

In Chancery
Before the Vice Chancellor of the first Circuit
In the Matter

The Petition of the Water Commissioners of the City of New York in relation to certain lands and property acquired under the Act entitled "An Act to provide for supplying the City of New York with pure and wholesome water."

The undersigned appointed by the Vice Chancellor of the first Circuit under the Act of the Legislature entitled "An Act to provide for supplying the City of New York with pure and wholesome water," to examine all those three lots or parcels of land and premises and mill seat situate in the town of Cortlandt in the County of Westchester the first of which is described in the deed from Piene van Cortlandt deceased to his son Philip van Cortlandt and his three daughters Catherine Cornelia and Anna as follows to wit "All my right interest claim whatsoever of all that certain piece of Land and Mill place adjoining Croton River situate lying & being between the mill house of Robert Underhill and the Mill of my son Philip with a right to a part of the water out of the Croton and race way in proportion with any of the other Mills and paying an equal proportion for the repairing of the dam and race way with the other Mills now standing or which may hereafter be erected" the second of the said lots or parcels of land is described in the will of the said Piene van Cortlandt deceased as follows to wit "All that Mill seat and lot of land whereon Robert Underhill built his Mill with a portion of the water out of Croton Dam and adjoining the land hereby given to my son Philip as far up the hill by the road by Jesse Fields stable, thence north up the road to the abutment of the new Bridge thence down the middle of Croton River to the north point of the Island opposite the Old Mill and so through the middle of the Island to the place of beginning to contain about thirty acres more or less" And the third of said lots or parcels of land is in the said will described as follows "All that piece of land lying along Croton

River to begin on the Manor line at one chain from Croton River, thence northerly and over the hill to the line of the other road that goes to Jesse Fields or my son Philips Mill thence along the road and so to Croton River so as to leave fifty feet on the South side of my son Philips Mill to the River and from that down the Croton River to the place of Beginning containing eight or ten acres more or less including Deer Island also a portion of Water out of Croton River dam should there be a Mill hereafter on the lot mentioned the property described in the Order of the Vice Chancellor of the first Circuit made in this matter and bearing date the Eighth day of March in the Year One thousand eight hundred and forty two and to estimate the damages sustained by the diversion of the Waters of the Croton River therefrom for the purpose aforesaid respectfully Report, that Mr. Henry White, Edwin Crosby and Nathaniel Bayles met at the house of J. M. Tompkins on the nineteenth day of April in the year one thousand eight ^{hundred} and forty two having first duly taken and subscribed an oath well and truly to appraise and estimate the amount of such Damage and being attended by the parties with their respective Counsel we proceeded to examine the premises in question and thereupon on application made to us we adjourned the further hearing of the matter to the fourteenth day of June then next at the place aforesaid at 10 o'clock A M and from day to day until the eighteenth day of June and which said matter was continued by adjournment from time to time until the twelfth day of August in the year one thousand eight hundred and forty five at which said several adjournments the said Appraisers were attended by the parties in this matter with their respective Counsel and by the Guardians of such of the parties as were infants at which day the said Proofs and allegations having been closed and we having examined the premises as aforesaid and the said Counsel of the respective parties having been heard by us we adjourned until the fourteenth day of August instant at 10 o'clock A M at the house of J. M. Tompkins aforesaid for the purpose of deliberating

upon and making our report and having met at the time and place last aforesaid after mature deliberation of the premises we have estimated and appraised the Damages which have been and which will be sustained by the Owners or Owner of the said property in the said Order and Map hereto annexed mentioned and described in consequence of the diversion of the Water of the Croton River for the purposes aforesaid at the sum of \$9,761²⁵/₁₀₀ Nine thousand seven hundred and sixty one dollars and twenty five cents

And we do further Report that such Appraisal and estimate is made as for a total diversion of said Water from said Land premises and property in the said Order and Map particularly mentioned and described and that in making such Appraisalment regard was had to the circumstance that in and by said Order the Mayor Aldermen and Commonalty of the City of New York are at liberty at any time and from time to time hereafter to divert a part or the whole of said Water from the said Croton River from the said lands and premises for the purpose contemplated by the aforesaid Act

And we do further Report that of the said sum of \$9,761²⁵/₁₀₀ \$9,761²⁵/₁₀₀ Pere van Cortlandt is entitled to the three fourth parts thereof amounting to seven thousand and three hundred and twenty dollars and ninety four cents And the remaining one fourth part thereof to the heirs of Theodorus van Wyck dec'd To wit Abraham van Wyck his son and Walter J. Budd and Abraham B. W. Budd his Grandsons the last mentioned right being subject to the claim of Mary van Wyck Widow of said Theodorus for her dower and which said last mentioned one fourth parts amounts to Two thousand four hundred and forty dollars and thirty one cents they being the only owners of said Land All of which is respectfully submitted

Wm. J. White
Aug. 15th 1845

Wm. J. White
S. Bayles

Attest Robert Emmet
Clerk

In Chancery
Before Vice Chanceller

In the Matter
of
The Water Commissioners &c

Copy Ref
B C E

No. 8. Wm. R. R. R.
ap. 1842

Underhill mill -
mill seat between Underhill
mill house & Holman mill
house -
L Mill seat & southward
corner
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