

ANNUAL REPORT
OF THE
Riparian Commissioners
OF THE
STATE OF NEW JERSEY
FOR THE YEAR
1909
WITH ACCOMPANYING DOCUMENTS

TRENTON, N. J.
STATE GAZETTE PUBLISHING CO., PRINTERS.
1910.

Riparian Commissioners.

GOVERNOR JOHN FRANKLIN FORT, *Chairman*....East Orange, N. J.
*ROBERT WILLIAMSPaterson, 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.

* Resigned April 20th, 1909.

† Elected Vice Chairman April 22d, 1909.

‡ Appointed May 4th, 1909.

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Commissioners' Report.

To His Excellency, John Franklin Fort, Governor of the State of New Jersey and Chairman of the Board of Riparian Commissioners 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, 1909.

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 \$198,796.17, derived from the following sources:

Grants	\$134,236 05
Leases	19,473 50
Licenses	765 00
Conversions	9,847 16
Rentals on Leases.....	34,474 46
Total	\$198,796 17

The revenue from business done by the Commission during the past year is nearly as large as that of the preceding year, notwithstanding the fact that prices have been increased in every case, and a number of applications have been presented and passed on, in which the Commission has fixed prices greatly in advance of those formerly asked. In a number of these cases the applicants have not as yet accepted the rates fixed by the Board.

The Commission has continued the work of foreclosing and recovering the title to lands leased by the State, which have become forfeited for non-payment of rentals, under the provisions of the act therefor provided. Details of these cases will be found in the report of the Secretary and Engineer.

The Commission has, as stated, advanced the prices over those formerly asked, partly in accordance with the increase in value of the State's water front and partly with the end in view of se-

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curing to the State the reasonably anticipated increase in value that must accrue in the near future.

The Commission, in the administration of its duties, is confronted with a situation not understood by the public at large, or, indeed, by the owners of shore front property desiring to secure the riparian rights of the State in front of the same.

The Constitution has set apart the proceeds of the sale of riparian lands of the State for the support of free public schools, and to that extent has restricted the administration of this interest.

The plea is made by those interested in the ownership and development of the shore front lands of the State that the Commission should take into account the advantages to accrue to the locality and the State at large from the establishment of commercial enterprises, and reduce the charge or price to be paid by them to the State for these riparian lands on that account.

A concrete case of this kind will illustrate:

An applicant owning water front land and having acquired, some years ago, the riparian rights in front of the same, desiring to organize a company for the commercial development of these lands, and in the prosecution of the same, finding it necessary to add to the lands already in possession, applied to the Riparian Commission for the additional rights necessary to the development and carrying out of the enterprise. It was frankly and openly stated by the applicant that the purpose of the enterprise was to develop the lands, with the hope and expectation of reaping in the future the proper rewards for the same in the advanced price to be obtained for the lands so developed, and on the strength of this presentation this Commission was asked to fix a price for the riparian lands that would enable the projectors to carry out the plan of development.

The difficulty here presented is that if the riparian lands in question are now sold at a price that would make them attractive as a speculative proposition to carry out this development, the only additional return the school fund can look for in the future is what comes into it indirectly through the medium of the taxes on this property by reason of its increased value when so developed, but the Commission has absolutely refused to consider parting with the State's title to any lands for speculative purposes.

And so, in a number of cases, the Commission has been unable, in administering this trust within the limitations placed on it by

the constitution, to fix such prices as these applicants, under their plans of development, have been able to pay.

This has aroused some criticism from sources that heretofore criticised the Commission for not charging enough for the State's lands.

Another difficulty that confronts the Commission is that while the State is the absolute owner of the lands under water and may dispose of them to any applicant, after giving the riparian owner six months' time within which to apply for the same, the fact remains that the riparian owner is practically the only person who can utilize these lands under water advantageously, for the very obvious reason that he controls the connection between the water and the land.

Notwithstanding these difficulties, the Commission has endeavored to take the facts into consideration and, in fixing prices, to secure to the school fund full recognition of the value of the lands under water. The policy of the Board during the past year has been to deal as liberally as possible with *bona fide* enterprises where it has been assured of the establishment of the same, and the Commission believes that the prices charged have not discouraged actual present development. Where prices have been fixed that have not been accepted, the matter is still open for argument and consideration.

The Commission has carried out its former practice in making personal examinations of localities where applications have been made, and has held a number of hearings at which counsel and experts interested for the applicants have been heard.

The Commission wishes to acknowledge the helpful services of the Attorney-General and Assistant Attorney-General in the many cases coming before it, for their consideration and advice.

Respectfully submitted,

M. F. McLAUGHLIN, *Vice Chairman*,
HENRY T. CAULLET,
JOSEPH A. BIRKHOLZ,
J. WARD RICHARDSON,

Riparian Commissioners.

October 31st, 1909.

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, 1909, the names of grantees or lessees, dates, localities and amounts paid or secured to be paid to the State:

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GRANTS.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
February 27, 1908..	Annie H. Braasch.....	North Shrewsbury River.....	Monmouth	\$188 70
March 5, 1908..	Keystone Leather Company (re-issue).....	Cooper's Creek	Camden	Nominal.
April 3, 1908..	Charles T. Cowperthwait.....	Manasquan River	Ocean	95 00
April 30, 1908..	The Texas Company.....	Newark Bay	Hudson	3,000 00
April 30, 1908..	The Texas Company.....	Newark Bay	Hudson	3,765 00
April 30, 1908..	Theophilus Zurbrugg	Rancocas River	Burlington	840 00
June 25, 1908..	Antonius Gibson	Sandy Hook Bay.....	Monmouth	419 00
June 25, 1908..	Garrett Hennessey	Atlantic Ocean	Monmouth	252 10
June 25, 1908..	Borough of Highlands.....	Shrewsbury River	Monmouth	80 00
June 25, 1908..	Harry Hildreth, Jr.....	Shrewsbury River	Monmouth	Nominal.
July 30, 1908..	Calvin Tomkins	Passaic River	Hudson	5,022 00
July 30, 1908..	Thomas J. Maloney.....	Hackensack River	Hudson	1,500 00
July 30, 1908..	Anthony Gertzen, Jr.....	Atlantic Ocean	Atlantic	288 80
July 30, 1908..	Thomas and Hannah Hadfield.....	Passaic River	Essex	495 00
September 29, 1908..	Ocean City Association.....	Beach Thoroughfare	Cape May..	600 00
September 29, 1908..	Ocean City Association.....	Beach Thoroughfare	Cape May..	231 00
November 10, 1908..	Hoboken Land and Improvement Company....	Hudson River	Hudson	1,000 00
December 15, 1908..	Standard Oil Company.....	Staten Island Sound.....	Union	79,200 00
January 21, 1909..	John C. Payne.....	Atlantic Ocean and Shrewsbury River.	Monmouth	Nominal.
January 28, 1909..	Peter Shields	Elijah's and Mill Creeks.....	Cape May..	225 00
February 18, 1909..	Thomas McGinnis	Shrewsbury River	Monmouth	278 25
February 18, 1909..	Fanny Alexander	Sandy Hook Bay.....	Monmouth	202 50
February 25, 1909..	Robert E. Hand.....	Taylor's Sound and Reuben's Creek.	Cape May..	240 00
March 29, 1909..	United States of America.....	Delaware Bay	Camden	10 00
March 29, 1909..	United States of America.....	Delaware Bay	Cumberland	10 00
March 29, 1909..	United States of America.....	Delaware River	Cumberland	10 00
June 8, 1909..	Harry C. Trexler.....	Passaic River	Hudson	15,000 00
June 24, 1909..	William Van Buskirk.....	Newark Bay	Hudson	3,163 25
July 22, 1909..	Board of Chosen Freeholders of Bergen county.	Hackensack River	Bergen	500 00

GRANTS—Continued.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
July 31, 1909..	Howard G. Harris.....	Atlantic Ocean	Atlantic	\$6,000 00
August 5, 1909..	Ocean Beach Club of Elberon.....	Atlantic Ocean	Monmouth	127 50
August 5, 1909..	Israel G. Adams.....	Atlantic Ocean	Atlantic	4,500 00
August 5, 1909..	Joseph Lufburrow	Clay Pit Creek.....	Monmouth	45 00
August 26, 1909..	Daniel Busichio and wife.....	Mill Creek	Hudson	10 00
August 26, 1909..	M. and J. D. Bowker.....	Great Egg Harbor Bay.....	Cape May..	153 25
August 26, 1909..	Alexander Gordon	Navesink River	Monmouth	475 60
August 26, 1909..	Lyman W. Byers.....	Beach Thoroughfare	Atlantic	5,719 50
September 23, 1909..	Obadiah C. Bogardus.....	Raritan Bay	Monmouth	571 60
Total .				\$134,236 05

LEASES.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	PRINCIPAL SUM.
April 30, 1908..	Mary E. Lewis.....	Delaware River	Camden	\$406 40
April 30, 1908..	Michael Dempsey	Delaware River	Camden	3,048 10
June 25, 1908..	William S. Kirk, Jr.....	Delaware River	Camden	1,019 00
August 26, 1909..	Goldschmidt Detinning Company.....	Staten Island Sound.....	Middlesex	15,000 00
Total .				\$19,473 50

LICENSES.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
June 25, 1908..	*Jersey Central Traction Company.....	Across Raritan River	Middlesex .	\$300 00
April 24, 1909..	†Rumson Country Club.....	South Shrewsbury River.....	Monmouth .	200 00
May 20, 1909..	‡Edward S. Carr.....	Hackensack River	Bergen	15 00
June 10, 1909..	§The Texas Company.....	Newark Bay	Hudson ...	250 00
			Total .	\$765 00

*Expires in twenty years.

†License for one year.

‡Yearly, revocable.

§Yearly, revocable.

CONVERSIONS.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
April 30, 1908..	The Texas Company (Conversion of part of Lease to Myrtilla H. Daly, dated November 15th, 1879)	Kill von Kull and Newark Bay...	Hudson ...	\$2,269 36
April 30, 1908..	Beach Realty Company (Conversion of Holly Beach City Improvement Company Lease of October 4th, 1884).....	Atlantic Ocean	Cape May..	1,175 00
December 31, 1908..	Henry P. Osborn (Conversion of his Lease of May 23d, 1907)	Newark Bay	Hudson ...	840 00

CONVERSIONS - Continued.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
January 28, 1909..	Edward H. Burr (Conversion of part of Berkeley Land and Improvement Company Lease of May 17th, 1884)	Atlantic Ocean and Barnegat Bay	Ocean	\$768 00
March 25, 1909..	Goldschmidt Detinning Company (Conversion of the American Lucol Company Lease of August 31st, 1897)	Staten Island Sound.....	Middlesex .	1,290 00
March 25, 1909..	Charles D. Williams (Conversion of Lease to C. F., C. D., and F. C. Williams, dated July 30th, 1887)	Passaic River	Hudson ...	690 00
April 22, 1909..	Mary E. Lewis (Conversion of Lease to her of April 30th, 1908).....	Delaware River	Camden ...	406 40
June 10, 1909..	Borough of Belmar (Conversion of balance of Ocean Beach Association Lease of July 1st, 1881)	Atlantic Ocean	Monmouth .	1,780 00
August 5, 1909..	Philadelphia Brewing Company (Conversion of its Lease of September 13th, 1905).....	Delaware River	Camden ...	478 40
August 5, 1909..	Ocean City Association (Conversion of part of Lease of January 11th, 1906).....	Beach Thoroughfare	Cape May..	150 00
			Total .	\$9,847 16

12 REPORT OF RIPARIAN COMMISSIONERS.

Under the provisions of chapter 83 of the laws of 1906, the following leases have been forfeited for non-payment of rentals and the lands recovered and now the property of the State:

DATE OF LEASE.	LESSEE.	LOCALITY.
July 28, 1892.	Martha R. Wood.....	Delaware Bay, township of Downe, Cumberland county.
Jan. 31, 1895.	Aaron A. Carpenter and George W Carpenter	Hudson River, at Coytesville, township of Ridgefield, Ber- gen county.

The work of the Commission has largely increased by reason of the greatly advanced prices charged, and the number of applications where the purpose of the applicant is avowedly that of the future development of extensive areas, making necessary the hearing of expert witnesses as to values of lands and cost of development of the same.

On April 20th, 1909, Honorable Robert Williams, Vice Chairman of the board, having been appointed by his Excellency, Governor John Franklin Fort, to the State Railroad Commission, tendered his resignation as Vice Chairman of the Commission, whereupon the Board passed resolutions expressing the esteem and respect of the Commission for Senator Williams and its recognition of his valuable services to the State.

On May 4th, 1909, Mr. J. Ward Richardson, of Bridgeton, New Jersey, was appointed by his Excellency as a member of the Commission, to take the place of Senator Williams, resigned.

Mr. M. F. McLaughlin, who has been a member of the Commission for the past six years, was elected Vice Chairman of the Board.

Respectfully submitted,

JOHN C. PAYNE,
Secretary and Engineer.

October 31st, 1909.

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, 1909.

1908.

Dr.

November. To amount received from State Treasurer..... \$5,946 06

1909.

Cr.

By amount paid for salary of Secretary and Engineer..... \$3,500 00

By rent of offices for 1909..... 600 00

By maps, stationery and office expenses..... 1,846 06

\$5,946 06

JOHN C. PAYNE,
Secretary.

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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 tidewater 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 applications 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.