

My dear Flint,

Your letter of 23th prox., to hand and noted. I believe that your suggestion to appeal to the Court to force Newton to re-construct the spillway of the dam and to restore the water of the lake to its former level and ^{compel grantee of lot #41} ~~to~~ permanently keep it there, to be the proper course to pursue and that it would meet with the approval of all the property owners.

As Sec'y of our Association, I have no authority to instruct you to proceed, as that power is vested in the Presdt or Vice Pres., so I can only suggest that you write to Mr. Lodge, V. Pres., on the same lines written to me and to Mr. Hurd as the Association matters are really in his hands as V. Pres. pending Mr. Fitzgerald's absence.

If he as V. Pres. will order you to proceed with the action you know, Mr. Hurd and I are with you.

I will also write Lodge recommending your plan of action. The expense of this will have to be borne by a few of us, as we haven't enough funds in the Association to pay the cost. In this connection, I take it that you will, yourself pro-rate with us in the expense of \$100.00.. Will Runge or any one else, with whom you corresponded, join us in meeting this expense?

Lodge, Hurd, Runge, you and I ought to join together in this preliminary expense and action.

As soon, therefore, as you advise me whether Lodge and you Runge will agree to stand your pro-rata, I will put it up to Mr. Hurd for a finality and when he and I join you the expense will be divided into fifths.

Also advise me whether Lodge as V. Pres. gives his consent to your entering the appeal to the Court?

Then in order to save time you can get affidavits of complaint signed by Runge, yourself and Lodge, as you are all residents of New York State.

very truly yours,

E. O. L. S. S. H. W. S.

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Appeal to the Court

To order direct Newton (or Newton & Sons) to replace the spillway of the Dam restore the waters of Eagle Lake to the level maintained before the spillway was cut out, and to restrain grantee of lot #41 on which the Dam is located from ever changing said restored level of the Lake without the consent of a majority of the property owners.