

the cases in which danger may be incurred, if not in all, he is just as likely to be acquainted with the probability and the extent of it as the master." The same theoretical assumption of risk would follow him into any employment he might seek to enter. That is, Priestley had the right of all free-born Englishmen of throwing up his job—and starving. If he chose to keep at work and have his thigh broken, that was his own lookout, just as, in the last analysis, not the Buffalo, Pittsburg, and Rochester Railroad, but Schlemmer himself was to blame for having the top of his head sheared off.

In England itself, where this fellow-servant idea originated, it has since been repudiated. The ghosts of Priestley and Fowler no longer haunt the high places of English justice. To-day Priestley would not have to go to law at all to obtain adequate compensation; he could get it under the Workmen's Compensation Act of 1906. Only in the United States do the judicial proceedings that followed Priestley's epochal fall from the butcher van still decide railroad damage suits. Of all countries civilized enough to have well-developed railroads, Turkey and the United States alone have no compensation Acts, and the American courts alone glorify their adherence to the fellow-servant idea. It was this principle that kept poor Mrs. Kane in court for more than nine years; it is now depriving America's widows and orphans of millions of dollars every year.

Consider the working of this legal fiction in a case that is far too frequent in actual life. The engineer is handling his train precisely as he should, and following out to the letter every direction of his superiors; but, through the carelessness or stupidity of a telegraph operator miles down the track, his train is suddenly flung against a string of coal-cars on the main line. The engineer sticks to his post and is killed. Every passenger on that train who can show any sort of hurt, from nervous shock to internal (and invisible) injuries, can recover substantial damages. With most of these persons the railroad will settle out of court. The engineer's widow or orphans cannot get a cent, nor can any other employee of the railroad, nor any employee of any other common carrier on duty on that train. The court says that these suffer through the act of a fellow-servant. Unlike the passengers, they are supposed to know all about the incompetent telegraph operator, and to have had him especially in mind when they made their con-

form it takes pains not to damage it. The railroads do not, in general, have to pay for killed employees; therefore, they kill one in every two hours. The law throws the whole burden of industrial accident on the toilers; the protection

maimed in body, chance objects of pity or charity to the beholder. Until lately, in short, society treated the soldier as it still treats the brakeman: it used him for its own profit, and then tossed him into the scrap-heap of the industrially un-



WRECK ON THE NEW YORK CENTRAL OF THE CHICAGO, CLEVELAND AND NEW YORK SPECIAL IN 1907.

that this affords the employer simply encourages his negligence, and increases the number of mishaps. The railroads are not philanthropic institutions. Where the law exempts them from responsibility, they will hardly assume responsibility for themselves.

Yet, when a soldier is hit, we do not make him or his widow sue ten years in the courts for his pension. No act of a "fellow servant" absolves the State from its duty; nor any implied "assumption of risk." We do not require him to prove that he acted with entire prudence during the battle. In fact, we rather commend a certain amount of "contributory negligence" in the soldier, and not that care which an "ordinarily prudent person" would exercise in shirking or avoiding risks inherent in the calling. The State assumes that if it goes to war somebody is bound to be hurt; and the

fit. This was again merely the discrimination of one class against another, precisely as the original discrimination, in the Priestley case, was that of master against servant.

There are always certain tasks that somebody must perform, tasks that are inherently dangerous, tasks in which, in spite of all safeguards, there will always be a constant daily risk. In every year to come, as in every year that has passed, a certain number, predictable in advance, of firemen, policemen, soldiers, and railway employees, will be killed, and a certain other number disabled. Firemen, policemen, and soldiers have their pensions. The men who run the greatest hazard of all, the one group that the wildest Utopian dreamer has never thought to do without—these have only the right to go to law. There they must prove that they themselves have been without fault, and that no act of any fellow servant contributed to their mishap. In addition, they must find the wherewithal to support their families while they maintain their suits before the courts year after year. "Narrow is the way, and few there be that find it."

THE NEED OF COMPENSATION ACTS.

Thus, effective Employers' Liability laws, making compensation by law fixed and certain, must inevitably lead to Workmen's Compensation acts, by the aid of which payment for accidents will be made without recourse to courts or lawyers. These put all servants of society on the same basis as firemen, policemen, and soldiers. Any faithful employee injured in the discharge of his duty is ipso facto, and without necessary recourse to a court of law, entitled to prompt and definite compensation, proportionate to his loss of earning power. This method includes the other two: Accident Prevention acts, model in form and self-enforcing, because the employer must protect his men—or pay for them; Compensation acts, under clear and definite rules, and therefore easy of enforcement. The employer pays; the injured receives. No third party comes in for any share. This, therefore, is in the long run the cheapest method; since, in the words of W. E. McEwen, Commissioner of Labour of Minnesota, "while labour suffers the pain, society in the end must pay the bill."

A BUSY WORLD.

"Do you know anything about Mars?" asked the professor.
 "Yes," replied the confident speaker.
 "It is inhabited by a numerous race of highly industrious people."
 "Indeed! And may I ask why you believe all this?"
 "Because otherwise it would be impossible for them to build canals as fast as some of our astronomers discover them."

DREADED AN OPERATION.

TORTURED BY PAINFUL SORE FOR FIVE YEARS.

A SURE AND SPEEDY CURE BY ZAM-BUK.

Miss A. Howell, of 90, Duke-street, Burnley, Melbourne, Vic., says:—"When I was ten years of age a lump formed behind my ear, causing a fearful amount of pain. This was put down as a cold in the ear, and was treated accordingly, but it did not get better. As I grew older I became deaf in one ear, and the lump felt like an abscess. My people wished me to be operated on at the hospital, but to this I would not consent. The lump became larger and more painful, so much so that I could not sleep at night, and I cried continually throughout the day. My health was affected generally, and this state of things lasted till I was fifteen. I could not bear the thought of going to a doctor, for I dreaded that he would cut me. We used everything we could get, including liniments, oils, ointments, and syringing was also tried, but all these did not give me the least relief.

"My people then made me commence using Zam-Buk, and the encouragement I got after the first application made me determine to persevere with this balm. By rubbing Zam-Buk in, I felt I was getting great ease, and shortly after the first application the lump came to a head and finally broke, discharging all the inflammation. I kept on applying Zam-Buk, and the wound began to heal up nicely. My hearing came back, the pains all disappeared, and my general health was improved, and I could sleep soundly at nights. Finally Zam-Buk completely cured me, and I have been well ever since."

A pot of Zam-Buk should be kept handy in every home; it is a sure and painless healer for all skin disease and injuries. All stores and chemists.



WRECK ON THE PENNSYLVANIA RAILROAD AT HARRISBURG, PENNSYLVANIA, IN 1905.

Twenty-six persons were killed and 11 injured. Several prominent Pittsburg people lost their lives in this wreck, among them the son-in-law of the late Robert Fitzgibbon, General Agent of the Pennsylvania Railroad and Superintendent of the Pittsburg Division.

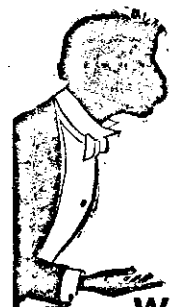
tracts with their employer. They assumed the risk; if they suffer it is their own fault. The fact that they are working for a railroad at all implies, in the eyes of some courts, a waiver of all rights to life and to limb when injured. The result of this attitude of the law is obvious. The railroad has to pay for an injured passenger; therefore it takes pains not to injure him. The railroad has to stand the loss of a damaged locomotive; there-

State, as a matter of course, shoulders the inevitable burden of these injuries. Railroadings is virtually a state of war. It has not always been so, for the idea of pensioning soldiers after a war is comparatively recent. General officers have received pensions for many years, but only in modern times has the common soldier been provided for. Until lately, States allowed the men to whom they owed their continued existence to hang about village inns, broken in health and

MONKEY BRAND

Wont wash clothes

but will clean metal and Woodwork well



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 DISEASE and its Cause being Mental, material "remedies" only relieve temporarily. Consult Mr. Henry, Psycho-Physician, No. 100, CORNER OF STONEST-ST. AND WELLESLEY-ST. Telephone 271A.