

LONG, BITTER WATER FIGHT ENDED

Proposition Made By Pacific Power and Light Company to Take Amount Awarded By Verdict With Costs Added Accepted By City Council—With Revenue From Plant Subtracted City Will Get System For About \$33,500—Only Negotiations That Remain to Conclude Deal Is Raising the Money to Pay Cost of Plant—Action Taken Toward Doing This at Once.

By the unanimous adoption of the report of the fire and water committee by the common council Thursday evening on the proposition of the Pacific Power & Light Company, Hood River's long water fight was practically settled and nothing remains now but to obtain money for the plant.

By the terms of the agreement made by the Pacific company, the provisions of which were warmly commended by the committee, the city will get the plant for \$33,764.80, plus the fee of Stearns & Derby of \$2000, for trying the suit, making a total of \$35,764.80. Subtracting the amount of revenue which the city will receive from the plant to January 1st, and which it is allowed to retain by the Pacific company, the city will get the water system for a flat price of \$33,764.80.

The settlement of the matter was considered at a special meeting of the council held for that purpose and after hearing all the correspondence and the report of the committee the councilmen passed it without a dissenting voice. Councilman Brostus made a lengthy talk in which he complimented the fire and water committee for its efficient work in bringing the matter to a successful issue and also the company for its attitude in bringing it to a close. He said that it gave new life to the progress of the town, insured a more ample water supply in the near future, and closed a matter that was of the greatest importance to the entire community. In addition Councilman Brostus stated that he believed that the businessmen and citizens should get behind a movement to raise the necessary money to pay for the plant at once, not waiting until the day set for the sale of the bonds. To this end he moved that the fire and water committee which had handled the matter so successfully be authorized to provide the funds in any way they saw fit and bring all negotiations to a close. The motion was promptly seconded and unanimously carried.

The correspondence and report of the committee was read by Chairman Chas. T. Early, who has taken a deep interest in closing the deal, and the council, believing that all facts should be made public, supplied the News with a copy of all the papers relating to it.

The proposition as made by the Pacific Power & Light Company is as follows:

Portland, Ore., Dec. 15, 1911
Mr. Chas. T. Early, Chairman,
Light and Water Committee of the
Common Council, Hood River, Ore.
Dear Sir:—In our interview at this office on the 7th inst., you advised us that the appeals now pending in the water works condemnation case are making it difficult for the city to obtain the necessary funds for enlarging and improving the water system, and that it will be greatly to the city's advantage to have these appeals dismissed. Both of these appeals were taken in good faith to protect the investment in the water property, but we do not wish to delay or hinder the city in its arrangements for an improved water supply and have therefore decided to accept the proposition for dismissing these appeals suggested by you, and have persuaded the trustee and its attorneys to agree to like action.

Our understanding of the proposition is that the city will cause to be deposited in court within thirty days a sum in cash sufficient to pay the jury's verdict of \$32,441, with 8 per cent interest thereon from September 15, 1911, to the date of such deposit, also the two warrants for \$476.70

drawn upon the special water fund in payment of the Pacific Power & Light Company's bill of costs, and an additional sum sufficient to pay the costs to date of the trustee's appeal. If the above sums are deposited in court subject to our order or the joint order of ourselves and the trustee, we will stipulate, and the trustee's attorneys will stipulate, for the dismissal of the appeals now pending. We have requested Mr. Cotton, on behalf of the trustee, to write you stating the amount of the trustee's costs to date and confirming this agreement on behalf of the trustee.

We are consenting to the dismissal of these appeals in order to assist the people of Hood River to proceed at once with the making of such improvements and developments of the city water system as they may desire and because we believe such action on our part will be of material benefit to the city. As stated in our interview of last Thursday, we shall endeavor, through our financial friends and acquaintances in Portland and elsewhere, to assist the city in the sale of its bonds to cover the cost of this water plant and feel confident of being able to secure one or more bidders for such bonds when advertised by the city.

We are very much interested in the upbuilding and growth of your community and we have spent in the past, and are now preparing to spend, a great deal of money toward publicity and exploitation and we feel that we must work together in order to bring about permanent and lasting results.

We realize that the interests of this company in your community can be satisfactorily promoted only by working in harmony with the people of the city, and we regret very much the present apparent misunderstanding by a number of the people in your community of the motives and attitude of this company toward them. The recent readjustment of electric rates made by us in Hood

River was absolutely necessary to do away with existing unfair and improper discrimination among your people, and was made for no other purpose. The net result of this readjustment was to cheapen the ser-

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COUGAR KILLS GOATS NEAR PINE GROVE

Considerable excitement has been caused in the Pine Grove district during the past week by the depredations of a cougar which has been killing goats on the Capt. Jackson place. Altogether the animal has killed 12 of the goats and although a number of hunters have endeavored to locate it their efforts have so far failed.

Jake Lentz of Mount Hood who is known as one of the wisest cougar and bear hunters in the valley, has tracked the animal long distances several times. He says that its tracks measure six inches across and indicate that it is of unusual size. In one or two instances it has been found that the goats have been dragged away without being eaten, and have been covered up.

The goats were being used to ent up the underbrush on land that had been partly cleared.

FRIGHTENED HORSES RUN AWAY IN CROWDED STREET

Becoming frightened while the owner was at work on the pole which they were hitched, the team of C. L. Trout ran away here Saturday morning and created great excitement as they threaded in wild plunges among the vehicles of ranchers, who were in town for the Christmas shopping. A dozen disastrous collisions were narrowly averted. The wagon was demolished when the team ran into a pole carrying electric wires, on a corner.

Sutton Case Is Aired In Fight For Children

Attorney For Local Architect Weeps As He Recites Dramatic Story of How Father Sacrificed Business Interests in Order to Pursue Divorced Wife and Children Half Around the Globe.

"With tears coursing down his cheeks," says the Oregonian, "Attorney Frederick V. Holman, of Portland, Friday told how Albert Sutton sacrificed his business interests in San Francisco and moved to Oregon that he might separate his two daughters from their mother, his divorced wife. It was the most dramatic argument ever heard in the seventh judicial district circuit court and was the closing argument before Judge Bradshaw in the habeas corpus proceedings brought by Ethel M. Montgomery against Sutton in the hope of getting care of their children.

"When Sutton was granted divorce from his wife, she who is Mrs. Montgomery now, by the California court in 1909, he was given entire custody of the two daughters. In August, 1911, the decree was amended so that the divorcee was to have the care of the children for four months of the year. Sutton did not act in accordance with the mandate of the court and so Mrs. Montgomery resorted to habeas corpus proceedings.

"Sutton's attorneys, Mr. Holman, S. W. Stark of Hood River, and W. H. Wilson of this city, contended the divorced woman is not fit to have the care of the daughters. The plaintiff was represented by E. V. Littlefield and James G. Wilson of Portland. Arguments, which took up the entire day, were heard in the circuit court at The Dalles before Judge Bradshaw, who reserved decision."

The facts of the case are as follows: In April, 1909, the court of California granted Mr. Sutton a divorce from Mrs. Sutton, and the care and custody of his two minor daughters. In January, 1910, Mr. Sutton, with his daughters, moved to Hood River, where he is now residing. Since the removal of Mr. Sutton to the state of Oregon, his divorced wife married Montgomery and in August, 1911, secured a modification of the decree of divorce in California, permitting her to have the custody of the minors for a period of five months during each year. Last November she came to Oregon and instituted habeas corpus proceedings to secure the minors.

In answer to a petition for a writ of habeas corpus, among other things Mr. Sutton alleges that Mrs. Montgomery is not entitled to the care and custody of the children for the reason that while living in San Francisco she repeatedly had improper relations with one Walter E. White, a chauffeur, and that she is a dissolute person; that at one time she took the children clandestinely from their home in San Francisco and fled with them to Vancouver, B. C., thence to the city of New York, thence to England, thence to France and thence to Belgium. Mr. Sutton

followed her to Belgium, secured the children and brought them back to San Francisco.

The answer to the complaint states that Mrs. Sutton then remained somewhere in European countries for many months. Afterwards, in company with Walter White, the chauffeur, she returned to San Francisco, and later became infatuated with Montgomery, with whom she lived in adultery at St. Clair apartments, San Francisco, and who is now her husband. That her manner of living and associates and companions are such that it would be prejudicial to the interests of the children to be in her care or custody or under the influence of her associates, and Mr. Sutton requests that Mrs. Montgomery be not allowed to have the custody of the children or in any way to communicate with them.

Mr. Sutton contends that the court of California was without jurisdiction to modify or change the decree to give to Mrs. Montgomery the custody of the children a portion of each year, because it was done after Mr. Sutton and the children had moved to Oregon, and that the courts of Oregon have the right and must determine anew who is the proper person to have the care and custody of the children; and, further, because the children have a good and comfortable home and desire to remain with their father, they should not be taken from him and sent back to live with their mother and Montgomery. Mrs. Montgomery's attorneys contend that the court of California had the right to modify and change the decree and that Mrs. Montgomery, under the decree, is entitled to the custody of the children for five months each year.

Mr. Sutton is one of Hood River's most highly respected citizens and, with his children, has lived here for the past two years. The outcome of the case is looked upon with great interest by the citizens of Hood River, who trust that the children will not be taken away from their father.

CITY SCHOOL CENSUS SHOWS MARKED INCREASE

F. A. Bishop, clerk of the city school board, announces that the census of the Hood River school children, which has just been completed, shows an increase of 47 over that of last year. The district's children last year between the ages of 4 and 20 numbered 885, while this year they number 932.

These figures do not include pupils attending the city high school whose residence is outside the district, nor those students who have passed the age of 21.

Junketers Are Royally Received at Parkdale

Feeling of Friendliness Between People of Upper and Lower Valleys Is Strengthened at Get-Together Meeting, a Feature of Which Was an Able Address By Judge Stephen A. Lowell.

Augmented by the presence of fifty of the city's representative business men, the lecture and get-together meeting at Parkdale Wednesday evening, under the auspices of the Upper Valley Progressive Association, was a big success. In fact it was more than this, because it fostered and cemented a feeling of friendliness between the people of the two sections of the valley that could not have been accomplished in any other way. For the first time many of the city people realized what an intelligent, progressive class of citizens there really are in the Upper Valley, while the latter were made aware of the good will and cooperation which the people of Hood River are ready to extend toward the citizens of the upper country.

Nothing occurred to mar the event. The special train on the Mt. Hood Railroad, which carried the large party from Hood River to Parkdale and return, made the trip both ways in about an hour. In fact the good time made, and the smoothness and comfort with which the party were transported, compared with the arduous trip over the country highways which had to be resorted to a year or two ago, caused many to comment on the blessings a railroad means to the valley.

Leaving Hood River at 6:50, the train arrived at Parkdale a little before 8 o'clock. A goodly delegation of Upper Valley people met the visitors at the station and warmly welcomed them. Arriving at the hall, which was tastefully decorated with evergreens and American flags,

a large gathering extended the hand of fellowship and good cheer, and each of the visitors was presented with a complimentary ticket to the lecture and a handsome souvenir program.

Of course the event of the evening was the lecture given by Judge Stephen A. Lowell. Judge Lowell always talks well, even in private conversation, but on the platform he is the Simon-pure, silver-tongued orator, and proved his title to this distinction by talking an hour and forty-five minutes without having anybody turn a hair. His subject was "The Law and Lawyers, Then and Now," and it can be put right down here that if anybody doubts that the judge doesn't know something on this subject, he or she has another think coming.

Introduced in a few words by John Goldsberry, High Tye of the Progressive Association, Judge Lowell started in by going away back to the time of Moses and the writing of the ten commandments, and covered the subject down to the latest legal twist in the McNamara dynamiting case. He covered the periods of the Justinian Code, the Code Napoleon, the dawn of the old English common law and the rise and growth of the application of jurisprudence in the United States from the battle of Bunker Hill to the present time.

It is doubtful if a Hood River audience ever listened to a more learned talk, one more interesting or one more eloquent, on an educational topic, than that of Judge Lowell to

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Hydro Company Charged With Contempt of Court

Rival Corporation Alleges That Injunction Has Been Disregarded in Construction of Competitive System—Judge Bean Sends Experts Here to Investigate—Hydro Company Finishes Line.

Contempt proceedings brought against the Hydro Electric Company the last of the week by the Pacific Light & Power Company brought to an issue the controversy between the two companies, which are fighting to gain control of the local field.

On Thursday a deputy United States marshal from Portland served papers on President N. E. Evans of the Hydro company and Foreman Charles Gill of the construction gang. Both men were summoned to appear before Judge Bean of the United States District Court at Portland on Saturday to show cause why they should not be punished for contempt of court. This charge was made against them on the ground that they had disobeyed the injunction forbidding them to string their wires in such a manner as to interfere with those of the Pacific company.

A number of witnesses were examined by Judge Bean. After hearing the testimony he declared that it was so conflicting that he was unable to render a decision. He therefore directed that a board of electrical experts be agreed upon by the two companies and that the experts make an examination of the question in controversy and report to him next Tuesday, when he will decide the contempt proceedings on their testimony.

In the meantime the Hydro company is rushing construction on its lines and plant in an effort to serve customers on the dates specified in the contracts. Their generator has been received and was hauled out to the power house this week. Dr. Watt said yesterday:

"Our plant and distributing system are practically complete. Poles have been erected and wires strung into the city as far as Fifth and State street and we are in readiness to install the distributing system throughout the business and resident sections of the city. The business places with which we have contracts will be wired within a few days and, if the injunction is dissolved, we will be ready to turn on the juice within the time stipulated in the contracts. It will of course take a longer time to extend the lines into the residence sections. We are renewing some of

the contracts as a precaution in case we are longer restrained from turning on the juice."

There were present at the hearing before Judge Bean in Portland, A. S. Hall, manager of the Pacific Power & Light Co.; Alva Day, also of the latter company; Geo. R. Wilbur, their local attorney; N. C. Evans, president of the Hydro Company; City Attorney A. J. Derby, who is also the attorney for the Hydro Co.; with his partner Jesse Stearns; Chas. Gill and several other local people.

COUNTY MAY LEVY TAX TO KILL PESTS

It is now stated that the Hood River county court at the first meeting of next year will probably make a tax levy for the purpose of carrying on experiments to develop orchard culture and to prevent disease and pests. The members of the Hood River Fellowship Association have been circulating a petition asking for such a measure. While the work of the organization under the direction of Professor W. B. Lawrence has been successful, it is thought that to make it a county task will do much toward simplifying the raising of funds and the work in general.

Professor Lawrence, the expert who has had charge of the work for the past year, is at work on a system to make temperature notes of the valley this winter. He will place tested thermometers in at least 100 orchards in different parts of the valley.

Shows a Fine Steer
P. C. Young has on exhibition over the holidays at his market a handsome, big dressed steer which is attracting much attention. It weighs 300 pounds dressed and came from the Union Meat Company at Portland.

Fellowship Association
A meeting of the Fellowship Association will be held at Van Horn Friday at 2 p. m. to discuss the subject of orchard planting, winter injury, dead spot in fruit and loss from frost.



Mount Hood, as Seen From Railroad Terminal at Parkdale, Where Local Business Men Were Royally Entertained Last Week.