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WICKES,
Ticonderoga, N. Y.

SMITH & WICKES
TICONDEROGA, N. Y.

Dec. 3, 1913.

Edmund O. Luthy, Esq.,
Post Office Box No. 232,
Cincinnati, Ohio.

Answer 7/13

My dear Mr. Luthy:-

Your letter of the 1st. inst. is at hand.

It seems that Irving C. Newton, and Mortimer Y. Ferris, a civil engineer of this place, have bought from the Harris estate the lot on the outlet of Eagle Lake on which the dam is located, and on account of some suggestion being made that they co-operate in the reconstruction of this dam or some notice from the Commission that the dam was unsafe, or needed to be re-constructed, they have taken the dam out, assuming, I guess, that because the dam was on their land, they had a right to do what they pleased with it.

I had a talk with Mr. Newton about the matter last Sunday, and he promised to see Mr. Ferris, his partner in the business, and that they would come in and see me at my office the next day, Monday last. They did not come, however, but Mr. Newton telephoned me that he had not yet been able to see Mr. Ferris, but said he would like to go up to the lake and see what the conditions are before they came in to see me. I have not seen them yet.

Mr. Lodge was here on Thanksgiving Day and went up to the lake. I saw him in the evening after he got back. He thought that the water had been drawn down about fifteen inches, but suggested that it might go down still further; that

E. O. L. - 2.

it was probably falling slowly and would move out of the lake gradually.

I told Mr. Lodge I would see Mr. Newton and report to him my conference, and I have written Mr. Lodge to the same effect as I have hereinbefore written you.

I have received a letter also from Carlos C. Alden, who wants to know what the facts of the case are, and expresses himself as in favor of enforcing the legal rights of the shore owners. I have written Mr. Alden what I know about it and have also said to him in my letter that I would try to get verified information, and report to him again.

It is not easy to say off hand what our legal rights are. The situation is novel. We do not own the land on which the dam is located. It was built many years ago for the purpose of developing water power, and used I believe to run a separator which there was there. It may be that we have acquired a right by prescription to have the dam there to keep the lake at the level it has been for over twenty years.

I have not yet had time to investigate and satisfy myself as to the legal questions involved. I think Mr. Alden will help us decide upon the law. As fast as I can get to it I will make further investigation as to the facts and the law, and write you again.

Yours truly,

James B. Hill

Handwritten notes on the left side of the page:
Gave Harris
through this
with
kind
with

Handwritten notes at the bottom left:
While it appears to me that the
the CC should be powerless to
the water of the Dam for us
the association should
approval from the CC to
Dam to its former height which was
suggested by some of the members but
what assurance would an assn have
that the Dam would not

Vertical handwritten note on the right side:
of the CC