

ARKANSAS HIGHWAYS

**The Official Magazine of the Arkansas
State Highway Department, Little Rock**

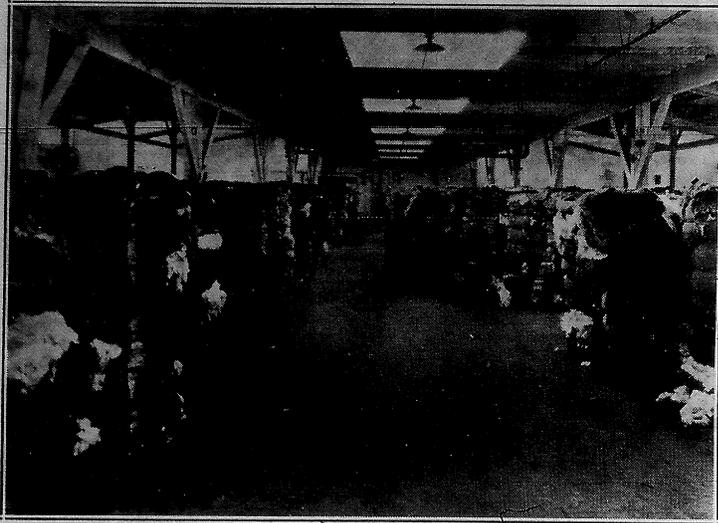


OZARK TOLL BRIDGE

The bridge now under construction over the Arkansas River at Ozark is on Route 23 which is an important link between Route 22 and Route 64, and is the first available highway crossing of the Arkansas River east of Van Buren. The contract for the construction of this bridge was awarded to M. E. Gillioz of Monett, Missouri, and actual construction work was started on August 17, 1929. The bridge consists of five arch spans, each 237 feet in length, one arch span of 185 feet over the Missouri Pacific tracks and three approach spans of 64, 60 and 43 feet, respectively.

The approximate final cost of the bridge will be \$431,000.00, which is paid from the Toll Bridge Fund. The structure will probably be completed and opened to traffic about March 15, 1931.

S. C. Waller is Resident Engineer on this project, having as his assistants E. O. Goldstein and L. A. McCaïn. The structure was designed and construction is supervised by the Bridge Department.



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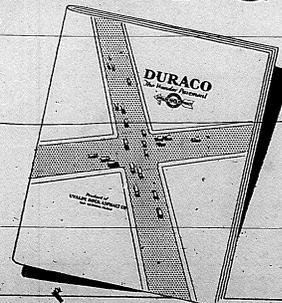
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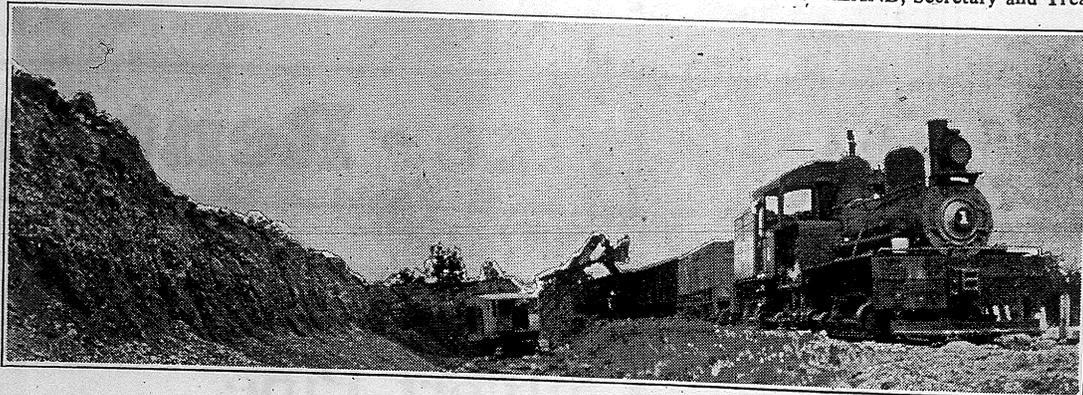
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ARKANSAS HIGHWAYS

*Official Monthly
Magazine*



*State Highway
Department*

"Arkansas Highways" is edited in the offices of the Highway Department at Little Rock. Communications relative to advertising or articles and photographs submitted for publication should be sent to The Editor, care Highway Department, Little Rock. The Bulletin is sent free to State and County Officials, newspapers of the State and Road Commissioners who apply for it. Permission to reprint any matter contained in "Arkansas Highways," with proper credit is granted to all newspapers of the State.

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No. 11

PROGRESS AND PROFIT

By Dwight H. Blackwood, Highway Commissioner



That delay in carrying out a State's road building program is costly to the public and also contributes to unemployment is freely admitted, and there is not the slightest disposition on the part of the Highway Commission to slow down on construction, although forced at this time to curtail at least the State force operations. This order for the stopping of such operations came from necessity and not from choice, the plain facts being that a considerable amount of the highway funds are tied up in banks that recently suspended business. This condition is improving and as soon as possible that work will be resumed.

Ordinarily the development of an extensive road building program is beset with many unavoidable delays, including legalities and technicalities, and these two "alities" cover many a different difficulty. But these delays are handled as expediently as possible, aiming at as early a completion of projects as can be accomplished, for the benefit of early highway usage, which in this day of such demands for improved highways is highly desirable.

The public as a whole benefits in an astonishing amount from improved roads. Take for instance, some fifty-mile stretch of pavement with a traffic volume of 2,000 cars daily and that highway will save for the users between \$500.00 and \$1,000.00 daily through lower car operating costs.

In this day of speedy transportation, pavement benefits are so manifold that some important savings are overlooked by the public, none of which your Highway Commission lose sight of. Through paving projects distances are often shortened by relocations, bringing another saving to the users of the roads from unnecessary travel. Danger too, is lessened by pavement.

Much hard surfacing of roads is included in the plans for early 1931 program and as wide a spread of work as possible is also scheduled. Arkansas does not get the most out of her money on a delayed program, nor do the various communities. Renewed and increased activity is the order for 1931.

Elaborate Dedication Marks Opening of Augusta Bridge

City of Augusta and Surrounding Community Rejoice Over Completion of Splendid New Structure That Places Woodruff County Town On Shortest Route From Coast To Coast

As a fitting tribute to an important development in the Highway System at their point, the people of Augusta, Woodruff County, neighboring towns, and many notables from far and wide gathered to make merry over the opening of the new bridge across White River at Augusta, Arkansas, on U. S. Highway No. 64.

November 18, 1930, will be long remembered by the people of that section of Arkansas as a most festive and gala day. It is highly important in itself to be located,



The Queen, Miss Helen Jackson Berry

as Augusta is, on one of the main highway routes of the State, but to have the nearest route from coast to coast leading through it, makes a town give an added tilt of pride to its head. In addition, this town now has a bridge which for beauty and traffic efficiency is equal to any in the State, and they have an excellent highway connecting them with Memphis, Little Rock, Fort Smith and other nearby cities.

The streets of the little city of Augusta were decorated in colorful bunting and with flags. The stores all closed for the day, and the spirit of carnival prevailed. Hospitality in its fullest measure was extended to all visitors and folks were not strangers for many minutes.

The program started at 10:00 a. m. when the queen of the festival was crowned at the high school by Dwight H. Blackwood, chairman of the State Highway Commission. Miss Helen Jackson Berry, member of the senior class of the Laura Conner High School was

the fortunate maiden elevated to the majestic title and role of the queen, and no queen was ever prettier.

Surrounded by her maids of honor and queens of neighboring communities, Miss Berry was enthroned on a beautiful float, very fittingly decorated. Those beside the queen, who rode in high state were Miss Lillian Robbins of Searcy, Miss Marian Wynn of Bald Knob, Miss Jesamine Huff of McCrory, and Miss Dorothy Lee Lyons of Wynne. Also there was little Miss Mildred Conner, junior queen and official christener of the bridge.

Commissioner Blackwood said that he was a novice as the pleasurable function of queen-crowning. However, he rose nobly to the occasion and placed the glittering coronet on Her Majesty's regal head with a manner that must come from full appreciation of the honor; and with fitting words.

This ceremony over, Mr. Blackwood appeared before a microphone to state some of the interesting facts regarding the interesting structure which was the reason for the jubilee; including:

The Augusta bridge cost \$844,689.18, including expenditures for earth work and lesser bridges leading to it. It is the third toll bridge of a series of ten which will be operated by the Highway Department until they have paid for themselves.

The overall length (including both approaches) is 3,064 feet, the bridge proper is a 400-ft. steel span over the channel, flanked by 121 ft. side spans. It provides a 24 ft. clear roadway for highway traffic and 47 feet of vertical clearance for navigation above extreme high water. Contracts were awarded May 15, 1929, and work was begun July 4, 1929.



Commissioner Blackwood and Miss Mildred Conner, Junior Queen

The commissioner discussed briefly the four-year party program in Arkansas State Highway construction, after which Judge J. F. Summers, master of ceremonies, introduced G. W. Martin, mayor of Augusta, who had worked long and hard for the success of the celebration. It was Mayor Martin's lot to produce an amusing incident, when he began to pull bottles, one after another from a bag, giving all the appearances of a peddler or maybe a purveyor of the anti-Volstead beverage displaying his wares. But it was all clear water, bottled from most of the major streams crossed by Highway No. 64. There were flasks from Buffalo Springs in Oklahoma, from a stream at Tulsa, from the Red River, the White River, the Arkansas and the Mississippi Rivers.

This water all mixed in one bottle was used in the dedication ceremonies which took place in the middle span of the bridge, after the parade. Little Miss Conner with a few appropriate words smashed the decorated bottle containing the mixed water on a railing, and amidst the cheering from the throngs Mr. Blackwood declared the bridge duly dedicated.

The next number of the program was a luncheon in the basement of the high school building for the visitors. It was served by eight apt pupils in the home economics department, and what a repast they served.

The excellent food put Senator T. H. Caraway, a guest of honor, in a fine humor. He jested with the queen, by whom he was seated, until Her Majesty was so convulsed with laughter that she couldn't eat.

There was no speech-making at the dinner. The oratory followed immediately afterward in the audi-

torium of the high school. The principal speaker was Senator Caraway, who amused the audience with his usual dry drolleries and stirred them to serious thought with his pertinent comment on the prestige of Arkansas achieved through outstanding individuals, and the progress of the State in the world of highway transportation. Senator Caraway never is dull, and here he was moved to exert himself.

Another speaker was Dr. Charles Hillman Brough, former Governor of Arkansas, who paid tribute in his customary eloquent fashion to those responsible for the existence of the bridge. Among those he mentioned was one who should, by all means, be mentioned here: Ira G. Hedrick, designer of the bridge, a graduate of the University of Arkansas, a resident of Hot Springs, and one of the outstanding bridge engineers of the United States. Dr. Brough also took occasion to touch on the present period of "uneasiness" of Arkansas citizens, to preach on the subject of soundness of conditions, and to urge all patriots to sit steady and not to rock the boat.

Other speakers on the afternoon program were John S. Parks of Fort Smith, member of the Highway Commission; Maj. Gordon W. Lillie, president of the U. S. Highway Association, otherwise known as Pawnee Bill; famous Wild West partner of Buffalo Bill, who drove over from his ranch in Oklahoma for the celebration, and Dr. W. H. Abington of Beebe.

He: "My ancestors came over in the *Mayflower*."

She: "It's lucky they did. The immigration laws are a little stricter now."

Warrenite-Bitulithic Highways

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*Minimizing the cost of
all vehicular transportation!*

Highway Construction Temporarily Halted

Cessation Necessary From Bank Suspensions and the Consequent Tie-Up of Funds—
Work To Resume At Early Date

Work on State Highway projects suspended when funds of the State Highway Department were tied up in banks that closed their doors the past week, will resume within ten days or two weeks, Dwight H. Blackwood, chairman of the State Highway Commission, announced last week.

Investigation has shown that sufficient funds are available to warrant resumption of road building activities, Mr. Blackwood said.

State funds totaling \$1,924,000 were on deposit November 14, in banks that suspended last week, of which approximately 90 per cent was State Highway funds, he added. Of this amount, however, nearly \$100,000 was paid on drafts drawn by the State Treasurer before the banks closed.

BLACKWOOD'S STATEMENT

"The closing of a large number of banks in Arkansas that were depositories of State funds, a large part of which was highway revenue, so upset calculations on highway financing that it was decided to close down all State force highway work until the exact status of highway revenues could be ascertained," Mr. Blackwood said.

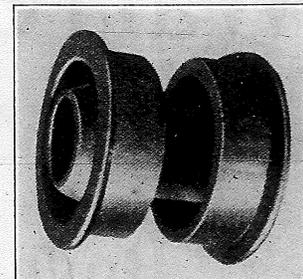
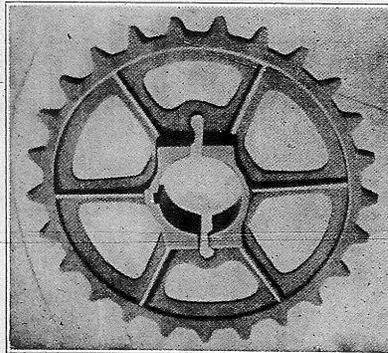
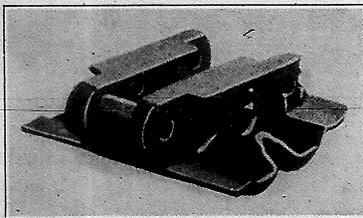
"At the close of business on November 14, a total of \$1,924,000 in State funds was deposited with the banks that have since suspended operation. The State Treas-

urer, in the regular course of business, had drawn drafts on several banks that have suspended and deposited them for collection in the usual manner, and as yet it is not known definitely how many of these drafts were cleared before the banks closed.

"It is known positively that of the drafts drawn, more than \$50,000 was paid by these banks before they suspended, and it is estimated that possibly \$100,000 or more has been paid.

"Of the banks that have suspended business, State deposits were with forty-five banks. Of these banks, six had secured the State Treasurer for the State deposit with United States Government or State bonds, so there is no possible chance for loss on the deposits in these six banks. Two other of these banks had an indemnity policy either in the Aetna or United States Fidelity and Guaranty Company. The other thirty-seven State depository banks that suspended business were all insured in the Home Accident Insurance Co.

"It is known that some of the insurance carried by the Home Accident Insurance Company to secure the State deposit with these banks was reinsured. Efforts are being made by the State Treasurer and the Highway Department to ascertain just what per cent of this indemnity insurance in the Home Accident Insurance Company was reinsured.



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CONTRACT WORK NOT AFFECTED

"The State Highway Department felt that if any work was to close down it should be State force work, because other work is under contract covered by bonds and the State would have no right to stop this work without perhaps being liable for expense to contractor by delay or closing the work down, and that the failure of the State to take care of its part of the contract by meeting the monthly estimates would relieve the bonding company from liability. With State force work there is, of course, no bond, and the State could close the work down at any time without incurring any liability.

"The Highway Department hopes to be able to resume a considerable portion of the State force work at an early date, so as to complete State force projects that are essential before certain sections of roads can be put in use.

"The Highway Department is making every effort to handle its finances in such a way as to cause as little upset to conditions in the State as possible, and at the same time minimize the State's losses, and it is believed that the State Treasurer will ultimately be able to collect such a per cent of State funds on deposit that the loss of the Highway Department's portion of the revenue will not be large as compared with our annual receipts.

"While it is realized that the receipts of the Highway Department will be affected to some extent in 1931, due to the 1930 drouth, together with the upset of our finances in general by reason of the number of bank fail-

ures, still the Highway Department feels confident that it will be able to continue its construction program through 1931 uninterrupted. The extra allotment from Federal Aid in 1931 will about offset any loss that the State Highway Department may sustain."

QUICK ACTION NEEDED

Only 12 States require all automobile drivers to pass tests before they are licensed, and in 12 other States anyone, however incompetent, may operate a car, according to Dr. Julius Klein of the Department of Commerce.

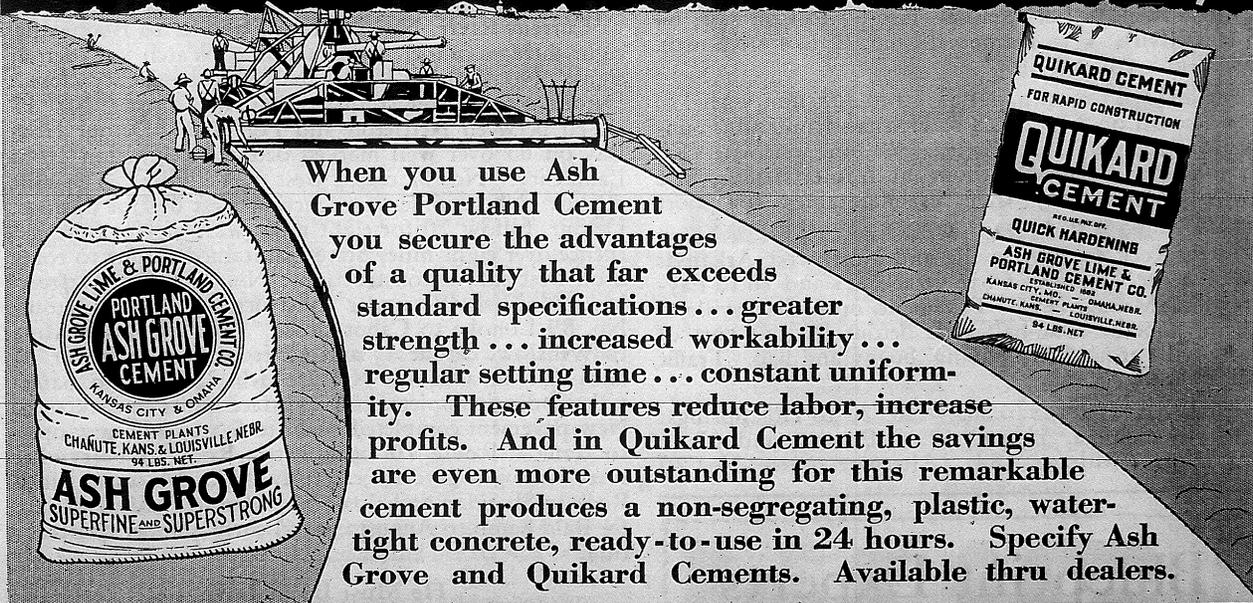
"In the absence of a driver's license law," he states, "any or all of these potential killers and wreckers can be let loose with the utmost freedom and impunity upon the roads of the community."

Statistics show that the accident rate, in proportion to the number of automobiles registered, has increased much more rapidly in States where examinations of drivers are not required than in States where they are required.

Even if all the 48 States had strict examinations for drivers the accident problem would not be solved. But it is the consensus of much expert opinion that nationwide laws which will force potential drivers to learn how to drive, are the greatest single need. The fact that last year 31,000 people were killed by automobiles should cause a demand for quick action in every State.

At any rate, it cannot be denied that Prohibition is as great a success as the Ten Commandments.

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Unsurfaced Roads and Detours Made Slippery By Rains

A Statement of Condition of Important Dirt Sections—Motorists Are Cautioned To Observe Signs On Roads

Rainfall, while not necessarily heavy, has made a considerable part of the highways and most of the detours rather slippery lately. This condition on account of the extensive amount of grading, and the dirt roads that have been graded up will be a matter of some bother from the winter rains that are now at hand, but caution signs are placed at all points of danger. Motorists are cautioned to observe these signs.

A report of condition of the roads November 15th, follows:

Little Rock to Memphis—No. 67 to Bald Knob; No. 64 to Junction No. 70 at Lehi; No. 70 into Memphis. Mileage—146 miles pavement and 19 miles gravel. Total mileage, 165. Alternate route—No. 70 to Wheatley; No. 78 to Junction No. 3; No. 3 to Junction No. 70 at Lehi; No. 70 into Memphis. Mileage, 157. No. 70 is closed to through traffic between Forrest City and Wheatley. No. 70 is under construction between Carlisle and Wheatley, traffic is using the old road without much interference.)

Little Rock to St. Louis or Cairo—No. 67 to Newport; 18 and 63 to Jonesboro; 1 to Corning and 67 to St. Louis. Mileage, 396. Cairo traffic take 25 from Paragould to Dexter and 60 to Cairo. Mileage, 316. Pavement open Beebe to Searcy.

Pine Bluff to Memphis—No. 3 through to Junction No. 70; into West Memphis. Mileage, 152. Dirt between Roe and Clarendon not recommended in wet weather. All weather route—No. 3 to Stuttgart; No. 11 to Junction No. 70; No. 70 to Wheatley; 78 to Junction No. 3; 3 to Junction 70; 70 into Memphis. Mileage, 168.

Little Rock to Fort Smith—No. 65 to Conway; 64 to Russellville; 7 to Dardanelle and 22 to Fort Smith. Pavement. Mileage, 158.

Little Rock to Helena—No. 70 to Junction with 17; thence south on 17 and 20 to Helena. Route 70 is under construction from Carlisle to Junction with 17. Traffic using old road without much interference. In a few places one way traffic is maintained for short stretches.

Little Rock to Fayetteville and Northwest Arkansas—No. 65 to Conway; 64 to Ozark; 23 and 16 to Fayetteville. Mileage, 195. Pavement, open Clarksville to Altus. Good. One-half mile detour in west part of Russellville around city paving, boggy and bad. Traffic maintained.

Little Rock to Texarkana—No. 70 to Hot Springs; 7 to Arkadelphia, 51 and 67 to Prescott and 67 to Texarkana. Mileage, 184. Alternate route—No. 70

to Kirby; 27 to Ben Lomond and 71 to Texarkana. Short detour between Murfreesboro and Nashville. Mileage, 181.

Pine Bluff to Texarkana—No. 3 to Rison and Fordyce; 167 to Camden; 3 to Magnolia; 2 to Waldo, Stamps, Garland City and Texarkana. Surfacing between Rison and Pine Bluff, traffic maintained, however, route traffic around when possible. No. 2 closed Garland City to Texarkana, use gravel county road via Genoa.

Texarkana to Fort Smith—No. 71 to Lockesburg, DeQueen and Fort Smith. Mileage, 197. Good.

Little Rock to Louisiana Line—No. 65 to Louisiana line. Paved. Mileage, 167.

Pine Bluff to Hamburg and Louisiana Line—No. 65 from Pine Bluff to Junction 13. Follow 13 to Star City, Hamburg and the Louisiana Line. 95 miles.

Little Rock to Camden, El Dorado and Louisiana Line—No. 167 to Sheridan; 46 and 9 to Eagle Mills; 167 to Camden, El Dorado and Louisiana Line. Sheridan to Fordyce on No. 167 closed.

Little Rock to Harrison and Eureka Springs—No. 65 from Little Rock to Harrison and Missouri State Line; No. 12 from Harrison to Eureka Springs. Gravel surfacing three miles east of Alpena Pass. Traffic maintained. Alternate route: No. 65 and 64 to Russellville paved. No. 7 to Harrison.

Bald Knob, Augusta and Memphis—No. 64 Bald Knob to Augusta. Loose gravel. Augusta to West Memphis pavement. Mileage, 92. White River toll bridge open to traffic.

Construction News—No. 67 closed from Pochontas to Current River, No. 10 from Danville to Booneville, eight bridges under construction. Watch for detour signs. No. 2 from Texarkana to Garland City closed. Detour over gravel county road via Genoa. No. 18 closed between Nettleton and Foreman. Detour from Bay on 63 over well marked detour to Junction 18 at Lake City. No. 12 closed west of Yellville. Ten-mile detour. No. 6 under construction west of Hot Springs. Detour, follow 70 for eight miles west of Hot Springs; thence over eight miles State-maintained detour to route 6 on west side of construction. No. 27 from Murfreesboro to Nashville under construction. Short detour. No. 89 Lonoke to Cabot closed. No. 71 closed Alma to Winslow, detour 45 and 62 from Fort Smith or 23 and 16 from Ozark. No. 25 Heber Springs to Batesville grading complete, gravel surface under construction. New pavement completed Beebe to Searcy and now open to traffic. Route 10 open Little Rock to Perryville, some loose gravel, drive carefully. No. 167 open Little Rock to Sheridan and closed Sheridan to Fordyce. Route 64 Bald Knob to Augusta gravel surface under construction.

He Must Be in Love

Cop: "You say the judge is absent-minded?"

Clerk: "Well in court today he dismissed the prisoner, sentenced the jury, scratched his desk and hit himself on the head with the gavel."

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Improvements On Highway 70 Progress

By F. T. Bryan

Improvements in Monroe County that within a few months will have lifted the Dagmar-Brasfield stretch of Highway 70, Little Rock to Memphis road, above overflow, thus alleviating many unwarranted attacks of outside interests against the entire Arkansas Highway system which in practically every other section rates excellent, are well under way. Two construction companies that have the major contracts are working full force and the third company is preparing to place machinery on the side this month.

The problem of building an all-weather route through the Cache and Bayou DeView bottoms can be understood from a description of the contracts which were necessary to be awarded by the Arkansas Highway Commission. The L. H. Lacy Company, of Dallas, Texas, when finished with their contract probably in February, 1931, will have constructed 11 reinforced concrete bridges for a total length of 4,125 feet. The Vincennes (Ind.) Bridge Company have started on the main bridge across Cache River, a concrete affair 444 feet long with an additional 1,000 feet approach.

The B. E. Evans Company, of Little Rock, and Fort Smith, will redress the dirt fill placed several months ago by the Highway Department. This fill completes the five miles of highway now under construction.

In addition to these three contracts the Highway Department has placed a high dump from Dagmar east for a few miles to the Highway 17 intersection and this section of the new route of Highway 70 has been gravelled and is being used for traffic. All of the new route of the highway is south of the Rock Island Railroad lines and two of the nine crossings being eliminated by the rerouting of the highway are between Dagmar and DeValls Bluff.

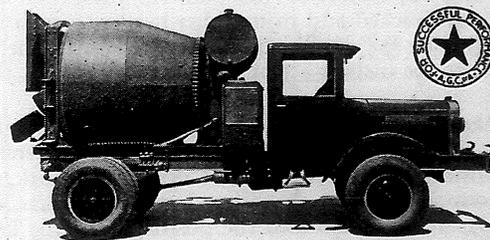
The new Cache River bridge is 200 yards south of the present bridge, thus causing the highway to miss the business section of Brasfield by the same distance. The false work for the bridge has been completed by the Vincennes Bridge Company and one coffer dam has been completed. There will be four river piers 80 feet apart and three bents and two abutments outside the water. The work was started September 15th and is expected by Superintendent Ray Wiscaver of the Vincennes Company to be completed in January. About forty men are employed in its construction.

The longest of the eleven bridges to be built by the L. H. Lacy Company is the one over Bayou DeView. It is 714 feet with 21 bents and is nearing completion with more than half of the 34-foot concrete slabs already poured. The Lacy contract designates the bridges by the numbers 11-2 to 11-12 inclusive and the Bayou DeView bridge is number 11-11. Bridge 11-12 which is a comparatively short bridge is finished and is now being used. The false work and piling are set for bridge 11-10, the false work for 11-9 is being placed, concrete piling is driven for 11-8 and is being driven for 11-7. The other bridges have not been started. The Evans Company will begin at Brasfield and work east on redressing the dump. This dump has been washed by numerous overflows since it was placed and is in bad

shape. However, because of it having set as long as it has, when the dump is completed it will not be necessary to let it set several more years before pouring concrete over it.

In a recent statement of C. S. Christian, Chief Engineer of the Arkansas Highway Department he said that Highway 70 would be paved its entire length by January, 1932. When the slabs have been placed above high water on this stretch of the highway it will mark a genuine accomplishment.

Brasfield is a small town and Dagmar is only a flag-station on the Rock Island but the two places have brought more unfavorable publicity to Arkansas than any other places in the State because they happen to constitute the banks of what is more often than not a five-mile river bed. Maintaining a highway between the two stations has been Arkansas' second greatest problem and strangely the gravest difficulty is in the same county only ten or twelve miles south where a bridge is now being built across the White at Clarendon. Total highway construction in the county when the Martineau Highway program is completed will have amounted to well over \$2,000,000 and coming as it is a few years after the disastrous overflow and during the distressing period following the drouth the citizens of Monroe County are considering themselves fortunate in owning the long stretches of the two rivers.



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Liability of Highway Contractor for Negligent Acts of Subcontractor

By Leslie Childs, Attorney and Law Writer, Indianapolis, Indiana

Where the principal contract for highway work does not forbid subletting, the contractor frequently finds it to his advantage to perform work by this method. And in cases of this kind, the question of the liability of the contractor for injury caused by the negligent acts of the subcontractor may become one of great importance. The subject is one of several angles but it may be said that, in general, if the contractor retains the right to supervise the work of the subcontractor as to the manner of performance he will usually be held liable for the negligent acts of the latter.

On the other hand, if the contract is straight, without right of supervision save as to results, the subcontractor will usually be deemed an independent contractor and alone liable for his negligent acts. An illustration of this rule is found in the following case.

CONTRACTOR SUBLETS WORK

In one well reasoned case of this kind, the defendant, a construction company, entered into a contract with a state highway commission for the construction of 9.3 miles of highway. Following this, the defendant sublet work to T. & W. under a separate contract whereby the latter agreed to perform the work in accordance with the plans and specifications furnished by the state highway commission.

T. & W., the subcontractors, entered upon the work and in using dynamite in clearing the right-of-way set off a large charge close to the residence of the plaintiff. The resulting explosion, so the plaintiff thereafter asserted, jarred, shocked and injured her nerves to such an extent as to cause her permanent injury. Plaintiff thereupon brought the instant action for damages against the defendant.

In defense, the defendant set up its contract with T. & W., and contended that, since it did not exercise any supervision over the manner of doing the work, it was not responsible for the alleged negligent acts of T. & W. Defendant assumed the position that the latter were clearly independent contractors and alone liable for their negligence.

In reply to this, plaintiff pointed out that the defendant inspected the work from time to time, and from

this it was argued that T. & W. should not be considered independent contractors, but employees of defendant which would render the latter liable for the injury. The trial of the case was before a jury, and the latter found for the plaintiff in the sum of \$1,500. From judgment on this the defendant appealed and the higher court, in passing upon the question raised, reasoned as follows:

THE LANGUAGE OF THE COURT

"All the evidence in the record shows that T. & W. were in charge of the work and conducting it at the time of the explosion complained of by the plaintiff, and that neither (defendant) nor its officers and agents had any control whatever over the work or the manner of its doing, and exercised no supervision over it except an occasional inspection to see that its contract with the highway commission was being carried out. * * *

"The mere right to inspect, and require, after inspection, the work to be finished according to the requirements of the contract itself, does not change the relationship between the parties into that of merely employer and employee. In this case (defendant) had undertaken to do this work in accordance with the plans and specifications of the highway commission * * * and it was liable to that commission for any failure upon the part of its subcontractor to so construct and complete the work.

"Clearly, therefore, while it had no control over the selection of the employees of T. & W., and while it had no power to discharge them and had no authority to control the means by which the work was done or the manner in which it was conducted, it did have the authority to inspect it and make suggestions to that end that it might escape liability on its obligation to the highway commission.

"The very fact that T. & W. undertook in their contract to comply with the terms of (defendant's) contract with the highway commission, and to construct the work under the supervision and direction of the highway engineers as (defendant) had agreed to do, shows (defendant's) interest in the result of their work, but does not show that it had any such control or supervision over it as to change its relationship with T. & W. from that of contractor and subcontractor to that of employer and employee. * * *

"We have no hesitancy in saying that under all the evidence T. & W. had control of this work, and were independent contractors; and, this being true (defendant) was not liable to the plaintiff and the directed verdict should have been given. * * * The judgment is reversed * * *" (286 S. W. 291.)

SUMMARY

The foregoing case constitutes a very clear presentation of facts and circumstances, under which a subcontractor was held to be an independent contractor in the field of highway contracting. The case was carefully reasoned by the court and the holding is unquestionably in accord with the great weight of authority on this subject.

(Continued on page 15)

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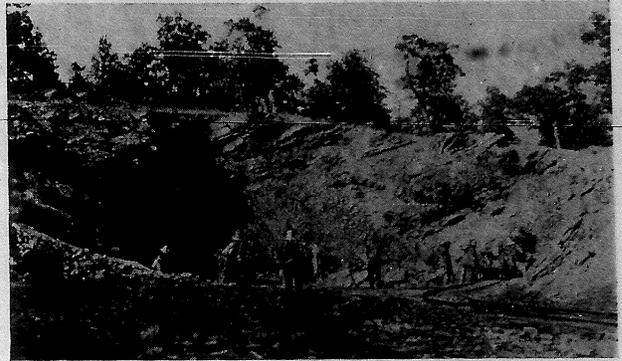
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State Force Work

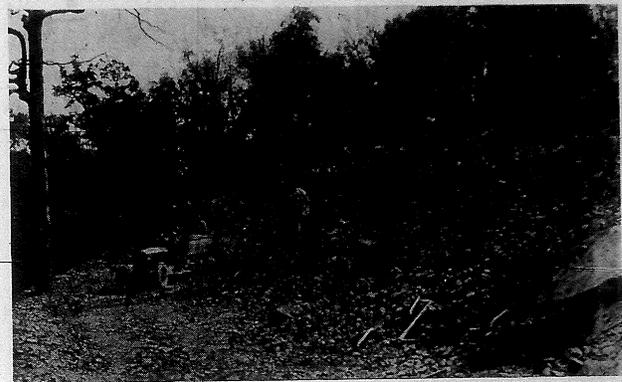
By A. W. Buford, District Engineer

Since January, 1927, the Eastern Division of the State Highway Districts, comprising thirty-six counties has inaugurated some 360 State force projects, and the amount of money expended since that date will run close to \$4,500,000.00. The advantages of doing work of this nature are many. However, this type of work is only undertaken when the Commission is of the opinion that the work can be done more economically and expeditiously. Projects under this plan do not have to be advertised and awarded, but are placed under the direct supervision of a resident engineer or superintendent, and the labor and teams are hired locally while needed material is purchased locally so far as consistent with economical purchasing. Another advantage is to be had from the fact that work can be suspended when the weather is unfavorable or when funds are limited, as in the present situation. Also in the event of limited allotment, it is sometimes necessary to do only certain phases of the work leaving the balance until allotment becomes available, while on contract work this could not be done.

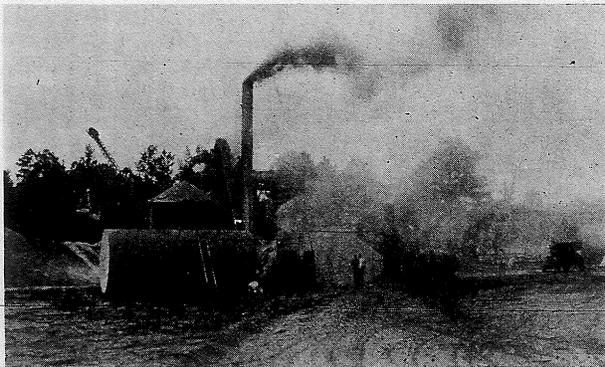
The following views show some of the various sorts of work that is done by State forces:



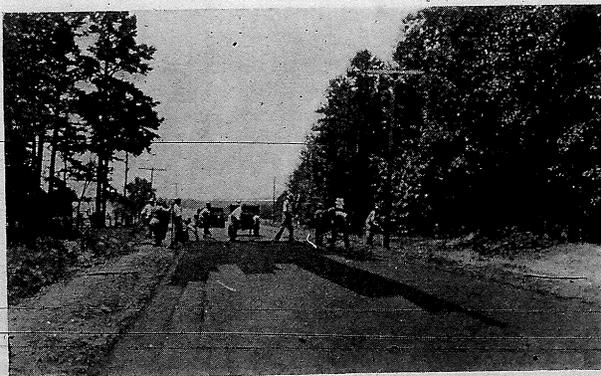
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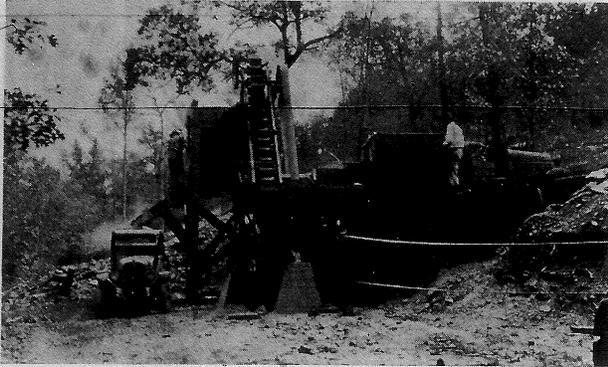
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Driving in Middle of Busy Highways Leads to Many Serious Accidents

Newspapers and traffic officers have issued repeated warnings against driving in the middle of a busy road, but many drivers continue this dangerous practice. The traffic law requires everyone to keep on the right half of the road except when passing other vehicles, or when the condition of the road makes driving on the right impractical.

The keep-to-the-right rule is especially important on pavements, says a Highway Bulletin. The entire vehicle should be kept to the right of the center line. To drive with the left wheel on the center line, as many do, is taking serious risks.

If the left wheel is kept two feet to the right of the center line, there will still be two feet from the right wheel to the right edge of an 18-foot pavement, giving ample margin for safety. On the 20-foot pavements the margin is still larger.

There is less risk in going too far right than too far left. If the right wheel goes off the pavement, nothing will happen, unless it is a new pavement with soft shoulders or no shoulders. If the left wheel goes beyond the center line and meets another wheel doing the same thing, an ambulance and a wrecking car will be necessary to clear up the mess.



We Handle

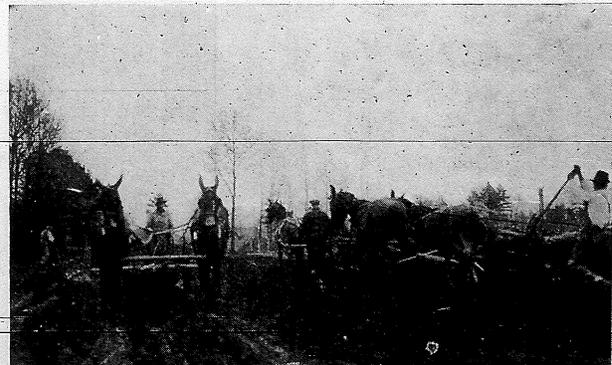
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Liability of Highway Contractor for Negligent Acts of Subcontractor

(Continued from page 12)

This authority takes the position that a straight out-and-out contract for the performance of highway work between a contractor and a subcontractor, whereby the latter is only responsible to the former for results, will amount to an independent contract and relieve the contractor from liability for the negligent acts of the subcontractor. And, as we have seen, the mere fact that the contractor makes inspection of the work from time to time will not change the situation.

On the other hand, if the contractor reserves the right to direct the method of performance or assumes control over the employees of the subcontractor, this may have the legal effect of voiding the agreement as an independent contract in so far as relieving the contractor from liability for the negligent acts of the other is concerned. The above is a nice point and may well be borne in mind by contractors in their dealings with subcontractors during the performance of work by the latter, for a "slip up" here may quite easily deprive the contractor of the advantage of freedom from liability for the negligent acts of the subcontractor which otherwise would be enjoyed.

HIGHWAY ADVANTAGES

With the completion of the highway now under construction as a part of the State Highway system, and with the additional construction during the year 1931, Arkansas will be altogether a different State from what it has been heretofore, and nothing will undergo greater change as a result of these completed highways than farming. The highways will open up marketing opportunities that have not heretofore existed, and will bring into demand in greater variety and volume many of the perishable crops. The farmers will be able to reach the larger markets by truck and automobile and sell direct to the public through established grower markets and to local dealers, return home the same day and have time to spare for work on the farm, in most cases. They will find it convenient to load livestock in trucks and drive to a central market and get better prices by selling direct and delivering their livestock in better condition. With a good highway system the farmers can deliver to the markets in the principal cities by truck at very little more outlay of time and expense than heretofore required to place their livestock on the cars at the local loading station. In Southern Missouri and Northern Arkansas most of the livestock is now taken to the East St. Louis stockyards by truck. The truck is loaded late in the afternoon, and started out about dark, and an all-night drive delivers the stock to the market early the next morning, in good shape and salable condition, neither hungered, thirsty nor fatigued. By nine or ten o'clock the stock is sold and the driver on his way home. This illustrates one of the changes coming. Verily, there are many changes in farming just ahead of us in Arkansas, incident to highway building, and these changes will all be for the better. Poultry, eggs, pigs, calves, berries, fruits, vegetables, truck crops, and all kinds of sundry crops grown on the farm, will be finding their way to the best markets by truck, and arriving just at the right time for the best selling periods.



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MacCaddis was very proud of his ability as a golfer, and he expected perfect service from his caddies. One day he missed a stroke and yelled at his caddie: "Confound you, boy, you made me miss that putt!"

"I didn't do nothin', sir," replied the frightened caddie.

"Yes, you did; it was all the fault of your hiccup."

"But I didn't hic-hiccup, sir."

"I know you didn't. It's the first time you've missed since we started, and I allowed for it, you idiot!"

—*De Laval Monthly.*

"Think of something very nice," said the dentist as he started to drill, "then you won't notice the pain."

The patient did not move.

"Splendid. What did you think about?"

"Well, I thought my boss was here in my place."

—*De Laval Monthly.*

Her—"I don't know whether to buy a brass or mahogany bed."

Him—"Lady, you can't go wrong on a brass bed."

She took the mahogany one.—*Splinters.*

Frenchman—"You have to fill in the nationality blank also, sir. You are a Spaniard, *n'est ce pas?*"

Spaniard—"No, sir. I'm English. My mother and father were English."

Frenchman—"But you were born in Spain."

Spaniard—"That's nothing. If your dog had pups in the china closet, would you call them soup plates?"

—*The Family Album.*

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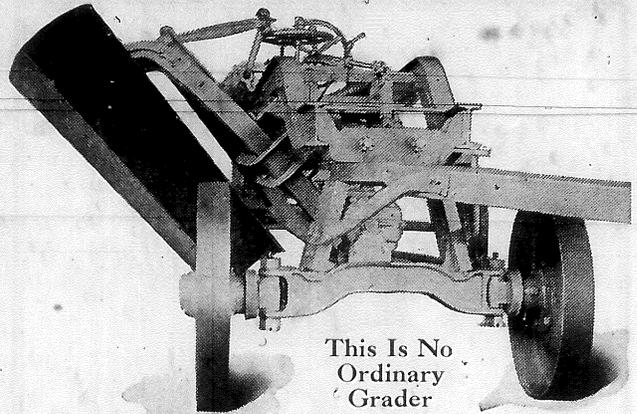
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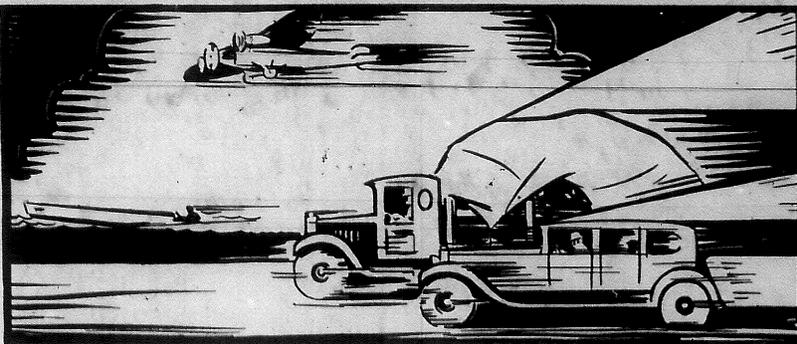
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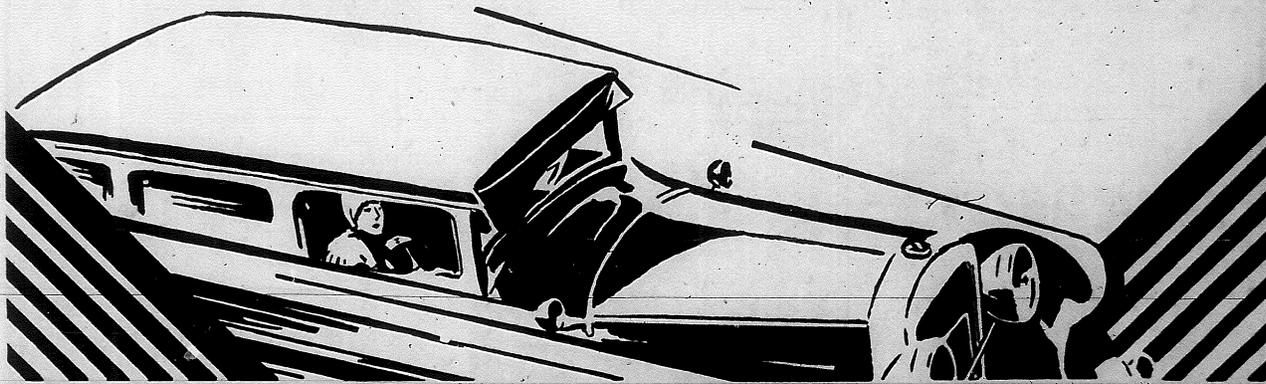
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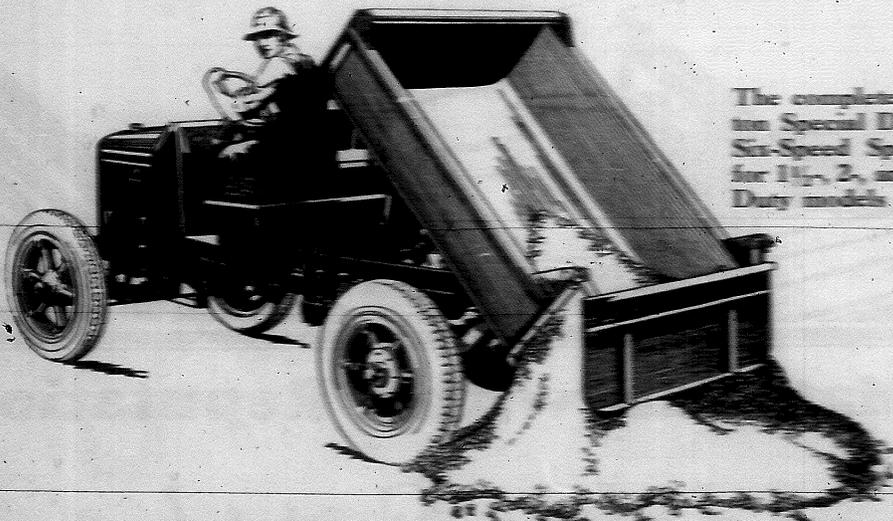
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