THE OMAHA DAILY BEE

FOUNDED BY EDWARD ROSEWATER. VICTOR ROSEWATER, EDITOR.

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State of Nebraska, County of Douglas, se:
Dwight Williams, circulation manager of The Bee
Publishing company, being duly sworn, says that the
average circulation for the month of October, 1915,
was 14,74:
DWIGHT WILLIAMS, Circulation Manager,
Subscribed in my presence and sworn to before Subscribed in my presence and sworn to before, this 2d day of November, 1915.
ROBERT HUNTER, Notary Public.

Subscribers leaving the city temporarily should have The Bee mailed to them. Address will be changed as often as requested.

Wovember 23

Thought for the Day Selected by Anna S. McFarland

"To be the thing we seem, To do the thing we deem, Enjoined by duty; To walk in faith, nor deem Of questioning God's scheme Of truth and beauty. "- Anon.

From Lincoln to Omaha in air route in fortyaree minutes is doing tolerably well.

Perhaps a little dampener on the dangerous iabit of 'gun-toting" would help a bit.

These bowlers are jolly good fellows. Let sem come to Omaha again, and often.

But President Wilson was a college "profesor" before he became the nation's chief execuive, and he would not shake off the appellation t be could.

That prophecy of one hundred years of war, ut forward by a Germanized Englishman, reloves the fear of any shortage in American mu-Ition "melons,"

Anybody else who wants a little cheap pubicity has only to collect twenty-five autographs nd file the name of some noted man as a canlidate for president.

Those fire-underwriters are specious talkers, it in view of past disappointing experiences heir promises of rate-reductions would look nuch better in writing.

Porter Charlton is a lucky fellow after all. in chief luck, however, lying in the fact that he his own United States.

Diplomacy is not wholly "the art of concealig thought." Keeping war diplomats from nussing the White House carpets is a notable expression of diplomatic art.

Missouri moosers are rather hasty in urging nother run for Teddy and Hiram. Ordinary trategy suggests delaying action until Vic Murock returns from Europe with plans for up-tolate trench-digging.

Old Sam Gompers might, as he says, easily earn just as much and more money in some ther job besides president of the American Fedration of Labor, but he would not have half o much fun while earning it.

Nebraska's primary law requires twenty-five gnatures to put the name of a candidate on he ballot, but it does not limit a popular deand to twenty-five signatures, or twice twentyive signatures, or any number of times twentyive signatures.

Millionaire Perkins declares the bull moose arty must have an independent national ticket n the field next year. But even the prospect of a gold-lined barrel will not refill the servied unks, which now consist only of generals, withbut any high privates to command.

The gentle art of sprinkling sait on forgotien wounds is aptly illustrated in a Berlin dispatch: "If Ireland and India had always had as much to eat as Germany now has, the English would be less disliked in these parts of the world." Germany's military activities records Ino keener thrust than this.



Bartholomews Equine Paradox entertained a rgs and enthusiastic audience at Boyd's. "The actng of the norses was simply marvelous, and the horses themselves are beauties."

if, W. Parker has been presented by his wife with a nine-pound boy. C. S. Brotnard, the very clever steward of the Caufield house, has resigned to accept the stewardship of

the Hibbard house at Sloux City. Nobraska lodge, Knights of Pythias, celebrated its seventh anniversary with exercises at their hall, including addresses by Commander S. M. Wilcox, Generul J. Ed Smith, Rev. W. E. Coupland, A. D. Jones,

and music by Mrs. Jester, Mrs. Hayward and Mrs. Mrs. R. C. Moore, accretary of the W. C. A., reports donations to the organization, the largest item being 160 from Herman Kountse.

Senator and Mrs. Manderson leave this week again for Washington,

E. W. Nash of the smelter is back from the east.

A Question of Opinion.

The Bee expresses the opinion that the movement o get Mr. Hughes on the Nebraska preferential primary ballot as a candidate for president is an unwisc one, and "ill advised from every point of view." That paper even goes further and declares "Justice Hughes cannot afford to permit any coterie of political setfseekers to use him to pull themselves up by the boot straps," though The Bee at the same time admits Justice Hughes would be "an ideal candidate," and if nominated "his victory over Wilson would be fore-

The Tribune fails to take the view of The Bee in ome particulars. It does not feel warranted, for instance, in designating the forty-five prominent Nebraskans of all shades of republicanism who signed the Hughes petition as being "self-seekers," The facts do not justify that. Neither does it believe, from such information it can get, that it is wholly beyond hope to get Mr. Hughes to acquiesce in the procedure to get him to stand for a nomination.

Furthermore, the presidential primary plan adopted in Nebraska is for the purpose of affording the people of this state opportunity to express their presidential preferences. If the republicans of Nebraska are for Hughes, as we believe them to be by a large preponderating majority, why should they not so express themselves, whether Mr. Hughes endorses it or not? Even The Bee gives voice to the hope that it may come to pass that at some point in the balloting by the national convention sentiment will swing around to Hughes. In that event Nebraska will be the nucleus of his boom. If it doesn't swing to him, what difference does it make to Nebraska? If Nebraska republicans want to vote for Washington or Lincoln it is their privilege, regardless of what the national convention does. That certainly wouldn't be properly called "self-seeking"; it would merely be giving op-portunity for expression of the popular will. The selfseeker is the one who watches and waits for the cat to jump.-Fremont Tribune.

While conceding every one a right to his opinion, The Bee also insists upon preserving its right of opinion, and in this instance our opinion is the one that seems to have the support of subsequent events. Even Brother Hammond will now have to confess disappointment in his "hope to get Mr. Hughes to acquiesce in the procedure to get him to stand for a nomination," which we saw was foredoomed from the outset.

As to what constitutes a "self seeker," the phrase explains itself, but actions speak louder than words. Why forty-five names secretly and stealthily signed to a petition should be filed to voice a popular demand belies the avowal of purpose. A sincere desire to impress Justice Hughes with the unanimity of the call would not have gone about it in this way; instead of an exclusive self-chosen few an invitation would have been issued asking everyone favoring the desired candidate either to meet and adopt a resolution asking him to run, or to join in a monster petition signed not by forty-five, but by 4,500, or preferably 45,000, although existing conditions might still have made it impossible for Justice Hughes to accede.

Where the Hughes "conscription" movement miscarried was in its collision with our presidential primary law, which proceeds on the theory that only such candidates for office or preferment shall have their names on the ballot as are avowedly running for the office. This law further contemplates a popular instruction upon the convention delegates, and the choice of delegates who will in good faith carry out the instruction. Brother Hammond suggests that "if Nebraska republicans want to vote for Washington or Lincoln it is their privilege," but for any handful of men to file the name of Washington or Lincoln merely to use the popularity of their names for self-aggrandizement, would be making a farce of the whole direct primary principle. Such self-seeking would be self-evident, but only little more self-evident than the other example.

President to Urge Economy.

That a presidential election is approaching is manifest from recent conferences of democratic leaders in congress and the word that the president in his forthcoming message will recommend the strictest economies in appropriations. All of which calls attention to this forgotten and unras called to answer to the law of Italy instead | fulfilled promise of economy made in the last national platform of the party:

We denounce the profligate waste of money wrung from the people by oppressive taxation through the lavish appropriations of recent republican congresses, which have kept taxes high and reduced the purchas ing power of the people's toll. We demand a return to that simplicity and economy which befits a democratic government and a reduction of the number of useless offices, the salaries of which drain the sub-

This, it was heralded, was one of the "pledges made to be kept" and "not molasses to catch flies." But how has it been kept? The first democratic congress after the election appropriated \$2,231,000,000, or \$113,000,000 more than its predecessor, which was democratic, and \$177,000,000 more than its last republican predecessor. Congressman Fitzgerald, chairman of the appropriations committee, a democrat, appealed to his colleagues to cut the appropriations and declared they were a mockery of democratic pretense, but his appeal was unheeded. With this record of promise and lack of performance, it is not strange the party leaders and the president should at this late day seek to make an effort at redeeming pledges which assisted them into office. The worst feature of the democratic riot of appropriations is that the really necessary things were cut and the pork barrel filled to overflowing with a resulting prospect of large deficiency appropriations being required.

Confronted with broken promises of economy and a treasury nearly empty, some radical restriction of appropriations can be expected, but thoughtful voters are likely to inquire why the mark was not hit until just before election.

Pay-as-You-Enter.

Some illuminating side-lights on the effect of Pay-as-you-enter" instead of "Collect-after-youget-in" are furnished by the reports of the Lincoln Traction company, just made public, which gives figures that tempt a resort to pencil and paper. The Lincoln street cars carried 11,611,-\$57 passengers during the year, from each of whom the average amount collected was 4.53 cents as compared with 4.48 cents the year before, "an increase ascribed to the new fare boxes." By subtraction, we find that the exact measurement of the increase is .0005 of a cent per pasrenger, which applied to the number of passengera carried, foots up \$5,805.72. In another part of the report we are told that "the new registering fare devices coat \$13,773," so that "Payas-you-enter" will pay for itself in a little over two years, after which all of the extra collections win be "velvet" for the company. This is the ex, erience of Lincoln and we take it in similar degree the experience of Omaha and other cities.

It is worth while noting that Germany is not airing its political linen for foreign inspection. Unlike Great Britain, Germany has more important business on hand and has no time for home knockers.

The Output of the Courts

HE VOLUME of our case law, and this means, not only the increasing number of decisions, but the disproportionate increase in the mass of these opinions, is always a subject for thought and

The consideration of this matter usually becomes more acute about the time of the annual meeting of the American Bar sesociation, and for a good many years suggestions of one kind or another have been made, and have received the consideration of committees appointed for the purpose.

Obviously an easy way to reduce the volume of the case law is to omit from the state reports certain opinions which have been held as unimportant by some authority. Experiments along this line have been made, and have failed in so many states that this plan must surely be rejected.

As an instance indicating its failure, there may be cited the example of the supreme court of Tennessee. where, once in a while, it is necessary for the court in some important opinion, which is to be officially reported, to cite and rely on for its decision some

unimportant" and unreported previous decision. It is becoming more and more obvious that the num ber of opinions must be reduced by allowing the courts to decide cases without opinion upon the express authority of a previous decision of the court in which an opinion has been written, and that the length of the opinions which are written must be reduced by providing the judges the opportunity to give more careful consideration to the preparation of each opin-

ion which is written. There are difficulties to be overcome. Statutes will have to be amended in many states, permitting the judges to decide cases without opinion, and relieving them from the necessity of touching in their opinion on every point raised in appeal.

The disfavor of attorneys whose cases are disposed of without opinion is another consideration which looks large to the judge who must come up for reelection every two or four years, although this objection need not concern the judge who is appointed for life or is elected for a long period of years.

A reduction in the number of opinions which must be written necessarily gives more time for the preparation of those which must be written. The opportunity to dictate to stenographers has probably contributed more than any other one thing to the production of long and ill-considered opinions.

It would be wholly unfair to base a commendation er a criticism of any court solely upon its output. A court which is compelled by law to dispose of every point raised in the appeal must necessarily write long opinions, and if the law also permits in that state all sorts of cow cases and dog cases to be appealed to the supreme court that court must also write many

In October, 1908, we published in the Docket a table showing the number of cases decided with opinion in each case, the number of judges making up the appellate court, and the average number of opin-We have again compiled this information, taking the calendar year 1914 as a basis. and have shown, not only the number of cases in which opinions were written, but also the number of words in these opinions. With this information available we have been able to set forth, as a part of the exhibit, additional items showing the average number of words written by each judge during the year, and the average number of words contained in each opinion

JUDICIAL OUTPUT FOR 1914: Opinions No. of Opin, per Words

П	Court.	per	Yr.	Judges.	Judge.	per Op.
	Alabama, supreme	10 (B)		7	87	1,450
ΩU	Alabama, appellate	263		3	121	328
Ĭij.	Arizona	86		3	20	3,100
W	Arkansas	563		5	113	1.958
IJ	California appellate	441			49	1 650
Н	California, supreme	212		4	45	2 201
	California, supreme Colorado, supreme	161		7	69	9 470
	Connecticut	3.10		1 V &	93	1.495
	Delaware	86		7	12	2.100
	Florida	199	15	Day of the	40	3,185
72	Georfia, appellate	495		- C	165	1,220
	Georgia, appellate	495			165	1,000
9	Idaho	118			180	1,007
н	Illinois	432		2	307	3,491
ч	Indianapolis, appellate.	900		1	62	2,433
71	Indianapolis, supreme	199		0	- 12	3,320
И	Iowa	150			40.	2,736
31	Kansas	958		1	66	2,203
8	Kentucky	493		7	70	1,851
П	Tantalana antique	913		8	116	2,073
ч	Louislana	- 395			80	2,379
Э	Maine	112		- 8	22	2,379
23	Water character	186		8	23	2,896
81	Massachusetta	468		- 1	70	1,309
23	Michigan	479		8	60	2,636
1	Minnesota	486		7	69	1,942
	Mississippi	200		3	84	1,650
d	Missouri	1,180		20	60	2,831
9	Montana Nebraska	121		- 3	40	2,450
а	Nebraska IIIIIIII	402		7	57	2,207
М	Nevada	509			28	3,044
11	New Hampshire New Jergey	455			10	1,248
'nξ	Now Moraley	607		24	26	1,543
н	New York	100		8	- 33	2,222
91	North Carolina	201		10	22	2,835
Н	North Dakota	485		9	755	2,282
Ш					31	3,770
31	Ohio	10			10	3,289
91	Oklahoma, aupreme	781		11	97	2,198
31	Oklahoma, er	211		3	70	1,337
dl	Oregon	539		1	63	1,661
Ol	Pennsylvania	DETE		- 3	72	1,176
В	Rhode Island	125			36	3,892
91	South Carolina	- 750		b	59	1,363
31	South Dakota	180			36	2,883
S.	Tennessee	1,64			24	3,362
	Texas	4.091		20	61	2,241
	Utah	91		3	30	3,627
	Vermont			b	19	5,963
U	Virginia	150		- 5	20	2,145
	Washington	130			50	1.962
	Virginia	150		2	30	2,145
М	Wisconsin	409		2	58	1,846
N	Wyoming	42			11	2,018
al I						

Twice Told Tales

Justice Itself Was Deaf. In ancient Greece there lived a learned judge who was very deaf. Before him one day there appeared two litigants who also were very deaf. There being no attorneys to impede and retard justice in those

days, the judge invited the plaintiff to state his case. The plaintiff arose. "This man," he said, pointing to the defendant, "is a tenant in my property. He hasn't paid any rent for a long time, and refuses to do so. I ask your honor for a decree which will enable

me to collect what is due me." The plaintiff having finished and sat down, the judge motioned for the defendant to stand and tell his side of the story. The defendant said: "I do not own the dog. I am sorry he bit the gentleman, but he does not belong to me, and I do not feel that I should be responsible for the damage he inflicts."

The defendant sat down and the judge drew his robe a little closer about him. "To forget the ties of blood," he observed, "Is exceedingly reprehensible. She is your mother, and you must support her."-Topeka Capital.

Respect for Old Age.

A venerable negro who had lived through the picturesque slavery days, but whose mind continued clear and active, despite his age, was brought before Judge Broyles, for locking his sister up in a corncrib and keeping her there over night.

"You are entirely too old to be brought before this court, Uncle Henry," said his honor, "and I will see that you are treated leniently on that account, but will you explain why you treated your sister in such a cruel manner?"

"Jedge Briles," returned the ancient negro, running his fingers through his white hair, "that 'coman done try ter interfere wid me marryin' my ninth wife."-Case and Comment,

Wifely Devetion.

A Baltimore woman has in her employ as butler a darkey of pempous and satisfied mien. Not long ago he permitted a chocolate-colored damsel, long his ardent admirer, to become his spouse.

On one occasion, when the lady of the house made temporary use of the services of her butler's wife, it was observed that whenever the duties of the two brought them together, the bride's eyes would shine with extraordinary devotion.

"Your wife seems wonderfully attached to you Robert," casually observed the mistress. "Yes, ma'am." answered Robert complacently. "Ain't it jest alkenin'?"-Everybody's Magazine.

The Bees S

Peddling Apples from Cars. OMAHA, Neb., Nov. EL-To the Editor of The Bee: At a meeting before the railroad commission was taken up a hearing upon an order issued by the railroads prohibiting the sale of all commodities

from cars on their right-of-way. Now this is a question that interests at least two-thirds of the people throughout the state.

We taking the stand of producers, it is to our interest to get our produce to market at the lowest possible cost. Stop the selling or peddling off of cars,

and it shuts out practically all competition, as the commission men and the merchants will have it all their own way. This rule will shut out at least 90 per ent of the bulk apples.

This will enchance the price to the consumer throughout the state from 40 to 60 cents per bushel.

No. 1 apples cannot be raised, sprayed and properly cared for less than 50 cents a bushel on trees, but the inferior stock that is a waste and can be and is shipped out through the state and frequently sold as low as 40 to 50 cents, these practically fill orders for their present use and can be taken care of in a great many different ways for future use. It is a fact that the majority of families will consume five times as many apples at 50 cents a bushel as they will at \$1.50.

Which is the best for the greatest num ber of people? We are all talking high cost of living. Cut out the delivering of apples, potatoes, cabbage, pears, peaches and all of these commodities and it will cost this state millions yearly.

Apples are different from other products; they must be barreled in order to get them to their destination in good shape. This cannot be done for less than 25 to 35 cents per bushel, to barrel or box. We can ship and sell No. 1 apples in bulk nearly all over the state at 20 cents to \$1.00 per. bushel. This will allow us a respectable price for our fruit as no one can grow fruit at the present the way we have to spray and care for our orchards for less. Now if we are not allowed to sell from car we will be forced to rent a room and move or unload them and the more they are handled the worse they are and it cannot be done for less than 10 to 20 cents per bushel, besides, in nine-tenths of the small towns one could not sell a car in a small town at all. There was a time when apples were a luxury, but at present they are a necessity and are the greatest health preserver of all fruits.

Looking at it from the railroads' standpoint it is a fact this has been the custom for years, allowing the sale from

CBPS. There is no law compelling them to allow this. It is their right-of-way. The cars are their property and we, as producers or consumers, cannot force them to tent us their property. It is a fact that people are taking chances around their yards where trains are at work; there may be accidents caused from careless ness on the part of persons, or of their employes, and cause a suit for damage. as persons and teams on their premises are more or less in danger to examine the produce or what it may be. Persons must enter cars and are taking chances, but, taking the whole thing from a bustness standpoint, whether the railway commission will allow them to enforce this rule, it will surely incur a great injustice to the general public.

Why at this time do they come and exact this? They claim that they are not getting as much out of their cars setting on the tracks, receiving demurrage. as they would be otherwise using them. d others waiting to get the thereby they could receive greater revenue than renting them out to peddlers. This may be the case, but are they any different than individuals? Are they not common carriers? Have we not some rights they must respect? They must take in consideration that we are the people from whom they derive their sup-While they may lose a little when their

cars are being used for peddling, if this were eliminated, would they not lose ten times as much in not allowing this cheaper produce to move and by so cutting that out would they not be the loser in transportation? As if this cannot be sold from cars it will never be shipped at all and will practically have to rot, thereby depriving many from goods they could use if they were not debarred. From a grower's standpoint it does look as if they were making one of the greatest mistakes by this rule that they could have issued. The railroads should remember that without them we can live, whilst it might be a little inconvenient, but it is surely a cinch that they cannot live without us. Our motto is, live and let live. Those in

the poor houses are often happier than many millionaires. Auburn, Neb. J. T. SWAN.

Calling Names is Not Argument. SHENANDOAH, Ia., Nov. 22.-To the Editor of The Bee: In your letter box under the title, "Just a Rejoinder in Kind," appeared an answer to Mr. Rosicky's previous article, signed F. E. A. Now. F. E. A. reminds me of the schoolboy who, when he is confronted by arguments and evidence which he cannot successfully combat or answer, seeks to elevate himself by crying "Fool! Fool!" Calling people Ingersoll proselytes or any such names does not disprove or combat their arguments. As many honest and upright people believe that Robert G. Ingersoll was just as sound in his theology as in his ideas on temperance, and they may also believe that F. E. A.'s religious ideas belong to the far distant past and are too foolish for the present day scholar to consider. F. E. A. should remember that it is one thing to be smart. flippant and versatile in the scholasticism of a popular faith; to be voluble and turbulent in defense of a dogma, and quite another thing to be a student of nature and a devotee of truth. Also that what makes the public schools really valuable as a citizen-builder is its teachings of known truths and not theological suppositions. C. B. LE BARRON.

Information Wanted. BROOKLYN, N. Y., Nov. 20.-To the Editor of The Bee: Will you be so kind as to help me to find some trace of my brother, Thomas J. Fowler, through your valuable paper. I have not heard from him since March, 1888. He was then in Minneapolts, Minn. He told me that he was going with a party to the gold fields of Klondike. He said in his letter that before going to Klondike he would go to the state fair that was being held in Nebraska. I have not heard from him since and I am anxious to get some news about him. If you would be so kind as to put a few lines in your paper asking the readers of your valuable paper if any of them knew him or where he stopped during the time he was at the fair, or with whom he was or could tell me where he went to from there. I would be thankful for any information about him, if anybody knew him or his whereabouts, if they would kindly send me word by mail

or to your paper, hoping to get some news of him and wishing your paper every success. SAMUEL J. FOWLER. 215 Butler Street

SMILING LINES.

"I don't believe in trying to make a alik purse out of a sow's ear."
"No," replied Miss Cayenne. "It isn't worth while. We are getting to a point where silk will be cheaper than nork."—Washington Star.

"Why is that business neighbor Nours running along the hillside every morning in his bare feet?"
Taking his financial exercise."
"Financial exercise?"
"Yes; trying to collect what's dew on the banks."—Balt more American.

"What is your objection to me for a son-in-law?" asked the energetic young man.
"I don't object to you," replied Mr.
Cumrox. "If I seem kind of diffident
when you're around, it's because I like
you. I'm just wondering how it's going
to be when mother and the girls quit welcoming you as a distinguished visitor and
begin to treat you like one of the fam. begin to treat you like one of the fam-ily."-Washington Star,

"I've got to take exercise and quit eating so much," said the young man who calculates closely.

"Worried about your health?"
"No; I'm getting so stout my roommate's evening clothes won't fit me,"—
Washington Star.

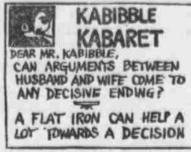
The Impresario-Certainly, madam, I The Impression—Certainy, machin, can supply you with a second prima donna to sing your children to sleep. But you sing so perfectly yourself.

Prima Donna Assoluta—But my singing is worth \$5.000 a night, and I couldn't think of squandering that amount on the children.—Houston Post.

"Of course, we try to make you feel home here," said the manager of the "Well," replied Mr. Cumrox, "you succeeded. The waiters stood around and OMAHA

criticised the way I selected my food and handled the tableware pretty much the way the folks at home do."—Wash-ington Star.

"Why are you asking me for help? Haven't you any close relatives?"
"Yes. That's the reason why I'm appealing to you."—Birmingham Age-Yes. That's the appealing to you. Hereid.



Peddler-I have a most valuable book o sell, madam. It tells how to do every-Lady (marcastically)—Does it tell one how to get rid of a pestering peddler? Peddler (promptly)—Oh, yes, madam.. Buy something from him.—Birmingham. Age-Herald.

THANKSGIVING.

I look the whole year over and I haven't gained in health.

Nor shot to fame and glory nor been bothered much with wealth. bothered much with wealth.
But still I get to thinking of the things that might have been.
And of the folks in trouble that so far I've not been in.
And then, although I'm poorer than a starving alley cst.
I think that I am thankful in a measure just for that.

When I look the wide world over and observe how all the rest.

Have their troubles and their sorrows, spite of all they have possessed.

Then I get to thinking maybe things are just as well let be.

And I don't know anybody I would rather be than me.

So I sigh a gentle blessing on the few things in my lot,

And I sing a thankful measure for the things that I am not. things that I am not -SAM L. MORRIS.

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