

Dear Sir — Respecting The Underhill Case —

My Father & Brother gave a joint Lease to The Underhills for certain Lands & The Water of Crotton River — Part of which Land <sup>lies</sup> was on the South Side of Crotton River of which my Father was the sole Owner — The Lease comprehended about 70 Acres on the North Side of Crotton River being <sup>part</sup> of Thw Loth No 1 (One) of the Manor of Courtlands — 134 The Will of my Grand Father that Lot was given to my Father by his father Will under a certain Entailment, but by a Law of the State of New York abolishing all Entailments It appears that my Father had only a life Estate and that The fee was ~~was~~ <sup>claimed by</sup> my Brother — By my Father's Will he devised a part of that Lot No 1 (One) to me including the farm now in possession of my son of which the 70 acres <sup>was</sup> ~~was~~ a part — my Brother in his Will did not recognize that right in my Father, but to <sup>will</sup> find his right and that he only was the real Owner in fee bequeathed it to me, and further he mentions in his Will that I should pay \$500 — for the buildings the Underhills erected (on the 70 acres) when necessary thereby making himself amenable to the conditions of the Lease of which he was a jointly concerned.

In my Brother's Will he leaves all his Estate To Chas. G. Van Wyck to pay his debts — Now I ask in the first place <sup>Did</sup> ~~did~~ not my Brother with my Father give a joint Lease to the Underhills — Did not part of that Land <sup>belong</sup> ~~belong~~ to my Father & did not the greater part of the Land <sup>belong</sup> ~~belong~~ <sup>devised to the Underhills</sup> lie on the North side of Crotton River exclusively claimed by my Brother & so declares it in his Will by bequeathing it to me in violation of my Father's bequest — That being the fact — Now I ask whether Chas. G. Van Wyck must not pay in the first place One half of the sum decreed against us & then whether he must not pay One fifth of the other half in which my Brother would have had to pay if living — These considerations are worth observing & I think that the Vice Chancellor's struggles ought in Justice to all the parties concerned to make Order or Decree respecting the manner in which party are liable to pay & in what proportion

The knowledge of my mind very much & indeed knowing  
Ch. C. W. & his conduct in ruining my paternal Estate  
of which my brother advised to him during the minority  
of my son & which the 40 Acres <sup>in</sup> <sup>on the back side of</sup> <sup>the Custom House</sup> <sup>land</sup> <sup>was</sup>  
was a part & full very indignant toward Van Wyck -

And I would farther enquire, If it should turn out  
that Van Weych has squandered the Estate my Brother  
left him, Is not that Estate amenable to pay his debts  
in whatever hands it now may be — Even should he  
have mortgaged it, sold it, squandered it away  
in ~~some~~ <sup>some</sup> way or other, yet is not the Land answerable  
to the Creditors of my Brother — If it is not I  
think I should be justified to file a Bill of Injunction  
against him that the Property should not be wasted  
Besides after paying my Brothers Debts — Does not  
Remainder of his Estate belong to his heirs —

copy of  
Munro's will  
attached