

# The Gate City Journal

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INDEPENDENT IN POLITICS AND RELIGION, OPTIMISTIC IN DISPOSITION—WITH NO INTERESTS TO SERVE EXCEPT THOSE OF MALHEUR COUNTY.

## NYSSA'S ANNUAL RODEO

August 10 and 11th will see the second annual Rodeo sponsored by the Nyssa Eagles. This is a worthwhile affair that deserves the support of every citizen in and around Nyssa. Every town has an outstanding event of the year that identifies the town as a live place. Ontario has their annual fair; Vale has their 4th of July celebration; Payette has their Apple Blossom Festival; Emmett celebrates with a Cherry Festival and Nyssa has their Rodeo.

Lets make this annual event something to really identify the town; something that we can look back on with pride and pleasure. It can't be put over by one or two or even a dozen; but requires the united support of all the people of Nyssa and surrounding country.

The Eagles are to be complimented on their aggressiveness in starting such an affair for Nyssa. We should draw people from miles around who will become better acquainted with Nyssa and find out what a really live-wire place we have here. Lets all spread the word that Nyssa is putting on a rodeo on the 10th and 11th that will be second to none and as the years roll on, let Nyssa take her place along with Pendleton, Cheyenne, Calgary and other famous rodeo towns.

## EDITORIAL COMMENTS BY CLARK WOOD

It would be the poorest of insurance policies for Uncle Sam to insure the peace of Europe.

Perhaps talk is so cheap because the supply is so largely in excess of the demand.

Singularly enough the wilder Huey gets the better his control.

The fast driver generally beats the slower ones to man's final destination.

The recall movement against Governor Martin is likely to be fruitless, with the exception of razzberries for its sponsors.

The esteemed Oregonian says that depression is a tiresome term. Even more so is the term of the depression.

The advice is often heard that we ought to send better men to Congress, but is unlikely to be followed until we have become a better people.

We used to hear that "Uncle Sam is rich enough to give us all a farm." The gift is supposed to be a job.

What the American people want is political rest but what they face is the prospect of continued political restlessness.

It would be our luck that the foreign debtor owing us the smallest sum is the only one that pays.

Complaint is heard of "women barflies," and we suggest that their noses be dabbed with insect powder.

All taxes are "nuisance taxes," those so-called being merely a bit more so than others.

Destroy the profit motive, and in due time there won't be enough wealth to worry about.

We aren't sold on calendar reform, as the prospect is remote that it would abolish the first of the month.

Congress could pursue no more popular course than to finish its session rather than unfinished legislation.

# Constitutional Facts

## The Conflict of Between State Rights and Nationalism Before The Civil War

By John T. Cance

The meaning of the Constitution as regards the respective powers of the states and the Federal Government has not been deduced by abstract reasoning over the wording of the document nor even by an examination of the intent of the framers. Rather, it has been derived by a process of rationalization of political parties and economic interest to justify their position upon political issues of the day.

When the new government went into effect the conflicting economic interests still struggled for control. The commercial and large land interests, composing the Federalist party, were in control. Their policies were reflected by the financial genius of Alexander Hamilton.

Hamilton's financial policy was not based upon theory; indeed, he despised theorists and based his political philosophy on stern economic realities. Economic reality to him demanded the funding of the national debt, the assumption of the state debts, a tariff protecting and encouraging manufacture and commerce and the establishment of a National Bank.

To him the "general welfare clause" was all-inclusive. A liberal interpretation of the Constitution would give the government all the power it needed.

The agrarians found their spokesman in Thomas Jefferson who opposed the bank, the tariff and Hamilton's financial measures generally. To him such measures were unconstitutional and, consistent with his earlier political philosophy, he turned to the strict construction of the Constitution as the only means of saving the republican institutions.

So sincerely did he believe in his ideals that, in 1794, he resigned as secretary of the state and developed the growing opposition to the Federalist regime into what later became known as the Democratic-Republican party.

The clearest statement of the political philosophy is found in the Virginia and Kentucky resolutions growing out of the conflict over the Alien and Sedition Acts.

Two distinct propositions were put forth: (1) That the Constitution is a compact among the states have "the right and are in duty bound to interpose for arresting the progress of the evil and for maintaining within their respective limits the authorities, rights and liberties appertaining to them."

Here in brief was not only the doctrine of the limitation of Federal powers but of nullification and secession.

In the ensuing history prior to the Civil War, two major lines of development bearing upon the problem of Federal and state relations need to be noticed: (1) The development of political controversies, and (2) the development of jurisprudence.

At the political arena, the action of the Federalist party and particularly New England, in the War of 1812 was the first major demonstration of the state rights and philosophy of the Virginia and Kentucky Resolutions.

The war and the admission of new states were contrary to the economic interests of that section. The result was the Hartford Convention which met in October, 1814.

The Convention held that Congressional acts violating the Constitution were void and that the states were judges of infractions, and the states might take whatever actions were deemed necessary to protect its citizens from unwarranted usurpation on the part of the Federal Government. Happily, the war came to an end before anything came of their suggestions.

The second political incident was the attempted nullification on the part of South Carolina. This was due largely to the growth of protection as a national policy.

The "Tarriff of Abominations," passed in 1828, affected adversely the economic interests of the south, and as a consequence an Ordinance of Nullification was passed by a convention which met in November, 1832.

During the controversy, 1828 to

1833, the Webster-Hayne debate took place. This was notable in that for the first time the compact theory of the Constitution was challenged by a definitely National philosophy.

The Constitution, held Webster, is not a league between several states, but a document accepted by the people of the United States. Obviously, then, no state can dissolve Federal relations for this is secession and secession is revolution. Any attempt on the part of a state to nullify must be considered a violation of the Constitution.

Again, the question was settled not upon abstract reasoning but by conceding to the South a revision of the tariff.

The slavery question, though a more bitter struggle, involved primarily the same question as that of tariff, namely, the powers of Congress. Could Congress exclude slavery from the territories of the United States and from the newly formed states? Again it was a question of the power of Congress to determine the social and economic structure of a great section of the country.

By the war which ensued as a result of that sectional rivalry the old theory of sovereignty of the states was in the main discarded; from that time on the Federal Government has been, through its courts, the final judge of its own powers.

If the field of jurisprudence a no less remarkable evolution occurred in the pre-Civil War period. This development was largely due to the work of two men, John Marshall and Roger Brooke Taney.

Marshall was a staunch Federalist and as Chief Justice from 1801 to 1835 was able to give to the Constitution the nationalistic interpretations of the Federalists.

Taney, while originally a Federalist, had, long before his appointment to the Court in 1834, become an ardent states rights man, belonging to the school of "strict" or "narrow constructions." For nearly thirty years the Court was dominated by Taney as Chief Justice.

Marshall's constitutional doctrines might well be summarized by three closely related propositions:

(1) The denial of the States of any rights as against the constitutional powers of the United States;

(2) The right of the United States, in pursuance of its constitutional powers, to enter into the states, regardless of the states' wishes;

(3) The Supreme Court and not the states is the final arbiter of what is the sphere of action of both the federal and state government.

From 1837 on, while Taney was Chief Justice, the theories of the Court may be summarized in three different propositions:

(1) That sovereignty in the United States is divided between two centers, and states and the National Government, neither of which is supreme over the other;

(2) The National Government is supreme in external relations but the states are supreme in internal relations and the National Government can do only those things "expressly" delegated to it;

(3) That "the object and end of all government is to promote the happiness and prosperity of the community by which it is established—While the rights of private property are safely guarded, we must not forget that the community also has rights, and that the happiness and well-being of every citizen depends upon their faithful preservation."

The contrast between the two positions is apparent. Whenever a controversy involved the State and Federal Government, Taney tended to uphold the rights of the states and limit the powers of the Federal Government as in the Dred Scott decision; Marshall consistently upheld the authority of the National Government.

Taney regarded the interests of the community as paramount over the interests of the individual and claimed on a basis of expediency, the power of state governments as against individuals and corporations. Marshall, following Federalist doctrine, conceived of the end of government as protecting individual and private rights; the power of the Federal Government on the basis of expediency he consistently upheld as against the states, to protect in-

dividual and property rights.

Thus, while by the end of the Civil War the problem of States' Rights had been solved as regards the final determination by the states or by the Court, the line of demarcation between State and Federal actions had not as yet been drawn although Federal action had been greatly extended.

Many there were all during the period who were dubious as to the course of constitutional development. When Taney handed down the decision in the famous Charles River v. Warren Bridge case, Justice Story issued a strong dissent and shortly resigned from the Court, giving as his reason:

"I have long been convinced that the doctrines and opinions of the 'old Court' were daily losing ground, especially those on great constitutional questions. New men and new opinions have succeeded. The doctrines of the old Constitution, so vital to the country, which in former times received the support of the whole Court, no longer maintain their ascendancy. I am the last member now living of the old Court, and I cannot consent to remain where I can no longer hope to see those doctrines recognized and enforced."

## LEGAL ADVERTISEMENT

### NOTICE

IN THE COUNTY COURT OF THE STATE OF OREGON FOR THE COUNTY OF MALHEUR.

In the Matter of the Estate of Etta L. Fogle, Deceased.

Notice is hereby given that J. W. Fogle, administrator of the estate of Etta L. Fogle, deceased, has rendered and presented for final settlement, and filed in said court, his final account of his administration of said estate, together with his report and a petition for final distribution, and that Saturday, the 27th day of July, 1935, at 10 o'clock in the forenoon, at the court room of said court at the courthouse in said county, has been fixed and appointed as the time and place for the settlement of said account and the hearing of said report and petition, at which time and place any person interested in said estate may appear and file his exceptions, in writing, to the said account, and contest the same.

Notice is further given that said account is for final settlement, and the said estate is ready for distribution, and on confirmation of said final account final distribution of said estate will be immediately had. Dated and first publication June 27, 1935; date of last publication, July 25, 1935.

J. W. FOGLE,

Administrator of the Estate of Etta L. Fogle, Deceased.

### NOTICE

IN THE COUNTY COURT OF THE STATE OF OREGON FOR THE COUNTY OF MALHEUR.

In the Matter of the Estate of Jeremiah Stearns, Deceased.

Notice is hereby given that Frank L. Stearns, Administrator of the Estate of Jeremiah Stearns, deceased, and Administrator of the Estate of the Partnership of Stearns and Son, a partnership consisting of Jeremiah Stearns, deceased, and Frank L. Stearns, has rendered and pre-

sented for final settlement, and filed in said court, his final account of his administration of said estates, together with his report and a petition for final distribution, and that Saturday, July 27, 1935, at 10:00 o'clock in the forenoon at the county court room in the courthouse at Vale, Oregon, has been fixed and appointed as the time and place for the settlement of said account and hearing of said report and petition, at which time and place any person interested in said estate may appear and file his exceptions in writing to said account and contest

the same. Notice is further given that said account is for final settlement, and said estates are ready for distribution, and on settlement of said account final distribution of said estate will be immediately had. Dated and first publication June 27, 1935; date of last publication July 25, 1935.

FRANK L. STEARNS

Administrator of the Estate of Jeremiah Stearns, deceased, and the Partnership of Stearns and Son.



# GUERNSEY MILK

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Go in with your neighbor and buy a car

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### FACTS ABOUT NYSSA

Population, (1930) ..... 821  
Recent estimates ..... 1000  
Elevation ..... 2186

#### City Officers

Mayor ..... Don Graham  
Councilmen ..... Art Norcott,  
Al Thompson, Dick Tensen, Dean  
Smith.

City Clerk ..... A. R. Millar  
City Treasurer ..... Arthur Boydell  
Marshall ..... A. V. Cook  
Watermaster ..... N. H. Pinkerton  
Health Officer ..... Dr. J. J. Sarazin

#### County Officers

Commissioners ..... Ora Clark,  
E. H. Brumbach,  
County Judge ..... David F. Graham  
Sheriff ..... C. W. Glenn  
Clerk ..... Roy Daley  
Assessor ..... Murray Morton  
Treasurer ..... Mrs. Ora Hope  
County Attorney ..... M. A. Biggs  
County Surveyor, J. Edwin Johnson  
County Physician, Dr. Anna B.  
Pritchett,  
Coroner ..... R. A. Tacke  
Superintendent, Kathryn Claypool

#### Nyssa Public Schools

Superintendent ..... Leo Hollenberg

#### Facts About Owyhee Project

Cost of Owyhee Dam ..... \$6,000,000  
7½ miles of Tunnel ..... \$4,000,000  
Siphons, canals, etc. .... \$3,000,000  
Owyhee dam storage capacity .....  
..... 715,000 acre feet  
Height of dam ..... 520 feet  
From lowest point of foundation  
to top.  
Leading project city, Nyssa, Oregon  
Elevation of land ..... 2,250 to 2,500  
Acres in Owyhee project, 100,00 acres  
Principal products ..... hay,  
corn, dairying, stock raising,  
grains, potatoes, clover seed, peas,  
lettuce, onions and carrots.

### A. L. FLETCHER

ATTORNEY-AT-LAW

NYSSA :-- OREGON

### DR. E. D. NORCOTT

DENTIST

Office Phone 35F2  
Residence Phone 35F3  
X-RAY EXAMINATIONS

NYSSA :-- OREGON

### Nyssa Aerie F. O. E. No. 2134

MEETS WEDNESDAY NIGHT

AT EAGLES HALL

Visiting Eagles Welcome

WARREN McHARGUE, Pres.

DON M. GRAHAM, Secretary

### CITY TRANSFER

TRUCKING

and

TRANSFERING

Phone 15 and Phone 28

C. Klinkenberg

## SHELL PRODUCTS

CHEVROLET DEALER

FIRESTONE TIRES

CERTIFIED LUBRICATION

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