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HOFER BROTHERS, - - - Editors.

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THE GOVERNOR'S MESSAGE.

The JOURNAL considers Governor Pennoyer's message of sufficient importance to be presented its readers in the full text thereof. A message could not be written that would suit every shade of political preference, much less touch upon all points that different elements of citizens might deem weighty. It must be confessed that Governor Pennoyer has fully and frankly enlarged upon those topics that to him as an individual appear vital to the best interests of the commonwealth. Such treatment necessarily arouses more or less criticism involving the personality of the governor, which we shall try to avoid in discussing it.

THE GOVERNOR'S MESSAGE.

The main feature of the message is its intensely earnest protest against any increase of taxation; against any increase of officials to become taxers, and for the abolition of many now in existence. The disinterested citizen, who has no concern in political activity which results in public expense can well afford to sustain the Governor's fight against increased taxation and increased consumption of the tributes levied in the name of law. Taxes once levied are seldom relinquished by the state. At best they are shunted upon other objects of taxation. Offices and commissions once created are not easily abolished, but apt to remain for ever a burden upon the farmer, laborer and business man. It is not exaggeration to say that for over two-thirds the taxes he pays, a citizen never becomes personally aware that such were ever used for any purpose whatever. They are absorbed by processes to him fortunately unknown, as he is unaware of the existence of the state.

THE GOVERNOR'S MESSAGE.

While not altogether consistent, the Governor's emphatic protest against one class of citizens being taxed to support another, and in many cases the many being taxed to educate and advance a few preferred individuals, must meet every unprejudiced patriot's approval. The strong points of the message are the demand for congress spending a few hundred thousand dollars on improving our waterways, instead of hundreds of millions for coast defenses. The enemies that prey upon the producer here at home are far more dangerous than foreign foes. The corporation land-rats in Oregon are far greater burdens on the people than any danger from alien water-rats. Regulation of railway freight rates, a maximum rate of tolls for telegraph and telephone companies, a rate tax on the gross incomes of corporations, are practical propositions, in the interest of the people, and cannot be hoisted down as mere Pennoyerism. That Willamette ship canal and locks be owned by the state and only actual coast toll charged vessels is a suggestion so plainly common-sense that it is remarkable that a free and intelligent agricultural and commercial people will so long do without it.

THE GOVERNOR'S MESSAGE.

Many people will not agree with the Governor in his attitude toward the railroad commission and many other matters. We need not say that we do not endorse many of its recommendations. We leave people to form their own judgments, only emphasizing what we plainly consider for the public good. The serious defects of the message are its apparent ignoring of all moral issues, and of all matters that a very large element of people are interested in—the interests of women. The moral welfare of any people and moral problems should be made subjects of a governor's consideration. The public interests of woman are neither so few nor unimportant as to be ignored by any man. Women form one-half the population. They own immense amounts of property and wealth. They have in charge the family, the school, the church and the benevolent, charitable and all organizations for moral reforms. They deserved recognition in the message.

THE GOVERNOR'S MESSAGE.

Other portions of the message from which we shall take liberty to dissent may be referred to in future, tho' we shall attempt to be fair and courteous in referring to the same. HOW BEST SUSTAIN THE USEFULNESS OF THE RAILWAY COMMISSION. Unless the people are willing to see all questions arising in the operation and management of railways thrown into the courts, they must support the railway commission system. It is evident that the common citizen stands but little show in the courts in upholding his rights in business matters, against the corporations. The corporation system requires that a force of the ablest attorneys be retained in each county, and these battalions of lawyers are backed by immense funds and instructed to carry all litigation to

THE GOVERNOR'S MESSAGE.

the highest courts, where, by reason of expense and delays of the law, no business man or shipper will follow, but will submit to almost any outrage. Nearly all states and the United States have adopted the commissioner system, and it is not at all likely that Oregon will abandon the same. The vital question then is how to make the commission system most useful to the people. From the very nature of the business, the duties of railway commissioner require a knowledge of a great deal of specialist information, as tables of rates, tonnage rates, terminal charges, classifications of freights, a knowledge of all the intricacies of railway book-keeping, and the still greater subtleties of railway finances and the problems of corporation management. All things being equal, a man who has had an opportunity to learn these things and who is familiar with them from practical experience, is better qualified than one who is inexperienced. It seems to us the people should take an interest in this matter. The effort should be made to secure a commission made up of the most competent and most experienced men. A new commission is to be chosen. One member of the present commission, Mr. J. P. Fauld of Baker City, declares to be a candidate for re-election. So far as can be learned Messrs. Clow and Colvig, the other two members would serve if again elected.

THE GOVERNOR'S MESSAGE.

LEGISLATORS, ATTENTION. THE WEEKLY CAPITAL JOURNAL issued to-day contains a full legislative report to date, with synopsis of remarks made by members and the Governor's message complete. This paper is the most convenient form in which members can give their constituents this information. Mailed to any address for session at 25 cts. a name.

THE GOVERNOR'S MESSAGE.

THE VOICE OF THE PEOPLE. ED. JOURNAL: The Statesman says, "There is nothing unjust in the new city license ordinance." Why should a boarding house or hotel keeper be required to take out and pay for a license for asking for patronage any more than the Statesman should for employing men to solicit subscriptions and advertisements? And if I want to hire Jack Green or Norman Parrish to haul a box or barrel for me why should they any more be required to pay a license tax for the privilege of doing so, than should the Statesman for the man who canvasses the city for advertisements for its columns? Neither should be subjected to such tax, and a town is in poor, if not small business levying it. If it is hard up for coin it had better lop off its superfluous policemen and other not needed expenditures, and leave everybody free to buy or sell, work or play in the city at will. That will redound more to the increase of business and credit of the town. In all these things, FREE TRADE.

THE GOVERNOR'S MESSAGE.

ED. JOURNAL: The city treasurer says I did not quote from his report, and that his report had not been published by either of the city papers. The Statesman, in its report of council proceedings, says, "The quarterly report of the treasurer was read," and purports to give it in detail, from which I literally copied "balance on hand Jan. 1, 1891, \$6,755.54." I had no reason to doubt the correctness of the figures, and did not doubt them. And the treasurer did not hasten to correct what he some days after pronounced an error. Why not publish the report? CORRESPONDENT.

THE GOVERNOR'S MESSAGE.

GOODYEAR MINSTRELS.—Goodyear, Elitch & Schilling's Minstrels and Royal Court First Part are at the opera house Monday Jan. 19. This is without doubt the greatest minstrel company on the road this season, headed by the great comedians, Goodyear, Schilling and Edwards, and each and every member of the company is an artist in his line. There are no stinks, no dead-wood in the company; no poor acts allowed; everything new, bright, elegant, refined. "Every promise faithfully kept" is the motto of Goodyear, Elitch & Schilling's Minstrels.

THE GOVERNOR'S MESSAGE.

Pronounced Hopeless, Yet Saved. From a letter written by Mrs. Ada E. Hurd of Groton, S. D., we quote: "Was taken with a bad cold, which settled on my lungs, cough set in and finally terminated in Consumption. Four doctors gave me up saying I could live but a short time. I gave myself up to my Savior, determined if I could not stay with my friends on earth, I would meet my absent one above. My husband was advised to get Dr. King's New Discovery for Consumption. I gave it a fair trial, took in all eight bottles. It has cured me and thank God I am now a well and hearty woman." Trial bottles free at Fry's Drugstore, regular size, 50c and \$1.00.

THE GOVERNOR'S MESSAGE.

Liver Complaint.—Biliousness. The chief symptoms of this disease are depression of spirit; foul coated tongue; bad smelling stools; diarrhoeal stools; dry skin with blotches and eruptions; yellow complexion and yellow eyes; tired feeling about the middle of the chest; faintness and irregular bowels. This complaint in all its forms can be readily cured by taking Dr. King's Improved Liver Pills as directed; and a lingering spell of sleep will often be prevented by their use. Sold at 25 cents a box by druggists and retailers.

GOVERNOR'S MESSAGE.

(Concluded from yesterday's EVENING JOURNAL.)

The recommendation that a maximum rate law in regard to freights on railroads should be enacted, which was made at the two sessions of the legislature, securing justice alike to the railroad corporations and the people, is again earnestly renewed. Recent events showing a tendency to a great consolidation of railroad interests in one gigantic trust controlling all of the principal roads of the country, and thereby destroying all hopes of that healthy competition which alone is conducive of fair rates, must convince the most skeptical, if past experience has not already done so, that the time has at length arrived when the legislative assembly of Oregon should exercise itself and not by any illegal proxy the plain duty imposed upon it of protecting the people of this commonwealth against the unjust exactions of common carriers. Nor is this at all a difficult task, as experience has furnished safe guides. The rates established in Iowa and acquiesced in by both the railroad companies and the people, will furnish an approximate basis upon which to frame the proposed law. But a passenger has been charged within the state should be fixed at figures very nearly corresponding with general rates in other states, and any and all discrimination in either should be effectually prohibited. In case of a violation of such a law on the part of the corporations, the governor should be authorized to enforce the law by bringing the violators before the courts, through the weekly payments to their agents, witness on behalf of the state. A most stringent law should also be enacted compelling all contractors and sub-contractors on any work for railroads or other corporations, to make weekly payments to their employes and laborers, either in cash or by orders on the corporations, which orders shall be promptly paid in cash upon their presentation. The great necessity for the passage of such a law has been emphasized within the last month by the cruel and shameless treatment of laborers upon a railroad in a neighboring state, who in mid-winter were not only without notice suddenly deprived of employment, but were compelled to wait for weeks for the pittance due them, or suffer a ruinous discount upon the scant returns of their hard labor. Such flagrant infractions of the law should be condoned punishment that the law could possibly inflict.

GOVERNOR'S MESSAGE.

INTERFERENCE WITH STATE LAWS. Within the last six months a judge of the inferior federal court of the district of Oregon, in a case brought by a citizen of California against the board of land commissioners for the state, which board consists of the governor, secretary of state and state treasurer, has presumed to have and to exercise the power to declare a statute law of the state, passed in pursuance of the forms and requirements of the state constitution, to be void and of no effect within the state, and has had the further presumption to attempt to prevent the officers of the state from obeying the law, by an injunction forbidding them from so doing. The proper thing for the board to have done in the dilemma when the statute law of the state bade it to pursue one course and the federal court to disregard the law, would have been to obey the law of the state; but as the board was not unanimous in this regard, no action has been taken in the premises further than to apply for a writ of habeas corpus from the federal court, which writ was granted and the officers of the state were set at liberty, the federal judge passing upon the facts and holding that they did not justify his arrest by the state courts.

GOVERNOR'S MESSAGE.

There is now no longer any use in shutting our eyes to the great present and impending peril which threatens our free and constitutional form of government. The usurpation of the balance of powers between the state and federal governments has become nearly destroyed by the usurpation of power and jurisdiction on the part of the federal courts. The usurpation, although becoming more burdensome and unbearable, has to a certain extent been exercised for nearly a century, and rests upon the unfounded claim of the supreme court, by its decision that the power to declare a law void was a judicial power, when in fact it is nothing else than a purely legislative prerogative. The power to repeal an enactment of a law making power by a decision of a court declaring it to be void, in all the history of all civilized peoples has never been claimed or exercised until it was usurped by the federal supreme court. And that the claim of such power as judicial was clearly without foundation no careful student of constitutional history can for one moment deny. By reference to the debates in the convention which framed the federal constitution (5 Elliott, 483) it is clearly demonstrated that the jurisdiction of the federal court, under Art. 3, Sec. 2 of such instrument, upon which this unfounded claim alone rests, was intended by the framers of that instrument to be limited to "cases of a judicial nature." It was not then even supposed by any member of that body, many of whom were able and eminent lawyers, that under such provision the court could exercise the purely legislative prerogative of repealing or nullifying either an enactment of congress or of a state legislature by declaring it to be void. And the exercise of this usurped legislative power of the courts, becoming more and more frequent with each recurring year, is bringing inextricable confusion in our jurisprudence; it is subversive of that order which is the fair consequence of well established law; it is inimical to the peace of society and the security of property; it is a reproach to an intelligent people and justly subjects a nation acquiescing in it to the derision of the civilized world.

GOVERNOR'S MESSAGE.

The danger and confusion arising from the claim on the part of the

GOVERNOR'S MESSAGE.

(Concluded on fourth page.)

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