

Re Eagle Lake Dam Demolition.

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NEW YORK, March 11/14

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My dear Luthy:

Things are coming to a head. Lodge just wrote ref. to mine 1/10/14 and yours in answer to Lodge's to you, in explanation of his visit to "i. Lodge says that he has reported fully to you, and will to me, if you have not informed me of all. He speaks approvingly of my alleged "activity" in this matter, and says ~~that~~ ^{it} "Seems to annoy Mr. Newton" Well, am I not the Chairman of a Committee? ~~ee~~ Would he have me go to sleep over such a matter? He hopes "this unfortunate affair will not disturb our vacations," does Lodge. It sure will not, if we do what we should do. I lately wrote a kind but firm letter to Ferris. Told him that he was as much interested as any one else in having the lake restored to its former healthful and comfortable conditions, and the fishing preserved for the good of all; that it was up to him to do that much, at least; That if not done promptly, application would be made to the supreme court for relief. Ferris has just replied.

I will send a full extract from his letter, as I value the admissions made by him. I wish you could see the tremendous mass of correspondence on my desk regarding this matter. It will be something to file away at Eagle Lake *among your archives* o

Do I detect a certain note of fear, lest we offend the Commission by telling the bold bare truth about this outrageous attempt to violate the peoples rights to have protection afforded to the fish in our lake as well as to their homes and buildings, in the name of a legislative body? The Court will make short work of these acts of men like Sherman when the light is turned on. You have every line I have authorized the printing of, or have written for any paper. Articles in Forest & Stream and Waterways and Commerce-the Opening after Com. refused to do its duty. Not published until then, as you know. You have Moore's only reply. People say who know, that his attempt to belittle the question and his admissions and evasions clearly prove him to be in the wrong, cannot you get from Knickerbocker Press, Albany, what you say Lodge contributed about the C.C. That paper is dead against the Governor and his entire family. The original article in W. & C.

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get from
Albany

prepared by me for our side has been extensively read and most favorably commented on. A powerful editor said two days ago that if ^{he} were Governor Glynn he would remove Moore for that article he wrote in W. & C. This is a conservation question and likely, if unrebuked, to create a dangerous precedent.

Now, Luthy, if you and the rest of us want to find old Eagle Lake as we left it last fall, one or more of us property owners must present an application to the Supreme Court at W. town right a way, and ask for an order to abate a nuisance (injury to property and property rights) present or expected, caused by the demolition of an ancient dam, maintained there for more than twenty years by the last owner. The court will, under all the authorities, and I have studied them all, issue an order directing N&F to restore forthwith the dam in statu quo, that is, as it was when the NUISANCE was ~~done~~ ^{committed} by them. N&F will obey the order all right. They know what contempt of Court means. Thus the victory is as good as won. All fears of Lodge's ^{about} long drawn out litigation ~~will~~ will be at once laid to rest. If defendants want to go on further and contest, we can try the case next July when all are there, well and good. But the Court order will hold the Dam until the whole matter can be adjusted amicably or in Court, forever.

As a matter of fact, Runge you I or Hard could go right up there ^{to the dam,} if we could not row up to our boat houses, and put that dam right in again and serve N&F with an order to show cause why they should again attempt to destroy this dam and cause a nuisance there. Any property owner can abate a nuisance without any notice to an owner of land. Mr. Wickes knows this is our right perfectly well. He once stated in meeting that we could not raise the water any higher if Hote objected. Neither can any one, even a land owner commit the nuisance of letting the water down lower, any more than he could dig a great ditch and drain the lake to the bottom and take it all out.

Now we must apply at once for this temporary relief and not be guilty of laches, (neglect) in so doing. If our prayer be refused, we have done well. We then proceed with the equity case for final adjustment of the whole disputed matter, at an equity term of the Supreme court. After that, each property owner can recover damages against N&F for every cent of loss occasioned by their failure to restore the dam on our first request.

To not think that you can let this matter go without a protest and then be able to collect all bills for repairs to your docks &c in the fall. The Court will say: "your right for relief was clear and should have been promptly asked for. It is too late

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for damage suits, after allowing the nuisance to remain unquestioned so long. N. & F. and their sharp lawyer will be the first to use this defence. This is a sort of Indian fight-not exactly in the open on their side. Ferris said: "The old dam was removed shortly after receipt of a letter from the C.C. stating that it was insufficient to hold the waters of the lake. Since then we have given the matter little attention and we are not familiar with present conditions, as the lot ~~xxxx~~ has been very difficult of access this winter. We thank you for your communication and will give it our consideration."

Very Truly yours etc.

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Driving the C.C. to compel N. & F. to repair or rebuild will be an impossibility with the present Democratic administration. It ~~has~~ ^{was} framed up a defense, ignoring the right of protection to the people's fish on our original application to the G.C. This is another reason entitling us to ask for a temporary injunction. Mr. Roosevelt would have had that dam back there instanter. But, Teddy is in S.A. doing the people's work there. We must ~~try to~~ do the work now for ourselves. We have tried to get action from C.C. and they have politely refused. Then came the Public Notice printed by our association. It was answered by Moore. ^{Notice then} It was shown to Gov Glynn (before Moore replied) He ^{Glynn has} enclosed the statement of inability to aid where no dam now exists etc put in by Sherman. The Governor directs us to the courts for relief. That is right too, under the circumstances, as there is disorder deep in the C.C. just now. I privately reported to Gov Glynn the erroneous statements of Mr. Moore and sent his ^{quores} reply to our request for fair play. No reply has come to this last letter *from Gov Glynn.*

Now, at his suggestion, our way is clear: ask for a temporary restoration of dam as it was when Mr. Kim was there in August. That is no very hard thing for N. & F. to do. They should do it without being ordered. The motion will be granted, if we ask it. Mr. Newton and the W. men all know that too. Why does not Mr. Wickes advise some of us of our rights? well, he does not live at the lake, neither does Newton. These men are not going to tell

"Outlanders what to do.. Your chairman is telling you what to do right now. If four or five property owners will advance ~~me~~ enough to enable me to prepare the papers and go to Elizabethtown and argue the motion for the prompt restoration of the old dam, I will have that old dam back there again before you all get there ^{home} in July. Then there will be no danger of N.F. annoying us, as Hurd suggests. I tell you this is a hard subject to understand clearly, but after it is studied into, your rights are as clear as a bell.

Now, these two or three affidavits can be made by me and signed by ~~the~~ the owners at their homes before a notary, and then sent to me. I would suggest that four or five of our members make me up a nominal retainer for, say, \$100. for expenses and disbursements and something to go on while preparing for the motion and spending two or three days going to Elizabethtown and arguing same. Something like this must be done by some one who will work for the interests of the colony and not be influenced one hair from the plain path of duty by the blandishments of the enemy. If this motion be made, our summer pleasure and comfort will be assured.

If we expect to bring damage suits IT MUST BE DONE PROMPTLY. What is the use of your making repairs? N.F. will sell to some one else, possibly transfer for \$1. &c and up will go the dam to the old height again. Then where will your new repairs be? They will all be under water this time. The application should at once be made to the SUPREME COURT. Temporary Relief Gained they will probably come down and agree with us, and all will be lively. Bad boys sometimes need a whipping.

Faithfully Yours

Peter Flint

Kindly advise me promptly what you wish to have done, while the subject is still fresh in my mind. P.F.