SAFE BLOWERS

Not the criminal kind, are the salesmen who blow about the big discounts being made this month at the New England Shoe Store's February Reducing Sale. You would not have them

ARRESTED.

Nor would any one else who has bought shoes and learned of the wonderful discounts we make to close out certain makes of fine footwear. Indeed, after one

TRIAL

a customer always returns and usually deals with us

FOR LIFE.

New England Shoe Store, 11 South Main St.

POPULAR TALKS ON LAW

Status of Mercantile Agencies Discussed by Wm. C. Sprague, of Detroit.

To What Extent Are Reports Sent Out by Them Privileged Communications?

No Legal Liability Attaches to Such Communications Unless Malice Is Shown —Cases in Point.

The business of a mercantile agency is to collect information relating to the credit, character, responsibility and reputation of merchants for the purpose of furnishing the information to subscribers. The most important question that has arisen relating to this kind of business is to what extent are the reports sent out by mercantile agencies privileged communications—that is, how far are such companies protected in giving information affecting the credit of business men from liability for damages in case of false statements.

As we shall use the term "privileged communication" frequently, let us understand its meaning. It is such a communication as is made in good faith, upon any subject in which the party communicating has an interest, or in reference to which he has a duty, public or private, either legal, moral or social, if made to a person having a corresponding interest or duty. No legal liability attaches to such communications, unless malice be shown. It may first be said that the publication of false defamation by a mercantile agency to the world at large is not privileged. So that such publications affecting the credit of business men as are made by agencies and scattered broadcast, or put carelessly or indiscriminately before the public, are neither justified nor protected.

Agencies are not in the habit of being thus prodigal of their information, however. The most common form of giving information is that of publishing books of ratings, or weekly or daily sheets of business changes, failures, mortgages, judgments, et cetera, and furnishing the same to all their subscribers regularly. The question has arisen, is an agency liable for a false report on a merchant so made to a large number of subscribers, only a few of whom are interested in that merchant? There is no question, it may be said, of the right of the agency to furnish reports as privileged communications to persons known to be directly interested in that merchant, or to such as ask for a report on such merchant, but how about the communication going to hundreds of thousands of subscribers who are not interested, and do not ask for the information and do not need it? Refer to our definition of privileged communication. It must be made to a person having a corresponding interest or duty in the subject. I am a jobber in hardware. My agency sheet to-day tells me that my neighbor, who is a retail hatter, has failed. I have not sought nor can find any use for the information. It is interesting gossip to me—nothing more. Suppose the report is false. Can the agency hide behind a "priveleged communication" when brought to defend an action? The weight and majority of decisions deny the agency's right so to do, and such may be considered the law. The first case that arose was in Massachusetts. It was brought by a merchant against one Russell, who conducted the "Boston Mercantile Agency." Here Russell reported the incorrect and unjust information to only such subscribers as were interested in the merchant. The court held that the communication was privileged. (Billings vs. Russell, 8 Boston Law Reporter 699.) The next was a New York case, which may be called the leading case on the subject. In this case one Church printed and furnished to merchants who had no immediate interest in the standing of the firm on which the report was made, but who wished the record for future reference. The information was in a printed book furnished to all who became subscribers to it. In this case the court held the communication not privileged, and the case has been several times reaffirmed in New York. (Taylor vs. Church, 1 E. D. Smith, 279.)

The court said that if the publication had been in answer to an inquiry from a merchant interested and had been nothing more than an answer to this application it would have been privileged, but as having been not only to such as sought information against that merchant, but to all its subscribers indiscriminately, it was not as to such other subscribers "privileged." This decision was upheld in New York in Ormsby vs. Douglas (37 N. Y., 477). In the case of Sunderlin vs. Bradstreet (46 N. Y. 188) it was shown that Bradstreet published a false statement that a certain merchant had failed. The publication was in a weekly sheet, furnished to all subscribers alike. It was held not privileged. The court said a communication is privileged when made in good faith, in answer to one having an interest in the information sought, and it will be privileged if volunteered, if the party to whom it has been made has an interest in it, and if the parties stand in such relation as to make it a reasonable duty, or at least proper, to give the information. The publication in this case to those not interested in it was officious and unauthorized and not privileged. The decisions of the federal circuit courts are in line with this decision: Erber v. Dun, 12 Fed. R. 526; Trussell v. Scarlett, 18 Fed. Rep.; Locke v. Bradstreet & Co., 22 Fed. R. 771. For other cases we might refer to King v. Patterson, 49 N. J. L., 417; Woodruff v. Bradstreet, 33 Hun. (N. Y.), 1; Com. v. Stacey, 8 Phila. (Pa.), 617; Bradstreet v. Gill, 72 Texas, 115.

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A friend in need is a friend indeed, and not less than one million people have found just such a friend in Dr. King's New Discovery for consumption, coughs and colds. If you have never used that great cough medicine one trial will convince you that it has wonderful curative powers in all diseases of throat, chest and lungs. Each bottle is guaranteed to do all that is claimed or money will be refunded. Trial bottles free at R. S. Hale & Co's. drug store. Large bottles, 50c and $1.

Those unhappy persons who suffer from nervousness and dyspepsia should use Carter's Little Nerve Pills, which are made expressly for sleepless, nervous, dyspeptic sufferers. Price, 25 cents.

TIME TABLE TO CHICAGO.

—THE—

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This is the only line making connection at St. Paul with the Great Northern Railway every day in the week for Chicago. Through time is as follows:

Leave Butte, via Great Northern	7:30 a m
Leave Helena, via Great Northern	11:10 a m
Leave Great Falls, via Great Northern	2:35 p m
Arrive at Minot	10:50 a m
Arrive at Grand Forks	6:20 p m
Arrive at St. Paul	6:55 a m
Leave Butte, via Northern Pacific	7:00 p m
Leave Helena, via Northern Pacific	7:35 p m
Leave Bozeman, via Northern Pacific	11:40 p m
Arrive at St. Paul	5:50 p m

Via "The Northwestern Line":

Leave St. Paul	7:50 a m	6:30 p m
Arrive at Milwaukee	7:35 p m	7:25 a m
Arrive at Chicago	9:30 p m	9:00 a m

Secure your tickets over "The Northwestern Line." It is the short line both in time and distance to Chicago.

T. W. TEASDALE,
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WHEN ORGANIZED, FULL PARTICULARS WILL APPEAR IN THIS SPACE.

In the meantime, subscriptions will be received for the first issue of the Treasury stock of the company. Already very considerable of this issue has been taken at 25 CENTS A SHARE, payable in installments, 20 per cent. on demand, after Company is organized, and 20 per cent. on each succeeding 30 days, until paid. The balance of this issue will be disposed of in like manner.

Applications for shares of this issue received by W. G. BAILEY, Room 46, Bailey Building, or by WM. MUTH, Power Block, this city, where plain and exhaustive reports and comprehensive maps and profiles of the property can be seen and explanations on all points given.

Money raised from the sale of Treasury Stock used exclusively for the development of the property.

As soon as these mining shares of stock of first issue are taken up, the subscription books will be closed. Second issue of Treasury Stock not to be sold for less than 50 cents per share, cash. Third issue for not less than $1 per share.

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N. B.--Part of this great vein already produced $4,500,000. Making calculation on this basis, the extent of the vein owned and controlled by this new company can readily produce $20,000,000 in gold from a vertical depth of 1,000 feet.

MICHAEL COONEY, Manager.