

WINDY LAKE PROPERTY OWNERS' ASS'N.
E. C. Luthy, Sec'y., Treas.,
P.O. Box 232, Cincinnati, Ohio.

Feb. 18, 1914.

Mr. Wm. S. Lodge, V.Pt.,
Albany, N.Y.

My dear Mr. Lodge:-

Your letters of the 11th and 13th inst both duly received. As W. & F. stated that they would sell their lot only when they can get their price, it is very evident that they intend to remain antagonistic and show a purpose to force us to "buy peace" through an extortion of a fancy price for their lot.

As previously expressed in my letter of January 31/14, I still am of the same opinion, namely that it would be very unwise and inadvisable under the circumstances, for any one even to consider buying their lot. It would neither bring about a restitution of the damage already done, it would not only incur a great expense to buy the lot, but require an additional expense to restore the dam to former level of the waters of the lake and by said action whoever buys the lot and restores the dam would relieve them of the ~~the~~ responsibility of their outrageous act and at the same time assume their liabilities. I cannot therefore agree with Mr. Newton's views "that the ownership of the lot would be the Key to the Situation". Neither do I believe we could induce our members to favor purchasing the lot under present conditions.

With admissions made to you by W. & F. that the C.C. ordered them to take out the dam and with Mr. Ferris' admission as a C.C. that upon his examination of the dam he did not believe it dangerous, I am of the opinion that their verification in Court of these admissions would result in favor of us.

It is also questionable whether they did not demolish the Dam subsequent to Mr. McKim's conference with us and the C.C.'s receipt and acceptance of our application and drawings for reconstruction of the Dam directed by Mr. McKim. In fact it might just be possible that W. & F. did not get title to their lot until after we took up this matter and filed our application with the C.C. Mr. McKim was sent to us by the C.C. on Aug. 26/1913, and by his direction our association filed application and drawings under date of Sept. 15/1913. It might be well to ascertain from the County Clerk the exact date of their title to the Dam site, which may be subsequent to the dates given above.

It might also be well for us to investigate whether the Town of Ticonderoga, which through the Road Commission has been improving the Road and Bridge over the Dam, would not have jurisdiction in the matter of the demolition of dam by interference with the highway.

Their remarks to you that "the lot is valuable because of its lumber, that it would be good for cottage sites, if the lake were raised above the old level (which the property owners could prevent as Mr. McKim stated to our committee that the level could ^{not} be raised

out unanimous consent) that the lot is valuable for minerals
"- all appear to be nothing more than a "bluff" expressed with
view of extorting a fancy price and forcing us to buy their lot.

Summing up the report of your conference with N. & F., I
believe it would be best, for the present, to entirely drop the
matter, since all the damage that could be done, has been done.
After the property owners have learned what damage has been done, we
could in assembly then, better determine upon a plan for action.

To me it appears much less expensive for the property owners
to lower their boathouses, docks and riparian structures to conform
with the new conditions, than it would be to buy Lot 41 and entail
a second expense incident to reconstruct the Dam. Then if the
property holders so determine they can appeal for recourse to the
courts for recovery of the expenses incurred for changes made neces-
sary by N. & F. lowering the old level of the Lake and changing its
conditions. Furthermore with the Lake at its present low level,
I hardly believe any one could again build a dam without consent from
the State and unanimous consent of the property owners. Moreover
with the lake at the low level ^{as} it now is, N. & F. could never re-
alize anything from their lot for cottage sites, and the low stage
with the spillway cut out, would forever eliminate the possibility of
the lake being sought for commercial purposes.

Don't you think it best that we drop the matter, until we
can assemble the property owners and determine on what would be best
and most suitable course to pursue for all concerned?

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Summing up the report of your conference with N. & F., I believe it would be best, for the present, to entirely drop the matter, since all the damage that could be done, has been done. After the property owners have learned what damage has been done, we could in assembly then, better determine upon a plan for action.

To me it appears much less expensive for the property owners to lower their boathouses, docks and riparian structures to conform with the new conditions, than it would be to buy Lot 41 and entail a second expense incident to reconstruct the dam. Furthermore with the lake at its present low level, I hardly believe any one could again build a dam without consent from the State and unanimous consent of the property owners. Moreover with the lake at the low level it now is, N. & F. could never realize anything from their lot for cottage sites, and the low stage with the spillway cut out, would forever eliminate the possibility of the lake being sought for commercial purposes.

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Course to pursue

*These property owners
should be notified of the
damages done to their property
by the spillway in case
the dam is lowered. The
dam should be taken down
to its original condition.*