

CHATS BY THE WEATHER MAN.

Wed., Dec. 28.

(NOT FOR PUBLICATION)

1927

ANNOUNCEMENT: Many of Station _____'s radio audience may not know that weather records and observations enter prominently into trials in law courts. In today's CHAT BY THE WEATHER MAN, prepared by the U. S. Department of Agriculture, a weather man is going to tell some of his experiences as a weather observer in the trial court. He has served as a witness about 1800 times.

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It was a dark and stormy night. Thunder growled in the heavens. Rain swept down the dark streets on sweeping gusts of wind. Terror seemed to be abroad.

"An excellent night for a murder", you say.

Yes, but it was a robbery, not a murder.

A man crept upon a house, entered, and stole some goods from inside. He was seen escaping in the storm by one of the family.

The family's chauffeur was arrested on the accusation that he had been recognized as the burglar. I was called in as a witness. The verdict hung on the occurrence of a heavy rainfall on the night of the crime. At the trial, it was brought out that there had been a heavy rainfall at the time. The chauffeur's shoes were not even muddy and his clothing was dry. The jury decided that it was a case of mistaken identity and the chauffeur was released.

That's one example of weather testimony in court. The Weather Man appears in a large variety of lawsuits--- those involving personal injury, murder, robbery, arson, loss by fire, divorce, delayed construction work, damage to perishable goods and other property by storms, admiralty cases involving damage at sea, and so on at almost endless length. Weather records are very often important testimony in court rooms. The Weather Man may be asked to bear witness on many weather facts. It may be questions of sunshine, moonlight, temperature, humidity, rainfall, snowfall, wind direction or speed, visibility, condition of the ground, the timber or the foliage. Weather observers must be prepared to vouch for the accuracy of their observation and weather records.

For instance, there was the case of the man who sued the city of Chicago for damage to goods in his basement. The man said that the street was defective, allowing the water from a heavy rainfall to accumulate so that it ran down into his basement.

I was called as a witness by the city. The weather records showed that for more than a week before the date of the alleged damage, there had been no rain or snow and that the temperature had been far below zero. No water could have fallen on the street. Even if it had, it would have frozen quickly. The judge

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instructed the jury to give a verdict in favor of the city.

While weather forecasts have a certain percentage of error, their verification on the average being about 88 per cent, the weather records themselves never lie. They are exact and absolutely impartial. And they have often upset and disproved the testimony of biased and interested witnesses, proving the deciding factor in a great many lawsuits.

In the fall of 1913, a breakwater was being constructed on the southern shore of Lake Michigan. The contractor claimed that he had been delayed by severe storms, especially during November when the conditions were made worse by the formation of heavy ice. Well, the dispute went to trial and I was called to present the evidence of the weather records.

The records disproved the contractor's claims. Ice practically never appears as early as November along the southern shore of Lake Michigan. Moreover, the month in question was one of the warmest Novembers on record, the temperature rising above freezing every day in the month but one. The whole month was relatively dry, with much sunshine and only one or two days with strong winds. The weather was ideal for outside work.

Then there was the company that built a power house in the northern part of a Mid Western city. When it was completed, an attempt was ^{made} to declare it a nuisance and have it removed. The complaints said that the smoke and gas from the power house were blown toward those who put in the complaints. The records proved that the prevailing winds blew in quite the opposite direction. The case was long drawn out, but the company won in the end.

I recall two similar cases. It was charged that the wind carried sparks from a railroad locomotive and set fire to nearby property. In both instances, the records showed that the wind at the time of the fire was blowing away from the property burned and that locomotive sparks could not possibly have been responsible. In view of this evidence, the judges instructed the juries to bring in verdicts in favor of the railroads.

An interesting and rather romantic case was that of Captain George Wellington Streeter. The weather played a very important part in this case. The Captain claimed that he was shipwrecked in a storm of July 10, 1886, and that his boat, the Reutan, was tossed upon a sand bar at the foot of what is now Oak Street, Chicago. In time, the watery gap between this island of sand and the mainland filled up with sand, later extending to both the north and south. It seems the Captain laid claim to all this land, gave it the name District of Lake Michigan, and insisted that it was no part of Illinois, but a separate commonwealth under the jurisdiction of the United States. He entered suit for possession of the property which was worth more than 5 million dollars.

But there was a flaw in the argument. According to the records of the weather office for that July day, there was no storm prevailing. It was a fine day with a gentle off-shore wind. The Captain lost his case.

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Late one November day, a farmer was driving across some railroad tracks when a locomotive struck his team and wagon, killing the horses and seriously injuring the driver. The farmer claimed at the trial that he could not see the approaching train because of the heavy foliage on the trees lining the road. The weather man, however, showed that those trees, being deciduous, normally lose their leaves before the first of November. Moreover, there had been several heavy frosts during that particular month before the date of the accident and the trees must have been completely bare on the day the accident occurred.

Maybe you have heard the case of the man with the frozen ear. He claimed that his frozen ear had led to erysipelas. The man had accident insurance, but no health insurance. So he claimed that the accident of his frozen ear had led to his erysipelas. He produced the weather records to show that the weather might have caused the condition.

Another man claimed that on a certain day a west wind blew a large cinder from a certain factory into his eye. This caused the loss of his sight. It was proved that the wind was actually from the west on that day, as the man said.

A weather man stationed in Chicago reports that he recently received a letter from a prominent lawyer who said that during the last 20 years he had repeatedly used the evidence of the weather records and that they had been important factors in winning at least 50 cases.

"In 1916", the lawyer says, "I was trying a very important lawsuit that grew out of a collision on a dark street. The collision occurred during a heavy rainstorm one evening. Witness, produced by my opponent, testified that there was no rain that evening, that the accident happened during the twilight, and he gave the hour of the sunset. A hurry-up call brought the weather man into the court with the weather records. They confirmed all that we had claimed in reference to the storm and showed, furthermore, that the sun had set one-half hour earlier than those witnesses had sworn! The records also showed that on the evening of the collision it was very dark at the time the collision occurred. I won the case. And I felt that the weather records were a big element in bringing about that victory."

Numerous lawyers attest to the same thing.

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ANNOUNCEMENT: Station _____ will broadcast another of Uncle Sam's interesting CHATS BY THE WEATHER MAN on Wednesday, January 11, 1928. Watch for it.

National Oceanic and Atmospheric Administration

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