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Keokuk, Iowa, March 21, 1910

NEWSPAPER MAKING. A newspaper man who does his task rightly is a man who furnishes the facts as they are, without respect to whom they hurt or help; but the man who is preaching an evangel or who is helping a cause, and especially the one who takes himself seriously, is the worst witness of the events with respect to which his views reach that you can possibly have. —President Taft in Chicago.

Hurrah for Uncle Joe! He was game to the last and sublime in defeat.

Mr. Bryan says he will not go to the senate. That settles the matter. It is very certain the senate will not come to Mr. Bryan.

Congressman Dawson of the Second district voted with the insurgents of the house in overruling Speaker Cannon. Mr. Dawson is not a candidate for re-election and is disposed to be reckless.

Farm work is exceptionally well advanced for the time of year. The mild, dry weather has enabled the farmers to get into their fields earlier than usual and has been favorable to progress in preparing the ground for another year's crops.

The Waterloo Reporter recalls that there were many knocks on the McKinley tariff law the first year of its operation, but "the full dinner pail" resulted and opposition died away. The Payne bill is still a better law and will vindicate itself no less certainly.

A majority of the Republican members of the house gave Speaker Cannon his power, and a majority composed of Democrats and insurgent Republicans, took it away from him. One doesn't have to institute any sort of investigation to be able to decide which is the more worthy of public confidence.

The regular Republicans in congress stand for constructive legislation and redemption of party pledges in line with the wise recommendations of President Taft. The insurgents stand for disorganization of the party and defeat of its principles and policies. Party loyalty means nothing to the latter and party honor still less.

Lieut. Gov. George W. Clarke, of Adel, has removed himself from the list of possible candidates for governor by announcing his candidacy for a second term as lieutenant governor. It is believed by politicians now that Warren Garst will probably be the insurgent candidate for the Republican nomination for governor in opposition to Governor Carroll, within a few days. It is understood that A. B. Funk has declined to consider the suggestion of his name for the nomination.

The action of the house at Washington in overruling Speaker Cannon simply confirms what The Gate City has maintained all along, that the speaker had no power beyond what was conferred on him by a majority of the house and that he could not compel that body to do things against the will of a majority of its members. Happily it was not a majority of the Republican members that rebelled against him and the rules they had themselves adopted. The appeal from his ruling was successful only through a combination of all the Democrats in the house and a lot of half breed Republicans. Defeat at the hands of such an unholy alliance is an honor rather than otherwise.

Here and elsewhere the people who read and understand the political situation are beginning to not care if a candidate for public office is not a public speaker. The Quincy Whig recalls that it was different in the days when there were few daily papers and fewer weeklies than there are now, and adds:

"Then voters relied upon what the candidates said for information in a large degree. Now so many are reading the daily papers that one understands the political issues of the times about as clearly as another. Actions on the part of public servants speak louder these days than their words." The First district of Iowa is fortunate in having for its representative a gentleman who is a doer and not a talker.

EMPLOYER'S LIABILITY FOR PERSONAL INJURY DISCUSSED

James C. Davis of Des Moines States that Present Mode of Compensating Employes for injuries is Inadequate and Unjust—Proposes an Ideal Which is now in Vogue in Other Countries.

Iowa City Republican: Stating that the present system of compensating employes for injuries is unjust, inadequate and altogether unsatisfactory to the employes and employers, Mr. James C. Davis, general solicitor for the Northwestern Railway company for the state of Iowa, in delivering an address before students of the University in this city proposed that many radical reforms be made. Mr. Davis gave his lecture as the first of a series which will be given under the auspices of the department of economics and social sciences during the coming few weeks. Mr. Mr. Davis spoke as follows:

The toll which society exacts from those engaged in manufacturing and commercial enterprises involving risks incident to transportation by steam and electricity, in the operation of manufacturing plants, mines, structural building, and the like, is enormous and is of controlling interest from the humanitarian view, as well as that of the employer who counts the cost in dollars and cents, or from a legal standpoint, which considers propositions that have been evolved by the courts and prescribed by legislatures in determining the relations that exist between the employer and his employes. The rapid increase in population, the tremendous growth of commercial enterprise makes the relation between the employer and the employe, or, as the law books term it, master and servant, so far as liability of the master or employer for personal injuries of his servant or employe, received while in the course of his employment, a subject of increasing interest and importance.

The extension of our industrial pursuits; the concentration of capital into large corporations engaged in manufacturing, mining, and transportation; the multiplied use of complicated machinery, propelled by steam and electricity, and the vast and constantly increasing army of men and women, and to some degree children, engaged in what are designated as "dangerous trades," makes the subject one of general interest, not only of vital moment to those engaged as employer and employe; but society at large. The state and nation is, therefore, concerned in the general welfare of those who may become dependent because of permanent injury or the death of the head of the family, and the employer, society, and the state also have a higher interest in desiring that human life and limb may be preserved and protected.

As compared with many of the European nations, human life in this country, when measured by the protection it receives, and the frequency of accidents, is in many instances inadequately cared for, and, under many circumstances, when viewed from the protective standpoint, is considered cheap. On the other hand measured by the compensation returned by juries and sanctioned by the courts, the punishment to those who are unfortunate enough to be held civilly liable for death or injury is unusually severe.

This want of protection in preventing accidents on the one hand, and the disposition to severe punishments when they do occur on the other, exist largely by reason of the want of proper and systematic regulation of the conduct of many branches of business, and also by reason of the failure on the part of the government to take a comprehensive view of the nature and extent of liability when an accident does occur. These confused or chaotic conditions grew out of the tremendous advance and the great expansion of our country and its industries in a comparatively limited time; the entire lack of any sort of comprehensive, logical or scientific legislation on the subject, and the failure in many instances on the part of the national and state governments to adequately supervise the management of business that is comprised in what are termed dangerous occupations. Until very recent years, so far as government control is concerned, this entire subject has been left to the individual company or industry, and too often human life and safety have been sacrificed to a mistaken idea of economy, or to an entire want of appreciation of their true responsibility upon the part of those who engage and employ the services of their fellow men.

Employers, especially in what may be termed the lines of private business, have carried on their occupations very much as they pleased. States and communities, anxious that all sorts of industries should multiply and prosper, have placed few restrictions upon the operation of manufacturing plants, and, while permitting the employer to conduct his business practically as he desired, there have been, on the other hand, no limitations, except the discretion of the courts and juries, as to the amount that might be recovered where personal injuries have occurred. The tremendous loss of life and limb, and the burdens placed upon society by the dependence of those disabled and the dependent members of the families of those killed or per-

manently injured, have recently given prominence to this subject, and properly made it one of general interest. The large number of our population engaged in industrial pursuits, and dependent upon the wages earned in such enterprises, increases this interest. The failure to keep accurate public records, and make detailed public reports, in so many of the different branches of manufacturing, mining, and like industries, does not give us access to very reliable statistics, outside of the business of railroad operation, and in some of the states, mining and limited classes of manufacturing.

In a recent bulletin, No. 78, issued by the Bureau of Labor, it is estimated that for the year 1908 there were over thirty thousand fatal accidents, and, by a process of reasoning based on such statistics as are at hand, it is believed that at least fifteen thousand of these accidents occurred to persons engaged in what may be termed industrial pursuits. If the number of fatal accidents are fifteen thousand per annum, those accidents which create either partial or total disability are many times that number, so that we have society annually charged, through the conduct of her industries, with a great army of killed and injured, aggregating many thousands of persons.

To emphasize the seriousness of this situation, specific reference to a few industries may be permitted: In the year 1906 the anthracite coal mining industry of Pennsylvania employed 166,175 men, and the number of fatal accidents was 557 or 335 to each 1,000 employes. The non-fatal accidents aggregated for that year 1,212 or 7.29 to each 1,000 employes. In the bituminous coal mines of Pennsylvania, for the same year, the number of men employed was 172,928 and the number of fatal accidents 477, or 2.76 for each 1,000. The number of non-fatal accidents was 1,150 or 6.71 to each 1,000 making in that year the aggregate number of fatal accidents, in the coal-mining industry of the state of Pennsylvania alone, 1,034, and the non-fatal accidents for the same period aggregate 2,372.

According to the statistics of the state of New York, for the five years ending with 1905, out of 3,140 accidents in textile industries, 26 or 1.1 per cent, were fatal. Of the total number of accidents, 82.5 per cent caused temporary disablement, and 15.2 per cent permanent disablement. By far the greatest source of loss of human life, and permanent disability is that found among those men who are engaged in active operation of our railroads. As shown by the report of the interstate commerce commission for 1907, the total number of railway employes was 1,672,074; total number killed 4,534, or 2.71 per cent; total number injured, 87,644, or 5.20-100 per cent, making the total number of killed and injured for one year 92,178.

While it is true that many of the non-fatal accidents were slight, and resulted only in temporary disability, yet society must be impressed with the frightful loss of men in the matter of railroad train service alone.

The impressive figures just quoted, showing the tremendous annual drain upon the able-bodied members of society, should certainly impress all with the importance of in some way and some how bringing about such an orderly and certain method of determining liability as may in a measure relieve the suffering of the injured, take care of those who are dependent, and have their lost means of support, and, as far as reasonable pecuniary aid may do so, relieve society from the burden of caring for those made helpless by accident and misadventure.

The present situation of the law is far from satisfactory. In a general way, the liability of the employer, except as same has been changed by statute, is what is termed the common law liability. I have no desire or intention of entering into a detailed discussion of the law, except such brief statement as may in a general way interested in the result of personal injury. As to the employer, a condensed wording of his liability is found in the following language:

"The briefest statement of the law governing the employer is that he is required to use due care for the safety of his employes while they are engaged in the performance of their work. This is taken to include all reasonable means and precautions, the facts in each particular case being taken into consideration. If such provisions have been made as a reasonably prudent man would supply himself if he himself were exposed to the dangers of the servant's position, no negligence would appear."

This liability is subdivided into many heads, as to place and instrumentalities, inspection, selection of employes, proper promulgation of rules, instruction as to dangers incident to employment, and the like, but the substantial measure of liability is, did the employer, in regard to the responsibilities that are laid upon him,

exercise such ordinary care and precaution as a reasonably prudent man would supply if he himself were exposed to the dangers of the servant's position? There are certain general duties laid upon the servant in the matter of his own care and protection, and, unless the servant performs these duties, under ordinary circumstances, and in the absence of a statutory liability, he cannot recover. The principal duty laid upon the servant is that he must exercise the same care and diligence in the performance of his duties, and in the matter of his own protection against accidents, that is laid upon the master, viz., the servant or employe must exercise the care and carefulness of an ordinarily prudent man under similar circumstances. Again, the servant is charged with what is known as the assumption of risk, those risks incident to the business in which he engages, and another character of risks which he assumes are those risks incident to defects of which the servant has been made aware, and which there has been no opportunity on the part of the master to repair, and no promise on his part that he will repair, and, again, in some jurisdictions, and in regard to some occupations outside of the hazardous business of railroad, the employe assumes the risks of those who are engaged with him as co-employes, in the same line of business.

The serious difficulty in the enforcement of these rights and liabilities is the uncertainty of the standard of measurement, viz., the care and carefulness required of both the employer and the employe is the care of the ordinary prudent man. Who fixes the care of this ordinarily prudent man? Every ordinarily prudent man has at times lapses of memory. This same man at times forgets something that the ordinarily prudent man would not forget. This forgetfulness, this lapse of memory, this concentration of the mind upon some absorbing subject, to the exclusion of surroundings, mental conditions brought about by trouble, sorrow, self-interest, a condition involuntary in the particular person, yet at times the experience of every one, becomes in the case of an accident a question of cold analysis, not as to what the particular mental attitude of the suppositions and sometimes altogether impossible creature of hypothesis, "the ordinarily prudent man." This "ordinarily prudent man," a creature of the imagination, in the thousands of descriptions which we have had of him in the arguments of counsel and the decisions of the courts, has been made to do queer and contradictory things, for you will understand that the standard of care fixed by the law, as to whether the master is performing the duties laid upon him, or the employe is following the line of his employment properly, is measured, upon the recurring questions of negligence and contributory negligence, by the standard of ordinary care and carefulness, that is, by such care as the ordinarily prudent man would exercise under similar circumstances. "This ordinarily prudent man," as construed by the courts, does not always act in the same way, under similar conditions. In one jurisdiction, he is negligent because, as he approached a railway track, he failed to see or avoid an approaching car or train. In another jurisdiction, under exactly the same circumstances, the "ordinarily prudent man" is not negligent because he failed to see the same approaching car or train. In one jurisdiction, this ordinarily prudent person, having two given ways in which he might perform a given service, one of which is dangerous and the other not, is held guilty of contributory negligence, because he chose the dangerous way. In the other jurisdiction under circumstances that are identical, the ordinary prudent man is not held guilty of negligence in taking the more dangerous way, and these two contradictory rules may be in force in the same state, depending on whether your case is tried in the state or federal courts.

What this "ordinarily prudent man" will or will not do depends frequently upon the temperament of the judge, or the condition of his digestion. It is an uncertain and varying standard. It has given very many undeserving, reckless, careless people large sums of money, which they should not have had. It has oftentimes deprived many deserving litigants of their just deserts. The criticism that I desire to emphasize is that it creates inequality, uncertainty, and in many instances unfairly compensates equally deserving persons, injured under exactly like and similar circumstances. There are many other controlling objections to the present condition of the law. It has no fixed standard of recompense. A brakeman, losing a limb in one jurisdiction, employing an able lawyer, submitting his case to a favorable jury, may recover to the amount of \$15,000 or \$20,000. Another brakeman injured in exactly the same manner, with a less able lawyer, and a less friendly jury, may receive a compensation limited to \$2,000 or \$3,000. In the proper enforcement of actual justice, there is no reason why the two men, in the same grade and

OFFICIAL REPORT OF THE COUNCIL

Published by Order of the City For the Benefit and Information of the Citizens

FOR THE LAST MEETING

The Proceedings of the Last Session are Herewith Given in Full Detail and Complete.

(Continued.) Yeas—Butler, Christy, De Yong, Hickey, Johnson, Kiefer, McCormick, Roberts, Tighe.—Total, 9. Nays—Lindstrand.—Total, 1. Absent—Annable, Swanson.—Total, 2. CHARLES OFF, Mayor. H. T. MOORE, Clerk of the Council, City of Keokuk, Iowa.

General Ordinance No. 367. An ordinance amending chapter No. 26 of Revised Ordinance No. 309 pertaining to election and appointment of officers.

Be it ordained by the city council of the city of Keokuk, Iowa, That Section 362 of Chapter 35 of revised ordinance No. 309 be repealed and that the following be enacted in lieu thereof.

Section 362. At the first meeting of the council, or as soon as practicable thereafter, they shall elect by a majority vote, a clerk of city council, attorney, collector, treasurer, engineer, street supervisor, clerk of superior court and light inspector, and such other officers and assistants as shall be necessary to the proper and efficient conduct of the affairs of the city. Any officer or assistant elected or appointed by the council may be removed from the office at any time by vote of majority of the members of the council, except as otherwise provided by law.

Passed March 7, 1910. CHARLES OFF, Mayor of the City of Keokuk, Iowa. H. T. MOORE, Clerk of the City Council of the City of Keokuk, Iowa.

Adopted by the following vote: Yeas—Butler, Christy, DeYong Hickey, Johnson, Kiefer, Lindstrand, McCormick, Roberts, Tighe.—Total, 10. Nays—None.

CHARLES OFF, Mayor. H. T. MOORE, Clerk of the Council, City of Keokuk, Iowa.

Resolved, That a warrant for the following amount be drawn in favor of H. T. Moore, clerk, to pay overdrafts in clerk of council accounts, viz: Fire account \$805.00 On motion of Alderman Hickey the warrant was allowed.

Whereas, the sum of \$349.52 having been spent on roads outside the city and same having been paid out of the street fund.

Resolved, That the sum of \$349.52 be paid out of the county road fund to the said city street fund. Adopted.

BY ALD. KIEFER: (To be Continued.)

character of employment, receiving the same injuries, should not have received similar recompense.

Another substantial criticism to the present method is that the injured persons, or, in case of death, those who are entitled to recover, receive their compensation in a lump sum. If the principle upon which the employer is made liable is that there shall be money recompense for the injury, so that the person made dependent, or those who are dependent upon one killed, shall receive the support and maintenance which they would have received without the injury, then the law falls for short of accomplishing that purpose, for this reason: Large sums of money paid in a lump sum to persons who are unaccustomed to handling amounts of this character are soon dissipated. In a great many instances, the money is spent in riot and dissipation, and after a few years, the parties are not only without money, but they have destroyed what little health they may have had by the dissipation of what they have received. If they are not unfortunate enough to squander their money in habits of dissipation, the same people are frequently the victims of the agent of get rich quick schemes, and, in that way, the money which was intended to compensate for a lasting and permanent injury is in the end only an aggravation, giving but temporary relief.

(Concluded Tomorrow.)

The Vinton Eagle says the greatest comfort the Democrats of Iowa have is reading the Des Moines Register and Leader.

It is becoming more and more apparent to the Sioux City Journal that the title of the case is to be "Gammings and Dolliver vs. Taft et al."

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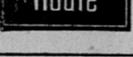
Ho! for the Pacific Coast Go Now While the Rates Are Low

The present low one-way rates to Pacific Coast will remain in effect only until April 15. \$30.10 to Seattle, Tacoma, Portland, etc. \$30.90 to San Francisco, Los Angeles and San Diego.

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C. F. CONRADT, City Ticket Agent C. B. & Q. R. R. Fifth and Johnson Street, Keokuk, Iowa. First lot of Summer tourist rates to the Coast at April 4 to 8. Ask me.

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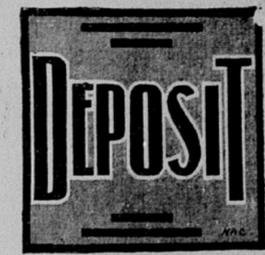
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Indian Head



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