

# THE MONTANA NONPARTISAN

VOLUME 1 GREAT FALLS, MONTANA, SATURDAY, DECEMBER 7, 1918. NUMBER 2

## MONTANA FARMERS LOSE ON HAIL INSURANCE

### UNCONSTITUTIONAL TO APPROPRIATE FUNDS FOR FARMERS' OPINION

#### STATE HAIL ACT FALLS DOWN FARMERS LEFT HOLDING SACK

LACK OF ARRANGEMENTS FOR FINANCING ABSOLUTELY NECESSARY SAFEGUARD, MEAN LOSS TO THOUSANDS OF FARMERS. CONSTITUTION AGAINST ASSISTING REAL INDUSTRY BUT CAN BE PUT ASIDE EASILY ENOUGH WHEN COPPER CROWD WANT IT.

Helena, Nov. 23.—It was learned today that less than 50 per cent of the farmers' claims for hail insurance under the state hail insurance law can be paid by the hail insurance board owing to the fact that there is a deficit in the funds. Already \$325,000, constituting 40 per cent of the total amount of all claims, has been paid to claimants pro rata, and probably \$25,000 or seven per cent more will be paid on the same basis.

This will exhaust all funds and leave a deficit of over 50 per cent. The reason for this is the widespread hail damage done in the state, and the failure to put the premium on insurance high enough this year.

Last year the premium, 40 cents an acre, paid all claims, administration expenses and left a surplus. This year 60 cents an acre met only the percentage of claims above stated.

The law seems to be defective in failing to provide a reserve fund and machinery to meet the years of maximum loss.

The above dispatch from the capital city is very significant just now to farmers and those who are engaged in the business of raising grain. It shows clearly that the State Hail Insurance Law has broken down and that it cannot begin to take care of the job set it. There is no doubt that those who worked for the passage of the act did the best they could under the circumstances but any progressive legislation involving the expenditure of money for the producers has always been met with the old familiar cry of "not constitutional."

#### THE CONSTITUTION BETWEEN FRIENDS

Of course the constitution cry does not apply to the copper crowd or any of their activities, for instance it is clearly unconstitutional to deport men from any place also there is nothing constitutional about wanting to hang man and woman for their political opinions, the rustling card is clearly unconstitutional as is the institution of the black-list. We don't know if his grading and short weighing comes under the ban of the constitution but we should imagine it did not judging by the frequency with which it is practised. Co-Operative activities are also understood to be unconstitutional as are all things of any use to the producers.

The Hail Insurance Law met with "not constitutional" of course, it could not possibly hold up for the good and sufficient reason that means of financing it were "unconstitutional" the State Auditor was, it seems to have been understood, to have provided a situation as the present, by loan. But he too is tied and the dear old constitution stands in the way. The bill had to be devised in such a manner that it involved individuals for the reader will see that it is just the opposite of the Alberta Act which seeks to form large groups acting in a communal manner. It is strictly an individual affair. The Constitution holds of course, that money cannot be appropriated for any private enterprise—and there you are. Because it seeks to render the individual isolated and therefore unable to protect himself it is pernicious and stupid. One of the great troubles with farming life, is that it is so isolated that people find it hard to act together and in common. The State Law as we now have it not only accentuates that point, but is so like the old line Company that the solicitor therefore, has no great case to argue when talking against it.

#### NOTHING TO IT WHEN YOU OWN THE CONSTITUTION.

Now the constitution may be used as a weapon whenever it is necessary to suppress the aspirations of the producers and maybe very soon set aside when Big Biz demands it, for instance section 20 of the State Constitution reads as follows:

Sec. 20. No incorporation, stock company, person or association of persons in the State of Montana shall directly combine, or form what is known as a trust, or make any contract with any persons, corporation, or stock company, foreign, or domestic through their stockholders, trustees,

#### EXCERPTS FROM TWO ACTS

##### Alberta Democratic and Elective

The Council of every Municipal District lying within the area to which this act applies shall submit to the electors of such districts at the first election for councillors to be held after the passing of this act a by-law, in the form prescribed by the minister and in accordance with the procedure prescribed by the Municipal Districts Act for the voting on deputation by-laws, as to whether the Municipal Districts shall be brought under the operation of this act.

(2) The Council of any Municipal District which has voted against coming under operation of this act at the time of the election referred to in this section and the Council of any Municipal District which may be formed after that date and lying within the described area may at any time submit to the electors of such Municipal District a by-law as herein before provided for the purpose of bringing such municipal district under the operation of this act.

(3) The Council of any Municipal District within the prescribed area, but not within the hail insurance district, on the receipt, on or before the 15th day of November in any year, of a petition to that effect signed by not less than 15 per cent of the electors of such municipal districts, as shown by the last voters' list shall at the next meeting of the council but not later than the fourth Monday in the month of December following arrange for the submission to the electors at the next ensuing election for councillors, a by-law as herein before provided to bring the municipal district under the operation of this act.

(7) Immediately following the voting on the by-law as provided for in section 6 of this act, the secretary treasurer of each municipal district so voting shall forthwith forward to the minister a statement showing the results of the voting, and in the event of 45 or more Municipal Districts electing to become under the operation of this act, the minister may, by order, notice of which shall be forwarded to each of the said Municipal Districts and published in the Alberta Gazette establish the Municipal Districts so electing "The Hail Insurance District."

#### Expenses Carried by Group

(10) The board shall be a corporate body with office in the city of Calgary and shall have the following powers:

(a) To carry on the business of hail insurance under the provisions of this act; (b) To borrow money for the purpose of carrying out the objects of its corporation, to hypothecate, pledge and mortgage its property, rights, assets, and prospective revenues, and assign bills, notes, contracts and other evidences of or securities for money borrowed or to be borrowed for the purpose. (c) To invest and reserve funds or surplus as the same may from time to time be accumulated, in such manner as may be approved by the Lieutenant Governor of the council.

(15) The board may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by majority of votes. In case of any equality of votes the chairman shall have a second or casting vote any three members may at any time summon a meeting of the board.

(19) The board shall appoint a manager who shall be responsible for the management of the business of the board and who shall engage, appoint and dismiss all employees except the secretary treasurer and chief adjuster and assign to them their respective duties.

(2) The board shall also appoint a secretary-treasurer and chief adjuster who shall be under the supervision and control of the manager.

22. The board may from time to time make such by-laws or regulations not contrary to law or inconsistent with the provisions of this act, for the administration and control of its property and business and for the conduct of in all particulars of its affairs as may be considered necessary or expedient for the carrying out of the provisions of this act according to their true intent and meaning.

#### Adjustment

28. Upon receipt of any claim the board shall through its proper officer, immediately instruct an adjuster to inspect the crop who shall make every possible effort to see the claimant, or in the absence of the claimant his agent, and upon completion of the inspection shall appraise and report upon the claim and shall recommend to the board the indemnity which he thinks should be paid.

29. The maximum indemnity to be paid for total loss shall be eight dollars per acre; provided that any person desiring to do so shall on or before the 15th day of June in each year as provided for in section 21 in this act reduce the rate of indemnity payable to six dollars per acre and the premium to be paid therefor as hereinafter provided shall be reduced proportionately.

32. The board shall subject to the provisions of the immediately preceding section pay all indemnities awarded under the act out of the reserve fund, if any, or by means of money borrowed by them by virtue of the powers herein contained.

or in any manner whatever, for the

purpose of fixing the price, or regulating the production of any article of commerce, or of the product of the soil, for consumption by the people. The Legislative Assembly shall pass laws for the enforcement thereof by adequate penalties to the extent if necessary for that purpose, of the forfeiture of their property, and franchises and in the case of foreign corporations prohibiting them from carrying on business.

And yet in spite of these clear and trenchant sentences there exists in this state one of the greatest combines the world has ever seen.

#### POLITICAL CONTROL ALL THERE IS TO IT.

The lesson is very plain to those who have thought anything about the matter at all. The A. C. M. has dominated this State for years. Copper and all that pertains thereto has had full sway for too long. Given a fair measure of representation and the referendum these things would be

righted speedily. Farmers and wage workers did they realize as keenly as the Copper crowd does the absolute necessity of political control would not let anything keep them away from the voting places. Clearly the Constitution is not for the producers, we shall have to amend it.

Because of a crop failure A. C. Townley was suddenly called upon to pay all his debts. Not half of the small-town and big-town merchants, including those who retail the Jerry Bacon line of talk about Townley's bankruptcy, could pay 50 cents on the dollar if they were asked, as he was, to pay up tomorrow. Yes, that's true of our town, too, and it holds for the bankers. They are all depending on missing the early frost.

The truth interests might reflect, if in their hearts are not too fat now for reflection, that if they had not been hoers, there wouldn't be any hog-killing Nonpartisan league.

##### Montana Appointive and Autocratic

Section No. 1. There is hereby created a State Board of Hail Insurance of five members consisting of the State Auditor and the ex-officio Commissioner of Insurance, the Commissioner of Agriculture and Publicity who will be secretary of said board, and three other members to be appointed by the Governor from names submitted therefore by the duly organized farmers' societies having a general membership throughout the state. \* \* \* It shall prepare a special form outlining the purposes, scope and benefits of this act in furnishing protection against loss by hail at the actual cost of the risk to all tax payers who may elect to become subject to the provisions of this act, such form to be submitted by the County Assessor of each county at the time in which the regular assessments of property are by such assessors made, to each farmer in each county in the state engaged in the growing of crops subject to injury or destruction by hail, on which forms each farmer tax payer shall signify whether he desires to become subject to the provisions of this act or not. Every such farmer tax payer who signifies his desire to become subject to the provisions of this act shall file in the office of the County Assessor the blanks above referred to, properly filled out, not later than June 1 and shall be chargeable with the tax on lands growing crops subject to injury or destruction by hail, hereinafter provided for, and shall share in the protection and benefits under the hail insurance provisions of this act.

#### Charged Against Individuals

Section 2. A tax is hereby authorized and directed to be levied on all lands in this state growing crops subject to injury or destruction by hail the owners of which have elected to become subjects to the provisions of this act, the amount of which tax per acre on such lands shall be determined annually by the State Board of Hail Insurance, which board shall recommend a levy to be made on each kind of land respectively that is subject to this act, to the Board of Equalization. Such tax shall not exceed the sum of 60 cents per acre on lands planted to grain crops, nor the sum of 25 cents per acre on lands planted to hay crops. The State Board of Equalization is hereby empowered and it is made its duty to prescribe such levies annually to be made against lands growing crops subject to injury or destruction by hail which are subject to this act in accordance with the recommendations of the State Board of Hail Insurance. Such tax levies shall be chargeable to each tax payer who shall elect to become subject to this act. And shall be extended on the tax roll and collected by the officers charged with such duties in the manner and form as are other property taxes, and if not paid shall be a lien on the lands against which same are levied as are other property taxes, and in case of homesteaders who may not have made final proof on their lands, such tax shall be a lien on the personal property.

#### Adjustment

Section 7. That all losses by hail to crops insured under this act shall be reported immediately by the owner of such crops, his agent or attorney to the State Board of Hail Insurance, who shall require the claimant to make a sworn statement of the losses sustained, the cause thereof and such other information as the State Board of Hail Insurance may require, on forms provided for such purpose.

Section 8. The Board of County Commissioners of each county in which a tax for hail insurance will have been levied shall appoint two appraisers in each county from names submitted from regularly organized farmers' societies. If any such farmers societies do not exist in any county the Board of County Commissioners shall appoint two suitable persons engaged in farming as such appraisers. The two appraisers so appointed together with a third appraiser shall be selected and appointed by the state Board of Hail Insurance shall appraise all losses by hail in such county, and shall promptly report their findings to the State Board of Hail Insurance on forms to be supplied for such purpose. Provided that no appraiser shall serve in determining a loss in which he may have a personal interest. And in such event the Board of County Commissioners shall appoint a suitable person as temporary appraiser to serve in adjusting losses where any regular appraiser may be disqualified.

Section 10. Where a loss by hail to crops insured under this act has been sustained, and the amount thereof determined, the State Board of Hail Insurance shall certify to same, and shall arrange for the payment of losses as follows: Said State Board shall ascertain as soon as practicable each year, the acreage of land cropped to grains and hay subject to this act on which tax levies on hail insurance have been made, thereby ascertaining the total amount of such tax levies, and after deducting therefrom ten per cent thereof for possible delinquencies, and the estimated actual cost of the administration of this act and the appraisal of losses, shall apportion pro rata, the balance of the amount levied for hail insurance amongst all tax payers subject to this act, who have sustained losses by hail share and share alike based on the amount of each of such losses as adjusted and determined as aforesaid, and shall order the State Auditor to issue warrants on the State Hail Insurance Fund in settlement for such losses. Provided, however, that in no case shall the payment for such losses exceed \$12 per acre for grain crops and \$5 per acre for hay crops.

#### PEACE PATRIOTS.

A patriot is one who stands up for his country against its enemies. There are war patriots and peace patriots; and there are war traitors and peace traitors. Those who assist special and monopolistic interests to rob the masses are traitors to the common good, traitors to civil government, aiders and abettors of disorder and anarchy.

Neither disorder or revolution in government ever emanated from a square deal to the masses, but always from an abuse of power, which laid burdens too heavy upon those least able to bear them. In these outrages now being perpetrated upon the people, likely the money-grasping monopolies think they are hushbanding their resources; but in that they are woefully mistaken, for they have the goods and sooner or later will be hunted down and made to suffer for the crime of embezzlement. They are sowing the wind which will reap the whirlwind.—Gunnison (Col.) Empire.

#### CAN'T FOOL THE WORKER ANY MORE.

One of the favorite "jollies" of the kept press is to state that organized workers are "too independent" to be dictated to, in the matter of the selection of candidates for political preferment, by their leaders. There is as much sense in this contention as there would be in one that republicans are not called upon to support the candidates nominated on the ticket at a primary if they favored the candidates who failed of nomination. Without unity there can be no strength. A very few, workers fall for the cheap trap. In the old days it was easy to take political power from organized labor by dividing it up between the two parties. Now, however, nine out of 10 workers understand the game and vote straight. The candidates endorsed by organized labor are chosen by committees appointed for that purpose by all the members—nominated, in fact, by organized labor as a whole.—Bellingham (Wash.) Journal.

#### LABOR SAYS THAT MOONEY IS NOT GUILTY, FREE HIM

GOVERNOR STEPHENS TARDY AND INSULTING TREATMENT OF MOONEY CASE RESENTED BY LABOR THE WORLD OVER THREAT TO STRIKE NO IDLE ONE MOONEY IS INNOCENT AND MUST BE FREED SPITE OF TECHNICALITIES OR LEGAL HIGHBINDERISM.

Sacramento, Nov. 28.—The doom of Thomas J. Mooney, sentenced to be hanged December 13, in connection with deaths of 10 persons from a bomb explosion in San Francisco on Preparedness day, July 22, 1916, was commuted by Governor William D. Stephens, today, to imprisonment for life.

Thus in a few words does the governor knowing the innocency of Tom Mooney slowly spell out a more bitter doom than death because there stands at his back swinging the club of coercion those terrible organizations which are known as Chambers of Commerce and Employers' Associations. Mooney has been and will continue to be, if his health be not entirely broken by prison fare and stalwart fighter in the ranks of labor. Always was Tom Mooney at hand when the forces which seek to hold back the spread of intelligence and culture by driving down the standard of living; were hounding their unfortunate employes, and always Tom Mooney fought them. His eloquent forceful speech, his integrity, his skill, and his dogged resistance gave rise to the most bitter opposition from the bosses.

Tom was "framed" in all manner of ways and the black record of the ruffly prosecution is one of the most terrible pages in the history of jurisprudence. The office of the District Attorney seems to have been used for the most flagrant prosecution of private revenges, amongst which the Mooney case figured prominently. The character of the witnesses was of the most detestable; perjury was openly indulged in, dope-finders, gun men, prostitutes, professional jurymen, in fact all the machinery which the public is familiar with through the "crook-play" was used. Winberg was marked for a victim because he would not come in on the plot and also because he was a member of a successful competing line of jitneys which took some of the fares away from the great San Francisco traction company. Mrs. Mooney was dragged into court on a charge of murder or rather many charges of murder and after going through utter misery and for many months, was finally set free and pronounced not guilty on one of the counts. The record is terrible and should be read by all.

#### International Labor Takes a Hand.

The case was so flagrant that labor men throughout the world have resolved to strike until Mooney is free. They have been wonderfully patient, they have used the courts to a limit and although the trial judge says that he feels convinced that Mooney is innocent and should have another trial, nevertheless, the law is such in California that it cannot be done. Labor feels that since a man is innocent and has been convicted of a crime not because he perpetrated it, but because the Chambers of Commerce and labor haters generally wanted it, that no technicality shall stand in the way of that man's release and vindication. So strong has been the pressure, that President Wilson sent the following letters to the governor of California: "The White House, Washington, D. C., March 27, 1918.

Governor William D. Stephens, Sacramento, California.

"With very great respect I take the liberty of saying to you that, if you commute the sentence of Mooney, it would have a most heart-felt effect upon certain international affairs which his execution would greatly complicate.

#### "WOODROW WILSON."

In June the governor received this additional message: "The White House, Washington, D. C., June 4, 1918.

"Honorable William D. Stephens, Sacramento, California.

"I beg that you will believe that I am moved only by a sense of public duty and of consciousness of the many and complicated interests involved when I again must respectfully suggest a commutation of the death sentence imposed upon Mooney. I would not venture again to call your attention to this case, did I not know the international significance which attaches to it.

#### "WOODROW WILSON."

Meanwhile the department of labor had had a man at work carrying on a thorough investigation secretly. (Continued on Page Three)