

EAGLE (CHILSON) LAKE PROPERTY OWNERS ASSOCIATION.

Edmund O. Luthy,  
P.O. Box 232  
Cincinnati, Ohio.

Mr. Wm. S. Lodge, Vice President,  
91 North Pearl St.,  
Albany, N.Y.

My dear Mr. Lodge:-

Your letters of the 24th and 29th inst., were both duly received. Noting contents of yours of the 24th and your suggestion of buying the Newton lot for the property holders, thereby ending the controversy -- while I believe it would have been and still would be a good thing for the property holders to control the dam-site and the dam by owning the property, I fear that just now it would be unwise to make Newton such a proposition.

In the first place, as purchaser, we would be protecting Newton in his outrageous action of demolishing the dam and virtually acknowledge the rectitude of his action, and as purchaser we might lay ourselves liable to damage suits by any property holder whose property was affected by Newton's action in the destruction of the dam.

Secondly: By purchasing the land, we would as property owners be preventing their taking legal action against Newton for individual damage sustained through his destruction of the dam.

Thirdly: After our purchase of the land we would have to incur, ourselves, the expense of reconstructing the dam which was demolished, if the property holders should insist on restoring the old level of the Lake.

We must therefore, before entering into such a purchase be sure that we do not assume the responsibility and liability which may now be resting on Newton. I should judge that Newton would be very glad to sell us his land right now, thereby being released from any damage which he might be responsible for.

Would suggest that you inform him that most of the property owners, after they see what effect the lowering of the level of the Lake had on their boat-houses, docks and property in general, would enter suit in the various counties in New York State in which they reside, which would be troublesome if not expensive for Newton to defend.

In view of the fact that our Association volunteered to build a new dam of concrete, I should rather believe that Newton could be induced to submit us a proposition to replace the dam in accordance with our plans, etc., on file with the Conservation Commission, with the understanding that our Association would contribute such amount as we have on hand for the reconstruction. This would appear to me to be a fair compromise for Newton, however, before we could accept

such a proposition, it would have to be submitted to our members in order to get their individual sanction for this contribution.

If, after the level of the Lake has been restored and the chance for damage suit from the property owners has been eliminated, I would then advise the purchase of the Newton lot by the property holders, so they can be hereafter in control of the water level.

With the dam now demolished, I would not consider the Newton lot worth any more than his original purchase price less the cost of reconstructing a new dam and a further deduction of such expenses as you may have been under, in taking up this matter for the Association and we would have to besides, requiring an indemnity from him to hold the purchaser of his lot free against any claim for damage occasioned by his destruction of the dam during his period of ownership.

In looking over the State map of the Conservation Commission, I see that the State possess ownership of tract No. 39, tract No.25, No.22 and No. 23., All these tracts lying adjacent or nearly so to Eagle Lake. Tract 39 borders on the Lake at a point nearly or exactly where the dam was built and opposite Newton's land in tract No. 41. With the State owning these tracts, I cannot understand why the Division of Inland Waters of the Conservation Commission do not force Newton to restore the dam.

I am receiving letters almost daily from the members of our Association, asking how matters stand and as soon as we learn what Mr. Newton intends to do, I feel obligated in sending these members an intelligent reply.

As soon as you learn just what Mr. Newton proposes to do in the matter, kindly advise me, so that I will be in position to take action if necessary for my <sup>interest</sup> ~~share~~ and for Mrs. Schmidlapp's and at the same time be able to inform other property holders of the situation.

Very truly yours,

*Edmundo Luty*  
*S. A. Luty, Jr.*

EOL/HJ

