transaction by which the borrower sion. This doctrine has no foundation Constitution declaring that statute to would be compelled to pay over \$10 | whatever in the Constitution, it has no | i.e a law. His duty, under his solemn as Attorney fees in case of a forced foundation in the common law, it has no oath, is plain. The mandate of the foundation in reason, (for the common | Constitution is higher than the mandate law is "the perfection of reason,") and of the Courts. The Constitution must it has no other foundation than the be obeyed and the law must be enforced. dictum of the Courts themselves. It Its operation must not be suspended the Courts possess the power to nullify but by act of the Legislative Assembly. a law of the Legislature by a judicial Nor is there any warrant in the Federal Prayer meeting every Wednesday evening order, then the Legislative and the ju- Constitution for the power assumed by dicial branches are not co-ordinate the Courts to declare an enactment of branches but the legislative branch is the Legislative Assembly void. The Street. Sabbath School immediately after subordinate to the judicial. Such a doctrine "were to set the judicial power eral Constitution, as presented to the above that of the legislative, which Convention which framed it, by the comwould be subversive of all government." (1 Blackstone, 91.) If the Courts, as declare an act of the Legislature void, When the motion was made to add the then no enactment of the Legislature can be a law without the ultimate consent of the Courts. If this doctrine ba correct, if we are finally to look to the Courts and not to the Legislature for the law, the Legislature necessarily becomes an useless appendage of government. We might as well at once dis . sense with it and let the Courts at first declare the law. It would be produ ctive of much less confusion. And if there be no Legislature there need be no Executive. The officers of the Court could enfore the law of the Court. Then we would have in name what we now most extraordinary condition of affairs have in truth, if this doctrine of the ciary nature," it is beyond all question Courts be the correct doctrine, not a that the jurisdiction referred to was the constitutional government of three saparate and co-ordinate branches, but that very worst form of tyranny—the gov- to declare an act of the Legislature void, FIRE HISTORY OF THE U. S. 1.50 ernment of a judicial obligarchy. The Courts have assumed that the question as to whether a statute was constitu-

Legislature, as well as the Judges of

of our present system was so marked that part of the statute relating to reg- duties take an oath to support the Conthat the last Legislature appointed a istration, duly enacted by the Legisla- stitution of the State. Hence, in obsinterest, and of suggesting a law in the State Constitution. There cannot sary measure, and if in the judgment many respects very much superor to be found in the Constitution of Oregon of the Legislature it is constitutional the one now in force. But with all any warrant whatever for such a pro- they pass it and it becomes a law, and Of course it is impossible to attain ation of a law which that Constitution determination of the constitutionality With accumulate more rapidly than ever vision is a dead letter. There could Court deemed, with a Constitutional gard this rule. It is the function of

ceived its sanction. There'is no war- the Logislature is final, and according to rant whatever for any such claim in the their own rule, is conclusive upon them. trine is the doctrine of the Courts, and constitutional or not is a legislative not the doctrine of the Constitution. A question and the decision of the Legisstatute of the Legislative Assembly of lature is as binding upon the Courts as State until it is repealed by the Legis- people. In order to further show that lature. Its operation can be no more under our Constitution such decision is auspended by a decision of the Court | final it is but necessary to consider that than it can by an order from the Ex- provision in regard to the passage of a ecutive. There can be no mistake law over the veto of the Executive. whatever about this proposition. The Let it be supposed that a bill is passed Constitution expressly declares that which in the judgment of the Execu-The merely casual observer cannot "every statute shall be a public law tive is plainty and palusbly in violation unless otherwise declared in the statute of the Constitution. He vetoes the bill ous class of community is the money- itself," (Art. 4, Sec. 27,) and therefore and gives the reasons why, in his judgloaning class. The profit on money this registration act was a "public law," ment, it is unconstitutional and returns loaned out at the present legal rate declared to be such by the Constitution, it to the Legislature. In the opinion of interest is much greater than is notwithstanding the Supreme Court de- of two-thirds of each house the bill is the profit on money invested in farm- clared it to be not a law. The State constitutions, and it is therefore passed

fixed so that the money-lenders' prof. the action of each operating within nullity because in his judgment it is the profit of men in other avocations. The judicial branch can no more nullify for it in the Constitution. Have the The law should endeavor to do some- a law of the Lagislature by a decision, Judges a right to disregard the law, and thing like equal justice to all classes, under our State Constitution, than can treat it as a nullity because in their Money is clothed by law with an at. the legislative branch nullify a decision | judgment it is unconstitutional? There tribute which no other species of of the Court by a legislative enactment, is no warrant for it in the Constitution. property possesses that of being a or than can the Governor set saide both But suppose, as is the frequent custom, legal tender for debts-and being the decisions of the Courts and the his question is brought before the thus favored by law, it is but just statutes of the Legislature by an execu. Courts. They pass upon the statute, that its profits should be controlled tive order. But the Courts have ad- and declare, as is the increasing wont of by law, The legal rate of interest vanced the theory that it is their prov. the Courts, that it is contrary, in their should therefore be fixed at not over lince, in case they are of the opinion judgment, to the Constitution and 7 per cent per annum, allowing con- that the Legislature has erred in regard | therefore that it is no law. In that tracts, however, at 9 per cent, but to a Constitutional question, to nullify event what is the duty of the Execuforbidding any stripulation in any the Legislative act by a judicial deci- tive? Here is the plain mandate of the

> second Section of Article III of the Fedmittee of five declared that "the judicial power shall extend to all cases arising under the laws of the United States." 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 na- Potatoes-75 cts per bushel.

ture." The motion was agreed to nem Pork-41% per lb.

con. "it being generally supposed that Bacons—hams, 12% ahoulders, 6c. the jurisdiction given was constructively limited to cases of a judiciary nature," (5 Elliott, 483.) The leading men of that Convention were common law law-Dry granulated 7 c.

Wers and when it was generally suppose.

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[See 4th page.]

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