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My dear Luthy:

✓ I enclose what Moore published in "Water-
ways and Commerce and also in the last Forest and Stream.
You have had what I wrote to the Governor when I learned
that Moore was trying to make fun of the subject in-
stead of treating our requests with respect. They have
made a "bull" through Sherman and have been caught in the
game and want to run away. So they become attorney for
Newton, in effect, if not in reality. You see how they are
steeped with Newton to the core. Lodge has been a very
weak brother, I fancy. It is like him.

⊗
Now this ought to be done; A suit should be started
by a certain number of property owners-an equity action-
each one reserving his right to bring a suit at law for
damages to his property, in case we cannot force Newton,
by order of the court, to construct this dam in which we
are all interested and have a qualified property right,
by virtue of years of peaceable occupancy of our
shores at the present water level. We can take up in
this application at Special Term before a judge without
a jury, all the facts and circumstances of the damage to
piers and houses caused by Newton's act. I am sure that
the Court would grant us injunctive or affirmative relief
if we fail, we have our suits for damages. ^{+ order, add at least rebuilt, still} There is a
recent case something like ours where the court interfered
with a man who flooded a meadow for cutting ice and made
malarial conditions. He was sued and ordered like this
case to restore conditions as they were, pull down the dam
in that case BUT THE COURT Allowed the debt to Build
a new dam further down stream, if it would not interfere
with the comfort and health of the party who lived on the
brook above. This was accordingly done.. I will now write
to Ferris as you suggest. Do you now tell the propety

^{what I suggest}
owners. Forest and Stream says that Moore admits all our case. Our Governor has troubles of his own. He is liable to be called to account for his acts as Comptroller by the Republicans and I guess that he and his official family will huddle up close and try to weather the storm like a bunch of quail.

I have worked many days and some nights over this problem. I have taken an honest pride in standing for our side as I have often done before at Eagle Lake. I think the Com. thoroughly respects me in my position. Dr. Bishop said the other day that he was amazed at the amount of work that had been done. He said why not have Lanson Moore or some one go up and fix up that old dam temporarily, and "lambast" anyone who touches it. He thinks that would be a good way to assert the peoples rights.

This application to special term can be made on affidavits of several owners and Court can be asked to extend instant relief by directing the owner to repair the dam to prevent irreparable mischief and damage and that if necessary the expense can be left open subject to the actual determination of the suit for damages to follow.

Of course no one but myself will have to attempt Special
This is a sort of report of the Committee to you after every possible attempt has been made to induce the Commission to enforce its direction to Newton to construct a proper Dam.

John D. Whish former Clerk of Commission has come out in last Forest & Stream against the Fish Commission and refers to an article that I wrote lately, showing that a great number of trout hatched did not prove that ~~there~~ were more ^{and} now growing in the streams. I had an article setting theory of gaitre in trout being of a contagious or bacteriological character. You must take the Forest & Stream regularly from your dealer at present to keep up.

will try to
I would like to be ~~regularly~~ engaged by the people at the lake to push this motion. I ~~will go up there~~ ^{can} go up there early and work up the case for the May Term at E. Town. Of course, the Special Term at Port Henry before Judge Van Pyrke can come up at once.

So, let me know what you want to have done, and I will get ready. I know the game BY NOW. Dont you think?

Yours Truly,

Peter Belmont

P.S. I dont think the energy will do a thing until we know the Court. I will write to you. I am looking up to you. It looks like a fight up to me.

I can prepare these several affidavits
needed on the motion here in New York
{ Three or four will be enough } and
can send them to various parties
to read. Sign & verify. It is likely that
upon service of our notice of motion
they may make overtures to us, - better
than being in their power. It is a
question with me if they can sell
the dam site - as it is clearly
a highway - & properly belongs to
Tiandawaga. The road & the
dam & the dam is the road? Ti
has control of the ^{Public} highway and if it
wanted us to protect ~~it~~ ^{they} by making
a concrete dam how could we then
prevent it. There is merely a suggestion
that occurs to my mind.