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"BUNCOMBE"

BY A. S. HAMMOND

The following is the complete report of the address of A. S. Hammond before the Lincoln banquet: "Mr. Toastmaster:

"There was introduced in the Oregon legislature, recently, a resolution which solemnly declared that 'Oregon has the best system of government in the world.'"

The resolution was not adopted; which goes to show, I think, that the Oregon legislature is improving. I intend to submit to that legislature a substitute for that resolution which will read as follows:

Resolved, That the people of Oregon are the wisest people in the world and U'Ren is their prophet.

If the legislature refuses to adopt this resolution I shall begin to believe that that body of men is not as foolish as some people suppose. I am not one of those who believe that we, the people of Oregon, have absorbed all the wisdom in the world, nor do I believe that our system of government is absolutely perfect. I think that there is still a chance for us to learn something. I believe that our forefathers, the men who planned and builded the system of government under which the United States has grown to be what it is, were not, for the most part, either fools or knaves. I believe that the men who were the founders of the State of Oregon, would compare favorably with U'Ren and Jonathan Bourne. I believe that wisdom was as common a commodity in the days of old as it is today.

So believing, I have yet to be convinced that everything that has been done in the past was wrong, and that everything new is right—or even an improvement.

I am always suspicious of a man who is forever prating about his own honesty.

Likewise I am inclined to doubt the sincerity of the politician who is forever prating about the people—with a big P. This is a kind of buncombe that is particularly dear to the

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self-styled reformer. He speaks of the people as of a mysterious God of whom he is the only prophet.

He seems to think the people are almost as wise as he is himself. He tells you that if you will leave the making of laws to "Me" and the people, "everything will be lovely. Under the divine guidance of this unconscious individual we of Oregon have already accomplished much. The political boss has been overthrown and in his place we have the bunco-steerer. The boss is dead; long live the bunco-steerer. In the place of Dolph and Mitchell who were at cross purposes we have the Gold Dust twins, Bourne and Chamberlain who are of one accord in everything.

In place of Harvey Scott as whip we have U'Ren as Lookout. Who shall say that we are not advancing. To be sure these Gold Dust twins have not accomplished anything for Oregon except, perhaps, to help promote the development of irrigation in Idaho; but has not a great principle been upheld. No matter if these men are of no use to us—at least they were elected by the people. A corrupt and servile legislature was compelled to do the people's will. It may cause you who know Jonathan Bourne to wink the other eye, when you read of him in the Ladies Home Journal as the exponent of a great reform movement; but when you remember that he was once engaged in corrupting a legislature with the very effective weapons wine and women; and you now behold him as the pure patriot, standing as a bright and shining light exemplifying the purifying effects of "Statement No. 1." You will, if I judge you correctly, be compelled to wink both eyes to hide your tears—for it is, indeed, a sight to make angels weep. Then consider the great things that have been accomplished in the way of reform legislation. Just think! Under the corrupt rule of the old bosses we used to see men openly walking the streets on election day with horrid campaign buttons, brazenly displayed on the lapels of their coats.

Now any one caught so demeaning himself would be clapped into jail. Then we used to have a constitution which said that all property must bear its equal burden of taxation. In other words that a man who owned 10 thousand dollars worth of property should pay 10 times as much tax as a man who owns only 1 thousand dollars worth of property. But now that all has been done away with, and the several counties in the state may designate what property shall be taxed and what not; so it is now lawful for Coos county to provide that only alfalfa shall be taxed in Coos county while Jackson county may provide that only clams be taxed in Jackson county. Quite likely such a law would ruin the clam industry in Jackson county and the alfalfa industry in Coos county; but,

as all other property would escape taxation it would result in a most ideal condition of affairs. These are only a few of the beautiful results of our beautiful system. Of course, there are some drawbacks; for instance—in the general scramble to change everything, including the constitution of the state, we have got the wires crossed in several places. We have even abolished the constitution of the United States—or tried to do so.

It used to be provided in all constitutions that "The right of trial by jury shall remain inviolate." In the history of the world millions of men have given their lives to get that provision into the Bill of Rights. Every government in every civilized country in the world has adopted it; but we of Oregon, with our reform broom, have brushed this provision aside as though it were a cob-web—or at least, such is the opinion of many lawyers; and the law is left in such a jumble that the supreme court has just sent out a distress call asking the lawyers of the state to come to its relief by filing briefs or making oral arguments in certain cases now pending, to the end that that court may be enabled to come to some conclusion, as to what our constitution does mean, as it is now amended.

The fact is that our constitution has been operated on so often, and in such a clumsy manner that no one knows whether it is a constitution or a loose-leaf scrap-book. If not only has had its vermiform appendix removed but it has lost both head and tail and many of its intestines; so that it is now extremely doubtful whether the patient will survive.

It is believed in some quarters that this cutting and slashing by unskilled hands is likely to produce a miscarriage of justice.

Time was when we revered the Constitution and the flag. In the great march of progress, how times change.

Who reveres the constitution now? Time was when all persons who made claim to decency respected the law.

Who respects the law now? Once the constitution was a beacon light set upon a firm monument intended to withstand the onslaughts of the changing waves of popular clamor.

It could then only be changed or extinguished after mature deliberation and by concerted action of 2-3 of the people.

Now the constitution is a "will-o-the-wisp" in the fog, set upon a wavering reed, swayed by every cranky breeze. It can be snuffed out in a day by a small minority of the people.

Once the laws were comparatively few and were acquiesced in by every body—that was anybody.

Now the laws are so numerous, so complicated and so at cross purposes that no one knows what they all mean and no one has any respect for those that don't suit him.

My father and your father respected the law because it was the law. We obey the law when we have to. The reason is not far to seek. Law making has become the fad of the hour. We make laws upon every conceivable subject and through "the initiative" we have thrown the doors wide open to every crank and fanatic. Formerly a crank had to get elected to the legislature before he could do any damage. Now every crank in the state is at liberty to initiate as many fool bills as he pleases; and as only a few misleading words about these bills may be on the ballot, many of these fool bills are bound to become laws. I do not claim that all the fool laws have been enacted through the initiative; but that the initiative, as at present constituted, has enabled every crank to become a legislator.

Now the profound mistake made by cranks and so called reformers generally is this. They take it for granted that all laws are going to be obeyed. If this were true, you would only have to pass a law against it to eradicate every evil on the world. These buncombe reformers forget that "government derives its just powers from the consent of the governed."

In other words, laws are enforced by public opinion. Moreover, as those opposed to a law have to be compelled, to obey; that is their personal wishes and inclinations must overcome in some way before the law can be enforced, therefore—the public opinion that will enforce a law must be overwhelming. The force of public opinion must be greater than the force of resistance; and as those who resist are always active because they don't want to do what they don't

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want to do, and as public opinion is only active when it is aroused and because public opinion means the opinion of the public not half the public, but a very large majority of the public—so all laws that arouse the active antagonism of a large minority of the people are bound to fail.

To illustrate 99 per cent of the people are in favor of the law against highway robbery and the result is that this law is as well enforced as any merely human law can be. On the other hand take the case of prohibition. A few years ago Tillamook county voted dry by a small majority, and the law was so openly and frequently violated that at the last election the disgusted citizens voted Tillamook wet again. One of the Circuit judges who is now a supreme judge of this state told me that at the leading hotel in Tillamook, during the dry season, he purchased the vilest whiskey he ever drank.

And so it goes. To have a law abiding people you must have a law respecting people; and if half of the people think half of the laws are foolish and if some of the people think all of the laws are foolish and all of the people think some of the laws are foolish, how can we expect to have a law respecting people.

I want to say to you, in all seriousness and earnestness, that this growing contempt for law is a dangerous tendency, and that it is caused by the constantly increasing number of cranky and foolish laws. A government like ours is, and must be, founded upon respect for law. Every foolish law is a stepping stone to anarchy. Legislation is dangerous at the best. Even a good law is likely to have enemies and every enemy of law is a danger to society.

One fault that I find with the initiative is that it makes legislation too easy. The talk about the people making the laws under this system as it now exists, is buncombe, pure and simple.

There has never been and never will be a law made by the people under this system. The laws which have been adopted by the initiative method were made by one or two or at most by half a dozen men. The people had nothing to do with it, except to answer yes or no when their names were called. It is star chamber proceedings. One man gets up a bill to suit himself. The dear people are not consulted at all about the drafting of the bill. Mr. U'Ren or Mr. Bourne attends to that. When he has this bill fixed up to suit him he hires some boys and girls to stand on the street corners and secure names to his initiative petition, for which he pays so much per name. No one reads these petitions and any petition will secure the requisite number of names if the price offered canvassers is high enough.

Where do the people come in up to this point? The bill now goes upon the ballot and is put upon its final passage.

There is no chance for the people to amend it by adding to or taking from; but they can swallow it whole or reject it.

Now, how much of a chance do the people have to find out what is in this dose. How are they to determine whether it is a physic or an emetic? It cannot be done from what appears on the ballot. Take the bill passed at the last election which provides for a verdict by three-fourths of a jury. This bill provides that a public officer may be tried for malfeasance in office and if found guilty may be dismissed from office,—and

yet there was not a word about this provision upon the ballot. If this provision could be slipped through without any reference to it on the ballot, why not any sort of a joker. There is every opportunity for the secretion of a Senegambian in this wood pile. But there is a pamphlet which is issued before election which contains all the bills to be voted upon, and it is a wonder. At the last election this pamphlet contained 208 pages printed in small type and containing 32 separate bills. Some of these bills were so complicated that there has not yet been found two lawyers or judges who agree as to what they mean.

The three-fourths jury verdict bill has been referred to already. The supreme court were so nonplussed by its conflicting provisions that they called upon the lawyers of the state to assist them in trying to determine what it means. I cannot take up your time by trying to dissect it; but it is apparent that the people who voted for this bill could not have understood it. Very few people read the pamphlet and fewer understood it; and who, after reading this book containing 32 acts could remember which was which when he came to vote. In the legislature a man has to consider only one bill at a time, and that after days of discussion. Here the voter is expected to consider and decide upon 32 at once without even having the bills before him. I am sure of one thing—the average voter must be a good deal more intelligent than the average lawyer or he cannot vote understandingly in this way. I am perfectly willing to admit that the average voter is as intelligent as the average legislator; but it is the system that is at fault. The system is a humbug. The people do not make the laws under this plan. The people have nothing to do with forming these laws, and no adequate opportunity to consider them. It would be as reasonable to expect the people of a great state to jointly construct a threshing machine or a locomotive as to expect them to jointly construct a complicated piece of legislation.

The initiative law as at present constructed, is a gigantic piece of buncombe, gotten up in the interest of a clique with the intent to fool the people into the idea that they are making their own laws when in fact these laws are made by a few men who represent nobody. It is as true today as it ever was that "the people like to be humbugged," but in the long run the people always get right and they will get right on this subject after a while. "The Mills of the Gods grind slowly" but I expect to live long enough to see the initiative, in its present form, abolished, and in its place a law which provides for submitting to the vote of the people special questions—like this: Shall women be allowed to vote? Shall the sale of intoxicating liquors for drinking purposes be prohibited? Shall all taxes be levied on real estate; and the like. Such questions can be answered by yes or no and the voters would understand what they were doing. Then the law will provide that the next legislature must frame a law in accordance with the vote of the people. The vote will advise the legislature as to what the people want done and the legislature will construct the machinery to do it. The people will issue the orders and the legislature will do the work.

This law will give the people an opportunity to say what they want done and to elect men to carry out their instructions. If they want all taxes levied on land values they will say so, and the legislature will make the law, with all its necessary machinery to carry it into effect. You would consider it foolish for the people of Marshfield to undertake collectively to construct a steam roller. The proper way is to order a steam roller from Mayor Straw and he will deliver the goods. But I suppose it is hardly to be expected that the time will ever come when buncombe will not be at a premium. Men like to be told that they are wise and women like to be told that they are handsome. It takes a brave man, or a fool to speak the truth—one of whom I am; which?

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