

WATER WORKS SUIT.

The Taking of Testimony Begins Before Special Commissioner Stonestreet —Documents Filed.

The National Water Works Company began yesterday morning the taking of testimony in the case of the company against the city, brought in the United States court, to enjoin the city from selling the bonds voted for the construction of a new water works plant, to compel the city either to renew the contract which will soon expire, or to buy the plant of the company, and to collect the hydrant rental alleged to be due the company from the city for the past year.

The taking of testimony will be conducted before Special Commissioner Henry Stonestreet in the office of Karnes, Holmes & Krauthoff, attorneys for the company. Mr. J. V. C. Karnes represented the company and examined the witnesses in chief. The city was represented by City Counselor Rozzelle and Special Counsel John C. Gage, of the firm of Gage, Ladd & Small; O. H. Dean, of the firm of Warner, Dean & Hagerman, and R. W. Quarles, who have been retained by the city in the pending water works litigation.

Only three witnesses were summoned yesterday morning, and after the introduction of a vast mass of evidence in the shape of copies of ordinances passed by the council locating water mains and reports of city officers, covering a long period of years, and two statements signed respectively by Mayors L. J. Talbot and George M. Shelley, the hearing was adjourned until tomorrow morning at 10 o'clock.

The witnesses examined were C. A. Jones, M. G. Riley and W. E. Benson.

C. A. Jones is assistant superintendent of the water works company, and he was called on for technical evidence, explaining the use of water hydrants, water mains, etc., the number of miles of pipes laid, the number of hydrants located and other evidence showing the extent and sufficiency of the water works plant in this city.

The ordinances passed by the council, 512 in number, ordering the construction of water hydrants, were filed in evidence and Mr. M. G. Riley, who has been with the company for nineteen years and who has charge of the construction of the mains and the location of the fire hydrants, was called on to testify that every main ordered by the council had been laid and every fire hydrant had been located according to the order of the council. This testimony was introduced for the purpose of showing that the company had fulfilled its contract with the city.

Thirteen reports of city engineers, comptrollers, board of public works and other city officials for a long period of years were introduced in evidence, specified passages being intended to show that up to two years ago the water works company was in good standing with the city and that the relations between the city and the company were harmonious.

Mr. W. E. Benson, secretary of the board of education, who was city clerk under Mayor G. M. Shelley, was called to identify the following statement signed by Mayor Shelley and President of the Council W. H. Winants, dated May 25, 1878, and introduced in evidence:

"We hereby certify that the National Water Works Company is operating the water works plant in this city according to the requirements of its contract between the city and the company as set forth in the ordinance relating thereto, approved February 13, 1877."

The attorneys for the city facetiously contended that the statement was barred by the statute of limitations.

The following statement signed by Mayor Leander J. Talbot will be offered in evidence at the next hearing:

"April 29, 1881: This is to certify that the relations between the National Water Works Company, owning and operating the water works in this city, and the city officials, are entirely harmonious, and so far as my knowledge extends, do not anticipate any trouble."

The attorneys for the city objected to the reports introduced by the water works attorneys on the ground that they were irrelevant, incompetent and immaterial.

The hearing will be resumed tomorrow morning at 10 o'clock.

Court Record.