



**DOCUMENT NO. 12.**

**BOARD OF ALDERMEN,**

**AUGUST 1, 1836.**

*The following communication was received from the Water Commissioners, which was laid on the table and 500 copies ordered printed.*

**J. MORTON, Clerk.**

To the Honorable the Common Council of the city of New York:

The Water Commissioners beg leave to lay before the Common Council a brief statement of the situation and progress of the great work they are engaged in, commencing at the date of their first entering upon the duties of their office, and continuing down to the present period. They have deemed this expose necessary, both for the information of the citizens generally, as well as that of your Honorable body; the first being the source from whence the means are

derived, and the second the legal check upon any improper use of those means.

Under the temporary act of the Legislature, passed the 26th of February, 1833, the Commissioners were only authorised to examine the feasibility and expence of supplying this city with pure and wholesome water, and by the authority given them by this act they appointed Canvas White and David B. Douglass, Esquires, civil Engineers to ascertain whether any of the streams or rivers, in the county of Westchester, would afford such supply, and the practicability and expense of introducing it. Mr. White, however, was prevented by sickness from performing his portion of the work, and it devolved on Mr. Douglas to make the necessary examinations. He reported to the Commissioners on the first of November, 1833, that the Croton was the proper source; the quantity of water ample, the practicability of introducing it undoubted, the cost about five millions of dollars, and the time required about five years. He furnished them at the same time with a large map of the country, designating the several trial levels he had run, and the line finally fixed upon for the aqueduct from the Croton to the Harlem river, and from thence to the several reservoirs on the Island of New York. On the 12th November, the Commissioners reported these facts to the Common Council, with such observations as the subject appeared to call for from them.

The act of the Legislature, under which the Commissioners are now organized, was passed the 2d of May, 1834. This act authorised a re-examination of the whole subject; directed the Commissioners to agree upon a plan for introducing a sufficient quantity of pure and wholesome water into the city, and to report the same to the Common Council.

In the month of July following, the Common Council passed an ordinance appropriating \$5000 to defray the ex-



penses of re-examining the subject, and the Commissioners immediately thereafter engaged David B. Douglass and John Martineau, Esquires, civil Engineers, to make the necessary surveys and levels of the whole route from the Croton to this city. Mr. Martineau completed his work and presented his report on the 25th of January, 1835, and Mr. Douglass on the first of February thereafter, both reports were accompanied with maps and drawing in elucidation of the subject.

The report of the Commissioners was presented to the Common Council on the 16th of February, 1835, and in the month of March thereafter, the plan proposed by the Commissioners was approved and ordered to be submitted to the electors at the ensuing election for Charter Officers, in April; and it was adopted by the electors by a large majority of eleven thousand three hundred and sixty-seven votes.

In the month of May following, the Common Council passed an ordinance instructing the Commissioners to proceed with the work, and authorised the creation of a public stock or fund, to defray the expense of carrying the said plan into effect.

On the second day of June thereafter, the Commissioners appointed David B. Douglass, Esq. their Chief Engineer, and directed him to organize a proper corps of Engineers as soon as practicable. He reported as necessary to form said corps, 5 Engineers including himself, 5 Rodmen, and 7 Laborers and Chainmen, who were duly appointed by the Commissioners. The party consisting of seventeen persons, proceeded to the field of operation, and commenced work on or about the 6th day of July, 1835. They were directed first to run and stake out a line around the reservoir to be formed by damming the Croton; the line to include one rod of land above that which would be overflowed by the backing up of the water of the river, and George W. Cartwright, Esq. was engaged to survey the land that would thus be overflowed, and to furnish the Commissioners with maps of the quantity belonging to each individual.

They were next directed to stake out the line of the aqueduct, from the Croton to the Harlem river, and also the width of the land required for building said aqueduct and culverts, and forming the necessary excavations and embankments.

The Commissioners are not authorized to use any of the land necessary for the works until it is acquired, either by purchase or by appraisers appointed for the purpose by the Chancellor. It was therefore important that they should be put in possession of proper maps of the land, both of that necessarily to be overflowed, as well as that on which the aqueduct was to be built, in order that they might inform the owners of the quantity wanted, and be prepared to negotiate with them for its purchase.

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495  
The quantity of land to be overflowed was furnished the Commissioners by Mr. Cartwright in the month of November, 1835, and they immediately commenced negotiations with the owners for its purchase. They were enabled to purchase of the land around the Croton reservoir, 241 acres 44 hundredths, and there still remains to be purchased or to be acquired through the intervention of Commissioners, 254 acres 48 hundredths.

The Engineers spent the whole summer of 1835 at field work, and did not leave that work until about the 8th of January, 1836. A party was then formed for office duty during the winter, consisting of eight persons including the Chief Engineer.

The necessity of possessing the maps of the land, on the line of the aqueduct, was repeatedly urged on the attention of the Engineers, but they were not completed when the time arrived for the party again to take the field, which was on the 11th of April, 1836. The whole line of aqueduct has been re-surveyed during the present summer, being the fourth survey and level of the line under the direction of the present Engineer, and as a reason why the maps were not prepared at an earlier day, we were informed by Mr. Doug-



lass, that some important improvements had been made in the course of the aqueduct, that would shorten the distance and lessen the curves, and it was therefore only on the 11th day of June, 1836, that we were put into possession of a portion of the aforesaid maps, and the remainder of them was furnished on the 17th of the same month.

The number of persons composing the Engineer corps now consists of 7 Engineers, including the Chief, 8 Rodmen and 4 Chainmen and Laborers, making a total of 19 persons.

During the session of the Legislature of 1836, a very strong remonstrance was presented to that Honorable body, by some of the inhabitants of Westchester, against the provisions of the act, authorizing the necessary land to be taken by Commissioners, and complaints were also made to the Water Commissioners, by others, that the act of the 2d of May, 1834, did not sufficiently secure their rights. The first complainants proposed

1st. That the legal possession and use of the land should remain with the original owners, after being paid for by the Corporation.

2d. That if the land was not used for the aqueduct, after being paid for, it should revert back to those from whom it was obtained.

3d. That provision should be made to prevent trespasses on the property of the inhabitants.

4th. That the persons through whose land the aqueduct passed, should have the right to use the water, by allowing reasonable compensation for it.

5th. That the Judges of the County Courts should act as appraisers instead of Commissioners appointed by the Vice Chancellor.

The second complainants contended, that the Corporation ought to be prohibited from using the land required under the act, for any other purpose than that of supplying the city

with water, and should it not be used for said purpose, that it ought to revert to the person from whom it was taken, he paying back the sum received for it. That necessary fences should be erected and sustained by the Corporation, and convenient passes made under and across the aqueduct where it intersects the land of an individual owner.

The remonstrance to the Legislature by the first complainants, were effectually opposed by the Commissioners, and no order was taken on it by that Honorable body; but the complaints of the second appeared to the Commissioners reasonable, and an act was accordingly passed on the 26th of May, 1836, embracing the aforesaid provisions, to which the Commissioners could see no objections.

The Commissioners were in hopes that the passage of the aforesaid act, would convince the people of Westchester that they were anxious to secure to them every right and privilege that could be reasonably required. It appears, however, there are still dissatisfied persons among them, as by the proceedings of a meeting lately held at Tarrytown, it is said, a remonstrance in the form of resolutions were passed, which among other inadmissible demands, declares in substance that the taking of their lands will be resisted and carried up to the Supreme Court of the United States, unless the Corporation will agree to indemnify the citizens of Westchester from all damage they may sustain by taking their lands, together with all such other damage as may accrue to them now and hereafter; intended no doubt to include any loss they may sustain by theft or other crime committed by persons employed on the works. If this is not their meaning, why is it that they oppose the act of 1834, which provides compensation for all damage sustained in taking the land or water or affected thereby? The 13th section declares, that "In case of disagreement between the Commissioners and the owners of any property which may be required for the said purpose, or affected by any operation connected there-



*with*, as to the amount of compensation to be paid such owner the Vice Chancellor of the first Circuit may, upon the application of either party, nominate and appoint three *indifferent* persons to examine such property and to estimate the value thereof, *or damage sustained thereby.*"

How in justice more can be required than what the law provides, the Commissioners are unable to perceive. If the Corporation agreed to the demands made in the resolutions said to be passed at the meeting alluded to, it would in effect, as the Commissioners view it, amount to the proclaiming of a premium for the commission of crime ; for how many men would be found, under such circumstances, scrupulous about taking from another, what they wanted, if they knew they were not to be prosecuted for it ; or how many of the people of Westchester are there who would take the trouble of prosecuting for any losses, when in order to be indemnified, they would only have to present their bills to the City Comptroller for the payment of such losses ?

The citizens of New-York, it is admitted, will be greatly benefitted, but at a very heavy expense. They are not the only portion of the community, however, who will reap advantage from the project. The city of New York is the principal mart of these United States, and those who send the produce of their farms to this market for sale, or who come there for the purpose of purchasing domestic or foreign produce, will enjoy, as well as our own citizens, the benefit of a plentiful supply of an element of the first necessity, from the use of which they can feel assured that no injury will ensue to the constitution or health of the partaker.

The county of Westchester is more particularly interested in this matter than any other portion of the state, except the city, and that in several ways.

First, by the increase of the population and prosperity of New-York, she is insured a good and unfailing market for all the surplus produce of the county.

Second, the land required for the works is chiefly of second rate quality, the price paid for it will be liberal, and will produce a greater income to the owner, than what would be realized from its cultivation, and

Third, the large amount of money that will be expended in the county, will naturally tend to increase the trade of the place, and thereby not only benefit the farmer, but the merchant and mechanic also.

The unfortunate prejudices engendered by the proceedings alluded to, have prevented the Commissioners from bringing any further negotiation for the land required to a favorable issue, and they have accordingly applied to the Vice Chancellor for the appointment of Commissioners to take by appraisement some pieces of land belonging to John Griffin, James Palmer, Zophar Palmer and Joshua Purdy, laying in the vicinity of the site for the Croton dam, which application has been acceded to, and the business is believed to be in a progressive state.

It will be seen from the above that the principal obstacle now in the way of proceeding with the work, is the difficulty to be overcome in obtaining the necessary land. The Commissioners, however, are still in hopes that after the proper explanations shall be made to the inhabitants of Westchester, that most if not all these difficulties will be removed.

At a meeting of the Commissioners on the 23d of July, 1836, the Chief Engineer was required to furnish them with plans and specifications of the Croton aqueduct, the several tunnels throughout the line of aqueduct, the several embankments on said line, the several culverts on the said line, the Croton dam, the piers and bridge for crossing the Harlem river, &c. with proper descriptions of the material to be used, the manner in which they shall be worked together, and all other necessary information preparatory to the making of the contracts; which he has promised to furnish as soon as



practicable, and the Commissioners are in hopes if they succeed in obtaining the land, to estimate the value of which Commissioners have been appointed, and shall receive from the Engineers the necessary plans and specifications, that they will still be enabled to place some part of the work under contract before the close of the present year.

All which is respectfully submitted.

STEPHEN ALLEN,  
BENJAMIN M. BROWN,  
WILLIAM W. FOX,  
CHARLES DUSENBERRY,  
SAUL ALLEY,

} *Water  
Commissioners.*

Office of the Water Commissioners, }  
August 1st, 1836. }

