

GOVERNOR GIVES VIEWS ON NORTH SIDE DIFFICULTY

Suggests Plan for Solving Problem and Bringing the Controversy to a Close.

- What Governor Recommends. "First—That this board declare, by resolution duly placed upon its minutes, that it is the duty of the defendant company under its contract to provide 170,000 acre feet additional for the use when needed by the settlers upon the North Side tract." "Second—That a time should be fixed, also by resolution of the board, within which the defendant company should furnish this additional water supply." "Third—That arrangements should be made by the board for bringing the matter of the question of construction of the contract into the proper courts for adjudication, and that immediate arrangements should be made therefor." "Fourth—That the litigation contemplated should be carried on at the expense of the state, with the right on the part of the settlers to appear in such litigation, either as amicus curia or as interveners."

The North Side Twin Falls irrigation project case was seriously considered this afternoon by the state land board with a view of reaching a verdict. It occupied the attention of the board practically all of yesterday afternoon. The settlers urged, through their attorney, Victor O. Johnson, cancellation of the contract. The company, through S. H. Hays, fought this application and asked the board's permission to use Jackson Lake reservoir in which to store water, and time in which to provide for the additional storage. Both attorneys argued before the board. Governor Hawley submitted a communication in which he gave his views on the controversy and made recommendations. The board attempted to reach an agreement later but failed and adjourned over to 2 o'clock this afternoon.

The communication submitted by the governor and read by him to the board is as follows:

Issue is Serious One. "A serious condition confronts the land board. We have reached a point in the history of the North Side tract such as occasionally will confront the board in the consideration of Carey act projects."

"The contract between the state and the Twin Falls North Side company limits the time in which the entire project must be completed. Forfeiture, in my opinion, can be declared by the board whenever the time limit has been reached and a substantial compliance with the terms of the contract has not been had. A forfeiture, however, so declared, would mean the ending of the troubles between the contending parties, but the beginning of troubles of far greater magnitude as the matters involved would then necessarily be transferred to the courts. The effect of a declared forfeiture would have on the intervening rights of interested third parties, who have furnished the money to carry on the irrigation works and secured such liability by mortgage or other liens, would be the subject of adjudication by the higher legal tribunals. The effect, however, of the forfeiture would be far more serious upon the state, as such action might be urged as a reason why capital should not be invested in other projects. With all these matters this board is necessarily concerned, although our main duty involves principally the consideration of the relations between the state and the company, plaintiffs in this hearing, who are, herein, made defendant. It is impossible, however, for us in this hearing to consider the relative rights of any excepting the present contending parties. While it may not be necessary for us to consider such rights, we must take them into consideration even if we believe they can be determined later and in another tribunal."

Considers Settlers First. "In the great Carey act enterprises of this state, in which the North Side tract composed as it is of three segregations of land, but constituting a unit for all practical purposes, is one of the largest, there are three classes of people vitally interested and those interested may become antagonistic at any time. These are the settlers upon the land, the bondholders who provide the means to carry on the works, and the promoters who originated the idea and realize the profits when there are any. The United States and the state of Idaho are also parties, but in another and different sense than that of actual financial interest. My views upon the relative relations of these interested parties to the state, I expressed fully while addressing a conference in Chicago in May, 1911, of leading bankers and financiers of the country who are interested in irrigation matters. I stated that, in considering the differences between interested parties in Carey act matters, I personally felt, and believed I reflected the views of other members of the land board, that the first consideration was due to the bondholders, our second duty was to the bondholders and our last and least obligation was to the promoters. In this doctrine I still firmly believe."

"In the project under consideration, the settlers in good faith and relying on the contracts between the state and the company, and the promises and agreements made by the company to them, purchased the land and since then have expended their money and their energy until now when five years ago a barren sagebrush plain is fast becoming a succession of orchards, gardens and fertile fields that will, under proper conditions, soon make it a veritable paradise. Only a comparatively small area of the lands, however, have been cultivated; as in other new sections it will be a number of years before the entire tract is under cultivation. There has been during the past two years an ample water supply furnished by the company for all needed purposes. It is evident, in fact it is conceded, that the future supply is somewhat problematical. The company has in good faith expended large sums of money to insure an ample future supply. Such efforts have not been so far successful. It cannot be rightly urged that the settlers have no just complaint at present, because so far they have had sufficient water to irrigate the limited amount of their lands under cultivation. They feel that they must be assured of the future, that the uncertainty as to the future water supply must be removed; that the water problem must be solved by the company under the terms and conditions of the contract heretofore made. With this view I agree. Life is hardly worth living when such serious doubt of the future disturbs the present. This condition of affairs is a veritable sword of Damocles suspended over the heads of the settlers upon this tract."

Must Deliver Enough Water. "I repeat that in my judgment the amount of water needed by the settlers in those extraordinarily dry seasons which occasionally prevail is 170,000 acre feet more than is now available, and in my judgment the board should so declare. It would be possible to reduce this amount of needed water by arrangements under which the defendant company would limit its future sale of lands included in the segregation. Whether this idea is practical I am not prepared to say, but think it is. It might be possible, also, to limit the water right attached to lands sold in the future, so that they would not share in extraordinarily low water seasons in the water that could be furnished by the company. I believe an agreement of this kind would be legal. In other words such lands would have their full quota of water when it was obtainable but when water became scarce, would be deprived of its use. Such lands would be practically in the same condition as are the lands watered from a certain stream which does not furnish sufficient water at all seasons of the year and where other lands with prior water rights take all the water when such scarcity exists. The relief, however, afforded by this method, would not meet all the exigencies of the present case, although it might help out considerably."

"I believe this board has power to set a time limit at the end of which the defendant company would be compelled to show to the satisfaction of the board, upon a hearing at which all interested parties were present, that the conditions imposed by the board in regard to further water supply would be provided for, or an order of forfeiture made. The main question with us is what is best for the interests of the state of the settlers and of those financially interested. As heretofore stated the order of forfeiture would be the beginning, not the end of litigation. If we were dealing with a bankrupt company which had shown inability to comply with its obligations on account of financial embarrassment, or, if we were dealing with a company that had made no attempt to carry out the conditions of their contract, a very drastic action would be warranted on our part. In such event I would say that it was our duty to declare the contract forfeited in its entirety and to take such action as in our judgment was proper to save the bondholders, if they could be saved without causing further hardship upon the settlers. This condition does not pertain, however, to the North Side company. This defendant company is financially able, so far as our assurance are concerned, to comply with all its obligations. There is no reason to believe that a judgment against the company would not at once be satisfied. This company has expended upon the reservoirs and buildings upon the tract itself about \$550,000 if our information is correct, and our inspection of the works shows that this sum is substantially correct. The defendant company is already, we are assured, negotiating with the government for a water supply on the upper Snake river in conjunction with the government itself. That a compliance therewith on the part of the company is possible admits of little doubt."

State Has Duty. "The state itself is vitally concerned and the interests of the people of the entire state may be injuriously affected by our action. I do not believe the North Side settlers desire such action taken by this board as would militate against the best interests of the state of which they are citizens. My acquaintance with these people leads me to believe that they are anxious simply to have their own rights protected and thereafter assured and this done in such a way as will not work injury upon the state. To simply declare a forfeiture at the present time of the contract would under the circumstances, in my judgment, prevent promoters of other projects from obtaining capital to carry them on. This would entail great hardship upon our people generally. It would be urged that by reason of a dispute between the company and the state, the interests were antagonistic to the company, this board had shown a disposition to ignore the rights of the bondholders of the company and of the company itself, although it was solvent, and forestall what should be the action of the courts. This precedent would undoubtedly seriously injure us in the future. I believe the difficulties of selling irrigation bonds, which we are all aware of, would be so intensified by such a course as to make such sales impossible in the future."

"What then is our proper course, taking all the circumstances into consideration? I answer this, so far as I am concerned, by saying that in my judgment we should make an order expressing first the idea of this board that 170,000 acre feet of water in addition to the present supply should be provided by the company and a time limit fixed within which the company be compelled to act. I believe, at the end of the time limit, if the company did not comply with the conditions of the order, the matter should at once be taken into the courts for final settlement. If the defendant company would undertake, through its counsel, upon such order being made that the company would not comply with the order, it might be well to commence such action immediately in order to determine through the proper courts the relative rights of all the parties. Possibly it would be better for all concerned that such important action should be taken and these matters at once adjudicated. Several methods of procedure would be opened, under which the contract in question could be construed by the courts in the light afforded by the law and the facts and a sufficient performance of the conditions of the contract would follow the judgment of the courts or a forfeiture judicially declared if such sufficient performance was not had. A procedure of this kind would militate against the interests of the state in my judgment because those financially interested would know they had had their day in court and were simply held by the court to a compliance with the conditions of their contract. Nor in my judgment would it militate against the interests of the settlers in the slightest degree because under such procedure the settlers' rights would be determined far quicker than by any attempt by the board itself to declare a forfeiture."

Makes Recommendations. "After having given this subject as

full consideration as the circumstances would permit, I, therefore, recommend as the action of the board and expressing my views as to what should be done in the matter. "First—That this board declare, by resolution duly placed upon its minutes, that it is the duty of the defendant company under its contract to provide 170,000 acre feet additional for the use when needed by the settlers upon the North Side tract. "Second—That a time should be fixed, also by resolution of the board, within which the defendant company should furnish this additional water supply. "Third—That arrangements should be made by the board for bringing the matter of the question of the construction of the contract into the proper courts for adjudication and that immediate arrangements should be made therefor. "Fourth—That the litigation contemplated should be carried on at the expense of the state, with the right on the part of the settlers to appear in such litigation, either as amicus curia or as interveners."

"This last provision is, in my judgment, necessary and proper. While the expense of the litigation would not be extraordinarily great, still the state is in a position in matters of this kind where it is really trustee for the settlers and it has been through the action of the state authorities equally with the parties interested that the present complication has arisen. "Respectfully submitted, "JAMES H. HAWLEY, "Governor and Chairman."

ALARM CLOCKS BOUGHT

(Continued from First Page.)

union conditions in Cincinnati when, in May, 1908, Hockin appeared and told me he was going to spend some money there," said Clark. "He took me to Cumminsville, a suburb, where he introduced me to Edward Campbell, who was to supply dynamite. Hockin said I was to receive \$100 for the Dayton job. I returned to the place that night with a market basket. Campbell gave me 60 half-pound sticks of dynamite. Hockin wanted me to take William Bernhard, a local official, to Dayton, but I said I would do the job alone."

"Having kept the dynamite in my house that night, I took it the next day to Dayton, where I placed it on a bridge over the Miami river. It was raining hard, so I left my umbrella over the bomb to protect it, lit the fuse and departed. "Paid by Hockin. "The next day in Cincinnati Hockin did not appear anxious to pay me the \$100. He had a newspaper account of the explosion. Finally he gave me \$37 on the street. "When the question of blowing the Harrison avenue viaduct in Cincinnati came up, Hockin said he was not going to let me do it, as McNamara and Ryan were not pleased with the way I had done the Dayton job. I had left behind an umbrella with my initials on it, he said, and they were likely to catch me. "But he sent me out to Campbell for more dynamite. I took it home in a basket and the next day, packing it in a telescope case, delivered it by appointment to Hockin and another man at Fifth and Vine streets. That was August, 1908, and the explosion on the Harrison avenue viaduct occurred on August 8. Campbell had procured more dynamite at the time he got the last lot for me, going about four miles from the place we met him to get it. Two more explosions occurred in May, 1909, and another in August, all on the bridge which Ryan had pointed out, but I did not do them. "I went into dynamiting because, in listening to others, I was inflamed with a foolish idea that it was a good way to carry on a campaign against non-union work. I certainly knew I was committing a crime."

Read the Capital News and get today's news today. Adv. 1f

CANVASS OF VOTES IN OWYHEE COUNTY

(Capital News Special Service) Silver, Nov. 16.—The official canvass of the votes of Owyhee county shows the following result: President—Wilson 567, Taft 515, Roosevelt 33, Debs, 95. Congress—Mitchell 480, Pugmire 480, French 771, Smith 619, Smock 165, Beloit 88, Riggs 90. Justice supreme court—Bowen 599, Stewart 670, Nussagen 85. Governor—Hawley 817, Fairnes 490, Martin 311, Coblanitz 79. Lieutenant governor—Parker 545, Taylor 590, Boyd 220, Chapman 85. Secretary of state—Daughters 515, Gifford, 602, Badley 214, Conrod 86. Auditor—Ocerman 516, Huston 620, Miles 159, Pifer 89. Treasurer—Paris 519, Allen 586, Yates 193, Tripplow 94. Attorney general—Bothwell 573, Peterson 562, Barclay 169, Evans 84. School superintendent—Harper 634, Shepherd 675, Conley 82. Mine inspector—Lambrix 482, Bell 634, Skeels 116, Wray 84.

Exhibit for Home Makers. Chicago, Nov. 16.—Scientific housekeeping as a solution of the high cost of living is to be the keynote of the Home Makers' national exhibition and conference, which will open next Monday in the First Regiment Armory in this city and continue through the week. Leading manufacturers of the entire country will be represented at the exhibition while the program for the conference provides for daily lectures by noted household economists. The Chicago School of Domestic Arts and Science and the leading women's clubs of the city have co-operated in the arrangements. Dentist, Dr. Carpenter, Idaho Bldg.

HITCH COMES IN SENATORIAL PLAN OF THE GOVERNOR

The county recorder has issued a marriage license to Frank C. Lounnan and Vera A. Allen, both of Boise. The American Woman's league will meet with Mrs. Stottler, 407 Thatcher street, Tuesday afternoon at 2:30 o'clock. T. R. Keeth of Enterprise, Republican candidate for state senator, and T. W. Simmers of Bruneau are in the city for a few days' business visit. J. F. Cook has resigned his position with the John Deere Plow company and in the future will devote his entire time to his mining interests near Silver City. W. H. Clark, an expert red jacket pump mechanic, has returned from Jordan valley, where he completed installing a new lighting system in the Jordan Valley Hotel. William Smith, a builder, today took out a permit to build a bungalow in Elm Grove addition at Twenty-second and Bella streets at a cost of \$1500. The residence is to be completed within 60 days. Judge Willard White, commander of the Soldiers' Home, who was stricken with appendicitis Thursday and was taken to a local hospital, is convalescent, and was able to return to the Home today. Frank C. Lowman and Miss Vera A. Allen were married last night by Rev. D. H. Jones at the Christ church rectory in the presence of intimate friends. Both young people are from Boise and will continue to reside here. Clerk I. W. Hart of the supreme court was notified today that appeals had been filed at Lewiston in the cases of Adella Harman versus Nov. 28, in the council chamber of the city hall. The reports of the officers of the association will be made and six directors are to be elected, five for two years and one for one year. The Socialist party lyceum will meet tomorrow night in the Odd Fellows' hall at Thirteenth and Eastman streets. A business meeting will be held from 7:15 to 7:45 followed by a half hour social time. Addresses will then be made by various speakers who will be limited to five minutes each. Rev. James B. Funtun, bishop of Idaho, left this afternoon for Weiser, where he will hold services tomorrow morning and in the evening he will conduct services in the new Episcopal church at New Meadows. Next week he will visit Twin Falls, Malad and other sections of the southeast. A new complaint was filed today in the sheep grazing case brought in the justice court against Crawford Moore and Scott Anderson making Jack Lewis also one of the defendants in the case. The new complaint was sworn to by W. C. Hunt, the charge being in the same as before, that of grazing sheep on land leased by another. Former Lieutenant Governor E. A. Burrell of Montpelier is in Boise today on his way to Weiser to attend to some personal business, having been a former resident of that city before returning to Montpelier to engage in business. Mr. Burrell is an ardent Progressive and expressed his belief that the Progressives hold the key to the political situation in this state and that they will be able to make their influence felt most effectually in the next campaign and before. The Ada County Wilson club did not meet last night as was expected, the meeting having been postponed until Monday night, at which time the committee selected to arrange for the justification meeting will make its report and all matters in connection with the smoker will be settled. It has been learned that it will be impossible to secure W. J. Bryan for the occasion and it is likely that a speaker will be chosen at the club meeting. The committee will make no recommendations relative to an orator. John Bergeson pleaded guilty in Judge Bower's court this morning to leaving a dead horse unburied on his place for a period of over 24 hours and was fined \$10 and costs, a total of \$17.80. Bergeson was arrested upon complaint of M. S. Parker, deputy state sanitary inspector. Mr. Parker left word at the home of Bergeson to come to the state sanitary office, but he neglected to do so and consequently three trips had to be made to his home to get him into court. He pleaded ignorance of the law upon which he was arrested and Mr. Parker asked that he be given a low fine. New England's Anniversary. Worcester, Mass., Nov. 16.—Preliminary plans to celebrate the 300th anniversary of the settlement of New England in 1620 were discussed here today at a conference attended by representatives of all of the New England States. It is proposed to have historical exercises and pageants in all of the six states during the summer of 1920, with exhibitions in one or more of the largest cities to show the industrial, agricultural, educational and literary developments of New England and the rise and growth of its humanitarian movements. New Thought Lecture. Flora Parla Howard gave the second of her public lessons on the subject, "God is Life," before an interested audience at the Columbian club house last evening. Mrs. Howard is an advocate of New Thought and is teaching the practical workings of this truth in the every-day lives of men and women. Sunday afternoon at 4:30 Mrs. Howard will deliver a lecture on the law of prosperity. To those who believe in prosperity to flow to one as for health to be manifest with the right thinking. There is much interest shown in this lecture, and like the others, it will be free to all.

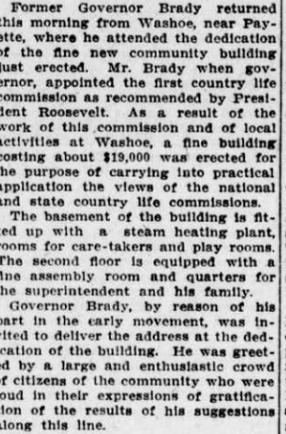
BREVITIES

southeastern Europe, is the revelation of the tremendous ravages cholera is making, not only among the destitute refugees who daily are arriving by thousands at Constantinople, but among the Turkish troops on the Tchahtajia lines. It is supposed this danger might suffice to give the Bulgarian commanders a pause and induce the Bulgarian government to arrange an armistice and negotiate peace. Altogether, although a report an armistice has been arranged has not been confirmed, all indications point in that direction, and it may be supposed that the terrible conditions of famine and destitution prevailing among the refugees in the neighborhood of Constantinople are calculated to provide a hotbed for the spread of cholera and may have had something to do with Bulgaria's decision. From other points come news of the occupation of the peninsula of Mount Athos by the Greeks and the march of the Greek army from Saloniki to join in the Serbian attack on Monastir. This attack, according to a Belgrade dispatch, began Thursday with an encounter between Turkish and Serbian cavalry near the city of Monastir. The Turkish government has issued a batch of dispatches signed by war correspondents of the Paris Temps and Journal Despatch de Batas, the Berlin Lokalanzeiger and Tageblatt, the London Daily Mail and other European papers denying reports of atrocities alleged to have been committed by Turkish troops. Montenegrs Suffer Reverse. Constantinople, Nov. 16.—An official statement issued yesterday afternoon on the basis of a telegram received from the Turkish commander at Scutari, reports a defeat of the Montenegrin troops in the vicinity of Scutari. The commander's telegram says: "We have beaten seven battalions of Montenegrins who were advancing on the heights of Kakarik. The enemy fled beyond the Boyarna river, abandoning 100 of their dead, many rifles and a quantity of ammunition. We captured a quantity of baggage belonging to General Tchovritch and his tent, sword and uniform." An official statement denounces as infamous the charges that the Ottoman troops have been guilty of massacres, pillage and other excesses. The denial is supported by statements of seven foreign war correspondents who say they saw nothing of this character, but on the other hand everywhere Turkish troops displayed extreme moderation in their dealings with Christians. Immanuel Church Turkey Dinner and Bazaar, Nov. 22nd, at 5:30 to 7:30, at 807 Idaho. Adv. N23 We have repaired over 35,000 watches. Why? CON W. HESSE, Jeweler, Adv. Dentist, Dr. Carpenter, Idaho Bldg.

TOO LATE TO CLASSIFY. FOR RENT—Furnished housekeeping rooms, 913 1/2 Main. Adv. WANTED—2 first-class clothing salesmen. 708 Main street. N16 FOR RENT—2 1/2 acres, 8-room house, close in. Phone 89 W. N15 FOR SALE—5-room brick cottage; close in; 526 Overland. N-22 FOR SALE—5-room house, close to Park school; 528 Overland. N-22 FOR RENT—Unfurnished 5-room apartment. Phone 89 W. N18 ROOMS for rent for sleeping and housekeeping. 1009 Bannock. N18 FOR RENT—8-room modern house with barn; good location. Call 995-J. N-18 FOR SALE—150 ft. northeast corner Main and 17th streets; 526 Overland. N-22 FOR SALE—60 feet on Idaho, between 18th and 14th streets; 526 Overland. N-22 FOR RENT—Two rooms furnished for light housekeeping, \$10 per month. 600 S. 15th. N-22 FOR RENT—Furnished for housekeeping 2 or 3-room flat. Close in. Phone 89 W. N18 FOR RENT—Six-room apartment nicely furnished. 923 Fort street. Phone 2387-W. N23 FOR RENT—Two five-room plastered houses. Inquire Ruby Creek Lumber company. 320 S. 11th. N-22c FOR SALE—Registered Poland China boars and sows with size and quality. H. L. Randall, Boise. Adv. WILL TRADE—Lot in old townsite as part payment on house near 21st and Ridebaugh. 529 Idaho Bldg. Adv. FOR SALE—160 acres bottom land; 6 miles from Vale, Oregon; 30 acres broke; all fenced; 526 Overland. D15 FOR SALE—Two 1/4-acre tracts in Lambertton addition, \$480 each; make your own terms. 529 Idaho Bldg. Adv. FOR SALE—Household furniture; contents of 4-room house; this is a bargain, as parties are leaving city. Call 1408 Jefferson. N-16c A GOOD all ground office girl, capable of doing stenographic work; first-class salary and easy hours. Box 52, Capital News. N16 MEMBER of legislature wants to rent furnished apartment or house during session; three in family; no children. Address Box E, Bonners Ferry, Ida. N-16c TO TRADE—1/4 section of land in Canaan Prairie, with 8-room house, good barn and other outbuildings, for Boise property or acreage. See Paulson, 702 Main. N-16c

EX-GOVERNOR BRADY ATTENDS OPENING OF COMMUNITY SCHOOL

Former Governor Brady returned this morning from Washoe, near Payette, where he attended the dedication of the fine new community building just erected. Mr. Brady when governor, appointed the first country life commission as recommended by President Roosevelt. As a result of the work of this commission and of local activities at Washoe, a fine building costing about \$19,000 was erected for the purpose of carrying into practical application the views of the national and state country life commissions. The basement of the building is fitted up with a steam heating plant, rooms for care-takers and play rooms. The second floor is equipped with fine assembly room and quarters for the superintendent and his family. Governor Brady, by reason of his part in the early movement, was invited to deliver the address at the dedication of the building. He was greeted by a large and enthusiastic crowd of citizens of the community who were loud in their expressions of gratification of the results of his suggestions along this line. The building was erected to become a social center for the community and has been fully equipped for that purpose. Freight Men's Convention. Chicago, Nov. 16.—With an attendance representing the freight traffic departments of the leading railroad of the United States and Canada, the annual meeting of the American Association of Freight Traffic Officials began a two days' session in this city today. The initial session was held at the Hotel La Salle this morning with J. F. Auch, freight traffic manager of the Philadelphia and Reading, presiding. Senator Raynor's Condition Critical. Washington, Nov. 16.—Senator Raynor, of Maryland, remains in a critical condition at his home here and his physicians have fear of a sudden change for the worse. HE FIRED THE FIRST SHOT IN BALKAN WAR



Prince Peter. There's something old fashioned in those Montenegrins. They seem to think that royalty should take an active part in the country's wars. It was Prince Peter, the youngest son of King Nicholas of Montenegro, who fired the first shot in the war against Turkey. His father is leading the Montenegrin forces in person. This is the first time a European monarch has led his armies in the field in over a century and a half.

There's something old fashioned in those Montenegrins. They seem to think that royalty should take an active part in the country's wars. It was Prince Peter, the youngest son of King Nicholas of Montenegro, who fired the first shot in the war against Turkey. His father is leading the Montenegrin forces in person. This is the first time a European monarch has led his armies in the field in over a century and a half.

There's something old fashioned in those Montenegrins. They seem to think that royalty should take an active part in the country's wars. It was Prince Peter, the youngest son of King Nicholas of Montenegro, who fired the first shot in the war against Turkey. His father is leading the Montenegrin forces in person. This is the first time a European monarch has led his armies in the field in over a century and a half.