

KILL GOODS  
CINCINNATI

EDMUND O LUTHY,  
P.O. Box 232,  
Cincinnati, Ohio.

November  
Twenty-ninth,  
1913.

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

Dear Sir:-

I have just received your letter of the 26th inst., with copy of Mr. Pease's letter which you enclosed. I also received a letter from Abel Moore, advising that somebody had torn out the dam at Eagle Lake, but we had no information as to whom this party was.

Until this is ascertained, no legal action can be taken in the way of a damage suit which each property owner should have against the guilty party.

As you are located in that section, I would 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 the dam this Fall and as I have not received sufficient remittances on the assessment notices sent out, up to the time I left the Lake, I did not see my way clear to proceed with this reconstruction, and later on the freezing weather prevented doing the concrete work with safety. Besides, the application and drawings which were filed with the State Conservation Commission have never been approved and returned to me, so having no notice of the approval, I could not proceed with the work.

A few days after our application and drawings were filed, I was informed that the State might build this dam themselves, at their own expense, as the State owns a great deal of land adjacent to the dam. This matter was being investigated through a friend of mine in your State, but owing to the disorganization at that time, due to the Sulzer investigation, I have not heard from the Commission, either as to their approval of our application or as to whether they would construct the dam themselves. Even though the Commission had approved our application, owing to the freezing weather, we could not have proceeded, consequently we had to postpone this work until Spring.

If therefore, you call on the Commission, you will understand the case as above recited and I trust you may succeed in inducing the Commission to build the dam at their expense, thereby saving the expense to the few individual members of the association. In the event that the State will not build the dam at their expense, they may build it themselves and prorate the cost against all the property owners on the Lake, many of whom are

215

not members of our association, but would derive an equal benefit from this improvement and should therefore pay their prorata.

Just before leaving the Lake in October, I learned that Isaac Newton of the T. Pulp & Paper Company had purchase the lot at the outlet, which was formerly owned by the Isaac Harris estate. If Mr. Newton removed this dam for the benefit of his property, I see no reason why the Commission would not hold him responsible for his action and compel him, as the owner of the land upon which the dam is located, to construct a new dam in accordance with the Commission's plans and specifications, and make him pay the expense. Under conditions stated by Mr. Pease, do you not believe that each property owner has a case in court for damage done to the property and the Lake?

In conclusion, I beg to request you, as Vice President of the Association and Chairman of the Fisheries Committee, to call on the Commission regarding this matter and ascertain what they will do in the case. As the Commission has stocked this Lake for six or seven years, it appears that they have full jurisdiction in the matter.

As you are on the ground and are familiar with the location and the reconstruction of the dam, I will leave the whole affair entirely in your charge to act as you deem best.

Awaiting to hear the result of your conference, I am with best regards to you and your family,

Very truly yours,

Wm. S. L.

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CINCINNATI, OHIO  
P.O. BOX 328  
EDWARD C. TULLER