

- C O P Y -

Albany, N.Y. Feb. 13, 1913.

Mr. M. O. Luthy,
Cincinnati, Ohio.
Box 232.

My dear Mr. Luthy:-

I visited Ticonderoga yesterday afternoon and had a long talk with Messrs. Newton and Ferris, owners of lot #41 on which the Chilson or Eagle Lake dam was situated. They informed me that during the early fall the New York State Conservation Commission ordered them to take out the dam because of its dangerous condition. Mr. Ferris who is a civil engineer stated that he examined the dam and was of the opinion that it was not dangerous, but on taking legal advice they decided to remove the dam. Mr. Newton stated that they made several trips to the lake and removed the dam in piece meal, one or two timbers at a time, finishing the work early in December. Mr. Ferris stated that they took title to the dam property in September, I believe the year 1913, but am not positive.

Both Mr. Newton and Mr. Ferris informed me that they would not cooperate with the property holders on the lake in the rebuilding of a new dam, which might possibly jeopardize some of their rights. Mr. Newton thought the ownership of the lot on which the dam was situated to be the key to the situation and that they would sell it only when they could get their price, which they were not willing to name yesterday. I suggested that the property was worth from \$500 to \$1000 dollars, but Mr. Newton would not consider \$1000 dollars.

These gentlemen seemed to think the lot is valuable, because of the lumber on it, its easy access to the proposed state road, for cottage sights if the old stumps were removed and the lake raised above its old level, and that the cutting out of the dam thus draining the marsh had increased the lumber producing properties of the lot. Some mention was also made of the value of the minerals and the possibility of the lot falling into other hands.

Mr. Newton inferred that he was disgruntled because of the publicity given this matter and especially that which fell into the hands of his town people.

The action of Newton and Ferris in this matter does not appear neighborly and has a tendency to retard summer resorters locating near Ticonderoga.

I suggest that the property holders on the lake determine among themselves the price that they are willing to contribute and make a definite proposition to Newton and Ferris for the purchase of the lot. I will give \$100 and possibly more toward this purchase. Personally I shun the possibility of a long drawn out uncertain law suit or the prospect of redress through the Conservation Commission or Health Department of the State.

I am of the opinion that Messrs. Newton and Ferris having removed the dam and lowered the lake to its virgin state have no right to again build this dam without the consent of the state and

and property holders affected. It is possible that the interested parties may deem it advisable to shape themselves to the present conditions of the lake in its lowered state, letting down their boat-houses etc., to meet the new conditions. This would tend to lessen the possibilities of these waters being sought for commercial purposes, which would make it necessary to raise or lower the lake at certain intervals. Take for an illustration the change of water level in Lake George which I am informed is as much as 42 inches. I also have in mind that the town of Nicoanderoga has been taking care of the road over the dam and that there is some question as to the rights of Newton and Ferris regarding the dam which is part of the highway. Only recently I think the town removed some screens which were placed at the overflow of the dam.

Decoration day was very cold and even under this condition the stench from the decayed vegetation which was exposed by the low water was very disagreeable. During the warm weather this condition will undoubtedly be increased. It is said that the water in the lake is now about 20 inches below the crest of the dam.

Sincerely hoping that Messrs. Newton and Ferris will make a reasonable price and that we may buy the lot which will enable us to remedy this unfortunate condition at the earliest possible moment, I remain

Yours respectfully,

W. S. Lodge.

WSL/AMD.