

WATER SUIT VERDICT \$32,441.00

Jury Comes to Decision After Trial Last- ing Three Days During Which All Main Features of Case are Presented—Verdict Satisfactory to Citizens, But Company Is Considering Appeal—Mayor Hartwig Refuses to Sign Warrants to Take Over Plant of Water Company.

After a three days' trial, during which every side of the case was presented to the jury, the suit to determine the value of the city water plant was concluded, when the jury brought in a verdict awarding the company \$32,441. Much speculation was indulged in as to the verdict and figures both high and low were given in advance of the finding of the jury. Many, however, made guesses that were pretty close to the figure arrived at by the jury.

The verdict is in the main highly satisfactory to citizens and it is believed that it will be so to the company. In arriving at the appraisal of the value of the plant, the report made by H. C. Henney, an engineer of world wide reputation who was brought here by the company to make an estimate on it, was largely used by the jury as it was figured out by the jurymen that a man with Mr. Henney's reputation could have no motive in making anything but a correct report.

The trial, which was the most important ever heard at Hood River, was attended throughout by many interested citizens and the testimony taken was enormous. It is estimated that in case the suit is appealed that it will cost from \$800 to \$1,000 to have it typewritten and placed in shape to be presented to the Oregon state supreme court, which it was agreed by the parties to the suit would be the court of last resort.

Much of the time of the court was taken up with the testimony of experts for both sides. The company's witnesses estimated the value of the plant at \$70,000 and the experts for the city at \$11,400. The latter estimate was outside of the value of the real estate necessary in the operation of the plant. The quantity and quality of the water was gone into in detail. In his charge to the jury, however, Judge Bradshaw, after listening to the evidence closely, warned them to disregard this feature as it did not come within the strictly legal features of the case in determining the value of the plant. This left the value of the plant to be placed on its operating basis and eliminated a disagreeable feature for the jurymen to consider. The jury was also instructed not to consider that the fire protection was inadequate, as this was a matter that could have been remedied by the city council. The shortage of water, he also charged them, they must not consider as this was a matter that might be due to waste or the improper management of the plant.

The value of the plant was therefore considered on its physical structures, water rights and earning capacity.

For the water company the case was tried by Attorneys Harrison Allen and J. F. Lang of Portland, the latter the company's general counsel, and A. A. Jayne of Hood River. In addition the company had the assistance of several experts, among them H. C. Adams of San Francisco, considered one of the greatest authorities on hydraulics on the Pacific coast. The city was represented by Attorneys Jesse Stearns of Portland and A. J. Derby of this city and several expert witnesses. Two of the latter were J. C. Kelsay, who has application before the council for the position of consulting engineer in the construction of the new water plant, and R. C. Taylor, assistant engineer of the Portland city water works.

Dr. Andrew C. Smith, Dr. Yenny and Dr. Calvin S. White, members of the state board of health, were also on the stand. Albert S. Hall, H. F. Davidson, Dr. Shaw, W. S. Nichol, W. S. Baker and a number of others were among the local citizens.

Counsel for both sides tested out the facts thoroughly and it was unanimously agreed at the conclusion of the evidence that every detail had been considered.

The case went to the jury Friday afternoon at 2 o'clock and the verdict was read at 10 o'clock, counsel for both parties being present. Just as the last word of the verdict was read the lights in the court house went out, caused by a break in the wires. The incident caused some levity in the court room, one spectator remarking as the crowd moved around in total darkness endeavoring to find its way out of the building, that the company must have heard the verdict. The jury was as follows:

F. E. Hatt, J. P. Hanson, Martin Dragseth, Rudolph Vetter, O. L. Walter, J. O. Eastman, F. E. Stout, R. B. Lindsay, T. Bishop, C. W. Reed, Joe Frazier, Jr., Clint Wood.

At the meeting of the city council Monday evening a resolution was passed directing the city recorder to draw warrants aggregating \$32,441 to be tendered the company in payment for the plant. The fact that the company may appeal, it is stated by Attorney A. J. Derby, counsel for the city, will not affect the transfer of the property as the maximum price the company can get has already been provided for in case the higher court gives it a decision for a

larger amount. Mayor Hartwig is opposed to this procedure and has refused to sign the warrants. The mayor states his objection on the grounds that the warrants will become commercial paper and will draw eight per cent interest until the bonds can be sold, which in case of appeal may be six months. He states also that in signing them he becomes personally liable.

On the other hand members of the council who are anxious to have the city acquire the plant as soon as possible state that if the company

Spokane Show Managers Afraid of Oregon Fruit

Leery of Quality of State's Apples They Will Decide This Year on Pack Alone--Decision Looked On as Effort to Favor Washington Exhibits--Oregon May Not Compete.

An article by Hymen W. Cohen in the Portland Journal will be highly interesting to local apple men, particularly those who may be contemplating placing an exhibit at the Spokane apple show. Mr. Cohen says: "A frank admission has been made by the management of the Spokane Apple Show that Oregon apples lead the world and there is not the slightest use for Washington growers to compete with the product of this state so far as quality is concerned."

"Heretofore Oregon has captured all the leading prizes at the show and for that reason Washington growers have felt very wroth. Now it is intended to make the pack the basis of awarding the prizes and no matter how poor the quality, the pack will capture the honors."

"This is taken by Oregon growers to mean that the Spokane officials no longer will tolerate the capturing of the apple prizes by Oregon growers."

"In the following interview E. F.

Cartier Van Dissel, who has been identified with the Spokane Apple Show since its inception, has let the "cat out of the bag" and it is therefore likely that the leading districts of Oregon will refuse to compete for prizes which are supposed to be for Washington growers.

"We think the greatest problem has been solved by abolishing the quality ratings at the 1911 show, and we believe the growers in all parts of the country will be glad to learn of the action of the management of the show. We always felt that some western apples had been handicapped in the past, but we were not in position to make any changes until this year. Now that this question has been settled, I look for entries from all parts of the United States and Canada, particularly the western country."

"There is a strong movement on foot to hold a show of apples where Oregon fruit may receive proper credit. Since the Spokane officials

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Hood River Valley Has Record Breaker Rainfall

Four and One-Half Inches Drenches Soil and Vegeta- tion in First Ten Days of Month--Hay Damaged But Fruit Benefitted--Precipitation Heaviest on Record for September.

Rains during the past ten days have been the heaviest in the history of weather records at Hood River for September and the average rainfall, which was about 11 inches short, has been reduced considerably. No less than four inches and a half of rain has fallen so far this month. The precipitation for the first rain, which started on Labor Day, Monday, Sept. 4, and continued for nearly 24 hours, was two inches and eighty one-hundredths. On Friday night, Sept. 8, one inch and seventy one-hundredths of an inch fell, making the fall four and one-half inches.

While the rainfall during September has been the heaviest in Oregon weather records the season just past has also been the driest in the history of weather records in the state. Springs and creeks never before known to fall have dried up and the drought in eastern Oregon, and some other parts of the state, has entailed great loss to crops. Hood River has been more fortunate and little, if any, damage has been done here by the drought, although it has been admitted that more moisture would have been beneficial.

The heavy rain in the valley has damaged about 200 tons of hay which had been cut and which will be of little use except as feed for cattle.

Weatherwise farmers now say that sufficient rain has fallen until crops are harvested and that any more at this time will be damaging. Potatoes, they say, will be hurt by additional moisture, as well as other agricultural products. The rain has been beneficial to fruit, and except

that it might interfere with its being picked no damage would result to it from additional moisture.

According to C. R. Bone the heavy rain was a great benefit to Hood River orchards. Mr. Bone says: "The heavy rain of last week will go far toward insuring a good crop of apples for the Hood River valley next year. It was the heaviest early rainfall that I have ever seen for this section of the state or eastern Oregon. In 1887 we had a similar rain, but the precipitation then was not so great."

"At that time the grain farmers of eastern Oregon handled their crops rather lazily and when the heavy downpour came they were all caught. Except what was threshed the whole crop was entirely ruined, and with few exceptions every merchant from Portland to Spokane went broke. The rain taught the wheat farmers a lesson, and since then they have hastened the harvest of the crop."

"For the past decade the fall season has grown more erratic. I think that the clearing of the timber of the Hood River valley has had an effect toward decreasing the summer rains. Over in central Oregon, however, the cultivation of the soil has increased the summer precipitation."

"The soaking showers of last week will strengthen the fruit spurs. It will take the place of the September irrigation and will be far more valuable. With a few more showers and sunshine and intermingling frosts to color the fruit the present year's crop should mature in excellent condition."



HOOD RIVER MINERAL SPRINGS HOTEL AS IT WILL APPEAR WHEN COMPLETED

HOOD RIVER FAIR NOV. 9, 10 AND 11

The dates now fixed for the Hood River Fruit Fair are Thursday, Friday and Saturday, Nov. 9th, 10th and 11th. The Hood River fair will precede the show in Portland by a week, giving those who desire to make a display in the big city an opportunity to make one exhibit do for both shows.

The directors of the Apple Fair Association have decided to build one story of the apple fair building on the Davidson lot on the corner of

Second street and Cascade avenue, and subscribers to the building fund are being notified.

It is thought that by building the basement of the structure this year, a good start will be made toward a permanent building and that it can be completed as soon as there is a demand for the additional room for other purposes.

The fruit fair will be along the same lines this year as formerly, and it is expected that there will be many fine exhibits. Details of the collection and placing of exhibits will be given later, but the fair managers are desirous that growers make arrangements to select their best fruit for the fair and have it packed as far in advance as possible.

Heard Boundary Dispute Case

Testimony was heard Wednesday before Court Stenographer R. A. Butler as referee, in a boundary dispute case between the heirs of the Peter Hinrichs estate and Geo. W. Brown and Mary E. Galligan. The case grew out of the fact that the exact boundary between the properties has never been established and an effort is now being made to permanently establish the same.

A Factory Opportunity

The people of the Far East are cultivating a taste for American candies, according to a report sent back by Lovett M. Wood, a special investigator for the United States, now in the Orient. Being well informed on trade conditions in the Pacific Northwest, Mr. Wood says that there is no reason why the makers of sweets here cannot build up a big business with China and Japan. If they will go after it. The same opportunity exists with regard to crackers and other baked wares.

EVENTS OF WORLD WIDE INTEREST PICTURED FOR BUSY READERS



News Snapshots Of the Week

Damaging testimony was given by Paul Beattie on taking the stand as the state's chief witness in the trial of Henry C. Beattie, Jr., his cousin, accused of killing his wife near Richmond, Va. Viscount Uchida, Japanese ambassador to the United States, has been appointed minister of foreign affairs. Charleston, S. C., and vicinity were the scene of a terrific hurricane, which caused the death of seventeen persons and a property loss of more than \$1,000,000. The photograph shows part of a roof which was blown two miles by the gale. Upton Sinclair, the author, has brought suit for divorce, naming Harry Kemp, the Kansas poet, as a co-respondent. It is reported that Captain C. A. Gove of the battleship Delaware will have to explain why 500 men on the repair ship Panther were endangered by the flying shells of the Delaware when the battleship was at practice.

Hood River's Evangelist Orchardist Picks Winner

Billy Sunday Prophesies New York Will Take Bunt- ing Before Going East--Soul Saver Still Takes Big Interest In Base Ball and Will Write Maga- zine Story on National Game.

Rev. William ("Billy") Sunday, ex-major league baseball star, who forsook the sward to be an evangelist in 1891, but who still retains his rank as one of the greatest baseball authorities of the day, in an interview with the Oregonian picks the New York Giants to win the National League pennant and the world's championship this fall.

The famous welder of biblical epigrams was a Portland visitor Saturday, en route to Chicago from Hood River, where he has been superintending work on 40 acres of apple orchard purchased with the fruits of evangelical exhortation. Mr. Sunday has been assigned by Collier's to choose an All-American baseball team and dropped in the Oregonian office for a chat over Veau Gregg's sensational heaving for Cleveland this season.

"I have great faith in 'Muggsy' McGraw, and while Connie Mack is undoubtedly a great tactician and leader, the Giants, I must confess, look the best to me." So said Ex-Confederate Sunday, throwing off for a moment all spiritual thermos-

tatic incumbrances, as he gazed long and fondly over the baseball columns of a morning newspaper.

"Frank Chance's Chicago Cubs will probably give New York a hard battle for the National League bunting, but Chance hasn't the team of former years. He is keeping the bunch at the top solely through personal direction. Chance's team lacks pitchers, and if he had a bunch of boozers you wouldn't be able to see them with a spyglass."

"As between McGraw, of the Giants, and Connie Mack, of the Philadelphia Americans, I believe McGraw is more resourceful, and while he lacks individual stars like Eddie Collins and Baker, both of whom rang ahead of all others at second and third, he has better pitchers, with Mathewson and Marquand as a backbone, and I dope out New York to win."

The Hood River apple baron evangelist advocates the abolition of the present foul strike rules, on the grounds that the pitcher has too much of an advantage. Strikes

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COUNCIL VOTES TO CLOSE SKATING RINK

At the meeting of the council Monday night, the vacation of the lower end of Fifth street was asked for by the Apple Growers' Union for the purpose of cutting a street through for the convenience of apple haulers and the manufacturing district. In case the street is vacated, the union will give twenty feet of its property for this purpose. The matter was referred to the street committee, with power to act.

A protest from residents on the state road was filed on account of the bad condition of the portion of the road in the city limits, with a request that it be repaired. A communication from J. B. Hunt and L. N. Blowers, protesting against the

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MINERAL SPRINGS CO. COMMENCES HOTEL

With the officers and board of directors present ground was formally broken Monday for the new hotel building of the Hood River Mineral Springs Company, which now has an office in Portland. The building when finally completed will be 300 feet long by 40 feet wide, three stories and basement. It is expected to have the structure completed in time for guests next summer. A large gang of men are now at work on the excavation and the work will be pushed along as rapidly as possible. The architects for the building are Goodrich & Goodrich of Portland, who also planned the new Bell building.

In breaking ground for the struc-

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