

Copy to
replied to
E. J. Hartney
P.O. Box 232
Cairn O
Re. Eagle Lake Dam

PETER FLINT
ATTORNEY AND COUNSELLOR AT LAW

140 Nassau St., R. 807

NEW YORK, July 3 1917

My dear Lantry:

Your last letter read & considered. The enclosure
 giving 1st knowledge of malefactor was of great service. Note
 along letter to Conservation Commission, Division of Inland Waters. Re-
 ferred to previous correspondence & suggested that, as true owners,
 Newton & Ferris were now declared that Commission follows up
 to repeated denials to Newton by insisting that Eagle Lake Dam
 is rebuilt. I referred to Newtons recent intimation to a
 member of our Association residing in Essex County, N.Y. that Mr. Sker-
 rone had suggested that the dam be taken out, as Mr. McKeim had
 told him (Sherman) that it was in an unsafe dangerous condi-
 tion. I hoped the Com. would enforce its direction & not make
 litigation necessary to recover damages from Newton &
 Ferris. Now, John D. Moore, Commissioner (Div. Inl. Waters),
 has previously signed all letters & McKeim had dictated same
 (shown by letter "McK-C" dictation marks, but for some
 reason Commissioner & McKeim couldnt write any more
 letters, so mine was handed to Engineer Sherman who
 wrote very pompously & learnedly about what the Com. Law
 meant &c. Doubtless whether, if anyone wished to demolish
 any dam on his property for any cause, the Com. Com.
 had power to order its reconstruction, that if no
 dam was erected, or if its owner should wholly or
 partially remove same, the Com. had no power to order
 any person to construct a dam in place of one so
 taken out; that in his (Shermans) opinion the dam
 could be taken out if it "were found to be in a dangerous
 condition". In other words, if a log or two were a bit loose
 our whole Colony could be ruined any time undaunted
 & our fishing destroyed without any notice from the Commission.

or any hearing granted us on that question, we being already before the Commission on a question of entirely another sort - protection for our game fish - & having no opportunity to apply for an injunction preventing the removal of said dam pending other negotiations with the Commission.

Further, said Sherman, the river could be diverted not to remove dam in such a way as to flood property below. Informant silent as to direction by Com. against injury above dam, xxx if basin formerly filled with water were emptied by removal of dam & unhealthy conditions arose, we could take up the matter with local Health or State Health Board, not with Com. If damage arose to prop. owners above dam by reason of discontinuance of dam, as such, remedy, if any, would be through the Courts & not through Com. Com.

All this "Academic" discussion of law by an Engineer was really amusing to an old attorney, like your Chairman.

Then Sherman went into the matter of the Mc Kins. Statements was all on the spot, which you know as well as does your Chairman, were, in substance; You don't need any fish-way here to preserve your pike & bass from being swept over the old dam. You should have a new dam of concrete built with a much larger "Spill" than the old one so as to prevent all extraordinary walls of water coming over the Spill, and to maintain a regular level for your pike spawning marsh. So that the pike eggs will hatch & the fry have a suitable breeding ground. The old dam must be carefully maintained until the concrete one a few feet further down stream be constructed & completed & - to save written expense. Further report of Ollie Rung here with his sleeves rolled up

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would prepare blue print plans of the proposed dam in accordance with his (McKinnis) suggestions that he would "OK them" at Albany in Conservation Commission Office, and then to you & me could go ahead "without sitting for the usual red tape of the Department" as he (McKinnis) personally knew all the facts.

Will Sherman "opined" that McK's directions could be construed into orders of the Commission (who said they need?) Perhaps as binding as ^{with stone} McK's advice of Sherman to Ferris) that McKinnis "was an expert on the subject of impounding waters" (Good) That McK no doubt after made valuable suggestions to owners of dams, when on his trips. Likely, some persons had misunderstood McKinnis' suggestions & advice" to be "orders" of the Commission (Will what were they?)

Sherman evaded my question to Lou. Com, whether Sherman had advised Newton to destroy our old dam, by saying: "the allegation by Mr. Ferris" or as to what Mr. Sherman said, as above quoted, "may be true?" (Why didn't Sherman stand for what he did say like a man?)

Now, it may be that Bean, of Dept of Inland Fisheries will insist that his Section, that of propagation distribution & preservation of game fishes, having once acquired jurisdiction over the subject matter & having merely asked in an expert (McKinnis) on Dams & Dams to recommend to it whether a fish weir or dam would be best for our needs.

may
~~would~~ be empowered before the suggestions of the
ambassador to our colony, and assert that the dam
must be rebuilt, as Dept IWS had also done
until I put up the ~~them~~ ^{them} ~~strongly~~ ^{strongly} this apparent
"deal" between Ferris & Sherman.

It is simply the usual "Corporation Gamble",
this whole matter in part of Harris Estate, since our first
talk of protesting on behalf through aid of Dept of Fisheries.
What I wanted of course is to break the alliance between
this man Sherman & Ferris. So that Newton cannot
use remarks of Sherman as a lawful excuse for
his outrageous conduct. "How ~~well~~ around the Law" is
the apparent effort of Ferris & Newton.

The methods to be adopted now are:

- I Putting up to the Deam. Dept of Fisheries the duty of the
Conservation Commission towards us properly owners
order dam reconstructed for saving our fish as
originally requested.
- II In case of refusal to let the press of the State
& magazines devoted to Conservation of Fish & Game
have the simple facts of our associations case.
to promote public discussion & let Albany know
our treatment by Con. Com.
- III Check promptly service of summonses & complaints
by riparian owners ^{also} in New York County, West County
where said owners live, to make it necessary for N.Y.
to retain counsel in various N.Y. Counties where
said suits may properly be brought & that Kennebec could
sue in Long Island. ^{all} state owners, in County where
they vote & reside.

By united efforts in bringing such suits
I think there would be in a hurry to rebuild
You know they favor a bill of Dept over our dam

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Perhaps this might could be compromised by a
bet or so after suit brought and suit could then
be discontinued without costs to either party.

NEW YORK,

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As you know, Gully, the conduct of this matter
thus far by me as your Chairman has been at
an expenditure of many hours of time and labor
studying the law, writing many letters & communications
to various parties, and no assistance ^{except} your correspon-
dence has come to me from any source since
Hotaling first informed me, in November/13

A fair sum should be appropriated by any
Association as some sort of remuneration for
the active work already done and as a retainer
for my services as attorney in case suits become
necessary as above mentioned. This matter has had
my constant attention since November, and I think
I have material in hand now with which to force
these men promptly to rebuild that dam, and, as
you know I am familiar with every step of the
game heretofore taken. My devotion to the interests
of Eagle Lake & our native town are known to you, &
I shall enter the ensuing phases of this
fight for our rights with great spirit & energy rely-
ing upon the justice of the Peoples Cause, which
I shall make this controversy throughout.

Will you, therefore kindly suggest to the
Members that I be retained as attorney for the
Committee on Violence's part Assn for the prosecution

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of this matter along the lines pointed out.

Now you have the whole pack before you
What shall I do?

With Sincere Greetings to you all

I am Faithfully Yours

Peter Christ
Chairman Com on Monies
and Game Eagle Lake Property Owners
Assn.

Edmund O Lutting Esq.

Secy - Treas

~~217 E. P. O. Box 7~~

P.S.

I have not heard a word from Mr. Wickes. Please
let me ^{hear from Wickes} know he is waiting these from Property Owners before invest
getting this matter. Do you know what the
board that may wish ~~the~~ P.

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