

10-5-71

**Dignified Draw**

**Carter and Marin  
Settle Dam Fight**

The battle over State Supreme Court Justice Jesse W. Carter's private dam in Marin county ended in a dignified draw yesterday.

Three engineers testified before Superior Judge Thomas Coakley of Mariposa county that the reservoir has been so repaired that it no longer constitutes a hazard to residents living below in San Anselmo's Sleepy Hollow.

Immediately, Marin County District Attorney W. O. Weisich moved to have all the dam proceedings dismissed—a motion that was granted by Coakley.

The county's seven-month feud with the occasionally truculent Carter over his 150-foot fish pond was resolved in a very amicable atmosphere.

**WINTRY SMILE**

The Justice, flanked by three attorneys and one engineer, wore a black suit, a polka-dotted bow tie and a wintry smile. Nowhere in evidence were any of the shooting irons he had threatened to use on any "SOB" who trespassed on his property.

Carter's own engineering consultant, Stanley F. Gizienski of Oakland, testified that every safety precaution he had recommended for repair of the dam had been put into effect.

Last spring during the heavy rains some of Justice Carter's neighbors complained they were deluged with water, mud and bass when the reservoir leaked.

A second engineer, Robert T. Lawson of San Francisco, retained by Marin county, agreed the structure constitutes no hazard.

**INDEPENDENT VIEW**  
An independent opinion was offered by Charles H. Lee, a consulting engineer hired by Judge Coakley.

Lee, too, found the dam to be a "safe structure" but expressed hope that Gizienski's recommendations would be followed by Justice Carter.

Called to the stand, Carter said he had every intention of doing so.

Mrs. David Manchester of 101 Legend road in Sleepy Hollow said she hoped the engineers knew what they were talking about.

"If any mud or rock comes sliding down in the next rain my house will be hit first," she said.