

if they were able to demolish the dam, they could raise it or lower it at will & at any time & we must refrain from doing this without our consent. If we can get such an injunction over them, then we can later in assembly determine what steps to take next.

If No. 7 are enjoined their lot will be useless for speculation purposes for cottage lots by reason of the low level leaving no water adjacent to their land. Furthermore with the Lake at a fixed level (present low level) to which we could readjust our riparian structures the Lake could never be used for commercial purposes in the sense they sold their lot for Sawmill purposes etc.

My view is now, that we must first of all prevent the changing at will of the level of the Lake which the owner of the dam site alone could do, & prevent Newton's

March 26/1914

My dear Mr. Lusk:

Your of 23d inst. to Land. Service you yesterday at length & taking up your letter of today. I can only repeat that whatever we determine to do ought to be done by concerted action.

When it comes to individual action I am of the opinion that the Eagle Lake Improvement Co., of which I am a stockholder, ought to be the first to take legal steps, as they are most highly interested.

However, since the C.C. refuse to act or to intercede for us with Newton I believe the best course to pursue now, is to get the Court to serve an injunction of Newton & since their suit, assigns or successor grantee, restraining them from doing anything with the dam or spillway (whether to repair, reconstruct, raise or lower) without unanimous consent of the property owners; for this reason -

FROM  
W. O. LUTHY,  
P. O. BOX 282,  
CINCINNATI, O.

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P. O. BOX 282,  
CINCINNATI, O.

FROM  
EDMUND O. LUTHY,  
P. O. BOX 292,  
CINCINNATI, O.

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Afterward we could together all of you, arrange  
some adjustments with K & J, and without the  
O.C. machine as they are, I believe our only  
attack should be to retain the water as  
at its present level, undisturbed & keep it  
permanently there.

If this can be accomplished we could satisfy  
all the property holders. <sup>Mr.</sup> I wrote to this effect  
a week or ten days ago & enclosed copy  
of a form of resignation. This is unfortunate  
that your group can't get together & face this  
matter to an issue. Let me know whether  
you think my suggestion a good one, i.e.  
to get an injunction, also advise me what  
the whole cost would be including my fee,  
to do this. I will then gladly put it up to  
the members by circular letter. Awaiting your  
reply I am,  
Yours truly,  
Edmund O. Luthy

(over) <sup>sent via</sup> <sup>sent via</sup> <sup>sent via</sup>  
E. O. L. P. O. Box 292  
Cincinnati, O.

I believe it would be a mistake to apply  
to the Court for an order commanding H & J  
to restore the dam. - I suspect that is  
just what the other side want us to do  
as then they could insist on certain concess-  
ions as to level to the advantage of their  
lot 41.

If we can get an injunction, H & J will be  
forced eventually to come to us to raise  
the level of the lake otherwise their lot will  
be valueless. We could thus have them in <sup>our power</sup>.

They could hardly expect us to <sup>get</sup> ~~restore~~  
an injunction, but <sup>are rather expecting us</sup> ~~would look for us~~  
to appeal to the Court for a restoration  
of the old level of the lake & then in Court  
force us to adopt any level most suitable  
<sup>make</sup> to ~~these~~ lot more valuable for coverage sites,  
and if the level were raised above the old  
level we would <sup>be forced</sup> ~~have to~~ change all our  
riparian structures at our own Expense.

Yours E. H. - S. City News