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FROM
EDMUND O. LUTHY,
P. O. BOX 232,
CINCINNATI, O.

NOV. 29/1913

Mr. Wm. S. Lodge,
Albany
91 N. Pearl St. N.Y.

NOV 29/13

Dear Sir:-

I have your letter of 26th inst. with copy of Mr. Pease's letter which you inclosed. At the same time I had a letter from Abe Moore advising that somebody had torn out the dam at Eagle Lake, but Abe had no information as to who this party was. Until this is ascertained I see no ~~way~~ ^{ambition} legal action as to damage suits which such property owner ^{might} ~~has~~ have against the guilty party.

As you are located in Albany I should suggest that if the Conservation Commission have any jurisdiction in the matter, that they take such action as they deem proper.

As you know, our Association decided to work on this dam, this fall, but as I had not received sufficient permissances on assessment notices sent out, up to the

EDWARD O. TOLMA

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time I left the Lake, I could not ^{see way} proceed
 with this reconstruction & later on ~~the~~
 freezing weather, ^{which would} ~~which would~~ ^{prevent} ~~prevented~~ doing the
 concrete work with safety. Besides, the
 application & drawings which we filed with the
 State Conservation Commission have never been approved
 and returned to us, so that ^{drawings in nature of the above} ~~we could not~~ proceed
 with the work. A few days after our application
 & drawings were filed I was informed that
 the State might build the Dam themselves at
 their own expense, ^{at the State's expense} ~~at the State's expense~~ ^{at the State's expense}
 & this was ^{being} ~~being~~ ^{discussed} ~~discussed~~ ^{discussed}
 through a friend of mine in your State, but owing
 to the disorganization at the time of the "Sulzer"
 complication I have heard nothing from the
 Commission ^{in regard} ~~in regard~~ ^{in regard} as to the approval of our applic-
 ation or as to whether they would construct the
 Dam themselves. ^{Whether the Commission had approved or not} ~~Whether the Commission had approved or not~~
 we could not do other ^{than} ~~than ^{postpone the} ~~postpone the ^{work} ~~work ^{until spring} ~~until spring
~~work~~ even though the Commission had
 approved our application.~~~~~~~~

If therefore you call on the Commission you
 understand the case as ^{it is} ~~it is~~ ^{and} ~~and ^{perhaps} ~~perhaps
 you ^{may succeed in} ~~may succeed in~~ ^{inducing} ~~inducing~~ ^{the Commission} ~~the Commission
 to build the Dam at their expense & saving the~~~~~~

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expense to the few individual members of the Association.

In the event they will not build the dam at their expense, they may build it ~~at the~~ themselves & prostrate the cost against all the property owners along the lake, many of whom are not members of our Association & who derive an equal benefit from the improvement, and should justly pay their pro rata.

Just before leaving the lake in October I learned that Mr. Isaac Newton ^{of Parkville} had purchased the lot at the outlet, formerly owned by the Isaac Harris Estate. ^{Mr. Newton} If he is the ~~party~~ ^{beneficial} party who removed this dam for ~~the purpose~~ ^{his property} of as ~~the~~ pulp wood, as Price supposes, I see no reason why the Commission would not hold him responsible for his action & compel him as owner of the land on which the dam is located, to construct a new dam in accordance with the Commission's plans & specifications and ^{make him pay} ~~be~~ the expense. Under conditions ~~dictated~~ ^{dictated} by Price, do you not believe that each property owner has a cause in court for damages done?