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THE FELLOW-SERVANT LAW.

A decision recently rendered by the supreme court of the United States is of considerable interest to railroad employes and other residents of Montana who advocate the enactment of a new fellow-servant law. This matter has been the subject of controversy in political campaigns in Chouteau county and other parts of the state where the railroad vote is an important factor, candidates for the legislative assembly having been requested to pledge themselves to support a measure of this kind which had been prepared by organizations of railroad men. The latter were in conference at Helena a few days ago to discuss this particular subject, but the decision of the supreme court may cause them to abandon the agitation.

The decision of the supreme court related to a damage suit against the Northern Pacific railroad for the death of a fireman, killed in a collision about four years ago, the accident being caused by the negligence or mistake of a telegraph operator employed by the railroad company. The trial of the suit in a federal court resulted in a verdict for the plaintiff, but this is reversed in the decision rendered by the supreme court. The latter thus defines the status of fellow-servants:

"A servant is entitled to recover damages for injuries suffered through the personal fault or misconduct of his employer, but when the employer has been personally free from blame, and the injury results from the fault or misconduct of a fellow-servant, it would seem reasonable that the wrong-doer alone should be held responsible, and that one who is innocent should not be called upon to pay damages. And such is the rule. But where the employer is a railroad or other corporation having a large number of employes, sometimes engaged in different departments of service, certain limitations or qualifications of this general rule have been prescribed. Perhaps no question has been more frequently considered by the courts than that of fellow-servant and none attended with more varied suggestions and attempted qualifications. The fireman who shovels coal into the firebox of the engine is not doing precisely the same work as the engineer, neither is the conductor who signals to the engineer to start or stop; nor the operator who delivers from the telegraph office at the station to the engineer orders to move, and who reports the coming and going of trains, and yet they are working each in his particular sphere toward the accomplishment of this one result—the movement of trains."

The court, after reviewing the particulars of acts leading to the accident, presents these conclusions: "First, the telegraph operator was, under the circumstances described, a fellow-servant of the fireman; second, the negligence of the telegraph operator was the negligence of a fellow-servant of the fireman at a risk of which the latter assumed."

Under this interpretation of the law by the supreme court, a railroad employe injured through the neglect of a fellow-servant cannot collect damages from his employer; he assumes the risk as a condition of the contract under which he is employed.

THE DEMOCRATIC SITUATION.

The result of the democratic state conventions held during the past week has not affected the standing of the candidates for the presidential nomination of their party. No aspirant for the nomination has secured strength that gives him any assurance of winning the prize. The Parker boom is almost stationary, and the Hearst shouters have failed to capture some of the delegations they expected to control.

About thirty of the fifty-one states and territories have held conventions for the election of delegates to the democratic national convention at St. Louis on July 6. The returns from these conventions show that of the delegates so far chosen, about 200 are uninstructed, some 150 are pledged to Judge Parker, the Hearst people have about 120 delegates, and the remainder are said to favor Gorman, Olney, or some other favorite son who has not yet appeared as a formidable candidate. As it will require a two-thirds vote to nominate in a convention composed of about a thousand delegates, it is apparent that at this stage of the game it is anybody's race.

The Parker boom, which received a good start by securing the pledged support of 78 delegates from New York state, has not created the enthusiasm expected. It captured the 30 delegates from Indiana, and 14 from Connecticut, but at recent state conventions there has been a disposition to send delegates to St. Louis without instructions and let them mix in the fight that will undoubtedly develop. The re-organizers hope to control the convention, but there is nothing in the returns to indicate that they will succeed in the attempt.

The indications are that a compromise candidate will receive the democratic nomination. The Hearst and Bryan strength professes to be able to prevent the nomination of Judge Parker, and the friends of the latter are not prepared to make an unconditional surrender to their opponents. The probabilities favor the nomination of a dark horse, the situation being similar to that of eight years ago, when Mr. Bryan—who had not been mentioned as an available presidential candidate—became the standard bearer of the democratic party.

THE STORY OF A MODERN WAR.

"A Modern War for Independence" is the graphic story of one of the greatest commercial wars of history told by Ida M. Tarbell in the June McClure's, in her "History of the Standard Oil Company." Miss Tarbell describes the twenty years' fight of the independent oil men against the Standard, and her narrative of the struggle is, indeed, as powerful as the most stirring relation of battle on land or sea. With every weapon at its command in plot and counter-plot, attacks on front, flank and rear, ambush, treachery and deceit, evidently on the theory that all is fair in war, the Standard has waged unceasing war on all who have refused it allegiance and submission.

Mr. Rockefeller's one irreconcilable enemy in the oil business has always been the oil producer. The efforts of the producers to market their oil independently, led to the fiercest warfare. The building of independent refineries and pipe-lines was undertaken against the keenest and most resourceful opposition, and with varying failure and success. Everything seemed to operate for the Standard. Railroads and legislatures lent their powerful aid to thwart the efforts of the independents. Men important to the cause of the struggling oil men died at critical moments. Their markets were destroyed and their money lost in a vain effort to put the oil business on a fair competitive basis.

Miss Tarbell points out many significant lights of national importance which this conflict has thrown on the Standard Oil Trust. It indicates the trust's conception of "legitimate business," which does not seem to be much of an improvement in ethical quality on that of buccaneering times. It shows the widespread power over the railroads possessed by the trust, which at a mere intimation compels action. It reveals an even more ominous power over legislatures, and, most alarming of all, the power of controlling the markets by arbitrarily fixing prices and supply. Miss Tarbell concludes her significant article with this pertinent comment:

"Altogether this story shows a combination of powers of such variety, subtlety and strength that the most conservative may well ask whether it is wise to allow them to any body of men. Certainly such sweeping powers have long ago been taken away from statesmen and churchmen. It seems reasonable to ask whether it is safer to allow them to men inspired only by greed and love of the game than to those who, to a degree, at least, are inspired by public interest or the advancement of religious ideas."

In Honor of the Pioneers.

Montana Record.

When the Eighth legislative assembly set apart the last Friday in May as Pioneer day and directed the public school teachers on that day to conduct exercises with a view to acquainting the children with the pioneer history of Montana, it paid a deserved tribute to the men and women of early days who had so much to do in carving out this great state from the wilderness. Many of these pioneers are living and the fact that they are still prominently identified with the interests of the state, makes the action of the last legislature all the more appropriate.

Montana owes much to the men and women who crossed the plains in the early days to find homes in the great Northwest. Leaving comfort and safety behind, they crossed the frontier into an unknown region, full of dangers and hardships. Many fell in the stuggle. Some became victims of hostile red men and of still more savage outlaws who, for a time, controlled the territory.

It is certainly fitting that the school children should be taught on at least one day of the year the sacrifices made by the pioneer men and pioneer women of Montana. What these old-time heroes did in laying the foundations of the state is a part of history and the future men and women of Montana cannot become too familiar with it.

IT WAS A GLORIOUS VICTORY.

The Japanese Stormed Nan Shan Hill But Suffered Heavy Loss.

TOKIO, May 29.—The details of the fighting at Kin Chou emphasize the heroic action of the Japanese in their conduct at Nan Shan hill. Nine successive times the Japanese infantry charged the fortified heights in the face of a storm of death-dealing missiles, and in their last effort they carried the forts and trenches, only after a bayonet conflict with the Russians, who made a desperate, despairing struggle to beat back the oncoming hordes. The final assault of the Japanese, in which they at last succeeded in taking possession, was marked by the most desperate hand-to-hand encounter that has thus far characterized the war.

On every parapet the resistless, death-defying Japanese surged forward in increasing numbers and hustling the Russians from their intrenchments, swept over the hill. And at 7:30 o'clock, as the sun was sinking beneath the horizon, the flag of the land of the rising sun floated above the blood-sodden Nan Shan hill, while the shouts of "Banzai" swelled from hill to shore and re echoed from shore to fort. Japan paid for her victory in 3,500 killed and wounded. To the Russians the humiliation of defeat was intensified by the loss of 68 cannon and 10 machine guns, while lying dead in the forts and trenches were 500 men, the victims of the accuracy of Japanese long-distance markmanship and of close range fighting.

A Tribute to Japanese Valor.

LONDON, May 30.—The London dailies exhaust the vocabulary of admiration for the Japanese, the achievement at Kin Chou they regard as proving the absolute military equality of the Japanese with the best European armies and qualifying Japan to rank as a great power. Most of the newspapers regard the fall of Port Arthur to be now inevitable.

The Standard is surprised that such a position as Kin Chou could have been stormed with comparatively so small loss of life and says: "The extraordinary diminution in the intensity of slaughter on battlefields is exercising the minds of many tacticians, for in them may be found the solution of many problems involved in the maintenance of monster armies of Europe."

The attack on Port Arthur, the Chronicle's Tokio correspondent telegraphs, is expected to begin about June 15. Correspondents will leave there June 10, in time to see the capture, probably about June 20.

A Fire Loss of Millions.

NEW YORK, May 29.—Seven freight and coal piers of the Delaware, Lackawanna & Western railway in Jersey City were destroyed today by a fire that started on the barge Allen C. Churchill, which lay alongside pier 12, on which a number of barrels of oil were stored. A number of canal boats and several tugs were burned. The number of freight cars is not known, but the loss of this kind of rolling stock will be heavy. Vice President Loomis of the Lackawanna placed the total loss by the fire at $5,000,000, based on the original cost of the piers burned and the freight stored on them.

Caught Plenty of Suckers.

NEW YORK, May 30.—Money orders from all over the country, aggregating $30,000, are pouring into the general postoffice for a concern known as the Eastern Trade company. Mail thus addressed was held up a month ago by the postoffice officials because, it is alleged, of a circular which fell into the hands of a mail clerk, informing him he had won a prize of some sort, for which to his knowledge he had never competed. Advertising in the local postoffices throughout the country has failed to check the stream of money orders, and they are being returned to senders as fast as possible. One clerk is kept busy remailing the letters at the rate of 1,000 a day.

President Roosevelt at Gettysburg.

GETTYSBURG, Pa., May 30.—On historic Cemetery hill, overlooking battleground hallowed by the blood of half a hundred thousand brave men in the presence of a concourse of thousands who had assembled to pay tribute to the memory of the nation's dead, President Roosevelt today delivered a notable address. On nearly the same spot on November 19, 1863, President Lincoln delivered the immortal address annunciating sentiments which have rung around the world for more than a third of a century. President Roosevelt was escorted to the cemetery on the battlefield by a body of several veterans of the Civil war.

After the Memorial day services of the G. A. R. had been concluded and the pupils of the public schools had s rewn flowers on the graves of the thousands of dead, during which ceremony the Marine band played a solemn dirge, Rev. Dr. E. V. Hale, chaplain of the United States senate, announced the invocation. The president was then introduced by Governor Pennypacker. As President Roosevelt rose to speak a downpour of rain began to fall and continued throughout the time he addressed the assemblage. He was accorded an enthusiastic reception notwithstanding the rain, and the crowd of 10,000 people in the cemetery remained to hear the address despite the thorough drenching they received.