

Water company lawsuit in 1920s marks name of Charles Matlock

(Continued from page 1)

north edge of Bloomington. The Matlocks were among the first land buyers in the county in 1818. The *Histories of Morgan, Monroe and Brown Counties, Indiana* lists David Matlock as an "early resident of the town of Bloomington."

AMONG THE FAMILY members, James, John and William served on an early traverse jury. James was later to fight in the Mexican War at the battle of Buena Vista. the *Atlas of Monroe County, Indiana, 1856* indicates that G. W. Matlock owned parcels of land in sections 10 and 21 of Bloomington Township. The latter property was to figure in controversial lawsuit.

The case was part of the city's efforts to find a dependable water supply in the 1920s. It had been determined by a team of engineers that the Griffy Creek area was the best place to build a new reservoir. Mayor John Harris had opposed the site.

A group of concerned citizens, including some bank officers, came up with the money to get the project under way. Half of the land needed was owned by Charles Matlock.

Hoping to avoid condemnation proceedings, a judge named a team of professional appraisers to come up with a "fair" price for the 241½ acres owned by Matlock. Their collective opinion was a price of \$25,025, and a check for that amount was deposited in an escrow account.

SINCE THE average price of land in Monroe County at that time was \$35 per acre, there were those concerned who felt that the amount offered to Matlock was

generous. He didn't agree, although construction was already in progress.

Within a year, Matlock had filed a lawsuit, objecting to the appraisers' price. The case was eventually venued to Owen County. A Supreme Court ruling denied Matlock's contention that the newly formed ad hoc Water Company did not have the authority to condemn his property.

The owner's suit in Owen County protested the price. He claimed that his land, which consisted of a valley with hills on the north and south sides, was more than mere farmland. It was, Matlock said, an ideal water reservoir site, since the dam could be anchored in the hills on either side.

The case was further complicated by his request for a change of judge. Homer Elliott got the appointment and on June 22, 1925, he heard the arguments in the case.

AFTER SOME preliminary legal skirmishing, Elliott ruled that Matlock's land was farmland, but refused to continue with the case. Time passed, during which construction on the Matlock property continued. Several other judges declined to try the case. Finally Robert R. Mellen was appointed to get on with it.

The jury decided that Matlock should receive \$44,000 plus interest. The judge came up with a figure of \$50,000 and costs. When the Water Company threatened to appeal, Matlock compromised on \$45,000.

The outcome of the case was rather anticlimactic for everyone except Matlock, since water was already being pumped out of the newly-completed reservoir.

Matlock Road was a major east artery on the north side of Bloomington until it lost its name when it was incorporated into the Ind. 46 Bypass.