

THE QUESTION OF VESTED RIGHTS.

The recent railroad decision of Judge Tipton, in the McLean county Circuit Court, is exciting profound attention. The case is briefly this: The Constitution of Illinois provides that the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads of the State; and also pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs, etc. This constitution was adopted in 1870, and, in 1871 the Legislature passed a law prohibiting railroads in Illinois from charging higher rates of freight for short distances than long ones. The Chicago and Alton road violated this law by discriminating in favor of shippers at Bloomington, and against shippers at Lexington; and the Railway Commissioners of the State instituted suit in the McLean County Court to test their right to do so.

Through the persevering efforts of Col. R. P. Morgan, one of the Railroad Commissioners, the suit was pressed to a verdict against the company. The case on the part of the Railroad Company, is susceptible of a defence, that will doubtless take it at once, to the Supreme Court of the United States. It involves the application to railroads of the principle involved in that clause of the constitution of the United States which forbids States making laws impairing the obligation of contracts. The point made by the company, and that which gives the Supreme Court of the United States jurisdiction at all, is that its character is a contract which the State, the other contracting party, cannot disturb without consent.—Ill. State Journal.

We are pleased to see this question agitated not only in Illinois but in other States, and it must soon be raised in Oregon or the people must be made the dupes and tools of railroad monopolies. We are aware of the fact that a people destitute of railroad facilities are very apt to overlook all other considerations and almost unanimously exclaim, "give us a railroad!" but there is something else that ought to be considered. The carrying trade of the country is done by railroads, and the people are deeply interested in that matter. Why is it that wheat has taken a rise recently in Oregon and California? Simply because freights have been reduced on the high seas. If the reductions of freight there, will raise the prices of the produce of the farm, the people of every State are deeply interested in the question of freights. It seems that in Illinois the new constitution provides, that the Legislature should make laws regulating freight on railroads in the State. The Legislature did pass a law, forbidding these companies to charge more for freights carried a short, than a long distance. One of these companies violated this provision, and suit was brought by the State railroad commissioners before Judge Tipton, and the Judge decided that such a law could and ought to be enforced. In our opinion he decided correctly, although railroad kings and their hirelings are dissatisfied with it. Judge Tipton in our judgement, is an able honest lawyer and judge. His acts and decisions are uninfluenced by partisan feeling, mercenary considerations, hate or friendship. Would to God, the same could be said of every judge upon the bench, but unfortunately for mankind, man is fallible. It was said in that case, and has, and will be said in Oregon that the company had "vested rights" which the people through their legislature cannot take away, and what is that vested right? The right it is said, to charge just what they please on railroads, for carrying freight and passengers. How beautifully that sounds in a government which boasts that "all power rests with the people." It must be remembered, however, there is no bounds to the check of a railroad monopoly, monied corporations have no conscience. Apply the principle of "vested rights," to the railroads in Oregon where the farming lands are confined to a narrow valley; not exceeding fifty miles in width, with the Willamette running the whole length of the valley near the center. Then we have a railroad running the whole length on one side of the river, and another in course of construction running the whole length on the other side. Now let the last be finished and the two roads, as they now

are, be owned by one company, and then take into consideration the well known fact that no more roads can be constructed or maintained in the valley, and we would like to have some friend of humanity inform us why the people of this valley could not be governed completely, and controlled absolutely by this railroad company, who have the right to charge just what they please for freights. It is obvious that they could reduce the yeomanry of the country to poverty, and keep them in that condition, while all the rich profits resulting from the hard labor of the working man would go directly into the coffers of these monied sharks, who claim in this land of boasted equality to have "vested rights." The whole thing is a humbug, and an imposition upon the rights of the people unauthorized by any rule of law or equity known to popular governments, and can only be brought about and established in this country by corrupting our judiciary.

Notice for one moment, the magnitude of the right, these soulless devils claim. In the first place they receive a charter from the legislature or organize under a general law of a State, enacted for that purpose, then they open their stock books, subscribe the required amount, and to all appearance comply with the statute or charter creating them. What then? the next move is to make a survey of their route, they run wherever they please and when they find a route that suits them best they then demand of the owner in fee of the soil, a deed to all the land he owns which is necessary for them, according to their own calculations, to build their road, workshops and for depot grounds; and when the man who has purchased his land and paid his money for it, and who for his whole life has earned his honest bread by the sweat of his brow ask these sharks, the question, by what authority do you demand my land? It is answered by the authority of the legislature of the State, and produces the law. But the honest yeoman unable to understand, how in this free land, he has no "vested rights" in his own soil, asks the other question, by what authority does the legislature authorize you to run where and when you please through my possessions? And the answer is ready, it is this: the legislature is authorized by the right of the eminent domain, to appropriate your property for purposes like these, because it is taking private property for public use, the use of the lands of the farmer is taken for railroad purposes, because a railroad is for the use of the public, consequently everybody is so interested in the matter that it becomes a public use, not private, because if it were for private use, it could not be taken, for under the Constitution of the United States no private property can be taken for private use. Now mark, after they have whined around and have got the lands from private citizens, on the theory that the railroad is of such public utility, as to give the right to appropriate your landed estates as they please, they then turn round with all the arrogance of a despot, and say to you, we have "vested rights" here; this railroad is a strictly private concern, and we have the right to charge you just what we please. When the same honest farmer, the profits of whose toil is going constantly into the hands of these monopolies, asks in astonishment, how is it, that you have "vested rights" as a private individual which the people cannot control, if you take my lands for public use? The impudent answer is, it turns out that it was your ox that was gored, and a different rule applies. The whole argument simmered down is this, when these railroad corporations want the farmer's lands, they are public institutions, when they have got them and have their road built so that they are well prepared to flay the farmer, then they suddenly change into private institutions, and claim "vested rights," an imposition which they force upon the people, just in proportion to their gullibility.

The people of Oregon must look to this matter before it is too late or they will find railroads a curse instead of a blessing. The same thin and flimsy argument about "vested rights," was made in the last legislature of Oregon when a bill was pending which had been drawn by us and duly presented

by one of its honest members, which in terms was like the law in Illinois in the case referred to, and a Radical Republican Legislature, who boasts of being God's favorite people and lays claims to honesty, statesmanship and a knowledge of republican government sufficient to carry the experiment of popular government on this continent to a successful termination, treated the bill with a blissful look of contempt, which none but a people who had never snuffed the first breeze of free government could display. How long will the people of Oregon permit the Dolph, Mitchell, Holladay and Williams clique to run this State? these all evoke, "vested rights."

P. S. Our last exchanges brings the news, that the first named of these "vested rights," is to be the next Governor of Oregon. Certainly, that is only carrying out the programme, and so far as we are concerned, if some one of these "vested rights" men, must be palmed upon the people for that office, we think the selection good, in view of the fact, that the lower the upper story of a Governor's head, the less damage to the commonwealth from his election. Play your cards gentlemen, but keep them well sleaved, for the people are on the look out.

WHAT IS NECESSARY TO BE DONE.

"We feel that the most important work, and one calling loudest for the present consideration of the American people, is the need of a General Convention of men and women, to form a new Constitution, in keeping with the intellectual, commercial and financial growth of our present system of finance, transportation, landed estates, telegraphy, postal facilities, representation and taxation that these shall receive that consideration which our necessities demand, and that scope for a broader comprehension of National ethics than could have been conceived by the original framers of the Federal Bill of Rights."—New Northwest.

While we agree that the above suggestions are all right enough, yet we think it unnecessary for a convention to frame a new Constitution. We are satisfied that all that is necessary to be done is to upset the present corrupt administration, and establish the Government upon the basis of simple justice. There is no justice in placing a military man at the head of affairs instead of a statesman; no justice in excluding from the ballot the intelligent, educated women of this country, and allowing the the ignorant and uneducated African and Chinese to exercise that most sacred right in their stead; no justice in discriminating against the poor for the benefit of the rich; no justice in the establishment of large monied monopolies; justice or sense, in worshipping a man because he is capable of stealing more than a small thief; no justice in permitting a whole State to be run by a miserable demagogue, who, but for his money, would not be suffered to run at large in a civilized community, in consequence of his open and defiant wickedness and debaucheries; no justice or common sense in supporting a man for an office, whom we know to be a bad and corrupt man without brains or morals, simply because he belongs to our party, and is the most available candidate in consequence of his pugilistic qualities; no justice in allowing the servants of the people to become their masters, against the plain injunction of holy writ, which commands the servant to obey his master; no justice in sacrificing principle for party name merely; no justice in maligning a good man because the people run him for office; no justice, sense or honesty, in condemning a good measure or idea, simply because it comes from the man or party opposed to us, or in supporting or attempting to "maintain a bad measure or idea, because it originated by or in the party of which we happen to be a member; no justice in disfranchising one-half of our white American citizens of proper age and discretion, simply because they are females a fortiori, in extending the only privilege which make an American proud of his name above all others, to the other half simply because they males, irrespective of race; and finally, we think all that is necessary to carry out the Government upon the theory of the present Constitution, "We the people," is to make the proper amendments to

hat instrument, elect capable and honest men to office, place the proper brand upon every political thief in the land, come up to our high privilege as the sovereigns of this country, and wipe out the unjust principles mentioned above, do and perform what we as a people, know to be right, and condemn what we know to be wrong. Then, and not until then, will correct principles be established in this Government, and republicanism be safe from the corrupt and poisoning influence of monarchy.

The Statesman's last gasp concerning the action of the Governor in designating the REPUBLICAN as the litigant organ for Polk County, can be found in its issue of the 30th of December. Its exhibition of envy, is a sad commentary upon the condition of the editor's mind.

ILLINOIS AWAKE.

The principles advocated by the Republican vindicated.

The farmers of Illinois have come to the conclusion that railroad monopolies must be put down or restricted in their tariffs upon the people. Illinois papers are filled with this important subject. We have not space to copy, but here is the text of the whole thing as appears in the Bloomington Pantagraph, written by a farmer. "1st. The fact—universal stagnation. 2d. The cause—excessive railroad freights and monied monopolies. 3d. The cure—prompt popular co-operation against this oppression." This has been the text of the REPUBLICAN since we have controlled it. The REPUBLICAN is the avowed enemy of monied monopolies, and railroad Kings; and it has sworn allegiance to pure republicanism the just rights of the people and the working man. But war to the knife, against the present corrupt dynasty of Grant, Williams, Holliday and company; against the establishment of great monied monopolies and national banks; against life-offices and a depreciated currency; against continuing this gigantic appointing power in the hands of the President, and in short against the longer continuation of any of those relics of monarchy which still linger in this, our pretended, Republican Government. The REPUBLICAN will never cease its publication of the truth until our Caesar is dethroned, and these money changers who have turned our political sanctuary into a den of thieves, shall be forever cast out.

It is said that Oregon has been favored with an earthquake. It may be so, but we have realized no unusual shaking.

The Statesman of the 3d inst, contains several editorials on love. The editor must be in a peculiarly fitting mood for that kind of writing.

TELEGRAPHIC.

New York, Dec. 26.—In the case of Susan B. Anthony and fourteen other women, under examination for illegally voting, U. S. Commissioner Stores to day rendered a decision holding each to bail in the sum of \$2,000 to appear at the U. S. District Court at its next session in Albany. The inspectors who received their votes were also held to bail.

Chicago, December 31.—The Journal's Washington special says an executive order will probably be issued tomorrow, addressed to Federal officers in various States, warning them not to interfere with State matters in any way whatever, but to confine their efforts strictly to the performance of their legitimate duties.

London, December 31.—By a railway accident last night, seven miles north of Glasgow, forty persons were severely injured.

New York, December 31.—Samuel Sinclair yesterday offered his resignation as publisher of the Tribune, and it was accepted, to take place to-day.

Chicago, December 31.—A Washington dispatch says Sumner's physician pronounces his condition very bad. He has frequent recurrences of acute pain in the region of the heart—a relief of spinal difficulty which has afflicted him for the last fifteen years. These attacks are violent and prostrating, but of short duration.

Rome, December 30.—The German Charge d'Affaires informed Cardinal Antonelli last week that he had been instructed to take unlimited leave of absence. He has since closed the Legation and left for Berlin.

PORTLAND BUSINESS DIRECTORY

Published by L. Sammel. General Advertising Agent, 93 Front st. Ackerman's Dollar Store, No. 99 First st. Importers of Fancy Goods, Toys, Crockery, etc., etc. Star House, First st. Bet Oak & Pine. Everything neat. B. Longfellow Proprietor. BOOKS, STATIONERY & MUSICAL INSTRUMENTS.

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