

BEACH-AVENUE CLOSED TO TRAVEL.

Justice J. O. Dykman, holding a Special Term of the Supreme Court at White Plains, yesterday morning rendered his decision in the suit of Howard Nott Potter and Clarkson Alonzo Potter, sons of the late Clarkson N. Potter, against Columbus O'D. Iselin, all of New-Rochelle, Westchester County. This action, which has been in the court for some time, was to decide certain rights of way over Beach-avenue, which has been a bone of contention for a number of years between parties owning property adjacent thereto. The place was originally the property of Newberry Davenport, who, in 1853, laid it out as Davenport's Neck, with a broad avenue running through the centre. It is now the residence of a number of wealthy gentlemen. Beach-avenue is a short roadway, 100 feet wide, running from Davenport-avenue to the waters of the Sound. Until quite recently it has been regarded as a piece of waste ground, and Mr. Cyrus Lawton occupied a part of it as a garden. As a good many residents of New-Rochelle made it a habit to use this little street as a highway to the Sound, and to go in bathing on the beach, the Potter and Lawton families were very much annoyed and put up a high fence to keep them away. This fence was several times torn down and as many times rebuilt. Finally Mr. W. W. Evans claimed, as a resident of Davenport's Neck, that he had a right of way over Beach-avenue to the Sound to get sand. His claim was contested in the courts, which rendered a decision in favor of Mr. Potter, who purchased Mr. Lawton's interest in the adjoining property and closed the avenue up again. Now, as Mr. Iselin insisted upon his right of way over this disputed roadway, this suit was brought to settle it forever. Again the decision is in favor of the Potters, and it is decided that Mr. Iselin has no right of way over Beach-avenue.

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