

WHAT LED TO NULLIFYING IN 1832

Denial of Right to Get Protection Into Court for Test of Its Constitutionality—Correction of Abominations of 1828.

It was in December, 1832, that the protection lion became a lamb and lay down with the free trade lamb that had made a noise just like a lion. It was a day when men fought like demons and fawned like pussy cats, by turns, as it suited their personal ambitions. For that was before the days of the tariff machine; nothing was known but the personal leader, and he threw his strength this way or that, expending it as a personal asset to get personal gain. Things happened in the days of '32 that could scarcely happen now—strange things, of which Mr. Haskin will write in article No. 8 of his series on the tariff.

By **FREDERIC J. HASKIN.**

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Washington, March 24.—Although the tariff law of 1832 brought about a reduction of the duties in the tariff of 1828, it was still confessedly a protective tariff, and the reformation of the tariff was a constitutional question. It was the tariff machine that served to kindle the smoldering fires of dissatisfaction in South Carolina into a roaring flame of open opposition to the government. There were two parties in the state. Both were equally opposed to protection, but their differences were in the manner of opposing it. The one believed in nullification, and the other did not.

When South Carolina ratified the constitution she did so without any reservation, like most of the states. But Virginia and New York did not. Virginia expressly reserved the right to withdraw from the union when she felt that the powers of the federal government were being abused. New York had taken the same position, stating that "the powers of government may be resumed by the people whenever it becomes necessary to their happiness." South Carolina assumed this right as much as if it had been an essential condition of her ratification, as with Virginia and New York.

The Nullification Argument.

The doctrine of the unconstitutionality of protection was at the bottom of the nullification movement in South Carolina. All that the nullifiers asked was that the matter should be put into such shape that it could be carried to the supreme court, asserting that they would abide by its decision. To that end they wanted protectionists to insert in the preamble of the act of 1828 the identical words of the preamble of the tariff of 1789, which specifically stated that the law was for the encouragement of manufactures. If this request had been granted the matter could have been finally determined in the supreme court. But the protectionists would not risk such a proceeding. Whether their opposition sprang from a fear that a majority of the court were free traders, or whatever their motives for denying the

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COMMERCIAL CLUBS DOING WONDERS FOR COOS BAY

By Addison Bennett.

North Bend, March 18.—I addressed a large audience at the opera house in this place last night—and I think it would have done the people of Boise and all of that portion of Oregon which is fighting for a railway from Boise to Coos Bay, much good to have been present and witnessed the enthusiasm with which my remarks were received. I know it is a good deal of a chestnut to say that a people or a community is on fire for or in the interest of a certain proposition; but I believe that the entire population around Coos Bay may safely be said to be most enthusiastically in favor of any sort of a proposition which will give them a railway from the east, and the Boise-Coos Bay project appeals to them as the one feasible and practicable route.

The meeting last night was held under the auspices of the North Bend Commercial club, and I would like to say just a word or two, perhaps more—than I am able to change my mind on such a subject—about the Commercial clubs of this place and Marshfield. I have found them to be two of the very best organizations I have met up with in the state, not even excepting that of Burns, which in many respects is one of the very best bodies of the kind and community ever had. But here we have two splendid clubs, made so by as fine a set of men as ever headed any such bodies. I care not where they may be found.

I spoke in one of my letters to The Journal about Mr. Grimes of Marshfield. I have forgotten the precise language I used, but I guess I wrote complimentary of him. He is of the Marshfield club, and associated with him are such men as Dr. McCormack, Henry Sobush and Walter Lyon, backed up by stacks more as enthusiastic as they; while here in North Bend we have Mr. Evans, Peter Loggie, F. W. Brigham and L. J. Simpson, but I think all of the other North Bend people will step aside and let me say that the greatest of these is Simpson.

Cannot Overlook "Louie."

As a matter of fact, to mention North Bend and not mention "Louie" would be like mentioning Hamlet without mentioning the Dane. He is first and foremost in everything for the benefit of the Coos bay country. I think I ought to give a special letter about "Louie," and tell of what he has accomplished here.

I guess I would even have to give him credit for the introduction of C. A. Smith, of whom I wrote a few days ago, for the Simpsons were practically the discoverers of North Bend, while "Louie" was the promoter and builder. And when big things are finally done in this neck of the woods, when the Coos bay country finally hooks up with the outside world, then the people of Oregon as a whole will find here in the person of "Louie" Simpson one of the doers of great things.

In fact, let it astonish nobody if he is the first one to emerge from this isolated section with a railroad to the Pointe Reineburg before two years roll around. And in such a work you may expect to see C. A. Smith and his associates. Where there is so much to say about a country as there is about this, and so many citizens who should be mentioned, it is difficult matter to confine oneself to the short space allotted me. Of course, I might find nothing new to say. The promoters of the club have mentioned and others have published all of the attainable facts and promulgated all of the official data about Coos bay country many times. They

motion for an adjudication of the question, the fact remains that they refused to put the matter in shape to be taken to the supreme court. South Carolina then sought to have the question of constitutionality tested in another way. It refused to satisfy bonds that had been given to secure duties, pleading "no consideration" for taxes levied. Even on this plea could not get the case into court. Taking the view that it was being denied the constitutional right to have the constitutionality of a measure determined, the Palmetto state concluded that the only way to get what it considered its rights was by nullification.

The Act of Nullification.

The doctrine of nullification was first enunciated in South Carolina in 1827 at a public banquet, and it continued to spread thereafter. The Palmetto state adopted a resolution saying that congress had transgressed its constitutional powers and that the Palmetto state, standing with the congress of the United States, the South Carolina legislature must sound a warning and a protest in a way that should not be misunderstood.

From the South Carolina viewpoint the act of 1828 was as bad as the tariff of abominations. Of course it had lowered many duties, but there was not the abatement of a jot or a tittle of the protection principle. Refused to accept the tariff, the South Carolina legislature got the matter into court, the South

will continue to do so. But I came here to see with my own eyes and tell of things as they are, and such things as might not always appeal to the pusher or promoter.

Word About North Bend.

And now let me say a word about the town of North Bend, which lies prettily situated on the peninsula formed by the channel entrance to Coos bay and the bay itself. It is very slightly in location, the ground being high. It has many fine buildings, many manufacturing establishments, consequently a large payroll; has wide streets, well planked, with wide and well kept sidewalks, and contains some 3500 inhabitants. Its southern boundary almost touches Marshfield, and the two places will not only grow together, but will undoubtedly be consolidated as one city within a very short time. They are now a homogeneous people. They act together as one.

They have, to be sure, a healthy, generous rivalry, in a brotherly, bantering way, beautiful to behold; but Marshfield would fight for the interests of North Bend next to her own, and North Bend would suffer no slight to be placed upon her sister city of Marshfield. In fact, I never saw two rival communities carry on a more civilized and sensible battle for supremacy. The reason is principally because it is waged by men of brains, but for the further reason that they will both win in the end for the new city, the greater city, will slant both municipalities and take the name of Coos Bay, or, as many prefer, Koonbay.

I mentioned that North Bend had many manufacturing establishments, and roughly stated they consist of a gas plant, electric light plant, six sawmills, a brewery, soda works, steam laundry, shingle mill, box and veneer factory, wash and door factory and milk condenser. I guess there are more, for the payroll of the city amounts to nearly 300, but that will do for a conservative statement. The wash and door factory uses much of the Port Orford cedar in its product, hence has the most unique output of any similar establishment in the country, and although it is a comparatively new plant, its product is already largely used in the great cities of the east and in some instances sent to Europe.

Best Milk in Coos.

The milk condensary is said to make the best condensed milk on earth. I suppose that statement is open to argument, but it is a certainty that the concern recently secured a contract on strict merit from the war department in competition with all of the other like concerns in the west, price not being a factor. It is an institution of which the city feels very proud, and it is growing very rapidly. It is situated on the waterfront, and all of the milk comes to it in launches.

I am going to Coquille tomorrow and will hold a meeting there tomorrow night, and from there I will go on to Myrtle Point, where I will spend Friday night. Saturday I will return to Marshfield and on Sunday I will try and catch up with some of my work for The Journal. Before Monday morning will leave for the "outside" via a boat to a point on the channel above North Bend, where I will take up the beach to the Umpqua river, then up that stream by boat to Scottsburg, thence by stage to Drain.

From Drain I will take up the trail to the monthly meeting of the Oregon-Louis Development congress, where I will have a good day's talk about this trip. And from day to day I will try to tell The Journal readers something about my wanderings and my impressions.

Carolina legislature passed the nullification act. Assertion was made in this act that the tariff laws of 1828 and 1832 were unconstitutional, and therefore null and void, so far as the state, its officers and its citizens were concerned. The act provided for the collection of tariff duties within the confinement of the state after February 1, 1833, and cut off all appeals to the courts thereunder. All officers were required to take an oath to abide by this provision, and goods seized by the customs officials were to be released by state officers.

Adams' Bill Governor's Action.

As this happened after the passage of the act of 1832, it is necessary to go back to that measure and follow its threatening of the very existence of the state. The act of 1832, and the tariff of abominations went into effect. The protectionists saw the danger of the measure, and they sought to eliminate the "abominations" of the act of 1828, and thus lose the whole matter, but their effort failed. It served only to reopen the entire question. There were some changes made by the act of 1832, but the whole situation was gone into again in 1832. John Quincy Adams, who was succeeded by Jackson as president, was now in the house, and chairman of the committee on ways and means. The administration offered a tariff program in the form of a report from the secretary of the treasury. A free trade bill was offered by the ways and means committee. The administration bill proposed to reduce the average rate of duty from 44 per cent to 27 per cent. Neither measure could rally enough support to pass it. In the meantime John Quincy Adams was called upon to prepare a measure. His bill corrected the "abominations" of the tariff of 1828, and was one providing moderate "protection." It passed the house by a majority of two to one.

Bill of 1833 in the Senate.

But while proceedings in the house were being carried forward, the senate was usurping the power of the house, granted specifically by the constitution, to originate all revenue measures. Henry Clay had introduced a resolution abrogating all non-competitive duties, except those on wines and silk. Senator Hayne of South Carolina, offered another resolution providing that all duties should finally be brought down to the average duty. There was a long and profitless fight in the senate, resulting in the rejection of both propositions.

On the whole, the senate amended the bill upwards, much to the satisfaction of the protectionists, and it was finally passed by a two to one vote. But when the bill went to conference it struck a parliamentary snag of an unexpected nature, which served to deprive the protectionists of much of the fruits of their victory in the senate. The president pro tempore of the senate, Mr. Taswell of Virginia, appointed as the senate conferees on the disagreeing votes of the two houses, Senators Wilkins, Dickerson and Hayne. But Wilkins was a Pennsylvanian, and was willing to sacrifice the woolen duties in order that the iron and steel duties might go through. Dickerson gave but feeble support to the senate amendments, and Hayne, being opposed to them from the beginning, took his first opportunity to surrender the protective breastworks to the house enemy. The bill was finally approved, after having been wiped out of it nearly everything that the senate put in.

The tariff of 1832 dealt a severe blow to the manufacturers of woollens. They had expected ample protection, but in asking for bread they got a stone. Louisiana sugar had suffered from the act of 1828, and the sugar growers expected to have the wrongs of that year righted by the pending measure. But if they got a blow in the face in 1828 they got a worse one in 1832, for the duty on sugar was driven lower than ever before. Pennsylvania, however, fared well. The duties on iron and steel were scarcely touched. The act of 1832 amounted to nothing more than an important lowering of the tariff. It mitigated the conditions which South Carolina felt had warranted nullification proceedings, but it did not do away with protection.

The Close of the Incident.

With this in mind South Carolina proceeded to pass her nullification act. Then Andrew Jackson threatened to do several and sundry things of serious import if nullification were persisted



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in, but at the same time gave assurances to South Carolina that he was willing to do what was just and right. John C. Calhoun resigned from the vice presidency in order to get a voice in the very body over which he was presiding, and Hayne left the senate in order to become governor of his state. Acting in thorough accord, they made the best possible showing for their cause. Henry Clay was up in arms against South Carolina. That state was so regarded by the action of congress that it threw its election vote away in 1833 rather than permit it to be cast for Jackson. The next session of congress met, and everywhere there was an attitude of conciliation. This attitude was met in like spirit by South Carolina, and the incident was soon closed.

South Carolina had lost, so far as being able to maintain her doctrine was concerned. But if her purpose was to bring about free trade she gained by maintaining it. Congress saw the view that if free trade was the price to pay for unity, harmony and peace, it was a price that ought to be paid. And for the next quarter century the doctrine of nullification passed into innocuous desuetude, and was re-

Free Trade Was the Fashion.

The conciliatory feeling took expression in the tariff of the following year. On that measure we see Calhoun, the very apostle of free trade, and Clay, the very high priest of protection, standing shoulder to shoulder, fighting for a common cause. With that fight won, the doctrine of nullification passed into innocuous desuetude, and was re-

legated to the scrap heap of useless issues. With the passing of the act of 1832 protection lost its grip on the country, and for a long time remained a political issue of only second magnitude. Slavery was rapidly succeeding it as the bone of contention in congress and before the country, and not until that issue was finally determined in the court of war was protection again the all-compelling question of the day. It is true that it revived a little in 1842, but only for a few years.

ADVISES SCIENTIFIC TREATMENT OF CRIME

(United Press Landed Wire.)

Seattle, March 24.—Sweeping changes in the methods of handling American criminals were suggested in a paper read before the First Presbyterian Sociological club last evening by Dr. Arnold Straith, who made a study of psychology of crime, in England and other foreign countries. He would have penitentiary wardens, before appointment, pass examinations in history, physiology and criminology. Prisoners could be better corrected, the doctor said, if the men had charge of them were better informed as to the psychology and psychology of crime.

The speaker said nurses' stories told children in their infancy caused the imaginative child to become distrustful, deceptive and in later years a criminal. "Many a mother's stories," said Dr. Straith, "have resulted in placing her

child in a felon's cell. The crimes of manhood are often due to the coaching received in the cradle."

International Peace Festival.

New York, March 24.—Under the patronage of numerous men and women of fame, the president of the United States being among the number, an international peace festival has been arranged to take place in Carnegie hall this evening in celebration of the present condition of world peace. The festival is to be chiefly of a musical nature. Singing societies of the city and eminent soloists will represent the different nations by music appropriate to the occasion and characteristic of the nation represented. Andrew Carnegie, president of the Peace society of the city of New York, will preside, and brief addresses will be made by Yu Ting Fang, minister to the United States from China, and several other persons of prominence.

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