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Peter Flint,
Attorney & Counsellor at Law,
New York, N.Y.

April 25th, 1914

Re- Eagle Lake Property Owners' Association
Vs
Newton & Ferris

Copy

Edmund O. Luthy, Esq., Secty.
Cincinnati O/

My dear Luthy:-

Your letter of Apr 22d, '14 has been read and duly considered. I am a little surprised that you and Mr Hurd have suddenly decided to hold yourselves temporarily aloof from the closing labors of the Committee on Fisheries and Game of our Association, whose efforts to secure a return of the original water-level at Eagle Lake, undertaken at the request of the Association members back in November, 1913, have been actively and steadily encouraged, aided and assisted by yourself as Secty-Treas., and by many other members since our work began.

I fear that you have had advice stimulated by the other side, in their efforts to "stave off" immediate action for our relief.

As I have all along advised and still counsel, this whole matter should be put right up to the Court and at once. The enjoyment of by all riparian owners of the old water-level, established by Mr Harris, 21 years or more ago has become fixed by lapse of time and the act of Mess Newton & Ferris was an invasion upon the right of all of us to the water-level upon which we built. There is nothing clearer in the law than this. Besides that, we and other citizens are entitled to a continuation of our rights of navigation and that the fish may occupy their usual spawning-grounds..

Now, this application is just what our opponents dread more than anything else. And, having failed in what Mr Hurd in his recent letter termed a "Hold-up" to make us purchase a lot of worthless land, they now dislike the publicity which their act has drawn upon them.. A little more publicity in the shape of a summons might hasten a settlement.

If these Ticonderoga gentlemen or any member of the Conservation Commission have, as you suggest, any feeling of hostility against our Committee, they must of course, include every member of the Association who has resented this outrage and stood up for his rights against this attempt to secure a monopoly of the public waters of Eagle Lake.

In short, my dear Mr Luthy, we must continue to stand together in every detail of this matter, as we have done up to the present time. We have all done what we could by pacific means to prevent the ruination of our Lake this summer and all fair-minded people are with us too.

I therefore repeat the advice already given to you and to the other members of the Association:) " Let us begin an action for the abatement of this injury, in the Supreme Court. In this suit any owners can be plaintiffs. There must be at least two or three of our largest property owners united as plaintiffs in this suit, for the benefit of all the rest.

That suit once started, we should then apply to the Court for immediate relief, pending the trial of the suit, which will come later on in the season.

This application will be based on the complaint and will consist in presenting to the Court at once a number of affidavits from different owners, showing what our trouble ther consists in, as the foundation of my argument for the motion.

Of course, any lack of absolute harmony and unity on our part would weaken our case very much. I could not hope to win this motion or suit unless I had such support. The other side would take advantage of it at once.

An attorney cannot go into Court without clients and witnesses. In our case, he cannot appear at Special Term on a motion, unless he have a complaint verified by one or more large property owners at the Lake, with the affidavits of two or three more such owners.

very sincerely yours,

Signed Peter Flint