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p. 464 Plaintiffs' Exhibit 24

Agreement:

Whereas, the undersigned are the owners of certain parcels of real estate located in the town of Caroga, County of Fulton and State of New York, bordering upon the lakes known as Auskerada or Canada Lake, West Canada Lake and Green Lake; and

Whereas, the drawing or letting out of the water from the present dam on the outlet of said lakes, known as East Canada or Fish Creek, causes the waters in said lakes to fall and become unnaturally low in the summer season to the injury and annoyance of the undersigned; and

Whereas, the undersigned have requested the Durey Land and Lumber Company to erect a dam upon its land upon and across said outlet, preferring that the control of the water of said lakes shall be in the said Durey Land and Lumber Company, which is jointly interested with the undersigned, rather than in persons, firms or corporations not having or holding any interest in or around said lakes; and

Whereas, the Durey Land and Lumber Company have and hereby do agree to erect said dam in consideration of the execution of this agreement by the undersigned:

Now, therefore, we, the undersigned, in consideration of the premises and of the sum of one dollar to us in hand paid the receipt whereof is hereby acknowledged, do grant unto the said Durey Land and Lumber Company, its successors /p. 465 and assigns, the right to erect and maintain a dam over and across the said outlet of said lakes and the right to raise the water in said lakes as necessitated by said dam up to the high water mark on the property owned by us and each of us respectively as shown by a red mark, or line, upon a map of cottage lots filed in the county Clerk's Office by the Caroga Lumber Company made by J. W. Miller, C.E. from the maps and survey made by one Seidl for Alfred Dolge and the Caroga Land Company and to maintain the water at said height and draw down the same without any claim or claims or damages against said Durey Land and Lumber Company by us or any of us. It being agreed by said Durey Land and Lumber Company that the water of said lakes shall be kept at least one foot higher than the present low water mark.

Signed and acknowledged by Nelson H. Anibal and 62 other persons.

August 2, 1912

Recorded Feb. 21, 1913, Book 136 of Deeds page 468, Fulton County

[Nelson H. Anibal had James Fitch Van Ness \$1,200 toward the purchase of the Auskerada. By 1905 Anibal is listed as the owner of the Auskerada. McMartin, p. 72]

In presence of: Nelson H. Anibal (L.S.)
Andrew Peck (L.S.)
Kate J. Drumm (L.S.)
E. Hutchinson (L.S.)
Clare Victor Dwiggin (L.S.)
D. V. Still (L.S.)
Eberly Hutchinson as to L. J. Harris
A. M. Dade

Eberly Hutchinson as to
Witness as to Jas. H. Healey and
Frank Belding and J. O. Drumm.
Eberly Hutchinson as to
Eberly Hutchinson as to

Eberly Hutchinson as to
as Co-owner Green Lake property

Eberly Hutchinson as to

Frank Loucks witness

Eberly Hutchinson as to

Frank H. Mills
Cornelia A. Davis
John G. McDowell, Jr.
Geo. W. Davis
J. Q. Adams
Jas. H. Healey
Frank Belding
Jams. P. Uhlinger
Forrest P. Gates
Donald D. Fraser
D. W. Mason
Elizabeth Mason
Elizabeth S. Williams
Harry Dawes
W. W. Strong
A. L. Granger
Charles O. Cross
Etta M. Veeder Heagle
David Smith
John G. Ferres
Eugene Littell
Gardiner V. V. Littell
Raymond P. Mills
A. D. Norton
Sarah L. Drumm
Nathan Miller
Wm. Patrick
Wm. F. Steele
H. A. Steele
John V. King
J. R. Cadman
Rose Cadman
Burton Snell
Clarence A. Smith
Marie M. Bacon
James Y. Fulton
Kate E. Hutchinson
Mrs. Abram. Saltsman
S. Walrath
George Markell
Mary Helena Loucks
Frances W. Simmons
J. D. Frederiksen
Everett K. Briggs
W. H. Faville
John Breckwoldt
A. E. Breckwoldt
Nora S. Gourd
Lawrence P. Mills
Harwood Dudley
Frank W. Don

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