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The Democrat.
RESPONSIBILITY OF EMPLOYERS.
A recent decision of the Supreme Court of Pennsylvania is more than passing interest to employers, whose employees must necessarily handle and work about machinery. In the case which occasioned the decision an employee of the Bradford railroad company entered suit in the McKean county court to recover damages for injuries received while at work. The accident from which he suffered he attributed to the use of broad-gauge car bodies on narrow-gauge trucks. On the ground that the most improved tools should be furnished by employers, the McKean county court found for the plaintiff. The case was taken to the higher tribunal, when Justice Mitchell reversed the decision of the lower court. In this decision it is held that an employer is not bound to use the newest and best appliances. He performs his duty when he furnishes those of an ordinary character and reasonable safety. Absolute safety is unattainable, and employers are not insurers. Employers are liable for consequences, not of danger, but of negligence, and the impending test of negligence in methods, machinery and appliances is the ordinary usage of the business. No man is held by law to a higher degree of skill than the fair average of his profession or trade, and the standard of due care is the conduct of the average prudent man. The court held that the test of negligence in employers is the same, and however strongly they may be convinced that there is a better or less dangerous way, no jury can be permitted to say that the usual and ordinary way commonly adopted by those in the same business is a negligent way, for which liability shall be imposed.

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