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PETER FLINT
ATTORNEY AND COUNSELLOR AT LAW

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NEW YORK, March 23/14.191

Dear ~~Montrose~~

As I have already reported to Mr. Lathy, our Secy- Treas., Messrs. Newton & Ferris of Ticonderoga, have so far refused to restore the log crib torn by them from the Eagle

Lake Dam. This restoration we hold necessary if we would find our boathouses, piers and other shore properties in serviceable condition when we return. It is necessary also for the navigation of the lake and its outlet this season. Without it, our pike will be unable to spawn in any quantity, and the health of the lake will be threatened by the drop of 3 1/2 feet in the water level there. Mr. Lathy, Mr. Lodge and myself have worked hard to induce the Commission at Albany to enforce its repeated notifications to Mr. Newton to build a suitable crib with wider spillway INTO the old Dam, stretching across the valley. The Commission consults its counsel, Mr. Jeremiah F. Connor, who advises that Mr. Newton, having chosen to disregard the directions of the Legislative body and having torn out the structure on his land, cannot now legally be ordered by the Conservation Commission to restore it. The Commission, therefore, writes me that we should take the matter up in the Courts, and I have also had word from Governor Glynn to that effect. I think the Commission has evaded its plain legal duty to protect the fishing in Eagle Lake, as well as the health and comfort of the inhabitants there. Having done everything possible privately with the Commission and owners of the dam site, we have taken the public into our confidence by a publication in "Waterways and Commerce" of 150 Nassau St. N.Y a copy of which has already been mailed to you.

Over

Our duty now is to apply to the Supreme Court for an order commanding Messrs. Newton and Ferris forthwith to restore the dam and maintain the usual water level at the lake. That being done, we could all agree to a certain height of water for the future, and upon the construction of a concrete crib with spillway such as suggested by the Inspector (Mr. Mc. Kim) last summer.

If Messrs Newton & Ferris think their remarkable action was right, the matter can be finally and speedily settled at an equity term of the Supreme Court in Elizabethtown, held in June next, on the same papers.

This application for instant relief can be made by any two or more property owners at Eagle Lake, speaking for the public and all other cottagers there. I shall be very glad to represent you as attorney in this matter, having given the subject much time and thought during the last four months and being familiar with every feature of the case.

I have already written Mr. Luthy regarding the financial support that will be required to prepare my argument and the important papers in this cause, besides a journey from this city to Elizabethtown, Essex Co. N.Y., all of which will consume several days of time.

Hoping to hear from you directly or through Mr. Luthy (Box 232 Cincinnati Ohio) in this matter at your earliest convenience, as this motion should be made at once, I may add that unless we make a prompt effort for our rights the Court will not look so favorably upon future suits for damages should such actions finally become necessary

Faithfully Yours,

Peter Flint

Chairman COM. on Fisheries and Game Eagle Lake
Property Owners' Association,
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