

512

EDMUND O. LUTHY,  
P.O.Box 232,  
Cincinnati, Ohio.

January 8, 1914.

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

Dear Sir:-

I enclose you copy of an extract of a letter received from Abe Moore. This corroborates statement that Mr. Newton made to Mr. Pond.

It is obvious that Mr. McKim or some one connected with the Conservation Commission through Mr. McKim, encouraged Mr. Newton to demolish the old dam. According to Abe Moore's letter, Newton seems to be inclined toward replacing the dam and bringing the waters of the Lake back to the old level. I believe if Mr. Newton were threatened with reports that the property owners intended to enter suit against him for damage done to their boat houses and property, the matter of restoration of the dam would be hurried.

Had a long letter from Mr. Fitzgerald, who seems greatly agitated at the destruction of the dam; said his boat house cost him nearly \$1000.00, and with the water of the Lake lowered as it now is, it would be absolutely useless and in fact, his entire camp would be ruined, because he could neither get to it or away from it. Can you not approach Mr. McKim with the accusation that he or the Commission encouraged the destruction of the dam by their statement to Newton that the dam was unsafe? We must either force Newton or force the Commission, through Newton, to replace the dam.

If the dam is built of concrete it would be better and more permanent than built of wood and I would suggest that in replacing it, to build of concrete or stone and that each property owner contribute the \$10.00 assessment paid in toward the extra cost of this concrete construction. Nearly all the members have paid the assessment of \$10.00 and with their consent this amount could be contributed. I have \$100.00 now in my hands as Treasurer.

Have you found out what is the legal status of the property owners, their right regarding the level of the Lake and who has legal control of the Lake? <sup>agent</sup> If Mr. Wicks is the legal councillor for the Ti Paper & Pulp Co., I believe he would or should take up the defense of our interests, unless he figures his interest in the Eagle Lake Improvement Co., to be paramount. In fact, the grantees who purchased from the Eagle Lake Improvement Co., and from Houghtaling from the Moores', Hunters' and from original land owners, should be most interested in getting the old level of the Lake established, as they insured the grantors or purchasers of land the quiet enjoyment of the riparian rights as they ~~expected~~ when they bought. It seems to me the purchasers can actually look to them for the restoration of the old level of the water. If then it ~~should~~ necessitate legal action

Page 2 - Wm.S.L.

for damage to the property, I would advise that suits be entered by these original land owners first. It will then still be possible for the individual owners to reserve the right to sue separately for individual damage done.

Please advise me of the latest developments in the case. Mr. Fitzgerald is awaiting with great impatience to hear how matters now stand.

With regards, I am,

Yours very truly,

*del. Sec. Peter Smith Jan 3/14  
Edwin Smith case Moore 12/13*

EOI/HJ P.S. Since writing this letter I received letter from Mr. Smith, which I enclose herewith. Please <sup>read</sup> return same to me for my files. *[Signature]*