



REPORT

OF THE

Riparian Commissioners

OF THE

STATE OF NEW JERSEY,

FOR THE YEAR 1874.

TRENTON, N. J.:

PUBLIC OPINION—WM. S. SHARP, STEAM POWER BOOK AND JOB PRINTER.

1874.



REPORT
OF THE
Riparian Commissioners
OF THE
STATE OF NEW JERSEY,

FOR THE YEAR 1874.

TRENTON, N. J.:
PUBLIC OPINION—WM. S. SHARP, BOOK AND JOB PRINTER, TRENTON, N. J.

1874.

New Jersey State Library

REPORT.

To His Excellency, Joel Parker, Governor of the State of New Jersey:

The Commissioners appointed under the act approved March 31st, 1869, entitled, "Supplement to an act entitled 'An Act to ascertain the rights of the State and of riparian owners to the lands lying under the waters of the bay of New York and elsewhere in this State,' approved April eleventh, eighteen hundred and sixty-four," respectfully report:

The Commissioners have continued their meetings regularly from time to time, as required by law.

During the year there have been signed grants of land of the State under tide water, the purchase money for which amounts to three hundred and twenty-two thousand nine hundred and eighty-four dollars.

Of this amount, three hundred thousand dollars is money the Central Railroad Company of New Jersey agreed to pay to extinguish the right of the State to the lands under water occupied by and in front of the lands owned by the company, which will be received and realized at stated periods during the year 1875, with interest at six per cent. per annum, from October 1st, 1874.

There have also been executed during the year, leases for lands of the State under water, the rentals in which amount, annually, to the sum of thirteen thousand seven hundred and sixty-four dollars and eighty-three cents.

This sum is equal to the interest at seven per cent. per annum on the principal sum of one hundred and ninety-six thousand six hundred and forty-one dollars and eighty-three cents.

The amount of the purchase money for grants which have been executed, and of the principal sum which will yield an interest equal to the annual rentals in the leases executed during the year past, together, is five hundred and nineteen thousand six hundred and twenty-five dollars and eighty-three cents.

The localities of the lands granted and leased are principally under the tide waters of the Hudson river, New York bay, Delaware river, Cohansey creek or river, Shrewsbury river and Staten Island sound.

4 REPORT OF THE RIPARIAN COMMISSIONERS.

For the particulars, reference is made to the report of Robert C. Bacot, Esq., accompanying this report, and submitted herewith.

Other applications made during the year, and which there has not been time to conclude, are, at the date of this report, in various stages of progress towards completion.

Applications for information from various sections of the State, bordering on tide water, are increasing in frequency. Many of them refer to the mode of acquiring title from the State. Their frequency and the character of them indicate that the interest in the subject among shore owners is more general than at any former period.

The decisive action of the last Legislature in abandoning the previous system of making legislative grants for lands of the State under tide water, without compensation to the State, has contributed very much to the increased interest referred to. This action, if maintained and persevered in, now and hereafter, will be of great advantage to the State.

The former system, by which grants were made without compensation, was unfair towards those who had already purchased lands from the State and paid for them. It is unjust to require those who apply to the Commissioners for a grant or a lease of land, to pay purchase money or a rent, while others, who apply to the Legislature, receive the State's land for nothing.

There are other disadvantages connected with legislative grants. There can never be any uniformity as to the bounds of the tracts acquired. Except in localities where exterior lines for solid filling and for piers are established, the owner of land purchased, or the lessee of the State, whatever improvements he may have made, or may contemplate, can never be safe from the risk of having his plans frustrated and his improvements rendered valueless, so long as there is a possibility that the land under water, adjoining, or in the vicinity, may be granted by the Legislature to parties vested with the power to use it by reclamation, and improvements, without any regard to the nature of the shore, or depth of water, or to the location of the exterior lines of, or uniformity with, improvements upon, or suitable to be put upon other lands under water in the same vicinity.

Such legislative grants, are, of course, a direct loss to the State. The injury, however, to the State is much greater than it is ordinarily supposed to be. It is not confined merely to the act of giving the property of the State away to the extent of the land referred to in the grant. It affects seriously the disposal of other lands of the State, by preventing other parties, riparian owners, from making applications for grants or leases under the laws which regulate the disposal of the lands of the State, who, if the way was not open for such legislative grants, would take titles or leases from the State, and pay purchase money or rents. These consequential or remote losses, in the aggregate, far exceed the immediate direct loss sustained by giving away the particular tract of land conveyed by the grant.

REPORT OF THE RIPARIAN COMMISSIONERS. 5

The extent of area of land operated upon and affected by a legislative grant, is, frequently, very uncertain. This uncertainty involves the giving away, or embarrassing the control by the State, of lands of the State to an extent never intended by the Legislature.

An application by a company for a charter of incorporation with power to purchase and improve land, by laying out streets, erecting buildings, and otherwise, apparently with a view of using the capital to promote the business interests of the locality where the company propose to carry on their operations, usually receive the sanction of the Legislature, and very properly. Upon the plea of giving encouragement to the enterprise, a clause would be inserted in the charter, authorizing the company to reclaim the land under water in front of any land the company may own. This, with the power often embodied in a charter, to purchase land in addition to any particular land which may be indicated in the charter as the place where the operations of the corporation are to be carried on, expands the authority to take land under water vastly beyond any limit contemplated by the Legislature. Although the corporation would be confined to the purchase of such additional land as would be necessary to the accomplishment of the object of their charter, yet the result is, that the company by a comparatively small portion of shore land, acquire an extensive tract of valuable land of the State, and claim the right to purchase additional shore land at their option, and thereby extend, under their corporate powers, their title to other lands of the State under water in front of that.

The effect of such a legislative grant upon the interests of the State, is not only to interfere with the adjustment of exterior lines in the vicinity, but to embarrass the disposition of land by the State, and thereby occasion loss.

The report of the Commissioners last year set forth that the authorities of Jersey City had not accepted the benefit of the Act of April 4th, 1872, to cede to the Mayor and Common Council of Jersey City land of the State under the tide water of Communipaw bay, south of the city, for the purpose of public wharves, and that in consequence thereof, no map thereof had been filed. The Mayor and Common Council of that city having definitely declined to accede to the action of the Commissioners under the act, such action has been rescinded.

The suggestion made in the report last year, as to the propriety of adopting a system for the protection of the business of planting, growing and gathering oysters in the waters of this State, is respectfully renewed.

Application was made last summer to the Commissioners, on behalf of the government of the United States, to acquire title to land under water belonging to the State of New Jersey, in two localities, on which to erect light-houses.

The Commissioners not having power to make grants for the land

6 REPORT OF THE RIPARIAN COMMISSIONERS.

applied for, the matter was left for the action of Your Excellency, under the existing laws relative to the acquirement of land by the government of the United States within the limits of this State for light-house purposes.

The interests of the State will be promoted by adherence to the policy heretofore adopted, of fixing the compensation for the land of the shore owner who takes a grant or lease for the land under water along the whole front or shore owned by him, at a comparatively low rate. By so doing, a larger immediate return to the treasury of the State will be realized. Very few will limit their application to a frontage which will answer for a wharf, when by paying a moderate addition to the cost of land sufficient for a wharf they can secure the land in front of their whole shore. Shore owners who have met the Commissioners to confer as to their interests, without exception, approve of this course. Shore owners very naturally desire to own or control in their own right the land, under tide water, adjoining their premises, and while it is right that they should have the opportunity to acquire the ownership at low rates, the immediate present returns to the State will be more advantageous than higher rates at a future day, when prices of land advance with the increase of population.

The actual applications for grants and leases are presented from localities where surveys have been made, and the lines of improvement, as far as practicable, established.

This corroborates what has been heretofore suggested, that it is very important and true economy to have surveys made from time to time, in localities where it would seem reasonable to expect that the granting and leasing of the lands of the State will be thereby facilitated.

In reference to the surveys and professional labor heretofore made and performed by Mr. Bacot, as engineer, nothing has been undertaken or accomplished by him, or under his supervision, that was not absolutely necessary. His work accomplished will challenge comparison in execution with the best and most accurate and reliable work of the same class, while the cost has been far below the minimum prices for the same kind of work ordinarily charged.

Mr. Bacot has been prevailed upon to continue his services, heretofore although inadequately compensated, and it is respectfully urged as the engineer's work, where it originally embraced only the line of shore on Kill von Kull; New York bay and the Hudson river, now extends throughout the State bordering on tide water, that provision be made for his adequate compensation, and the payment of necessary expenses.

Attention is respectfully directed to the details of the work during the year, set forth in the report of the engineer, as well as to the nature and location of the improvements by the Federal Government, and to the improvements it is understood are contemplated in New

REPORT OF THE RIPARIAN COMMISSIONERS. 7

York bay, south of Cavan Point, referred to. The suggestions made by him relative to the location of exterior lines during the coming season, at the places indicated, are regarded as very important.

Respectfully submitted this 19th day of December, 1874.

F. S. LATHROP,
CHAS. S. OLDEN,
BENNINGTON F. RANDOLPH,
THOS. McKEEN,

Riparian Commissioners.

New Jersey State Library

ENGINEER'S REPORT.

To the Honorable, The Board of Riparian Commissioners of New Jersey:

GENTLEMEN:—The grants and leases of lands under water in this State, made by the Commission since the date of my last report, (December 4th, 1873), have been as follows:

GRANTS.

To William Applegate, North Shrewsbury river,	-	\$73 00
" Joseph S. Applegate, " " "	- -	53 00
" John Applegate, " " "	- -	71 00
" John T. Allen, " " "	- -	97 00
" John A. Thockmorton " " "	- -	124 00
" David S. Brown, Delaware river,	- - -	609 00
" James Simpson and J. L. Neill, Delaware river,	- -	1,645 00
" Jesse W. Starr, Delaware river,	- - -	1,326 00
" Samuel C. Cooper and others, Delaware river,	- -	4,010 00
" Alexander Cooper and others, Delaware river,	- -	1,557 50
" " " " " "	- -	1,815 00
" William I. Thompson, Delaware river,	- - -	760 50
" The American Dredging Co., Delaware river,	- -	5,200 00
" Henry B. Wilson, Delaware river,	- - -	350 00
" William S. Doughten, Delaware river,	- - -	350 00
" Charles Robb, Delaware river,	- - -	1,629 00
" John and Charles Stockham, Delaware river,	- -	545 00
" Samuel B. Garrison, Delaware river,	- - -	1,600 00
" I. B. and W. B. Nixon, Cohansey river,	- -	169 00
" L. F. and A. Beckwith, Staten Island sound,	- -	1,000 00
" The Central R. R. Co. of N. J., New York bay, &c.,	- -	300,000 00
		\$322,984 00

10 REPORT OF THE RIPARIAN COMMISSIONERS.

LEASES.

	Principal.	Annual Rental.
The Camden & Atlantic R. R. Co., Delaware river,	\$1,735 00	\$121 45
" Joseph L. Van Sant (2), Delaware river, -	1,900 00	133 00
" Joseph L. Van Sant and others, Delaware river, -	2,700 00	189 00
" Angeline Thompson, Delaware river, -	750 00	52 50
" Charles Reeder, Delaware river, -	750 00	52 50
" Sarah E. Meredith and others, Staten Island sound,	3,538 33	247 68
" The Morris & Cummings Dredging Co., N. Y. bay,	12,690 00	888 30
" Cammond Kennedy, Hudson river, -	664 50	46 52
" Gorham & Dickerman (3), Hudson river, -	7,825 00	547 75
" George S. Coe, Hudson river, -	1,076 67	75 37
" Henry I. Anderson, Hudson river, -	2,113 33	147 93
" Heirs of Robert Annett (2), Hudson river, -	18,685 00	1,307 95
" Isaac P. Martin, Hudson river, -	3,125 00	218 75
" Otto Kohler, Hudson river, -	5,355 00	374 85
" The Englewood Dock and T. Co., Hudson river,	330 00	23 10
" Wm. Walter Phelps and G. S. Coe, Hudson river,	2,060 00	144 20
" Wm. Walter Phelps (3), Hudson river, -	4,995 00	349 55
" Wetmore, Dana & Phelps, Hudson river, -	3,000 00	210 00
" Wetmore & Phelps, Hudson river, -	1,550 00	108 50
" John L. Brownell (3), Hudson river, -	31,474 00	2,203 18
" John S. Lyle and M. E. Newcombe, Hudson river,	13,425 00	939 75
" The Morris & Essex R. R. Co., Hudson river,	76,900 00	5,383 00
Principal of Leases, - - - - -	\$196,641 83	
Annual Rentals, - - - - -		\$13,764 83
Total for Grants, - - - - -		\$322,984 00
Total for Leases, - - - - -		196,641 83
		\$519,625 83

Maps showing the alteration of a portion of the exterior line for piers between the southeasterly pier of the Central Railroad Company of New Jersey, and the northerly boundary line of the grant made to the American Dock and Improvement Company in the bay of New York; also, of the vacation of the grant of lands under water, made to the Mayor and Common Council of Jersey City, and of a part of the tide water basin adjacent thereto, adopted by the board September 17th, 1874, have been filed in the office of the Secretary of State, December 12th, 1874.

The establishment of exterior lines on the shores of the Delaware river, opposite the cities of Gloucester and Camden, and upon the North Shrewsbury river, in Monmouth county, in the year 1873, has resulted in numerous applications and important sales of lands under water in those localities, and also in promoting improvements designed for increasing commercial facilities and accommodation.

It is suggested that exterior lines be fixed during the next season for the shores of the Kill von Kull, west of Enyard's wharf, Newark

REPORT OF THE RIPARIAN COMMISSIONERS. 11

bay, Staten Island sound, and the Raritan river at Perth Amboy. The commercial importance of these waters makes it advisable that limits should be fixed for extensions and improvements by shore owners, as soon as practicable.

The encroachments observed during the past season, in a few instances, upon the lands of the State on the Hudson river, near Weehawken, having been brought to the attention of the persons making the same, are generally being satisfactorily arranged, by negotiations for grants or leases of the lands in question. The disposition manifested by shore owners to comply with the laws of the State upon this subject, gives the assurance of similar results in the cases not yet adjusted.

Of the works of a public character now in progress in the waters of this State, may be noticed the improvement by the Federal Government of portions of the channels of Newark bay, and Arthur Kill sound, in the vicinity of Elizabethport; also, the removal of the reef in the Passaic river, near the village of Belleville.

The improvement of a portion of the extensive shoals or flats existing in the bay of New York, between Cavan Point and Constable's Hook, has been commenced during the past season by the Morris and Cummings Dredging Company, under the lease obtained from this commission. The character of the improvement is, as yet, undeveloped, but is understood to include the establishment of Shipping Basins and other structures for the accommodation of commerce on this side of the harbor.

Respectfully submitted,

R. C. BACOT,
Engineer.

Trenton, Dec. 19th, 1874.