

# The Hood River Glacier.

VOL. XXIII

HOOD RIVER, OREGON, THURSDAY, SEPTEMBER 14, 1911

NO. 16



## On Account of Old Age, This Fine Home

and 15 acres bearing orchard; 15 acres hay land; about 20 acres pasture; team, cow and all farm tools; 5 miles from Hood River, will be sacrificed for \$26,500. \$6,500 cash, balance terms. See owner's son-in-law,

**J. H. FRARY**

1123 Twelfth Street Hood River, Oregon

## FALL MILLINERY OPENING

On and after September 15 our Dress Hats will be ready for inspection.

**J. & L. HAWLEY**

## As Near as a Drug Store Next Door

Your telephone brings you as near to our store as though you lived next door to us. Keep in mind that you can have anything in drug store goods whenever you wish by merely telephoning us. Your order will be given that careful, intelligent attention which has become a habit with us and the goods will be delivered to you promptly.

**Our Telephone and Free Delivery Service Saves Time, Trouble and Effort**

This service gives perfect satisfaction and costs nothing extra. Our prices are right for reliable goods and are alike to all.

**When You Think of Drug Store Goods, Think of Us and Use Your Phone**

**Carl A. Plath, DRUGGIST**  
"The Rexall Store"

## Hunt Paint & Wall Paper Co.

Complete line of PAINTS, OILS, BRUSHES, Etc.  
**HEATH & MILLIGAN MIXED PAINTS.**  
PRATT & LAMBERT'S VARNISHES. CALGIMO. For room tinting mixed to order. CHL-SAMEL. For old furniture and wood work; any color. ROOM BUILDING. Plate and Card Wall. Dry Paste. OIL CLOTH for walls and a nice line of Wall Paper. Painting, Paper Hanging, Sign and Carriage Work. Carriage Shop phone 109L. Store phone 110-15 Oak Street

## Mr. Fruit Grower!

If you are contemplating increasing the size of your orchard you should be careful in the selection of your trees, for without the proper type of trees to start with, you cannot hope for the success you deserve.

The **True-to-Name Nursery** has furnished the larger portion of the trees for the most profitable orchards of Hood River, the orchards that have in later years produced the prize winners were from trees grown by the **True-to-Name Nursery**, including the prize winning car of Yellow Newtowns at the National Apple Show at Spokane. The trees that we have to offer are not "pedigreed" nor "thoroughbred," but are of the type that have produced results that speak for themselves. Our years of practical experience in the nursery business is a safeguard against mistakes and should be a sufficient recommendation to merit your confidence.

It will pay you to examine our stock or write us before placing your order. Address all communications to

**True-to-Name Nursery**

PHONE 2002-K HOOD RIVER, ORE.

## Land Bargains in Hood River

- 20 Acres, \$5,500**--5 1/2 miles from town. 5 acres cleared; fair house; 2 good springs; fine view of valley and both mountains; red soil; easy terms.
- 19 Acres, \$8,000**--5 miles from town. 16 acres cleared; 2 acres in trees; balance in clover and alfalfa; all but 1 acre first-class apple land; splendid view; easy terms.
- 17 Acres, \$125 an Acre**--1 mile from shipping station, school, store and church; all uncleared but fine land for apples; a snap.
- 20 Acres, \$22,000**--3 acres 2-year-old; 19 acres in 5-year-old Spitzenburg, Newtown and Orleys. One of the sightliest places in the valley and in the heart of the apple growing section. Near store, school etc. Terms.

We have a number of special bargains in inside business property that are sure money makers.

**J. H. Heilbronner & Company**

The Reliable Dealers Hood River, Ore.

## A DOUBLE-HEADER

17 Acres in Willow Flat. 5 acres 3-year standard apples; 2 1-2 acres 1-year standard apples; 1-2 acre 6-year standard apples; balance uncleared; finest building site in the valley; \$6,000, \$2,800 cash. 31.33 Acres adjoining the above; all good land; all uncleared; \$5,000, \$2,000 cash. Will divide at \$175 per acre.

To See is to be Convinced

## Hood River District Land Co.

Hood River, Oregon

## Land For Sale

I have about 1,000 acres of No. 1 Apple Land, most of it under ditch at prices ranging from \$60 per acre up. In tracts from ten acres up.

**J. R. STEELE**

Hood River - - - Oregon

## For Sale by Owner

200 acres, 60 acres cleared, 11 acres planted, balance unimproved. Price cheap and easy terms.

**J. P. Thomsen**

R. F. D. No. 1 box 69 Phone 296 Odell

## GUY Y. EDWARDS & CO.

Office Hotel Oregon Building  
Phone 228-K

**\$6,250**--Five acres 1 mile from city limits, all in trees; 1 acre bearing; balance 4 and 5 years old; house, barn, running water in house; fine view. Terms, \$2,000 down.

**\$14,000**--Ten acres in Oak Grove, nearly all in full bearing; house, barn and all tools; main road, and only 4 1-2 miles from town. Reasonable terms.

**\$2,500**--Five acres, 4 miles out on West Side; 3 acres in trees 2 and 3 years old; 2 acres ready to set; house and barn. Terms, one-half cash.

**\$7,000**--Ten acres on East Side, near Van Horn; 5 acres bearing; balance 2 to 4 years old; new apple house. Owner going east and must sell.

**Get Our Complete List**

## JURY'S VALUATION IS \$32,441

THE WITNESSES' ESTIMATES VARY

City Government Will Abide by the Verdict, but Attitude of Opposing Counsel is Toward Appeal.

After a four days' session of the Circuit Court here last week, the jury in the condemnation case between the City of Hood River and the Pacific Power & Light Co., after deliberating for about five hours, reached a conclusion and placed the value of the water plant in question at \$32,441.

The case was characterized throughout by the great difference between the valuations as placed on the system by the experts of the city and power company. The owners' experts estimated the value at figures varying between \$60,000 and \$80,000 while the city's experts, figuring the worth of the plant to the city, placed its value as low as \$11,000. The testimony was completed Thursday night and Friday until the middle of the afternoon was given over to the pleadings of the attorneys.

A brief summary of the testimony offered by the different witnesses appears below: The chief expert testimony of the city was offered by L. C. Kelsey and E. A. Taylor, both hydraulic engineers of broad experience. The former has been consulting engineer of Salt Lake City, Utah, and has offices in Portland, while the latter for the past decade has been connected with the construction of water and sewer systems in the New England states. At present he is superintending the construction of Portland's new Bull Run water system.

Mr. Kelsey and Mr. Taylor practically agreed as to the valuations. Both estimated the value of the plant, as a going concern, to the city at \$11,000. While they placed a replacement value, exclusive of the real estate, at \$29,000. In reaching their conclusions, they took into consideration all elements that a buyer would take to determine the probabilities of the future, its earning capacity, the probabilities of competition and the possibility and probability of contamination. The condemnation by the State Board of Health had its effect. They figured from the general utility and the structural features of the plant. Both claimed that it was not efficient as a fire protection for the city.

Hood River's present source of water supply carries colon bacilli, the germ always found accompanying the typhoid germ, and may at any time precipitate on the inhabitants an epidemic of typhoid fever, according to the testimony of Dr. Yenny, Dr. Andrew C. Smith and Dr. Calvin S. White, members of the State Board of Health, who were witnesses. All of the health officers had made trips here to study the environment of the springs supplying the city water. From their observations and from analyses of various samples taken from the springs, the State Board of Health last year condemned the source of supply.

In order to determine the value of the real estate involved in the suit a number of the most experienced local real estate dealers were called on to testify. W. J. Baker asserted that the reservoir sites, exclusive of the rights of way were worth on a conservative estimate, \$2,600. C. R. Bone placed the real estate value at \$2,800. Mr. Bone testified that he could not see how any one could place any value whatever on the right of way, as such, to a company making use of it.

Dr. W. S. Nichol estimated the value of the land at a price ranging from \$1,500 to \$2,000. On cross examination, the power company's attorney asked Dr. Nichol what he considered the land good for. He answered that the owner might make a success by establishing a duck pond. "What kind of ducks would you raise, Dr. Nichol?" asked the counsel. "Indian Runner ducks," was the prompt reply. "They wouldn't require so much water, would they?" J. M. Schmelzer, who was placed on the stand as an expert real estate witness for the power company, placed the value of the real estate, including the rights of way, at \$10,000.

A. S. Hall, the Pacific Power & Light Company's local manager, was called by the company's counsel. He testified that the company found it necessary to shut off the water at nights in the summer time, because of the fact that patrons of the system made such a use of it at night for irrigation purposes that it was impossible for the company to fill its reservoirs and have a reserve for fire protection and to supply the needs of the day.

Engineer Hensley, who has been in the United States service, by deposition valued the system, excluding the water rights, at \$45,000. Including the water rights, he placed a value of \$60,000 on it. A. L. Adams and J. G. Kelly also testified as to the value for the company. The latter, including the water rights, found a value of \$68,000. While the former, including the water rights and the real estate, placed the valuation at \$81,000.

The instructions of Judge Bradshaw to the jury were as follows: "In arriving at the value of the property sought to be taken by the City of Hood River, you are to find the present market value of the property as a whole or single water system, and in so valuing the plant every element that affects that value should be considered by you and each part or component part that goes to make up the system should be considered in its relation to the whole system."

"By market value is meant a fair value of the property between one who desires to sell and is under no obligation to sell, and one who desires to purchase and is under no obligation to purchase. It is not what could be obtained for the property under peculiar conditions when a greater than its fair price could be obtained, nor its speculative value, nor the value obtained from the necessities of another. Nor on the other hand is it to be limited to that price which the property would bring when forced off at auction under the hammer."

"The component parts have been fully detailed to you by experts in this case and consist of real estate, water and water rights, water developments, reservoirs, structures, pipes, fittings, gates, hydrants and stand pipes, ser-

vices and all the property and rights that go to make up the entire system of water works.

"The element of going value is to be considered by you in arriving at the fair market value of this property, as the City of Hood River in acquiring this property takes it over and receives it as a going concern. As a going concern, consideration must be given to the length of time and cost needed after construction to develop a new system to the level of the present one with respect to business and income."

"In looking at the market value of any of the component parts of this system you are to take the value not only in relation to the system as a whole but also the use to which the Pacific Power & Light Co. is actually putting the property, and its adaptability for that use."

"You are further instructed that you can not measure the value of the system and property sought to be taken by the City of Hood River in this action by its value to the city, or by the city's need for the particular property, or its contemplated use of the property."

"You are further instructed that you can not value any of the component parts of the system by their value to the city for by the city's intended use thereof, but you are confined to a consideration of the present value of the system as a whole in its present condition."

"I further instruct you that there is no evidence before you of any competing water plant in the City of Hood River, nor is there any evidence before you that there is any likelihood of a competing plant coming to the city, and so you are not to consider this element in arriving at the market value of the system."

"There is no evidence before you that the City of Hood River is building or is contemplating building an independent water system to the one sought to be taken in this action, and so you are not to consider this as an element affecting its value."

"You are not to take into consideration in determining the present market value of the system any action taken or threatened to be taken or contemplated by the City of Hood River in building or looking toward the building of a system to supply the city and that might come into competition with the plant of the Pacific Power & Light Co."

"There has been some testimony introduced before you concerning water shortage. If any water shortage has been caused by the carelessness or mistakes in the management or operation of the present system of the Pacific Power & Light Co. in furnishing water to the City of Hood River and to its inhabitants, and such shortage could be removed by proper and business-like management of the present system, then the evidence of such water shortage should be disregarded by you and not considered in the valuation of the system."

"If you find that either or both of the sources of supply of water used in the present system is liable to contamination from cesspools or outhouses you are to consider in this connection the power and authority of the City of Hood River to remove the same and to provide for proper sewer system to remove such possible sources of contamination to the water supply. In other words you are not to consider the source of supply valueless, if it would otherwise be valuable, because it is liable to contamination if the source of possible contamination can be removed."

"There has been some evidence brought before you to the effect that the City of Hood River has not a sufficient number of fire hydrants in the present water system. On this point I instruct you that under the terms of the charter of the City of Hood River and under the terms of the franchise held by the Pacific Power & Light Co. from the City of Hood River it is the duty and business of the City of Hood River to enter into an agreement with the Pacific Power & Light Co. for whatever hydrants the city may require and that under the circumstances the number of fire hydrants becomes immaterial and does not affect in any way the present market value of the system."

"There is no evidence that the City of Hood River has demanded from the present owners, or any of the predecessors of the water works any hydrants for fire protection, or that the present owners or any previous owners has declined to furnish fire hydrants on the request of the city and I therefore instruct you that any evidence to the effect that there is not sufficient fire hydrants in the City of Hood River should be disregarded by you in arriving at the present market value of the entire system."

The verdict, placing the value of the plant at \$32,441, is a compromise one. Members of the jury have admitted that the instructions of the court caused them to raise the price several thousand dollars, and had they used their own judgment as to the actual value of the plant, considering points which they considered vital, but which were excluded by the instructions of the court, the verdict would have placed the value under \$25,000. The latter price bears out the contention of those who have fought the case for years, against paying the excessive price demanded by the old company. Had a vote been taken within the last seven years as to paying the old company \$25,000 for the plant, there is little doubt that it would have carried by a large majority. That the jury in the present suit have admitted that in their judgment, unhampered by the instructions of the court, the verdict would not have exceeded that figure, should be particularly gratifying to those who for a number of years have based their judgment on that figure. However, the city government, in order to hasten the work of improvement in the city, is willing to submit to the verdict. In a letter received from Attorney J. F. Laing by A. S. Hall, the local manager of the Pacific Power & Light Co., it is stated that the attitude of the company's counsel is toward appeal. However, no definite action has been taken by them.

## LETTER CAUSES THE VOTE

J. F. BATCHELDER SUBMITS ADVICE

Council Orders Warrants Drawn to Cover Cost of Water Plant--Skating Rink Declared Nuisance.

For the first time this year the vote of the mayor was necessary to settle a tie at the Monday night meeting of the City Council. The members of the council were equally divided as to whether or not a communication from J. F. Batchelder should be tabled or referred to a committee. The latter in question stated that Ulen & Co. had no right to make an assignment of the \$90,000 bond issue to Morris Bros., the Portland brokers. It asserted that it was the business and duty of the city government to re-advertise the bonds together with the sum of \$32,441, the valuation placed on the water system. Thus, according to the belief of the writer, large and responsible bond houses will bid on that bond and the city will get a better bargain. According to Mr. Batchelder no large and responsible bond houses have yet made bids on the local bonds. He ended his communication by advising the council instead of beginning the installation of a municipal water system this winter, to make certain revisions in the city charter.

A motion of Councilman Early, seconded by Councilman Robertson, provided for the tabling of the communication. However, Dr. Brosius stated that through courtesy the message should be referred to a committee. The councilmen voted as follows for the motion: Wright, Early and Robertson, No; Howe, Brosius and Higgins, Yes. The mayor voting with the nays, the communication, on motion, was referred to the Street committee.

A petition from the Apple Growers' Union asked that the city vacate Fifth street north of Columbia. As a consideration for this the organization offers a strip of twenty feet from the lots owned by it in this section. By opening a road over the proposed lots a convenient way is offered to the freight station and the Apple Vinegar Company's factory. The matter was referred to the Street committee for a report at the next meeting.

A petition signed by a large number of citizens residing west of the city asked that the city repair the west end of Cascade avenue. Recently they assert has so badly washed a small stretch of the highway that it makes the hauling of fruit over it almost impossible. The cost of the improvement will not amount to more than \$50, according to the estimates of the petitioners. The petition was referred to the Street committee with power to act. Mayor Hartwig stated that a portion of the East Side grade was in similar condition and was in need of repairs. He suggested that the Cascade avenue improvement might be made by an assessment, but added that the East Side Grade would perhaps not stand an assessment.

A remonstrance against the excavation of First street was submitted by L. M. Blowers and J. B. Hunt, who stated that the property owners, who received fill in front of their property should, since they were benefitted, bear a cost in proportion to their own. They further stated that the price actually charged by the contractor had exceeded the estimates as made by the city and that the contractor had probably made a mistake in his calculations as to the amount of rock removed from in front of the property. Reporting on a remonstrance submitted by Mr. Hunt at the last meeting of the council, the Street committee stated that its members had investigated the work and found no reason why the work as completed by the contractor should not be accepted, and an ordinance providing such was ordered.

Recorder Langille reported that the amount due the Seaton Construction Co. for the work of filling Twelfth street had been attached by the A. H. Averil Machinery Co., of Portland in order to secure payment of the sum of \$131,72, owed for machinery. The Seaton Company is due the sum of \$495 on the work. The recommendation of the Fire and Water committee, that the recorder draw at once two warrants to cover the valuation of the water plant of the Pacific Power & Light Co. as assessed by the condemnation jury, was adopted. As soon as the city procures the warrants, it at once assumes control of the plant and receives the revenue from it.

L. A. Henderson was reported by the Street committee to have asked for instructions as to his duties as inspector for the work to be done in the construction of the new sewer system. He was referred to the city engineer.

The matter of the city standing the expense of building a retaining wall in front of the property of Judge John Leland Henderson on State street again came before the council. The Street committee recommended that the city pay the cost of such work, since a former Street committee had given Judge Henderson a permanent grade. Dr. Brosius opposed the action, stating that it was setting a bad precedent.

The report of the Judiciary committee, recommending that the skating rink be closed, was adopted. The following is their report: Hood River, Ore., Sept. 11, 1911. To the Hon. Mayor and Common Council, of Hood River, Ore.

We, the committee to whom was referred the matter of the petition to abolish the Skating Rink respectfully submit the following report: We visited the building and was shown over it and were unable to inspect the interior of the Rink but outside a cleaning up had been made so as to lessen the fire risk.

The main cause of the complaint seems to be the noise caused when the rink is in operation and as expressed by some of the residents living near as becoming unbearable.

The character of the building is such that it would be impossible to deaden the sound and still have the necessary ventilation.

We understand that the owners of the Rink are making preparation to defend themselves against the closing of the building as a Rink, but notwithstanding that fact we believe the resi-

(Continued on Page Two)