East Oregonian.

TUESDAY, JANUARY 20, 1903.

THE FELLOW SERVANT BILL

NEW LAW SUGGESTED IS A FACSIMILE OF VIRGINIA'S.

Concede to be Reasonable and Just—Twenty-two States Already Have Similar Laws—Will Have Many Good Results.

Salem, Ore., Jan. 20.—The common law of "fellow servants or co-employes," which is now in effect in this state, releases the employer from all responsibility for injury of one employe, caused by the negligent acts of another, whether they be employed in the same department or not. The simple fact of their employment by the same person or company is, owing to the ordinary wide construction given by the common law, ample defense against any action. This is especially true as regards railroad employes, and owing to the particularly hazardous conditions of their employment it has become a great injustice upon those engaged therein. This bill as introduced in the senate and house is a fac simile of the Virginia law enacted by the legislature of that state in March, 1902. This law is not an abrogation of the common law of "fellow servants" but a modification and is conceded to be reasonable and just. It applies only to corporations operating railroads and therefore has no reference to other classes of employment.

In 22 states laws similar to this law have been enacted and in every instance where the courts have had occasion to consider their constitutionality they have been unanimously upheld.

The supreme court of the United States and also the courts of many states, have repeatedly held that such innovations upon the common laws are valid and not in conflict with the fourteenth amendment of the Federal constitution.

In regard to the connection that legislation directed to the employes of one class of labor is class legislation, and in contravention to the state constitution is not well taken and has not been upheld by the courts as regards railroad employes. The rule of liability as applied under this bill is different from that which ordinarily applies between master and servant; but this difference is founded on the hazardous character of service, and is not intended to discriminate against employers. The hazards incident to the use and operation of railroads is a natural and reasonable classification which justifies this exceptional legislation. Under the common law an employe assumes all risks of injury from defective or unsafe condition of cars, engines, appliances, etc., if it can be shown that he knew of or should have known of such defects, whether these defects had been reported to the proper person or not.

The courts of Oregon have held that knowledge by employe of unsafe condition of appliances with which he works and a continuance in the same employment is a bar to recovery, even though such defects had been reported to proper officials and sufficient time had elapsed to remedy the defects. The situation of the employes of railroads in this state is simply this: Either work with the appliances furnished or resign, and resignation often would result in privations to himself and family.

The following results would unquestionably follow the enactment of this bill into a law:

First—A noticeable decrease in the number of accidents both to the traveling public and employes.

Second—Better service to the public in both passenger and freight service.

Third—Owing to the plain wording of the measure there will be fewer cases brought before the courts and consequently less expense to all concerned.

There are several reasons which may be given for the above results.

First—The railroad companies will be more careful in the selection of their servants and thereby obtain a better class of employes.

Second—By improving the conditions of their cars, engines, tracks, etc., there will be less liability for accidents.

Third—By improving the conditions of employment of their servants, will tend to attract a superior class of employes and ultimately prove a benefit not only to the public and employes, but to the railroads themselves.

C. C. LOUCKS.

ARTESIAN WELL BILL.

Purposes to Raise a Permanent Fund for Eastern Oregon.

Salem, Jan. 20.—"An act to encourage the sinking of artesian wells in Eastern Oregon" is the title of a bill introduced in the house yesterday by Danneman of Gilliam. The counties affected are Wasco, Sherman, Baker, Umatilla, Morrow, Gilliam, Crook, Grant, Harney, Malheur, Klamath, Union, Wallowa and Wheeler. The county judge of each of these counties is to be a member of the commission to carry out the provisions of the act. Each of the counties is to pay $1000 to the commission for an "artesian well fund." The commission is required to drill at least one well in each of the counties.

IN PIONEER DAYS

EARLY HANGING IN UMATILLA COUNTY.

Some Speedy Justice Meted Out to Horse Thieves by Vigilantes—Adams Advance Corrects a Story.

"Some men can be funny, even in death," remarked the squint-eyed man, sending a stream of tobacco juice in the vicinity of a spittoon. But the other barnacles clustered about the stove appeared not to heed the remark and the speaker mustered up his nerve and delivered himself on a story, says the Walla Walla Union.

"Hit was 'way back in '88. Hoss thievin' had begun to be a regular business with a certain class in Umatilla county. From Pendleton to the state line farmers were losin' stock. Finally one day the citizens of Weston, Pendleton and Centerville, which is now Athena, formed a vigilance committee and suddenly started the ball rollin' by stringin' up a man named Keith. The hangin' took place where Adams was afterwards located.

"Hearin' of the fate of Keith, those with guilty consciences throughout the country, took the long hike and either never returned or stayed away until the trouble had blown over.

"The only railroad into the country was a spur of the old Baker narrow-gauge that extended from Walla Walla to Blue Mountain Station. From Blue Mountain on over the hill to Weston and Centerville and down to Pendleton travelers had to stage it.

"Well, the next mornin' after the necktie party at Adams, a certain Weston citizen who was feeling uncomfortable, hastened to Blue Mountain to catch the train to Walla Walla.

"When the cars pulled in, a fellow, Jeff was his fust name, and his deputation was not of the best, alighted and entered the station.

"'Hello, Jeff,' said the Weston man by way of greeting. 'I suppose you knowed they hung Keith last night.'

"'Yeou don't say so?' drawled Jeff. 'Who done it?'

"'A mob,' came the response.

"'They're gettin' d—d petickler. Gimme a ticket to Walla Walla.'"

The author of the above humorous (?) reminiscence forgot that even an alleged witticism on historical subjects should have some truth mixed with it. While it is true that a man was hanged in Umatilla county by a mob, it is not true that his name was Kieth; that it was done in '78, nor was the scene of execution where the town of Adams is now located. The story the Union man was endeavoring to get funny about is something like this, says the Adams Advance:

In 1884 a man by the name of George Keach, a Spanish cowboy, was hanged on the old stage road from Pendleton to Walla Walla, about four miles from the, even then, prosperous town of Adams. The old knight of the ribbons, Charley Potter, on his trip coming out of Pendleton, was the first to find the body. He notified the people at Adams and they summoned the coroner. Upon his arrival the body was taken down. That there was any great exodus of suspicious characters is news to the oldest inhabitant. There was a man whose "first name was Jeff," who found a notice tacked on his door with the usual insignia of mob law, i. e., the death's head and a notice to leave within 24 hours, a few mornings after Keach was hanged, but he did not take "the long hike." On the contrary, he and a friend sent word to the vigilantes as to where they were and asked them to come and get them. The utter silence that followed this request was noted by all.

Nor was the mob law carried any farther. The facts as above stated, with more bearing on the same subject, if needed, can be fully verified by people living all over this part of the country.

BARBERS' ITCH.

Patton's Sanitary Barber Shop Protects Customers Against Disease—Tools and Towels Thoroughly Sterilized.

The much-feared and dreaded disease has again broken out in Pendleton and we have gone to the limit in taking precautions. In an experience of 15 years in the barber business, we have never had a case of barber's itch come from our shop, and the reason for this is that we conduct our business according to the best known sanitary rules. All tools are thoroughly sterilized before being used, and each customer is given a clean towel, the same one never being used on two persons. All our towels are washed by the Domestic Steam Laundry, separate from all other clothing, being placed in a tub by themselves, and after being washed alone, they undergo a process of steralization under 80 pounds pressure of steam.

The highest sanitary methods are in vogue in our shop and we invite you to come where every precaution is taken o protect you against disease. PATTON'S BARBER SHOP.

The East Oregonian is Eastern Oregon's representative paper. It leads and the people appreciate it and show it by their liberal patronage. It is the advertising medium of this section.