

E. L. Lundy
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Cincinnati

3/26/14

Dear Mr. Flint:

Yours of 23d inst to hand. I wrote you yesterday at length and 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 action, as they are most heavily interested.

However since the Conservation Commission refuse to act or to intercede for us with Newton, I believe the best & only course to pursue now is to get the Court to serve an injunction on Newton & Ferris & their successive grantees, restraining them from doing anything with the dam or spillway (neither to repair, reconstruct, raise or lower), without unanimous consent of the property owners; -for this reason-- if they were to demolish the dam, they could raise or lower it at will & at any time & we must enjoin them from doing this without our consent? If we can get an injunction served on them then we can later, in assembly, determine what steps to take next.

If Newton is enjoined his lot will be useless for speculative purposes for cottage sites, by reason of the low water level leaving no water adjacent to his land. Furthermore, with the lake at a fixed level (present low level), to which we could re-adjust our riparian structures, the lake would never be used for commercial purposes, in the event they sold the lot for saw-mill purposes &c.

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, and prevent Newton or any succeeding grantor from changing the level. Afterward we could together all of us, arrange some adjustment with N. & F. and with the C.C., inactive as they are, I believe our only attack should be to retain the water at its present level, undisturbed, and keep it permanently there.

If this can be accomplished we could satisfy all the property holders. I wrote Mr. Lodge to this effect a week or ten days ago and enclosed copy of a form of injunction. It is unfortunate that you and Lodge can't get together and force 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 your fee to do this. I will then gladly put it up to the members by circular letter. Awaiting your reply, I am

Yours,

Edmund A. Lundy
Secretary - Treasurer,
E.C.L.P.O. Ass'n.