

Annual Report
OF THE
Riparian Commissioners

OF THE
State of New Jersey

For the Year

1912

WITH ACCOMPANYING DOCUMENTS

UNION HILL, N J
DISPATCH PRINTING COMPANY,
1913

New Jersey State Library

Riparian Commissioners.

GOVERNOR WOODROW WILSON. *Chairman.* Princeton, N. J.
M. F. McLAUGHLIN, *Vice Chairman.* Newark, N. J.
HENRY T. CAULLET. Trenton, N. J.
JOSEPH A. BIRKHOLZ. Orange, N. J.
J. WARD RICHARDSON. Bridgeton, N. J.
JOHN C. PAYNE, *Secretary and Engineer.* Jersey City, N. J.

Commissioners' Report.

To His Excellency, Woodrow Wilson, Governor of the State of New Jersey

Sir: As required by law, we, the undersigned Riparian Commissioners of the State of New Jersey, herewith submit the annual report of the Commission for the year ending October 31st, 1912

A detailed statement of the receipts of the Board from all sources will be found in the report of the Secretary and Engineer. They aggregate \$178,718 00, derived from the following sources:

Grants	\$75,813 75
Lease, annual rental.....	36 75
Conversions	76,238 60
Rentals on leases.....	26,610 65
Interest on grants delayed in acceptance.....	18 25
Total	\$178,718 00

The revenue from business done by the Commission in the past year is less than for several preceding years, owing to the unsettled conditions of the commercial interests of the country, but it is now anticipated that with the important questions of the policy of the Government settled for the next four years, not only the applications now pending will be pressed to a satisfactory conclusion, but the normal business of the Commission will be resumed and the development of the water front proceeded with as new enterprises seek the attractive shores of our State for a permanent home.

A number of applications remain awaiting the conclusion of the Governor and Commission. Examinations have been made and hearings had, but some of these are of such immense importance that the Commission is taking all the time necessary

to arrive at a just conclusion. The aggregate of these pending applications may reach half a million dollars.

The endeavor to substitute limited leases for a more complete title, has been continued, but in no case has the Commission been able to induce any one responsible for a commercial enterprise of any importance, to accept the limited lease offered, the applicants refusing to go on with their enterprises under such a title, and the Governor and Commission have deemed it wise where the development is bona fide and substantial, to convey as much land as is necessary for the development in question in form satisfactory to the applicant and just to the State.

The Commission has endeavored to secure adequate and full compensation for the lands of the State applied for, and while some applications are pending on account of the dissatisfaction of the applicant with the price fixed, the Commission feels that it has fully covered the ground in this matter of compensation, which has been the subject of criticism of former Commissions. The Commission thinks it of interest to call attention to some of the criticism of its action in this matter of fixing prices; in some cases it is charged with confiscation, with driving away industries, holding up the shore owner, etc; while on the other hand it is criticized by others for disposing of the State's lands at any price, charged with giving away the State's lands, etc

A matter of considerable importance to the State and the particular locality affected, has received the attention of the Governor and Commission during the past year, the application of the Bush Terminal Company for a considerable area of land under water on the Bay of New York, at Bayonne, and in connection with the matter of fixing price it is of interest to note the advice or suggestions conveyed through the public press to the Commission. One suggestion is that the grant should be made at a nominal consideration on account of the great advantages to inure to the locality by the establishment of this important enterprise, another, that it should be at a low consideration; on the other hand the Commission has been advised to charge a very high price; has been advised to place such restrictions regarding streets, etc., as would make impossible the development of the lands to be acquired, and some of the reasons for opposition to favorable action in this matter are typical of

some of the experiences of the Board in treating this subject. One individual advises the Board against making this grant because of an incident in his experience; he had owned a small property in the vicinity of Communipaw and the development of the Central Railroad properties destroyed the beach and the beauty and use of the bay for his personal pleasure, and as he now lives in Bayonne he fears that a similar result will follow the development on the New York Bay by the Bush Terminal Company.

The Commission feels that the uncertainty in the business interests of the country for the past year has been responsible for the decreased volume of business, and that it has not been due to any discouragement of applicants on account of the prices fixed for riparian lands.

The impression is prevalent among people interested in water front development that some laws have been passed prohibiting the disposal of the State's lands under water, or preventing the granting of same in fee, and it has in many cases come to the attention of the Commission that people have concluded that this is true and have dismissed the thought of interesting themselves in New Jersey water front on this account, and are surprised to learn there has been no change in the law, but only an attempted change in the policy of the Commission. When they have ascertained that the Commission still makes grants in fee under proper conditions, they have taken up the matter of commercial enterprises on the water front of the State

IN THE MATTER OF EXTENSION OF LINES

There has been considerable activity during the year, on the part of commercial enterprises interested, to secure the extension of lines in the Harbor of New York and its tributary waters, and some applications have been acted upon by the Secretary of War, others are still pending.

This Commission has been persistent in its efforts to secure to the riparian owners of the State of New Jersey all the facilities possible for the development of the water front of the State, and has been a persistent applicant to the Government authorities for the extension of lines, meeting in some cases with suc-

cess, and in others failing to secure the approval of the Government authorities

On the Hudson River, where the agitation for this purpose is now greatest, the Commission has over and over again endeavored to secure from the Government authorities an extension of the lines to afford needed and better facilities for shipping, notably on the Hoboken front of the Hudson River, and the Newark and Elizabeth front of Newark Bay, but has been unable as yet to secure the approval of the Secretary of War to these extensions. These efforts of the Riparian Commission have been seconded by the commercial interests and by the citizens of our State interested in this matter

Recently, the agitation for the extension of the pierhead line on the Hudson River seemed to have resulted in success, by the recommendation of the New York Harbor Line Board of a temporary extension of the pierhead line, both on the New Jersey side and on the New York side; but the Secretary of War disapproved this conclusion and returned the matter to the New York Harbor Line Board for further consideration and advice as to a permanent solution of this question, and it is an interesting commentary on the superficial view sometimes taken of important questions of public interest. The Secretary of War was severely criticized and denounced in some quarters for discouraging the development of the Harbor of New York and threatening the loss of steamship facilities, but sober, more serious and more intelligent consideration from men better equipped for the consideration of this subject, has now changed this outbreak of criticism to commendation. The plan now is to have these steamship lines gain the added length of piers, by going into the upland—it is true, at a personal cost, but not at the cost of the great commercial public using the waters of the harbor of New York, and in this connection, this Commission, while it has been energetic and persistent in applying to the Secretary of War for the extension of the lines for the development of the water front, has always recognized the importance to the general public of the larger question of the preservation of the harbor and its tributary waters, and welcomed the interposition of the Government in the interests of the commerce of the nation and of the world in the settlement of these

questions, and while it has made repeated applications for the extension of lines, it has done so not with a view of adding a few more feet to this or that personal enterprise, but with a view of creating a uniform line as far out into the waters, in question as the navigability and commercial use of such waters would permit; in this matter the general Government, with its eminent engineers, its supervision and paternal interest in the commerce of the nation and of the world, must necessarily be supreme, and its influence is welcomed and applauded

One of the facts lost sight of by the average citizen in considering this question of water front development, is that the State does not own any water front land, and while the State does own absolutely, unless previously granted, the land under water from the high water line out, it cannot under the law arbitrarily say what plan of development shall be followed in the building of piers in the improvement of the water front of the State. The Riparian Commission, as has been said before, has been persistent and energetic and a constant applicant and suppliant at the doors of the Secretary of War for the extension of lines out to which improvements may be made; but it cannot formulate any plan of construction, or plan of piers, or of general water front development along such waters, for the reason above stated that it does not own the upland, and no plan of development would be binding on the upland owner and must be ineffective until the State acquires the upland and then would be in a position, if it were a matter of good policy, to go into the business of building piers and docks and general water front development.

The State, not owning any of the upland, but being obliged under the law to dispose of the land under water to the upland owner, could not, either in law or in practice, formulate any plan of improvement that would be binding on the upland owner, or that in any degree could be anticipated as being the plan of development that the particular enterprise acquiring the upland would require

The water front of the State of New Jersey is being occupied by enterprises of immense importance and benefit to the State; enterprises that have brought and built up new communities in the State, that have added immensely to its importance and commercial welfare, and these enterprises must be left free to

develop the water front of their properties in the way that will serve their purposes, and could not, in the nature of things, be hampered or dictated to by any authority—neither responsible for its development, nor responsible for its success, and devoting no money or care to the development in question.

A glance at this subject will be sufficient to show how impossible, under these circumstances, is any plan of water front development until the upland has been acquired by the individual or the authority designing this development, and the Riparian Commission has, it believes, been insistent and urgent and active in doing all that can be done in securing the location of such lines as will permit the best development in the interests of the enterprises owning the upland and developing the land under water in connection with such enterprises, and the importance of the State of New Jersey is being added to year by year under this safe administration and this natural and lawful method of development. To fully understand this phase of the subject, it is only necessary to compare the water front of the City of New York with the water front of New Jersey. New York City owns the upland; it has laid out and built and is building wide streets on the water front; it has built and is building at enormous cost substantial piers, and by reason of its ownership of the entire water front, upland, streets and docks, it is in a position to dictate what and how the dock shall be built, and in a position to administer the development of the water front; but the cost of such development, even if it were feasible on our water front, would be prohibitive. As a matter of fact, the income from this enormous outlay on the part of the City of New York is said to be not over three per cent. (3%), so that while the Riparian Commission welcomes the co-operation of all parties interested in the development of the water front of the State, it still remains a fact that the Governor and Commission have done all that it was possible to do under the law and under the economic and commercial conditions, to make attractive the water front of the State as a home for the commercial enterprises of the world. The Commission points with pride to the location on the Hudson River, on the Kill Von Kull, on the Staten Island Sound, and on the Delaware River, of important enterprises that have secured and with their own money developed the land under water, without the

expenditure of a dollar on the part of the State, but substantially increased its permanent School Fund. Thus has the water front of the State of New Jersey developed under the administration of the Riparian Commission to its present splendid proportions.

The Commission begs to acknowledge the helpful and far-seeing co-operation of the Governor in the consideration of the many important applications disposed of and pending, and also the valuable assistance rendered the Commission by the Attorney General's office in the legal questions arising

Respectfully submitted,

M. F. McLAUGHLIN.
HENRY T CAULLET
JOSEPH A BIRKHOLOZ
J. WARD RICHARDSON.

October 31st, 1912

Engineer's Report.

To the Riparian Commission of the State of New Jersey

Gentlemen: The following tabular statement shows the grants, leases and licenses made by the Riparian Commissioners during the year ending October 31st, 1912, the names of grantees or lessees, dates, localities and amounts paid or secured to be paid to the State

GRANTS

DATE	TO WHOM MADE	LOCALITY.	COUNTY.	AMOUNT.
July 26, 1911..	James Smith, Jr.,.....	Atlantic Ocean,	Monmouth ...	\$1,000 00
Nov. 23, 1911..	Erie Railroad Company, (perpetual license),	Berrys Creek	Bergen	300 00
Dec. 12, 1911..	Thomas S. Simmons,.....	Atlantic Ocean,	Cape May....	Nominal
Jan. 9, 1912..	The Port Reading Railroad Company,	Staten Island Sound,.....	Middlesex ...	13,750 00
Jan. 9, 1912..	Mengel Box Company,.....	Hackensack River,	Hudson	5,000 00
Jan. 9, 1912..	Marine Realty and Improvement Co.,	Passaic River,	Hudson	5,150 00
Feb. 29, 1912..	American Radiator Company, (25-year license, revocable),.....	New York Bay,	Hudson	No Consideration.
March 14, 1912..	City of Bayonne and New York and New Jersey Water Company; (25-year license, revocable),.....	Passaic and Hackensack Rivers,.....	Essex and Hudson ...	1,000 00
April 25, 1912..	The Roessler and Hasslacher Chemical Company,	Staten Island Sound,.. ..	Middlesex ...	22,732 50
April 25, 1912..	Joseph MacGregor and Mary Frances Mitcheson,	Atlantic Ocean,	Cape May....	Nominal
April 25, 1912..	Central Railroad Company of New Jersey,	Hackensack and Passaic Rivers,.....	Hudson and Essex	7,250 00
April 25, 1912..	Standard Oil Company, (25-year license, revocable),	Arthur Kill or Staten Island Sound and Newark Bay,.....	Union and Hudson ...	11,245 00
May 24, 1912..	Tide Water Oil Company; (25-year license, revocable),	Arthur Kill and Newark Bay,.....	Union and Hudson ...	2,811 25
June 20, 1912..	Jesse A. Howland,.....	Shrewsbury River,	Monmouth ..	500 00
June 20, 1912..	Pure Oil Company,.....	Passaic River,	Passaic	375 00
July 25, 1912..	Emily Keenan,	Atlantic Ocean,	Atlantic	4,500 00

GRANTS—Continued

DATE.	TO WHOM MADE.	LOCALITY	COUNTY.	AMOUNT.
July 25, 1912..	Mayor and Council of Borough of Avalon, (25-year license, revocable),	Atlantic Ocean and Townsends Inlet.	Cape May ..	100 00
Aug 20, 1912..	Borough of Fort Lee, (perpetual license, revocable),	Hudson River,	Bergen	100 00
			Total	\$75,813 75

CONVERSIONS.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
Sept. 21, 1911..	American Dredging Company, (conversion of part of lease to Wm. J. Thompson of Aug. 29, 1895),....	Delaware River,	Gloucester ..	\$1,645 00
Sept. 21, 1911..	Ocean City Association, (conversion of part of its lease of Jan. 29, 1903),	Atlantic Ocean,	Cape May ...	750 00
Sept. 21, 1911..	S. Wesley Lake, (conversion of part of his lease of July 31, 1902),....	Atlantic Ocean,	Cape May ..	150 00
Oct. 24, 1911..	Warner Sugar Refining Company, (conversion of lease to Knickerbocker Sugar Refining Co, of Oct. 21, 1903),	Hudson River,	Bergen	22,994 00
Nov. 23, 1911..	Edgewater Basin Company, (conversion of its lease of June 28, 1906),..	Hudson River,	Bergen	21,000 00
Dec. 21, 1911..	Ocean City Association, (conversion of its lease of Jan. 29, 1903),....	Atlantic Ocean,	Cape May .	90 00
Jan. 9, 1912..	The Wildwood Beach Improvement Company, (conversion of its lease of June 30, 1904),.....	Atlantic Ocean,	Cape May .	918 00
Feb. 21, 1912..	American Radiator Company (conversion of lease to Chas. B Gunther and others of March 10, 1877),...	New York Bay,.....	Hudson ...	5,000 00
March 6, 1912..	S. Wesley Lake, (conversion of balance of his lease of July 31, 1902),..	Atlantic Ocean,	Cape May .	669 50
March 6, 1912..	Ocean City Association, (conversion of its lease of March 8, 1906),....	Great Egg Harbor Bay,	Cape May	878 00
March 6, 1912..	Goldschmidt Detinning Company, (conversion of its lease of Aug. 26, 1909),	Arthur Kill or Staten Island Sound,..	Middlesex ..	15,000 00

CONVERSIONS—Continued.

14

REPORT OF RIPARIAN COMMISSIONERS.

DATE.	TO WHOM MADE	LOCALITY.	COUNTY.	AMOUNT.
March 28, 1912..	James E Lake, (conversion of part of his lease of July 31, 1902),.....	Atlantic Ocean,	Cape May....	300 00
May 24, 1912..	Ocean City Association, (conversion of balance of its lease of Jan. 11, 1906),	Beach Thoroughfare,	Cape May....	219 00
July 25, 1912..	Irene A Applegate, (conversion of lease to Margaret Ann Dunn of Oct. 28, 1882),	Raritan or Sandy Hook Bay,.....	Monmouth ..	43 50
July 25, 1912..	Ventnor Beach Front Improvement Company, (conversion of lease to C Stuart Patterson of January 18, 1910),	Atlantic Ocean,	Atlantic	4,500 00
Aug. 20, 1912..	Abbie L English, (conversion of lease to John M Jones of Sept. 25, 1901),	Hackensack River,	Hudson	1,031 60
Sept 13, 1912..	Ocean City Association, (conversion of part of lease of Jan. 29, 1903),..	Atlantic Ocean,	Cape May....	375 00
Sept. 13, 1912..	Ocean City Association, (conversion of part of lease of Jan 29, 1903) .	Atlantic Ocean,	Cape May....	375 00
Sept. 13, 1912..	Ocean City Association, (conversion of part of lease of Jan. 29, 1903),..	Atlantic Ocean,	Cape May....	300 00
			Total	\$76,238 60

LEASE.

DATE	TO WHOM MADE	LOCALITY.	COUNTY.	AMOUNT.
Sept 28, 1912..	Monmouth Oil and Guano Company, (for a term of twenty-five years),..	Sandy Hook Bay,.....	Monmouth ..	\$36 75

LICENSE

DATE	TO WHOM MADE	LOCALITY	COUNTY	AMOUNT
Feb 29, 1912	American Radiator Company, (for twenty-five years, revocable).....	New York Bay	Hudson	No consideration

REPORT OF RIPARIAN COMMISSIONERS.

15

LEASES IN ARREARS

Under the provisions of Chapter 83 of the Laws of 1906 the State Treasurer reported four leases as being in arrears for rentals, whereupon the Commission took up the matter with the lessees and in all cases but one, secured the payment of the rentals due. In one case it was necessary for the Commission to foreclose and enter upon and recover the lands in question, the lease being as follows

DATE OF LEASE	LESSEE	LOCALITY.
Oct. 29, 1896,.....	Frank M. Stratton,.....	Hackensack River Ridgefield Park, Bergen County.

The beneficial effect of this law is seen in the fact that no arrears of rentals are now allowed to accrue, and in the event of failure to pay the rental named in the lease, the land is recovered and again becomes subject to application and conveyance by the Commission

BOUNDARY LINE EXAMINATION

Under the provisions of the act of the Legislature approved April 4th, 1891, making it the duty of this Commission to cause an examination to be made of the monuments marking the boundary line of the State every three years, the Commission has during the past year caused an examination to be made of the Boundary Line Monuments. This work was very carefully and exhaustively carried out by Mr. Charles Hopper, Civil Engineer, acting under the direction of the Board and in conjunction with Mr. O. F. Lewis, Civil Engineer, on the part of the State of New York. A general report has been made to the Commission, showing the monuments in need of repairs and an estimate of the amount necessary to put such monuments in proper condition; said amount being \$3,500 00, half of which will be supplied by the State of New Jersey and half by the State of New York. Mr. Hopper has furnished with his general report a detailed report, covering seventy-six (76) pages of typewritten matter, giving a description of each of the monuments on the boundary line between Staten Island and New Jersey, and on the northern boundary line, between New Jersey and New York, together with valuable information as to the location of the monuments with relation to present existing and known objects.

The Commission respectfully urges that appropriation be made for the restoration and care of these monuments and also suggests when these repairs are made, that the report in full be supplemented and printed as a valuable addition to the information on the subject of the boundary line of the State

Respectfully submitted,

JOHN C. PAYNE,
Secretary and Engineer

October 31st, 1912.

Financial Statement

OF AMOUNT RECEIVED AND PAID BY THE RIPARIAN COMMISSIONERS FOR SALARIES
OF EMPLOYEES AND OFFICE EXPENSES OF THE COMMISSION FOR
THE YEAR ENDING OCTOBER 31ST, 1912.

1911. DR
November. To amount received from State Treasurer,\$5,893 26

1912. CR.
By amount paid for salary of Secretary and Engineer, ..\$3,500 00
By rent of offices for 1912, 600 00
By maps, stationery and office expenses, 1,793 26
\$5,893 26

Amount received and expended for triennial examination of State Boundary Line Monuments, under act of the Legislature approved April 4th, 1891,\$505 39

JOHN C. PAYNE,
Secretary.

Appendix.

DIRECTIONS FOR APPLICANTS TO THE RIPARIAN COMMISSION OF THE STATE OF
NEW JERSEY FOR LANDS UNDER WATER.

Applicants for lands of the State under tide-water will observe the following directions:

First. Furnish a description by metes and bounds of the lands owned by the applicant in front of which the lands applied for lie, accompanied by a map and survey of the same, made by a competent surveyor, showing the exact frontage of said lands on the shore at mean high water mark, and the names of the owners of the adjacent lands

Second. State whether the lands under water applied for are now or are hereafter to be used for commercial or other purposes, and if so, what; whether they have been improved in whole or in part, or are authorized to be improved under any grant or license protected by the provisions of the supplement of the Riparian Act of March 31st, 1869; also, if any oyster land, fishery or privilege therefor is embraced within the limits of the lands under water applied for

Third State whether a grant in fee simple, or a lease in perpetuity, with privilege to convert the same into a fee is desired.

(Note—For a grant in fee simple, the principal sum is required to be paid For a lease, a rental at the rate of seven per cent. per annum on the principal sum is payable semi-annually in advance to the State Treasurer.)

Fourth. An abstract of title to the land owned by the applicant, prepared by a practitioner of the law of this State, or by the Clerk of the county in which the land is situated, must be furnished with the application before the same will be considered by the Commissioners.

Blank forms for application and all further information required will be furnished by John C. Payne, Secretary of the Commission, Office, Commercial Trust Building, Jersey City, N. J.