

UNIVERSITY OF BUFFALO  
DEPARTMENT OF LAW  
BUFFALO, NEW YORK

CARLOS C. ALDEN  
DEAN

June 11th, 1914.

Dear Mr. Lodge:-

The more I thought over Flint's proposed action, after talking with you, the more I felt that he might actually destroy our rights unless he was headed off. So I determined to go down to New York and see the attorneys for the Trust Co. I tried to get you on the phone, but you were probably between your store and your house. I took the 7 o'clock Empire.

The inclosed copy of a letter to Flint explains itself, so far as it goes. What I am worrying about a little, is that I recall his address to be 140 Nassau St., but I haven't his room number, and he may not be known in the building. Perhaps you better have a copy of my letter made, and forwarded to him at his house address, stating that you were fearful that it might miscarry in view of the incomplete address I was able to give to it. Then, too, (if you want to do so) add your request with mine, that he does nothing in the Runge action until we get together at the lake.

There is no need to enter into particulars, but Mr. Horan (the counsel I talked with) has the same degree of confidence in Mr. Flint's success as you and I have. But he and I are also fearful that his attempt might seriously hurt us. As his action is framed, as he explained to you, it will not succeed, in the opinion of both Mr. Horan and myself, and his preliminary application to the court is certain to fail.

I explained to Mr. Horan my idea of the situation, in view of the visible character of the dam, and earthworks, and the fact that Mr. Harris had received contributions from other lot owners to rebuild the dam, etc. He agrees with me that there is a burden on that dam lot to permit the continued existence of the structure, and that the present owners are chargeable with notice of that fact and were wrongdoers when they destroyed the dam. He also agrees that the Farmers Loan & Trust Co. occupies a strategic position, and can best be the plaintiff in an action to compel the restoration of the dam.

Will you do what you can to hunt up the present whereabouts of Mr. Cole? Should the dam be restored to-day, I do not believe the lake would fill during the summer to any appreciable extent, and that we are "up against it" for this season. When you get up there I want you to write me of conditions as you find them.

You will acquit me of discourtesy to you, in not getting in touch with you Tuesday night, when you appreciate how I rushed off to New York City.

Yours very truly,

*Carlos C. Alden*

*Encls*