

# THE "NATURE FAKERS" "NATURE FAKERS" Richard Kearton, Britain's Leading Field Naturalist, Who Goes to the United States in March, Will Pay Visit to President Roosevelt Before Beginning Campaign Against Those Who Write Weird Stories About Brute Creation

By John S. B. Steel.  
LONDON, Feb. 22.—Nature lovers in America will have an opportunity shortly of hearing the leading British field naturalist tell of his exploits in pursuit of wild game with a camera, and incidentally of listening to a scathing condemnation of the "nature fakers" whom President Roosevelt has denounced so strongly.

There are no names better known among modern nature students, on this side of the water at least, than those of Richard and Cherry Kearton, the two Yorkshiremen who really originated nature photography in Britain. They have worked together for over 16 years, and Richard Kearton, who is going to America in March, is perhaps the better known of the two. He is a naturalist, scientist and writer, while his younger brother, Cherry, is the photographer of the combination.

Richard Kearton is a great admirer of President Roosevelt, whom he considers one of the best informed practical naturalists in the world, and his first journey, after he had returned to York, was to Washington to visit the president with whom he has long had a correspondence. He is familiar with all his books. No doubt when these two lovers of nature meet they will be able to exchange tall—but true—stories for the Kearton brothers have had more thrilling experiences in their pursuit of wild birds with the camera than fall to the lot of most men.

More than once, Cherry Kearton has narrowly escaped being killed by falling masses of rock while descending cliffs at the end of a swaying rope to secure photographs of birds in their nests. The striking qualities displayed by these two men are their patience and ingenuity. Cherry Kearton once stood up to his neck in water six hours a day for three days holding a camera mounted on a tripod to secure a photograph of an osprey. Richard Kearton once built himself a hut, stone by stone, on the edge of a Scottish lake to secure a photograph of a black-throated diver and lay in this hut for several days not daring to stir until the bird approached near enough to be snapped.

Some of His Devices.  
Some of the devices which they have adopted to enable them to approach shy wild birds are remarkably ingenious. Artificial bulls and sheep, in the bodies of which they have concealed themselves while the camera was pointed through a tiny aperture in the side of the chest of the animal, and tents and bushes and natural grasses are only some of the devices. Any one who believes that nature photography is a simple thing should see the Kearton brothers when they leave London for a week's expedition on the moors or in the mountains. They carry enough impedimenta for a small army, but everything is compact and nothing is taken the use of which has not been proved and tested.

Richard Kearton, the elder of the two brothers, looks the part of a nature lover. His appearance reminds me irresistibly of the wild Yorkshire moors on which he was born and brought up. He is connected with one of the largest London publishing houses, but of late years he has found less and less time to devote to this branch of his activity. Most of his time is now spent in hunting with the camera or in writing his nature books in the old world from the most beautiful parts of Surrey. He still owns a little land in Yorkshire, "smoothly" as he would say, and says, "for somehow one does not fancy being buried in London. You must live with nature to understand it," he says.

But his history is best given in his own words as he told it to me a few days ago.  
"I was born in 1862," he said, "in one of the wildest parts of Yorkshire, where mile after mile of moors stretch away to the horizon on every side. I

was a keeper of sheep until I was more than 20 years old, but when I was about nine years old I had an accident which crippled me and prevented me forever from enjoying the ordinary sports of boys and young men.

**Close to Nature.**  
"This accident had the profoundest effect on my life and there is no doubt that it drove me closer to nature. I used to lie on the moors for days together watching the birds and beasts and they soon became my only friends. I learned to call the rabbits out of their holes and to call the old cock grouse across the moors to me, and I learned almost everything else in the way of field craft that there was to be learned. I began to write for my success in tucking trout."

"When I was about 20 years old things began to go badly for the Yorkshire farmers and I decided to try my luck in London. I secured employment with a large publishing house, Great Britain, and I gradually worked my way up and by and by the idea of turning my knowledge of nature to account came into my mind. I began to write on the various aspects of nature for the newspapers and magazines and I found that the public liked to hear about the ways of the birds and beasts from one who really knew them and had studied them at first hand.

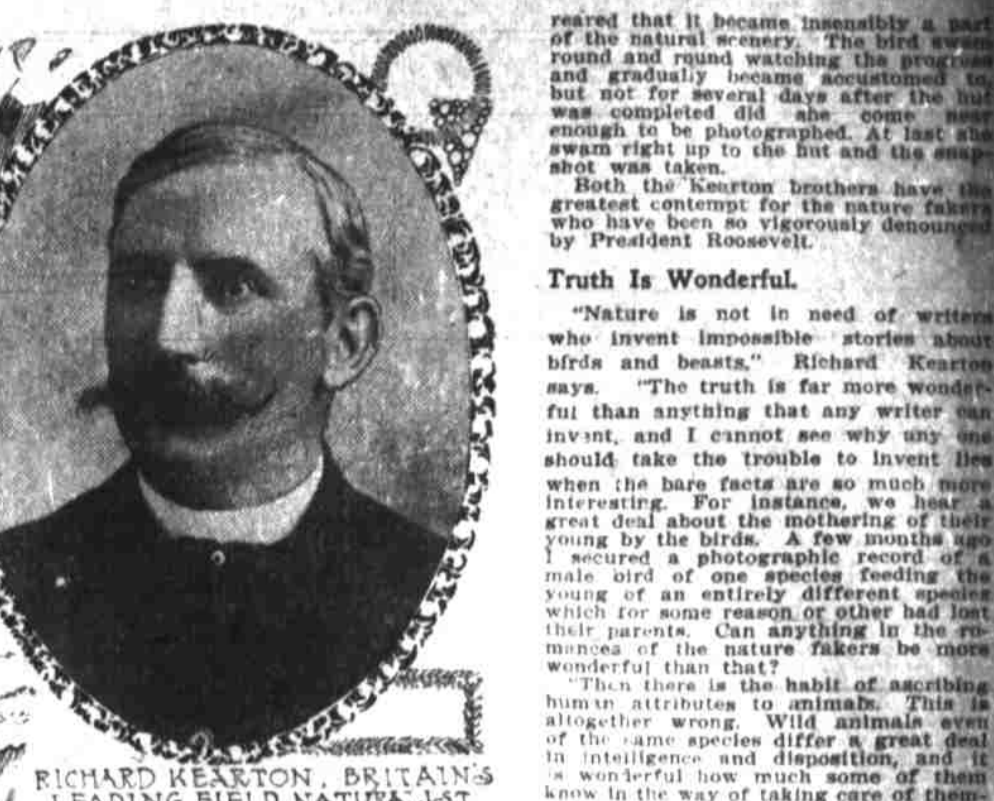
**Nature Philosophy.**  
"The beginning of our work of nature photography, however, was delayed until 1892 and then it was due to what may really be called an accident. My youngest brother Cherry had joined me in London and we were enjoying a holiday together on a farm near the great city. Cherry had just bought a \$5 camera and was in the stage when he wanted snapshots of everything in sight. I noticed the nest of a thrush, full of eggs, in an accessible place, and I suggested that he try his luck with it. He secured the splendid writing and it gave me the idea of writing a book on "British Birds Nesting." Having him to illustrate it with photographs. We did it and that was really the beginning of nature photography in Great Britain.

Since our exposure we have traveled between 30,000 and 40,000 miles by rail and steamboat in pursuit of nature photographs and we have exposed more than 1,000 photographic plates. We have secured pictures of most of the wild birds and beasts of Great Britain in their natural surroundings. In some cases a single picture has cost us a week of waiting and watching and more than \$100 in actual outlay, and there are one or two old birds that we have been tracking for years, whenever we could spare the time, and have not caught yet.  
"We will get them yet, however, and I think it is not boasting to say that we have secured more and better results than any other nature photographers in this country. Of course we originate nature photography here, and a man is made of poor stuff if he allows himself to be beaten at his own game."

**Some Adventures.**  
Some of the adventures which have befallen the Kearton brothers in pursuit of wild birds with the camera are as thrilling as any that have been recorded of big game hunters with the gun. Among the hardest birds to approach are those that nest in the cliffs by the seaside and most of the photographs of these birds which they have secured have been taken by Cherry Kearton while he was hanging by a rope at the end of a rope, twice he has narrowly escaped death from falling pieces of rock and on another occasion the man who was hanging from the rope at the end of it and became absorbed in something that was happening



RICHARD KEARTON DESCENDING A CLIFF TO SECURE PHOTOGRAPHS OF WILD BIRDS IN THEIR NESTS.



RICHARD KEARTON, BRITAIN'S LEADING FIELD NATURALIST.

out at sea. Only iron nerve and coolness saved him on all these occasions.  
His narrowest escape was once when he was descending a cliff in order that his brother who was on the ground at the foot of it might make a bioscope record for use in illustrating a lecture on their joint work. The cliff was more than two hundred feet high and when Cherry Kearton had got down about forty feet from the top a great mass of rotten rock became detached from the edge by the weight of the rope and fell. It came straight for the man at the foot of the cliff and he held his breath and stopped working the bioscope machine. Just as the rock reached him Cherry was on the ground and he was able to stop working the bioscope machine. As he swung out the rock grazed his head. When he reached the bottom he saw that the rock had not hit his brother for stopping the bioscope machine. "You missed the best set of pictures we ever had the chance to get," he said.

**Close to Birds.**  
Some of their other methods in getting close to shy wild birds, while less exciting, are almost as interesting. One of the most successful has been the use of stuffed sheep and oxen in the bodies of which they have concealed themselves. Artificial tree trunks and rocks have also been utilized.  
"Our aim is to make ourselves a part of the landscape," said Richard Kearton, "and I think we have been successful. A shepherd has tried to herd our sheep and a farmer has tried to drive our artificial bullock out of his master's pasture into which he thought it had strayed."

"I have also referred to above of the picture of the black throated diver, one of the rarest and shyest of British water fowl, is also interesting. Richard Kearton took a particularly fine specimen which lived on an island in one of the Scottish lakes. He tried for weeks to approach it in a boat and finally he succeeded in a complete suit of oilskins and took up his position in the water on the edge of the lake. Stone by stone he built himself a little hut, taking the stones from the bottom of the lake, and so gradually was it

**Impressed as Postman.**  
From the Cleveland Plain Dealer.  
Gesticulating wildly, a determined-faced man at Euclid and East Eighty-ninth streets the other morning ran after a union station car with the air of a man who is anxious to overtake a train.  
Even the conductor recognized that the man seemed to want the car to stop and he pulled the bell cord. Perhaps the man wanted to catch a train, the conductor thought. Every once in a while one will find a conductor with almost human traits.  
In a moment the man had caught up. "Duh go by the postoffice," he yelled, in a hoarse voice that betrayed his emotion.  
"Jump on," shouted the conductor.  
But the man, instead of climbing on, handed the conductor a letter.  
"Just drop that in when you get to the postoffice, will you?" says he. And then he turned back up the street. The bell rope, being a strong one, did not quite break when the conductor gave the signal to go ahead.

## LAW AND THE INJURED WORKMAN How Employer's Liability Works Out in the Greatest Industrial State in the Union—Odds Which Are in Favor of Employer—Defenses Which Date Back to Early Customs

By Crystal Eastman.  
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THE recent decision of the supreme court declaring the federal employers' liability act of 1906 unconstitutional seems to suggest that no matter how determinedly progressive our national executive may be, and no matter how willing congress may be to fall in line with him, we must look to the states for any real advance along this line. President Roosevelt himself in his vigorous message of February 1, which may have been inspired by this decision, makes it clear that when an adequate national law has covered the field of interstate employment, "the field of interstate employment will be left to the states to regulate and to administer. And he goes on to express his confidence that the states with "this clear definition of responsibility before them will undoubtedly give to the performance of their duty within their field the consideration and the importance of the subject demands. The time has come when we must find out, by a study of the statutes and the more recent decisions, just how the different states stand on this question."

It is possible, how far an employer is now liable for injuries to his employees in the course of their work. It is in this connection that the following study of the employers' liability law of Pennsylvania is offered.  
The case is stated with a word or two about the law of negligence in personal injury cases generally. If one person injures another unintentionally, but through want of due care (and due care is what the average man would have used in similar circumstances), he is liable for the amount of the injury sustained, which his want of care caused the injured person. (His want of care can be no excuse for the injury, but it is criminally liable also.) This seems a natural and fair adjustment of the law. Furthermore, as a general rule of negligence, and this is important to bear in mind, a master is responsible for the negligence of his servant while engaged in the master's work.

**Application of Law.**  
Now, in the application of this general law to an employer's liability for injuries to his employee, resulting from the work that he is carrying on, we shall see that there are some rather material modifications and changes. All these modifications are based, I think, on one mistaken idea—on one theory which means almost nothing in practice. It is the theory of the employer's liability in a different relation to his employee because they have made a contract with him in a certain element. The law assumes that the two parties are free and on an equal footing in making this contract. It is not obliged to work for the master—he can take work or leave it as he likes; but if he takes the work, he makes a contract with the employer, and the employer does not insure the lives and limbs of his employees. In many modern industries there are accidents which happen as a result of fellow servant negligence. (77 Fed. 282.) As between mas-

ter and servant, the duty of the master is merely to take due care in employing servants of ordinary skill and care. To illustrate: Suppose a yardmaster in New York puts a car of dynamite at the end of a train of cars instead of in the middle as the rule of the company would require, and the car, because of this carelessness, is struck by a train, and a station agent, who is standing next to the field, is killed. The yardmaster is liable for the loss of his cow, but can the station agent's widow recover for the loss of her husband? No, because he was a fellow servant of the man whose mistake or carelessness caused the accident, and yet he had no more to do with the accident than the farmer's cow had. The question is, are fellow servants in general, or are they in some cases?

In general, all who work for a common employer and in pursuit of the same purpose are fellow servants, whether they work side by side or miles apart. For instance, brakemen, engineers, and firemen on the same train are fellow servants. Train crew, track hands and car repairers are fellow servants. Car inspectors and conductors, station master and engineer have been considered fellow servants.  
A girl in a tailoring department of a store has been held to be a fellow servant of a boy running an elevator in the store. And further, until the signing of the Casey act, June 10, 1907, foremen, bosses and even superintendents, were as a rule considered fellow servants of the men under their control in the same employ. Even though an accident happened to an employee by the direct orders of a superior, the superior was not liable because the employee was held to be a fellow servant of the injured man. The Casey act, however, has done away with this. It means that the foreman, boss or superintendent is not a fellow servant of the employee for whose acts the employer is responsible, hereby taking them out of the class of fellow servants. But it still leaves the employee liable to work for the employer, and a mere postponement of the employer's liability. Again, there is the matter of obtaining witnesses. The plaintiff's witnesses must almost always be his fellow workmen and fellow employees of the same company. In short, it is to the economic interest of the witness necessary to prove the plaintiff's case to stand by the defendant.

**Features of Law.**  
In addition to these features of the law itself, which unduly favor the employer, it must be recognized that the actual working out of the course of justice in these master and servant cases, there are further essential inequalities. First, there is the long delay in bringing the case to trial, which means that the plaintiff's money is tied up for a long time. Second, there is the expense of the case, which is a heavy burden on the plaintiff. Third, there is the fact that the plaintiff's case is often lost because of the expense of the case, which is a heavy burden on the plaintiff. Fourth, there is the fact that the plaintiff's case is often lost because of the expense of the case, which is a heavy burden on the plaintiff.

Now, there is another way of stating the liability relation between employer and employee. It is often said that the employer has three absolute duties to perform: (1) to provide a reasonably safe place to work; (2) reasonably competent fellow employees; (3) instructions when reasonably necessary. But when one finds that the standard of performance in all these duties is com-

mon usage; and that they are further hedged about by the three defenses we have just discussed, it is clear that this is merely a positive statement of the law as it is. We have seen that the three-fold assumption of risk furnishes the employer three possible lines of defense to the plaintiff's claim. It must now be remembered that there is still another defense open to him—contributory negligence. The employer can escape liability if he can show that the employee by his own negligent act or omission contributed to the injury. This we have seen is true with regard to the law of negligence in general. But in these master and servant cases the defense of contributory negligence, although theoretically reasonable, works hardship often that it works justice. Recklessness is common among workmen, especially those doing dangerous work. For instance, brakemen will ride on the pilot of an engine unnecessarily, or a member of a crew will stand on the top of his foreman to cross the tracks will go between cars instead of around them. One could multiply instances of this kind. This is what is called "carelessness" among working men could be divided into three kinds. Some of it is foolish dexterity; some of it, especially in the case of these dumb, bewildered foreigners, is stupidity and awkwardness. But most of it, I think, is a kind of freedom and fearlessness by his foreman to cross the tracks will go between cars instead of around them. One could multiply instances of this kind. This is what is called "carelessness" among working men could be divided into three kinds. Some of it is foolish dexterity; some of it, especially in the case of these dumb, bewildered foreigners, is stupidity and awkwardness. 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