

# THE CONCRETE HERALD

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## CITY LIGHT WINS CASE OVER LOG RAFT LOSSES

A group of loggers of the upper valley, suing City Light for loss of log rafts for the Skagit River during the flash flood of October 24<sup>th</sup>, 1945, lost their case in the District Court in Seattle last week, Judge Bowen ruling that there was no negligence on the part of City Light that should cause an undue rise in the Skagit above what could normally be charged to the heavy rainfall over the entire Cascade watershed.

The suit was brought by C. F. Hammersmith and G. J. Hammersmith, doing business as the Hammersmith Lumber Co.; John Prankratz of Prankratz Lumber, Co.; Coos Bay Pulp Corp. and the Stimson Mill Co. Some logs were rafted at Rockport, others three miles below Faber; 2 miles below Concrete and at Lyman.

Between 7:00 p.m. and 7:00 a.m. on October 25<sup>th</sup>, 1945, the log rafts broke up in the high water and went down river. The loggers maintained that the rise in the Skagit was due to water let over the Diablo Dam during that period, and sought to collect damages for loss of their logs from City Light.

The judge, however, concluded that as the loggers were holding their booms for high water, they were negligent themselves in not sending them after the heavy rains that preceded the flash flood. He also pointed out that other streams in the valley, such as the Cascade and Sauk, were uncontrolled and had about as much to do with a rise in the river as the upper Skagit.

A charge that records of City Light were changed to show different readings on that day was found unsupported by evidence

of any kind and the power company was also absolved of any responsibility of sending out inspectors to "discover and protect" any log rafts in the river when high water was threatened.

The lumbermen not only lost the case but were charged with payment of court costs of the defendant, amounting to \$307.