

Counsel for Parties.

has the right to submit to the courts the question whether rates prescribed by any subsequent act of the legislature will give that reasonable compensation which the State agreed, in the act of 1852, might be exacted by the company under by-laws established by its board of directors.

The act of 1852 does not, I think, supersede the provisions of the general law of 1849 upon the subject of rates. But since the company (if we look alone to the act of 1852) has failed to show that the rates fixed in the act of 1871 are unreasonable, and since—if the thirty-second section of the act of 1849 is still in force—it does not appear that those rates would reduce the company's profits below the amount to which, by that section, they could be restricted by subsequent legislation, I concur in affirming the judgment.

FIELD, J.—I concur in the judgment in this case solely on the ground that no proof was made that the rate prescribed by the legislature was unreasonable. Under previous decisions of the court the legislative rate is to be taken as presumptively reasonable.

I do not give any weight to *Munn v. Illinois*. My objections to the decision in that case were expressed at the time it was rendered, and they have been strengthened by subsequent reflection. Besides, that case does not relate to corporations or to common carriers.

MR. JUSTICE BLATCHFORD did not sit in this case.



ILLINOIS CENTRAL RAILROAD COMPANY v. THE PEOPLE OF THE STATE OF ILLINOIS.

IN ERROR TO THE SUPREME COURT OF THE STATE OF ILLINOIS.

Decided May 7th, 1883.

Mr. John A. Campbell and *Mr. John N. Jewett* for plaintiff in error.

Mr. James McCartney, Attorney-General of Illinois, *Mr.*

Opinion of the Court.

James K. Edsall, and *Mr. John B. Hawley* for defendant in error.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

The case follows in all respects *Ruggles v. Illinois*, ante.

This case, like that of *Ruggles v. Illinois*, just decided, presents the question whether the State of Illinois has entered into a contract with a railroad corporation not to exercise the legislative power to regulate charges for the carriage of persons and property upon the railroad of the corporation. It is not necessary in this case, any more than it was in the other, to inquire whether the power of legislative regulation, in this particular, is one that can be bargained away, because here, as there, we are of opinion that no such thing was intended. The provision of the charter of the Illinois Central Railroad Company relied on, as showing a contract, is almost identical with that of the Central Military Tract Company considered in the *Ruggles* case, and in the following words:

"SEC. 8. The said company shall have power to make, ordain, and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well ordering, regulating, and securing the affairs, business, and interests of the company; *Provided*, That the same be not repugnant to the Constitution and laws of the United States or of this State, or repugnant to this act. The board of directors shall have power to establish such rates of toll for the conveyance of persons and property upon the same as they shall from time to time by their by-laws direct and determine, and to levy and collect the same for the use of said company. The transportation of persons and property, the width of track, the construction of wheels, the form and size of cars, the weight of loads, and the other matters and things respecting the use of said road and the conveyance of passengers and property, shall be in conformity to such rules and regulations as said board of directors shall from time to time determine. Nothing in this act contained shall authorize said corporation to make a location of their track within any city without the consent of common council of said city."

Syllabus.

What was said in the other case as to the construction of section six of that charter is applicable to this, and, referring to the opinion in that case for the reasons,

We affirm this judgment.

FIELD, J.—I concur in the judgment in this case for the reason expressed for my concurrence in the decision of *Neal Ruggles v. The People of the State of Illinois*.

HARLAN, J.—For the reasons stated in my dissenting opinion in *Ruggles v. People of Illinois*, I dissent from the opinion of the court, but concur in affirming the judgment.

MR. JUSTICE BLATCHFORD took no part in the decision of this case.

HAWLEY v. FAIRBANKS and Others.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF ILLINOIS.

Decided May 7th, 1883.

Appeal—Conflict of Law—Injunction—Jurisdiction—Mandamus—Municipal Bonds—Municipal Corporations—Statutes.

An act of the State of Illinois authorizing subscriptions by municipalities to the stock of a railroad company required the town clerks to transmit to county clerks transcripts of votes authorizing subscriptions, and the amount voted and the rate of interest to be paid, and after issue of bonds, certificates of the amount of bonds issued, the rate of interest thereon, and the number of each bond. It also required the county clerk, after the execution and delivery of the bonds, to annually compute and assess upon the township enough to pay the accruing interest and cost of collection, and a fund for redemption. A subsequent statute authorized holders of such bonds to register them with the State auditor of public accounts, and made it the duty of the auditor to estimate the amount of assessment necessary to meet the interest, &c., and to inform the county clerk: *Held*,

That the object of each act was to provide a mode for information to reach the county clerk as to the amount of money necessary to be raised for these purposes, and that certified copies of judgments recovered in the Circuit Court of the United States by such bondholders upon their bonds lodged with the county clerk, had the same force and effect as information derived