

Work on Dam Goes on Regardless of Law Courts

Review of Litigation of Water Power Company During Building of \$25,000,000 Dam.

AMONG the many interesting features connected with the development of the half-century dream of the people of Keokuk for a mighty water power across the Des Moines rapids in the Mississippi river is the fact that throughout the entire construction of the dam, power house and other structures appurtenant thereto, the work was not delayed a single day—not even a single hour—by any legal complications which arose.

This fact becomes all the more remarkable when one stops to consider that thousands of acres of land had to be acquired along the Iowa shore and extending to a point nearly forty miles above the dam—many thousand other acres had to be acquired along the Illinois shore, extending as far as the Burlington bridge at Burlington, Iowa; yes, and more than this, a transmission line 100 feet in width had to be acquired all the way to St. Louis, nearly 150 miles distant as the fowls of the air would measure their way.

Question of Eminent Domain.

He who visits the city of St. Louis with a view to observing industrial progress will find there a magnificent bridge spanning the mighty Father of Waters, the ascending approach from the Missouri side complete and in perfect condition, and the bridge constructed with its last span resting on the shores of Illinois. To this last point, however, there is no approach—there is no means of leaving the bridge to get on Illinois soil without jumping from the precipitous height of the east end of the bridge—no means of reaching the bridge deck from Illinois without the use of an aeroplane.

Here was a mighty enterprise stalled by legal complications. The question of eminent domain had to be fought out and finally decided, and by the time the legal complications were settled, the funds with which to build the bridge had vanished.

Not a Day Was Lost.

In Des Moines—"the City of Certainties"—the Rock Island railway system planned extensions and improvements involving the expenditure of many millions of dollars, but ere the work had progressed far, legal complications arose; the work came to a standstill and progress in construction ceased. Many instances like this could be enumerated near and far.

But in the building of the mighty dam, the magnificent power house, the large lock and splendid government dock by the Mississippi River Power company in the Des Moines Rapids and extending across the Mississippi river from Keokuk, Iowa, to Hamilton, Illinois, not a day has been lost on account of legal complications. That does not mean that the Mississippi River Power company has not been involved in litigation. It has. Not that it has had much litigation, but only a reasonable amount of litigation.

Litigation a Natural Thing.

Some litigation is sometimes good for an enterprise. It is somewhat like the old doctors used to say—that every boy was worth \$5 to a person in purifying his system. So, the Mississippi River Power company has had some litigation, but apparently its cause has always appealed to the tribunals of justice in a persuasive way. It is scarcely to be expected that a corporation could acquire all the land that has been necessary for use in connection with this enterprise without incurring some litigation.

In some places entire villages have been purchased, and their sites are now beneath the mighty waters of the Mississippi; in other places the business part of a city has been acquired. Corporations, big and little, have had to move, relocate or sell out. Churches, lodges and municipalities have had to dispose of their lands and acquire others elsewhere. Burying grounds had to be changed in some instances. The Power company has had to deal with interests great and small and of every conceivable character.

Paid Well for Land.

On the whole, the people in each of the communities where it has acquired property and property rights recognize that the company's disposition has been to pay a reasonable value for all property necessary for its use. You will even find people who will say that the Power company has in many instances paid more than the land or property rights being acquired were worth. There are few indeed who will claim, when talking confidentially with their consciences, that the Power company has not paid them more for their property than they could have disposed of it to any other company in all the wide, wide world.

It cannot be said that the Power company ever has run from a lawsuit, but it can in equally good faith be said that the company has ever sought to be in the position of the one of whom it was said: "Thrice in his life he whose quarrel is just."

When it has engaged in litigation it has always been with someone who was able to bear the expense of a law suit. It has never provoked litigation with anyone who was unable to bear the expenses of a good legal scrap.

Early Injunction Proceedings.

One of the cases which was brought at an early day was the injunction proceedings in a sort of a triple procedure—a triple alliance, as it were—known as the Miller, Steingraber and Loomis cases. These proceedings were brought in the Hancock county circuit court, and from there wended their way to the federal court at Springfield, Illinois, where a Master in Chancery was appointed to hear testimony and make a report. This set of cases involved the valuation of three large tracts of land above Fort Madison. After the taking of much testimony pro and con, the land owners appreciated that their values of the land had doubtless been somewhat roseate, and an adjustment of these cases was made at a price satisfactory to the Power company.

Some contended that the right to exercise the power of eminent domain was essential to the life of the enterprise and there were two cases instituted for the purpose of testing this right.

Noted "Hageria Case."

One case was what was known as the celebrated "Hageria case" which involved the right to overflow a tract of land containing 220 acres near the mouth of Skunk river. The case was closely contested and eagerly followed until it was finally decided by Judge Smith McPherson of the federal court at Keokuk, Iowa, in an exhaustive, learned opinion. Judge McPherson held that the company had the right to exercise the power of eminent domain under the Iowa law. In the preparation of this opinion, Judge McPherson read and examined thousands of pages of legal works and in some instances where the citations and cases in the law books did not disclose all of the record that Judge McPherson desired for the purpose of weighing fully the opinion being examined, he telegraphed and secured the complete record in order that he might fully examine all of the facts that were before the judge who rendered the decision which was being considered by him. This opinion was deemed of so much importance that it was printed as a senate document and was widely circulated throughout the country.

In United States Courts.

Similar cases involving similar questions were before at least three other federal courts in various parts of the United States at the same time; and each court was considering the question independently of the other, and without knowledge that the same question or similar questions were in issue in the various other courts, and when the various opinions were announced they were all in one accord, and supported the logic of Judge McPherson's opinion in the "Hageria case."

The right to condemn under the federal law was established in the federal court at Springfield, Ill., before Judge J. Otis Humphrey, in what is known as the "Everingham case," which involved the condemnation of an island containing 350 acres opposite Fort Madison, Iowa.

At one time it looked as though the Power company would become involved in serious litigation with the Keokuk Water Works company, which is a subsidiary corporation belonging to the American Water Works and Guarantee company, and which latter company controls and operates some forty odd water works in a like number of cities situated in various parts of the United States.

Water Works Case.

The question in this litigation was as to the right to raise the Burlington railroad tracks in front of the property of the Keokuk Water Works company at Keokuk, Iowa. After a hearing had progressed for several days, the vice president of the Water Works company entered the court room one morning and called Mr. Cooper, the chief engineer of the Mississippi River Power company, aside and told him that his people at Pittsburgh had authorized him to arbitrate the question, and that if they could not agree upon an arbitrator, that he was authorized to leave the entire question with Mr. Cooper for adjudication and adjustment. As a result of this friendly overture, the parties quickly agreed upon John W. Alvord, an eminent engineer of Chicago, who arbitrated the questions at issue to the entire satisfaction of both parties litigant.

Another interesting feature of litigation which was commenced in the form of an application for an injunction to prevent the raising of the water in the river, (and which was filed just ten days before the time set for raising the water,) is what is known as the case of the Prairie Oil and

Gas company, et al, vs. the Mississippi River Power company. At the time this looked as though it were a battle of the giants, on account of the intimate association of the plaintiff with the Standard Oil company, and due to the critical stage of the Power company's meant incalculable consequences to the Power company.

Put Up \$15,000 Bond.

The matter was quickly presented for a preliminary hearing in the federal court at Des Moines, and the Power company was required to give a \$15,000 bond and permitted to proceed with the raising of the water, and the case has never been pressed by the plaintiff to a final hearing.

These are perhaps the most important cases which have arisen during the construction of the improvement in the river at this place, and it is worthy of note that at no time has the work been interfered with by either the state or federal government, and none of those who have sought injunctions to stop the work have been able to hinder or delay it for even a single day.

The company has sought to be fair and where litigation has arisen, it has been probably due to a misunderstanding of the relative rights of the parties interested, and after whatever legal skirmish was had the par-

ties have come to a clearer understanding and an adjustment of their legal differences has ensued.

No Personal Injury Litigation.

The company in its dealings with personal injuries has very largely anticipated the workmen's compensation acts, which were later enacted in both Illinois and Iowa, and practically no personal injury litigation has resulted. The company has striven to co-operate with the various federal, state, county and municipal officers, and has endeavored to treat them in a spirit of fairness, each recognizing the rights of the other and on the whole, a very satisfactory feeling has existed between all parties with whom the company has had dealings.

HOW DAM AFFECTS THE RIVER STAGE

Rise or Fall Between Here and Warsaw Comes Sooner Than it Ordinarily Would.

The Keokuk dam affects the stage of water in the Mississippi river between Keokuk and Warsaw when the company that controls the dam is regulating the gates on advices from the upper river.

When the company learns from

above that a four foot rise is coming, the gates here are opened to let more water pass through, and there is an immediate rise in the river from Keokuk to Warsaw. This rise would come later under conditions as they were before the dam was built, but now it comes much sooner.

MANY STUDENTS GOING TO IOWA

Large Reservations in Men's and Women's Dormitories Already Made.

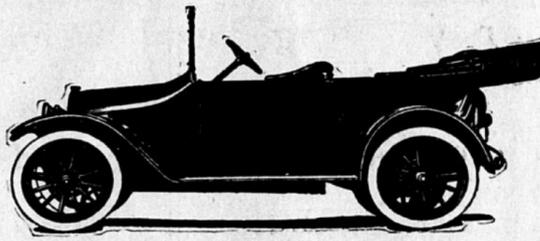
IOWA CITY, August 28.—Practically every room in both men's and women's dormitories at the State University of Iowa has been already reserved for the coming school year, according to announcement made here.

Currier Hall, the new women's building, with a capacity of 160, has scarcely fifteen rooms left. Svend Hall, another women's rooming house is likewise nearly filled. In the new Iowa Union, the men's building, nearly every room was spoken for in advance before school closed here in June, and now only a few of the lower priced ones remain.

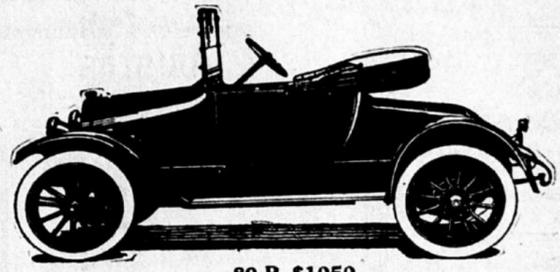
Pens and Pens.

Burlington Gazette: Hall to the Iowa pen, says the Sioux City Journal.

1915 *Overland* \$1075
MODEL 80-T



80-T \$1075



80-R \$1050

We Are Now Showing the 1915 Overland Model 80

New Stream Line Body—Electric Starter—Electric Lights—Left Drive—Large Tires—Demountable Rims—Larger Tonneau

This announces the latest Overland—Model 80.

This is the handsomest Overland ever built. Up to date in every respect, artistically designed and finished. The powerful, larger, roomier and smooth running car establishes a new standard.

The price has not been advanced.

This season 75,000 Overlands will be built. This increased production again places us in the enviable and supreme position of being able to give still more value for still less money.

Here is the proof:

Model 80 has a brand new full stream line body. Its full sweeping lines blend and harmonize perfectly with the balance of the symmetrical design. All visible lines are absolutely clean, unbroken and uninterrupted.

The new crowned moulded fenders, new rounded radiator, new hood slightly sloped, and flush U doors with disappearing hinges, contribute those additional touches of exterior grace and modishness which distinguish those costly imported cars.

The new tonneau is much larger—both in width and in depth.

The new cushioned upholstery is also considerably deeper. The new long and improved underslung springs supply unusual and easy riding qualities. This model is equipped with one of the highest priced electric starting and electric lighting systems. All switches, in a compact switch box, are conveniently located on the steering column. Thus in the driving position, without stretching forward or bending down, you start the car, drive the car and control the electric horn and all head, side, tail and dash lights.

This model has the left hand drive and center control.

The tires are larger this year, being 34x 4 all around. These tires can be quickly detached from the rims which are demountable. One extra rim supplied.

Ignition is high tension magneto, independent of starting and lighting systems. It requires no dry cells.

Fundamentally the chassis remains as before. The front axle is larger; the wheels are larger; the frame is heavier and stouter; gears are made of 3½ per cent nickel steel;

there are integral grease cups in spring bolts; and many other mechanical refinements which are described in detail in our new catalogue. Otherwise we could in no possible way improve the splendid Overland chassis that is giving such satisfactory service to 50,000 nineteen fourteen owners.

There is a powerful, economical and quiet 35 horse-power motor. The wheel base is 114 inches long.

This car comes complete. Electric starter, electric lights, rain-vision, ventilating, built-in windshield, mohair top and boot, demountable rims and one extra rim, jeweled magnetic speedometer, electric horn, robe rail, foot rest and curtain box. This new model is now ready for your inspection and we are now taking orders. Make arrangements for your demonstration immediately.

Send for Handsome 1915 Catalogue—Gratis

Our 1915 catalogue contains complete and instructive description of the Overland Model 80. It is simply written, with clear, understandable explanations and illustrations. Every one should have a copy. It posts you on Overland methods, models and policies. Write for your copy today.

Overland Garage

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James McNamara's Sons

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and

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426 and 428 Johnson St.

Keokuk, Iowa

It refers to the natives of this state who have become distinguished in the field of letters, not the sturdy farmers who are raising the famous Iowa hogs. And he is said by the same token, there is more money in maintaining a pig pen than in driving a fountain pen.