

RIGHT TO IMPOUND WATERS OF LAKE DENIED BY COURT

Decision Affecting Adirondack Property Made After Four Hearings.

ACTION BEGUN IN 1922

Mrs. Beckers, Who Sued Trout Lake Property Owners, Has Since Died.

Special to The Knickerbocker Press.

GLENS FALLS, Aug. 16.—Declaring the plaintiff did not have the right to impound the waters of Trout lake, located sixteen miles north of Glens Falls in the town of Bolton, Referee John M. Kellogg of Albany and Ogdensburg has handed down a decision in favor of twenty-three defendants in the action brought by Mrs. Marie Antoinette Beckers of Trout lake and New York against Mrs. Janet Oed Clafin and other property owners on the shores of Trout lake.

The action which has been in court since December, 1922, involved thousands of acres of the most valuable private lake shore land in the Adirondacks. Mrs. Beckers sought a judgment fixing the extent of her right to maintain a dam and sluiceway at the outlet of Trout lake and to raise and lower the waters on Trout lake, thereby flooding the lands of the defendants.

In view of the death, several weeks ago, of Mrs. Beckers, who was one of the largest holders of Lake George and Trout lake properties, an order of court will be asked entering the judgment against her estate.

Four hearings were conducted in all, three in the Lake George court house, October 15 and 26, 1923, and April 29, 1924 and one at the Schenectady county court house June 3, last.

Right Abandoned.
Along with holding that the plaintiff and her predecessors in title did not obtain the right to put planks in the sluiceway and thereby impound the waters of the lake the decision further held that any right which existed to hold back or impound the waters of the lake by means of planks has been abandoned and ceased to exist by non-use for more than twenty years.

were never put into it to impound the waters of the lake, but at all times the water flowed freely through it until one day in 1921 when planks were used for a short time. At this time by placing planks in the sluiceway the plaintiff raised the water of the lake about one and one-half feet. Docks were flooded and considerable damage done and when complaint was made the planks were removed.

The decision further held that several of the defendants, since their purchase of property on the shore of Trout lake had built houses, draining systems, lighting plants, garages, roadways and docks and had the use of beaches and had occupied their lands to the natural shore line of the lake.

And in this respect the referee held that raising the water in the summer months above the level at which it stood at the time the property was purchased by the defendants would take away the natural beaches, destroy the water line, create marshes and otherwise damage the properties.

was regulated more or less. About 300 or 400 feet below was the Putney sawmill and between the mill and the lake was the mill pond which, when filled, would furnish water to the mill for approximately one and one-half hours. The surface of the pond when filled was at a lower level than the floor of the sluiceway.

On October 18, 1867, Jonathan Coolidge and Calvin A. Barton, who owned the mill and mill lot of about forty acres as well as a lot on the other side of the lake, transferred the properties to Joseph Putney, Reuben Putney, and John Beswick. At the time of the conveyance Coolidge and Barton were operating the sawmill and maintaining a sluiceway at the outlet of the lake.

The property and mill changed hands several times before the fall of 1907 when the Kenyon Lumber company, which had succeeded to the rights of David Putney in the mill lot, tore down the mill and removed the machinery. In 1914 the old sluiceway had ceased to exist and nothing remained of it but the logs forming the floor. The owners of the mill lot then rebuilt the sluiceway, building a new floor over the old one, thus raising the top of the floor of the sluiceway twelve and one-quarter inches.

It was built in the winter time. Plank

Fear Extermination of Bass

Irving Tyrrell and others have petitioned the State Conservation Commission to afford additional protection to black bass in Schroon and Paradox Lakes by opening the season July 1 instead of June 16. The petitioners claim that the fish in the waters named are in danger of extermination unless the closed season is extended. A hearing on the petition will be given at the Ondawa House, Schroon Lake Village, April 28 at 10 a. m.

Representatives Allen, of Cincinnati, and House, of Kentucky, are each moved up two points on the Committee on Postoffice and Post Roads, the former now ranking tenth and the latter seventh. Membership on this committee precludes any other committee assignments.

Bowdle Fares Well.
Representative Bowdle, of Cincinnati, fares well for a new member, being placed on the Merchant Marine and Fisheries Irrigation of Arid Lands and Elections 2 Committees.

In Memoriam.

JOSEPH S. NEAVE.

It becomes the sad duty of the living to console the passing of the dead, and with reverent hands we pen this tribute to our friend, whose life has been abruptly terminated at the time when he had reached the splendor of full-developed manhood—when his life was at its zenith and all was brightness ahead.

In the passing of Joseph S. Neave this community has sustained an irreparable loss. His vigorous mentality and his patriotic aspirations for the highest and best results for the city of his birth prompted him to be foremost in the ranks of those working for the attainment of high civic virtues and purposes. Honest and conscientious to a fault, no suspicion was ever breathed against his motives, and even those who knew him least had entire confidence in his honesty and unselfish devotion to high ideals. He was ever to the front with his energy and means, fostering and upholding movements purposing the welfare, advancement and best interests of Cincinnati.

As President of the Employers' Association he at all times insisted upon fair play between employer and employe, and held the association unerringly and steadily in line with its principal function that of rigid enforcement of law and order and the preservation of industrial peace by fair and honest dealing between man and man.

His kind and genial nature was a predominating and ever present characteristic that won for him a home and retained for all time a host of friends, who mourn his untimely departure. Let us believe and find consolation in the thought, "After life's fitful fever he sleeps well."

We bow our heads in grief and sympathy with his family and relatives in the great sorrow that has come to them, and fondly do we hope and fervently do we pray that an all-seeing Providence will afford consolation to assuage the grief and sorrow that now possess their stricken hearts.

The Employers' Association,
Wm. Lodge,
Dr. J. M. Crawford,
A. W. Williamson,
Committee.

Buffalo Boy, 4, Loses Life In Lake Saturday

John Coolidge Alden, four-year-old son of Colonel and Mrs. Carlos C. Alden, Jr., of Buffalo, drowned Saturday morning in a tragic accident in Eagle Lake, near Chilson, where he was vacationing with his parents at the home of his grandparents, Dr. and Mrs. Carlos C. Alden, Sr., of Buffalo.

Col. Alden tried to resuscitate his son and then rushed him to the Moses Lullington Hospital here where the boy was pronounced dead. The accident was not witnessed by any member of the family. It was believed the boy had not been in the water more than 15 minutes.

Dr. John Miller of Crown Point, Essex County coroner, issued a certificate of accidental death.

Col. Alden, a member of the U. S. Air Force, is a graduate of the University of Buffalo School of Medicine and is stationed in Washington, D. C. He and Mrs. Alden are residing temporarily in Alexandria, Va. Col. Alden was the first medical officer to make a parachute jump with troops during World War II. He holds the Purple Heart and Silver Star medals. Mrs. Alden is the former Isabella Hughes of Baltimore, Md.

The child's grandfather, Dr. Alden, is dean emeritus of the University of Buffalo Law School. He and Mrs. Alden have maintained a summer home at Eagle Lake for many years.