

### WATERWORKS FIGHTS TO MAINTAIN METER CHARGES

#### Proposed Ordinance of City Attorney Study Draws Threats of Increased Rates and Law Suits—Atty. Shiveley Charges Study With Playing Politics.

### FINAL ACTION POSTPONED ON THE PROPOSITION TILL NEXT MEETING

#### Palladium Censured By the Waterwork's Attorney for Its Efforts to Watch the Interests of the People—Certain Councilmen Fear Political Effect of Their Action and Company May Prevent Unfavorable Laws.

Council was given two conflicting opinions by attorneys last evening in regard to the franchise of the Richmond City Water Works company. City Attorney T. J. Study claims that the water works company merely holds a license to use the city streets and a contract to run three years yet for the purpose of supplying the city with water. R. K. Shiveley, attorney for the Richmond City Water Works company, presented his side of the question, and said that the company held a perpetual franchise to use the city streets, but that its contract with the city to furnish water, expires in three years. The discussion between the two attorneys which left council far from clear on the subject, began in the consideration of the ordinance, which came up on third reading, to make it illegal for the water works company to charge meter rent, and which will, if passed, prevent it from making the semi-annual collection, which falls due October 1.

The ordinance was put to a vote and Bartel, Brown, Burdiss and Deuker voted "no" for its passage which was sufficient to kill the ordinance, considering the fact that there were only eight members present. However, after some discussion, it was decided to allow the ordinance to lay over for two more weeks and vote on it at that time.

#### Threatens Raise in Rates.

Charges were made that if this ordinance was passed, the water works company would raise its prices. It was also intimated on the part of councilmen and R. K. Shiveley that the ordinance which was drawn up by Mr. Study was a political move for popular favor. R. K. Shiveley also said that if the ordinance was passed, the company would consider it a direct slap at it and its proposition for new contract between the company and the city, which is now pending before the board of works. He stated that the company would protect itself, even though it had to go to the courts.

#### Not Afraid of Suit.

Mr. Study says that he is not afraid of a law suit. He referred to the fact that the city had been unusually fortunate while he has been city attorney and has not paid one cent of damages. He also claims that the city has the power and authority to compel the company to put water meters in the homes. Councilman Bartel interrupted to inquire whether it was a fact that the city had the right just expressed by Mr. Study and the latter replied that it was a matter of law, implying that it was a fact, because the city has the power to regulate its franchises.

The waters were rather troubled between Mr. Bartel and Mr. Englebert of the council, and Mr. Study, and councilman Deuker tried to pacify the three. He said that Mr. Study had always given efficient and truthful service. To which Mr. Englebert replied that Mr. Study was trying to force council to vote on the ordinance. To this Mr. Study said that some small boy misunderstood him, and that his only hope was that some member of council would force a vote on the ordinance.

#### Direct Slap at Company.

R. K. Shiveley asked the privilege of addressing the council and in answer to Mr. Study's arguments for the passage of the meter rent ordinance, said that any such move on the part of the

council would be considered a direct slap at the water works company and would be accepted by the company for just that much. He emphatically stated that it would result in litigation. He claimed that the company has a perfect right to charge meter rent. The citizen has the option of paying either a flat rate or to have his water measured, and pay for the privilege of the same according to Mr. Shiveley. Mr. Shiveley claims that it is a mere form of contract between the company and the citizen.

Mr. Shiveley censured the Palladium for taking its stand on the water franchise question. He said certain people in this community had made charges without investigation and have jumped at conclusions. According to the attorney, the Palladium even went so far as to use the expressions "steal" and "theft," concerning the proposition of a new contract between the city and the water works company. "The company, he said, will not meekly consent to allowing the meter rent charges to be done away with.

#### To Fight Confiscation.

Any attempt to confiscate the property of the company will also be fought, according to the company's attorney. He advised that the matter be dropped until after the expert engineer thoroughly investigated the proposition. The company will not consent to any guess work derivations in this matter, according to Mr. Shiveley. He said that the company had no inclination to be unfair about the proposition and that the only way to be fair is to base an investigation on facts. He even said that the friendly relations between the board of works and the company in consideration of the company's proposition for a new contract, would be immediately dropped, if the ordinance last evening was pushed. He feels that the city and company can arrive at some agreement satisfactory to all, following the report of the expert engineer. He concluded his first discourse by saying the meter rent ordinance smacked too much of the big stick.

Mr. Study again took the floor and said that any ill feeling between the company's officials and the city had never been considered or even heard of by him. He said that he is friendly to the stockholders of the company, but because he holds such an opinion, he said that it was no reason why he should consent to anything dishonest.

#### Not Ghost of Franchise.

"The water works company has not a ghost of a franchise. It merely holds a license to use the city streets. Its claim of a perpetual franchise is a sham." The very fact that the company claims its franchise is perpetual shows that it has no franchise, according to Mr. Study. He said that a perpetual franchise revoked itself. He also claims that the company will have no contract or franchise rights after its contract with the city expires in 1912.

The board of works will not consider the proposition for the new contract, presented to it. It was put to this body for the purpose of a feeler, said the city attorney.

Because this clause in regard to meter rents is not included in the company's present contract with the city, is one reason why the city has the power to regulate the matter of meter rents, according to Mr. Study. He gave several examples in which the higher courts had sustained what he said. He says the question at stake is whether the meter ordinance protects the public. He himself, holds no doubt that the city has the power to regulate the use of meters for the purpose of protection of the customers of the company. He said it is the nature and purpose of the police power to protect the public.

#### The Almighty Dollar.

Mr. Study said that the proposition is a question of the almighty dollar with the company. He said that he is willing to take the burden of litigation in his own hands. He said that he wanted the ordinance passed last night so as to be effective October 1.

A vote was then taken on the subject. Bartel lead off with a vote of

### SYDNEY WAITS FOR PEARY WHILE COOK IS GIVEN DEGREE

#### Danish King and His Royal Court Confers Honors on American While Scientists Lend Their Applause.

#### GENEROUS WELCOME FOR PEARY AND HIS PARTY

#### Wife and Daughter Leave Their Maine Summer Home To Greet Him—Launches And Tugs Begin to Arrive.

(American News Service) Sydney, Cape Breton, Sept. 9.—Many Americans are coming to greet Commander Robert E. Peary and extend personal congratulations to him here today. Sydney is excited with keen anticipation. The exact date of the arrival is not known as yet.

The explorer's wife and family left Portland, Maine today to be among the first to greet the hero of the arctic. Motor boats, tugs, private launches and yachts are being decorated in honor of the visitor. The city will tender an official reception.

(American News Service) Copenhagen, Sept. 9.—In the presence of King Frederick, the queen and Danish Crown Prince and other distinguished members of the royal family the degree of honorary doctor of science was conferred upon Dr. Frederick A. Cook in the Royal Danish University today. The diploma was conferred amid great enthusiasm, prominent scientists joining in hand clapping.

Point Amour via Quebec, Sept. 9.—The Roosevelt, with Peary aboard, is still at Battle Harbor this morning. The weather is fine along the coast.

#### PEARY'S BRIEF OUTLINE.

London, Sept. 9.—Commander Robert E. Peary's last and successful dash to the North Pole cost one human life, that of Prof. Ross G. Marvin who was drowned four days after the pole had been discovered. From Battle Harbor, Labrador, Commander Peary cables a brief chronological history of his dash. According to his own statement, the explorer spent two days on the top of the earth, arriving there on April 6, 1909, and leaving on April 7, after copious observations had been taken.

Commander Peary's brief outline, as cabled here, is as follows: "July 6, 1908, left New York. July 17, left Cape Sydney. August 1, arrived at Cape York, Greenland. August 8, left Etah, Greenland. September 1, arrived at Cape Sheridan, Greenland. September 1 to February 15, wintered at Cape Sheridan. February 15, the sledge expedition left the Roosevelt. March 1, the expedition started north off Cape Columbia. March 2 to 11 delayed by open water. March 11, crossed 84th parallel. March 12 to 15 delayed by open water. March 18 crossed 85th parallel. March 22 crossed 86th parallel. March 23 passed Norwegian record after encountering open water. March 24 to 26 held up by open water. March 27, crossed 87th parallel. March 28, passed American record. March 29, encountered open water. April 2 passed 88th parallel. April 4, crossed 89th parallel. April 6th, reached North Pole. April 6 and 7 at north pole taking observations. April 7 left pole. April 23, reached Cape Columbia. April 27, reached Roosevelt. July 18, Roosevelt left Cape Sheridan. August 8, passed Cape Sabine. August 26 left Cape York. September 5, arrived at Indian Harbor, Labrador."

All the members were in good health except Prof. Marvin, who was drowned April 10, 45 miles north of Cape Columbia, while returning from 86 degrees north latitude in command of a supporting party.

#### REFIT COOK'S SCHOONER.

Gloucester, Mass., Sept. 9.—The schooner John R. Bradley, which took Dr. Cook to the Arctic will be refitted and sail to New York to participate in the naval pageant at the Hudson-Fulton celebration. John R. Bradley, who financed the Cook expedition, today telegraphed to Gloucester to have the schooner made ready. The Bradley is now on a fishing trip, but is expected here in time.

#### MRS. LAMOTT'S FUNERAL.

Centerville, Ind., Sept. 9.—The funeral of Mrs. Dora Brinkle Lamott, wife of William Lamott, was held this morning at half past ten o'clock, at the Friends church. The Rev. H. S. Wollam of Centerville, and the Rev. Luther Addington of Ridgeville, Ind., officiated. The burial was at Crown Hill cemetery.

#### THE WEATHER PROPHET.

INDIANA—Continued threatening; probable showers.

### BASS FAMILY IS FINED BUT FEEL WELL SATISFIED

#### Despite Jury's Verdict, Mrs. Bass Says It Was Worth \$2,000 to See Engelbert Get a Good Licking.

#### OTHER MEMBERS REFUSE TO DISCUSS THE CASE

#### Jury Was Out But 45 Minutes, The Deliberation Involving Only the Amount of Fines to Be Assessed.

It required but forty-five minutes' deliberation on the part of the jury in the Bass assault and battery case, to return a verdict of guilty for each defendant, in the city court yesterday afternoon, with the following fines: William C. Bass, \$20 and costs; Ellisworth Bass, \$15 and costs; Miss Isabelle Bass, \$5 and costs.

Despite the heavy fines imposed on all the parties, Mrs. Bass made the statement immediately after the verdict was returned, to the effect that she was perfectly satisfied with the result and declared that it was worth \$2,000 to see Arthur Englebert horse-whipped as he was last Thursday night. The other members of the family refused to state what they thought of the verdict. However, in view of the fact that Mr. Bass thanked the jury as a body after he had heard their verdict, it is presumed that he is satisfied also. All of the members of the Bass family were present when the verdict was read. Miss Isabelle Bass did not display any emotion at the reading of the verdict by Judge Converse, but her countenance lighted up with apparent satisfaction when the amount of her fine was revealed.

#### Acquittal Not Asked.

The fact that the jury returned a verdict of guilty did not come unexpectedly to the defendants. Wilfred Jessup, counsel for the defense, did not attempt to secure an acquittal, but merely pleaded for the minimum fine in each case.

There was no question at any time in the minds of the jurors, it is said, as to the guilt of all the parties involved. Only one ballot was necessary to establish this fact and very little trouble was experienced in affixing the amount of the fines to be imposed on each defendant. The time that the jury deliberated was chiefly to determine the extent of the penalty. Mr. Bass was given the heaviest fine because he was the instigator of the whole affair as the evidence showed. Several members of the jury were in favor of imposing the extreme limit, \$25 and costs on each of the defendants, while none of the members were in favor of assessing the minimum fine. The costs in the case amount to nearly \$100 aside from the attorney's fee.

#### THANKS ATTORNEY JESSUP.

Mrs. Bass Feels That he Treated Them Nicely During Trial.

Mrs. Nellie C. Bass, one of the defendants who was fined for assault and battery on Arthur Englebert, yesterday, in the police court called up the Palladium this noon, and requested the privilege of publicly thanking their attorney, Wilfred Jessup for his kind and courteous treatment to them, and especially to Miss Isabelle Bass, during the trial. Mrs. Bass said that Mr. Jessup acted like a thorough gentleman during the progress of the trial and that they appreciated his efforts in their behalf very much.

#### GOES ON THE STAGE.

Miss Isabelle Bass left today for New York, where she will join a theatrical company.

#### A SOCIALIST ADDRESS.

Socialists of the city will be interested in the lecture of James O'Neal, a prominent socialist of New York, this evening at the corner of Sixth and Main streets. Mr. O'Neal has served as associate editor of "The Worker" a socialist weekly, for past two years. The address this evening will be on "The Constitution and Rise of Class Rule in America."

#### PREACHES FOR DR. SMITH.

Rev. W. B. Crowell of Summerside, Prince Albert Island, Canada, will arrive Sunday morning to be the guests of Secretary George L. Goodwin, of the Y. M. C. A. and his family. He will also occupy the pulpit of the First Baptist church during the absence of Rev. H. Robert Smith, the regular pastor.

#### CONTRACT FOR SEWER.

The board of works at its regular meeting yesterday let the contract for the construction of a sewer in the alley between South Second and Third streets and B. and C streets to Schneider Bros., a local firm.

### Railroad King Loses Fight



E. H. Harriman, the railroad king, battled with human giants as he beat them all, but who has been like a child in the throes of disease.

### FELL FROM TRAIN; CRAWLS FOR HELP AND THEN DROWNED

#### Deep Gash in Head of L. B. Knapp, Brakeman, Renders Him Unconscious.

#### ACCIDENT WAS PECULIAR

#### KNAPP BROUGHT TO THIS CITY AFTER BEING AT HOSPITAL IN CINCINNATI WHERE HE WAS UNCONSCIOUS ENTIRE TIME.

Although his mind is an absolute blank as to what occurred and he remembers nothing of the accident that befell him at Cincinnati, Monday, the fact that L. B. Knapp, of 25 South Sixteenth street, a brakeman on the Pennsylvania railroad, was severely injured is evidenced by the large gash in his forehead and numerous scratches about his face and body.

Knapp is a brakeman on fast freight train No. 84 between Chicago and Cincinnati and Monday morning he left this city as usual with the rest of the crew at 8:10 o'clock. The last thing Knapp remembers is standing on top of one of the cars, while the train was pulling in the yards at Cincinnati.

#### Became Dizzy and Fell.

Knapp states that he is told that he probably became dizzy and fell from the train at this point on the journey as the crew missed him when the train arrived at Cincinnati. He states that he is told that he crawled for a distance of several blocks to a telegraph office near the Queen City where he told the operator who he was and then fainted.

The young man, who is 23 years of age was removed to the Good Samaritan hospital at Cincinnati, where his injuries were given immediate attention. He was delirious for about twenty-four hours after his arrival at the hospital, and it was feared at first that the effects of the blow had affected his brain. Last evening, however, he rallied considerably and was able to be removed to his home in this city. His wife who was in this city at the time of the accident was notified and hastened immediately to the bedside of her husband accompanying him home last evening.

### MUST STAND TRIAL

#### Nellie Clinger, Springfield Resort Keeper, Bound Over To Federal Court.

#### LOCAL GIRL WAS PRESENT

Miss Nellie Clinger, alias Miss Ada Howard, the Springfield, O., resort keeper who was arrested last week on a charge of sending obscene letters through the mail, on complaint of Postmaster J. A. Spekenhler was arraigned before the United States commissioner, Judge W. M. Rockel of Springfield yesterday. She waived examination and was bound over to the federal court at Cincinnati, the grand jury of which convenes next month. She furnished cash bond \$500.

The local girl whose name is withheld because of her age and her excellent reputation attended the trial with her brother. They were subpoenaed by Deputy U. S. Marshal Lon Boyd of Indianapolis, Tuesday. The local girl offered no testimony, as Miss Clinger waived examination.

### END COMES TO WIZARD HARRIMAN

#### Dr. Lyle Announces Death of The Well Known Railroad King at 3:35 O'clock This Afternoon.

#### HAD MADE LONG FIGHT

#### Cancer of Stomach Immediate Cause of Death—Family Expecting End and Was Present.

#### STOCK MARKET CLOSED WHEN THE NEWS CAME

#### Had Heard Rumors of the End Before, and Stocks Immediately Took a Decisive Slump.

(BULLETIN.)

#### Arden, N. Y., Sept. 9—Edward H. Harriman died this afternoon at 3:35, Eastern time. His family was with him at the time the end came.

(American News Service)

New York, Sept. 9.—The rumor of the death of E. H. Harriman created great excitement on Wall street. Prices of stocks fell off, especially those at which he is at the head. It is impossible to verify the rumor, doctors and friends of the family declining to say anything.

The meager news from the bedside while phrased hopefully as possible, leaves the impression that at best Mr. Harriman's death is but a question of hours, it being pointed out that he being a frail man, whose vitality, sapped by years of illness, can not be sustained long on purely artificial means alone. Oxygen is being administered.

#### CANCER THE CAUSE.

(American News Service) New York, Sept. 9.—E. H. Harriman had been a sufferer for several weeks from a cancerous growth of the stomach. Harriman was operated on at his home, yesterday and it is understood his vitality was so weakened that he could not recover from the operation. A friend of Harriman said that he was too weak when the operation was undertaken for it to be successful.

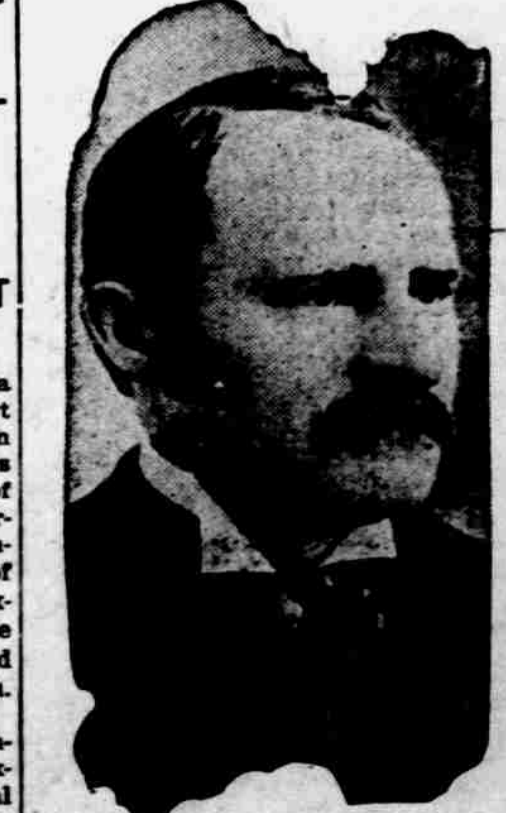
Harriman recently returned from a trip to Europe for his health. He arrived in this country in a weakened condition and it was rumored at the time that he could not survive his trouble. But because of the action, such a report would have on the stock markets, it was never given out officially. Instead it was always reported that he would recover.

Since his return home, the rumors came to the ears of the Wall Street brokers, regarding his serious condition, have caused temporary fluctuations. During the last few days, relatives of Harriman have been coming to his home one by one and upon each arrival, the rumor went forth that he would not recover.

#### FACTS ABOUT HARRIMAN.

Edward Henry Harriman, capitalist, was born at Hamstead, Long Island, N. Y., February 25, 1849 and was the son of Rev. and Mrs. Orlando H. Harriman. He received a common school education and at the age of fourteen years became a broker's clerk on Wall street. Later he became a stock broker on Wall street on his own account.

Mr. Harriman married Miss Mary Averell, of Ogdensburg, N. Y., and to them were born several children. Mr. Harriman has been a member of the New York Stock Exchange since Aug. 13, 1870. A list of the corporations in which he was prominently identified as an official, include president and director Oregon Railroad and Navigation company, president and director Union Pacific Railroad company, chairman of the executive committee of Wells Fargo Express company, chairman of the executive committee of the Portland and Asiatic Steamship Co., member of the board of managers of the Delaware and Hudson Co.; president and director of Oregon Short Line Railroad Co., Southern Pacific Railroad Co., Texas and Orleans Railroad Co., Pacific Railway Company, Oregon and California Railroad Co., Central Pacific Main and Steamship Co., Southern Pacific Terminal Co., and director of the following corporations: I. C. R. R. Co., since 1883, R. & O. R. R. Co., Erie R. R. Co., Colorado Fuel and Iron Co., Western Union Telegraph Co., National City



J. M. Levy, an authority on the subject, says there will be an abundance of wheat in the North-west this year.

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