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ANNUAL REPORT

OF THE

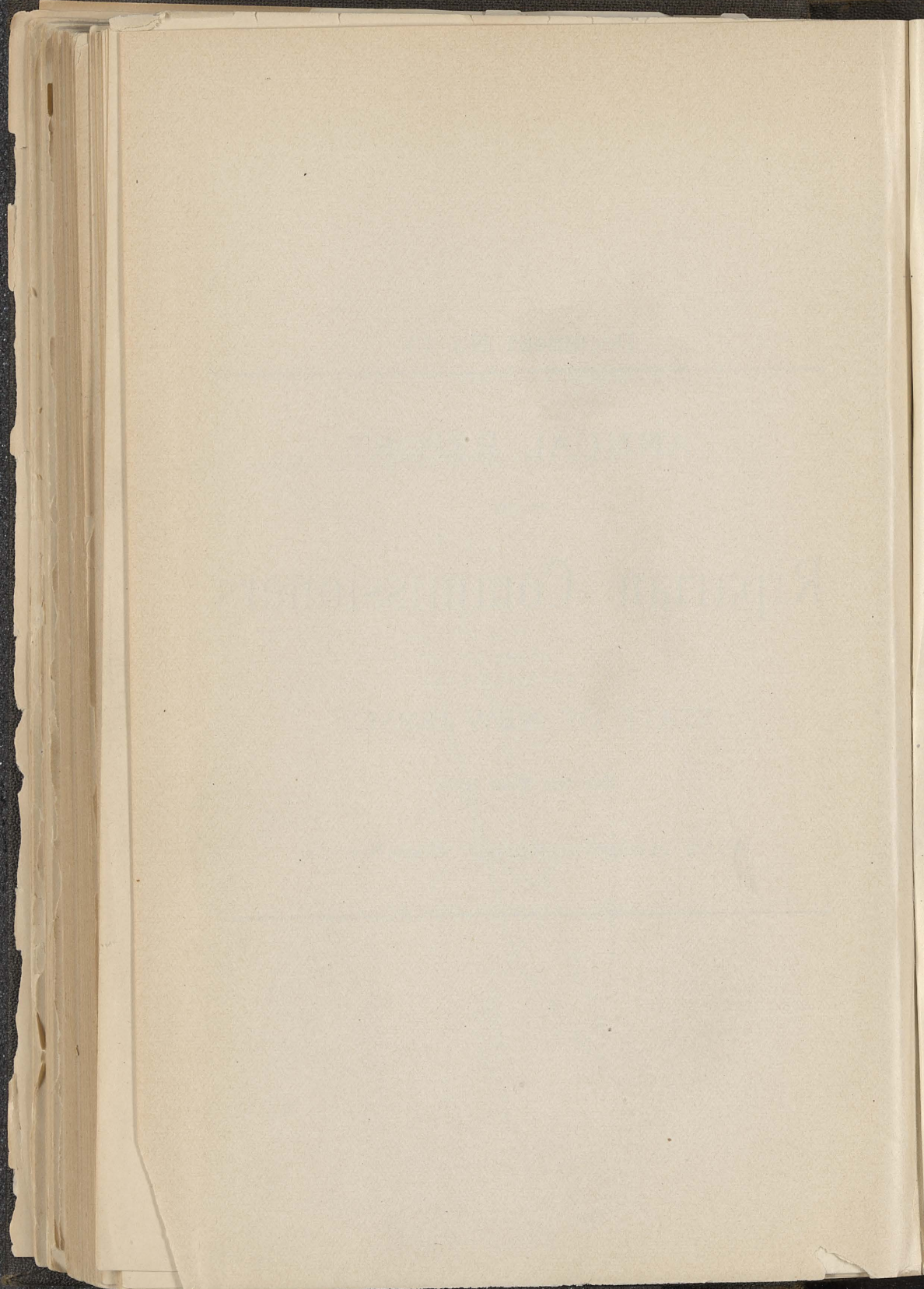
Riparian Commissioners

OF THE

STATE OF NEW JERSEY,

For the Year 1891,

With Accompanying Documents.



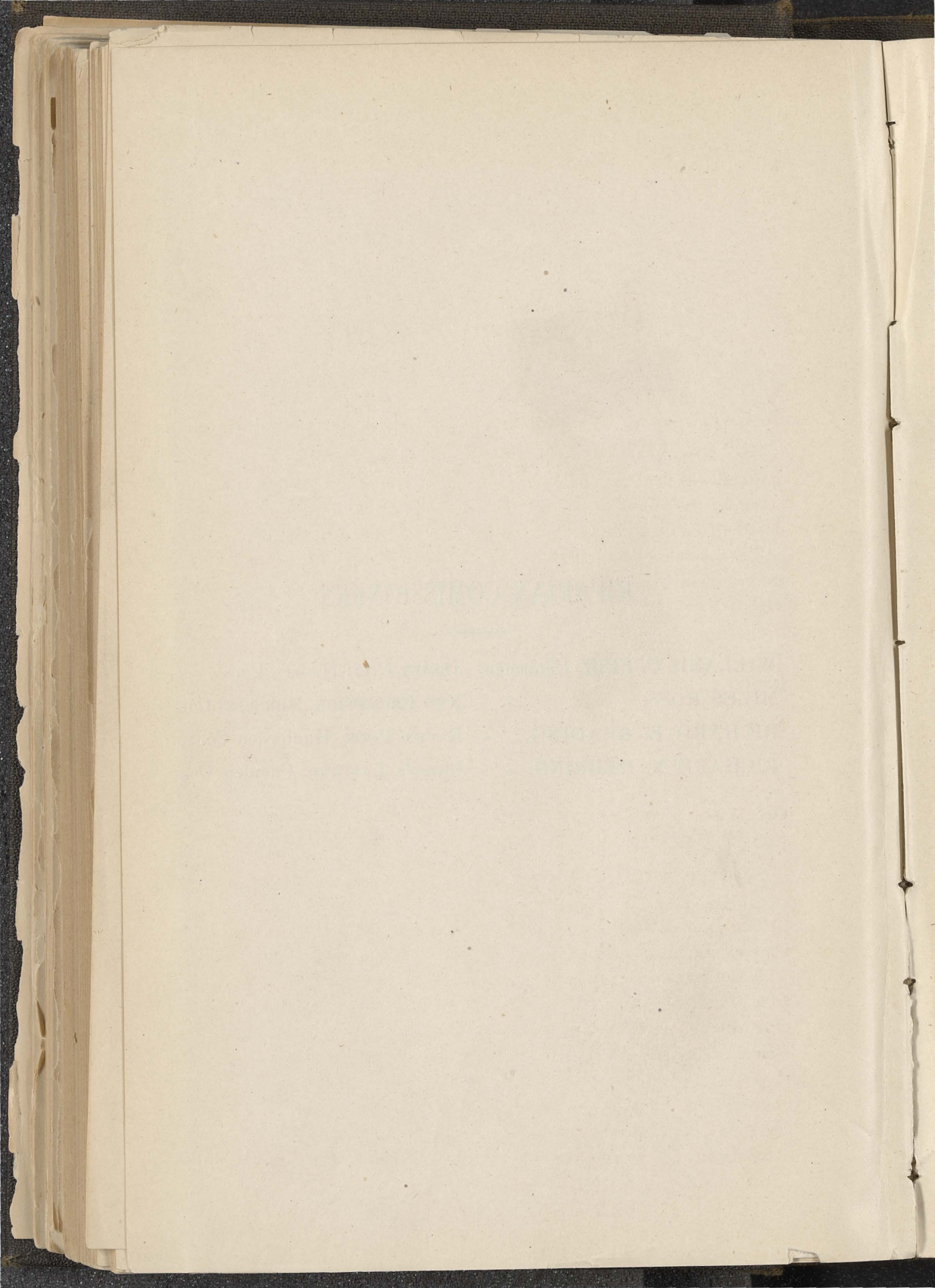
RIPARIAN COMISSIONERS.

WILLARD C. FISK, Chairman, JERSEY CITY, Hudson Co.

MILES ROSS, - - - NEW BRUNSWICK, Middlesex Co.

RICHARD B. READING, - RAVEN ROCK, Hunterdon Co.

RICHARD N. HERRING, - CHEW'S LANDING, Camden Co.



COMMISSIONERS' REPORT.

To his Excellency, Leon Abbett, Governor of the State of New Jersey:

The Riparian Commissioners of the State of New Jersey respectfully submit the following report of the state business transacted by the Board by virtue of the laws regulating the affairs under their control, for the year ending October 31st, 1891.

The business conducted during the fiscal year in connection with the riparian lands of the state is shown in the following statement, viz:

STATE FUND.

Grants in fee, rentals on new leases and licenses	\$59,560 22	
New Lease	8,295 00	
	<u> </u>	\$67,855 22

SCHOOL FUND.

Old leases converted into grants and rentals received by State Treasurer on old lease	66,444 58	
Total,	<u> </u>	\$134,299 80

The expenses of the Commission for salaries, clerk hire, engineering expenses, office rent and all other disbursements connected with the transaction of business, amount for the year to the sum of \$14,345.22, the particulars being shown in the itemized statement of disbursements hereto annexed. The regular meetings of the Commission are held semi-monthly at their office in Jersey City; they also meet at the State house, in Trenton, and at such other places in the State as the business of the Commission and the interests of the State may require.

During the year the Commission, in company with your Excell-

ency, have continued the personal examination of the riparian lands which was inaugurated during the first year of your present term as Governor, with a view to a readjustment of prices heretofore charged for riparian rights to meet the rapidly increasing value of the State's lands under tidal waters. This examination was conducted mainly with reference to the southern portion of the state and particularly in connection with the lands under the waters of the Delaware river and bay. As a result of these personal examinations of the past two years, the prices to be charged for riparian lands in all parts of the State, have, with your Excellency's concurrence, been revised and readjusted to the end that the State may receive a fair equivalent from the purchasers of these lands.

One of the most important subjects considered by the Commission was a plan for the commercial development and the improvement of the lands of the State under water in that part of New York bay known as the "Jersey Flats." The prospective value to the State and to commerce of the location referred to, has long been recognized, and the best method for improving these flats has been a subject of discussion for many years.

The act of the Legislature, approved February 10th, 1891, authorized this Commission, after consultation with the United States Harbor Line Board, to establish lines for piers and solid filling around the reefs and shoals on these flats, and accordingly a plan was formulated, adopted and submitted to the Harbor Line Board for their consideration, and several consultations upon the subject were had between that Board and this Commission. While the United States authorities have not directly expressed their disapproval of the plan proposed, they have inferentially done so by subsequently adopting harbor lines for the locality in question which interfere with the plan of improvement as adopted by the Commission. These United States harbor lines as adopted, aside from their interference with what this Commission conceived to be the proper and most advantageous development of the State's valuable lands under New York bay are open to serious objection in that they not only prevent the State from utilizing much of its lands under water, but also deprive, without compensation, the grantees of the State, of their vested rights.

This Commission felt called upon, in the interest of the State and

its grantees, to protest to the Secretary of War, by whom these lines as recommended by the Harbor Line Board, were to be adopted, against their approval, but the protests proved unavailing. You are respectfully referred to the accompanying report of the Engineer of the Commission, for the details of the plan for the improvement of the "flats" as adopted by the Commission, and to the attached copies of the correspondence between the Commission and the Secretary of War, in reference to the adoption of harbor lines.

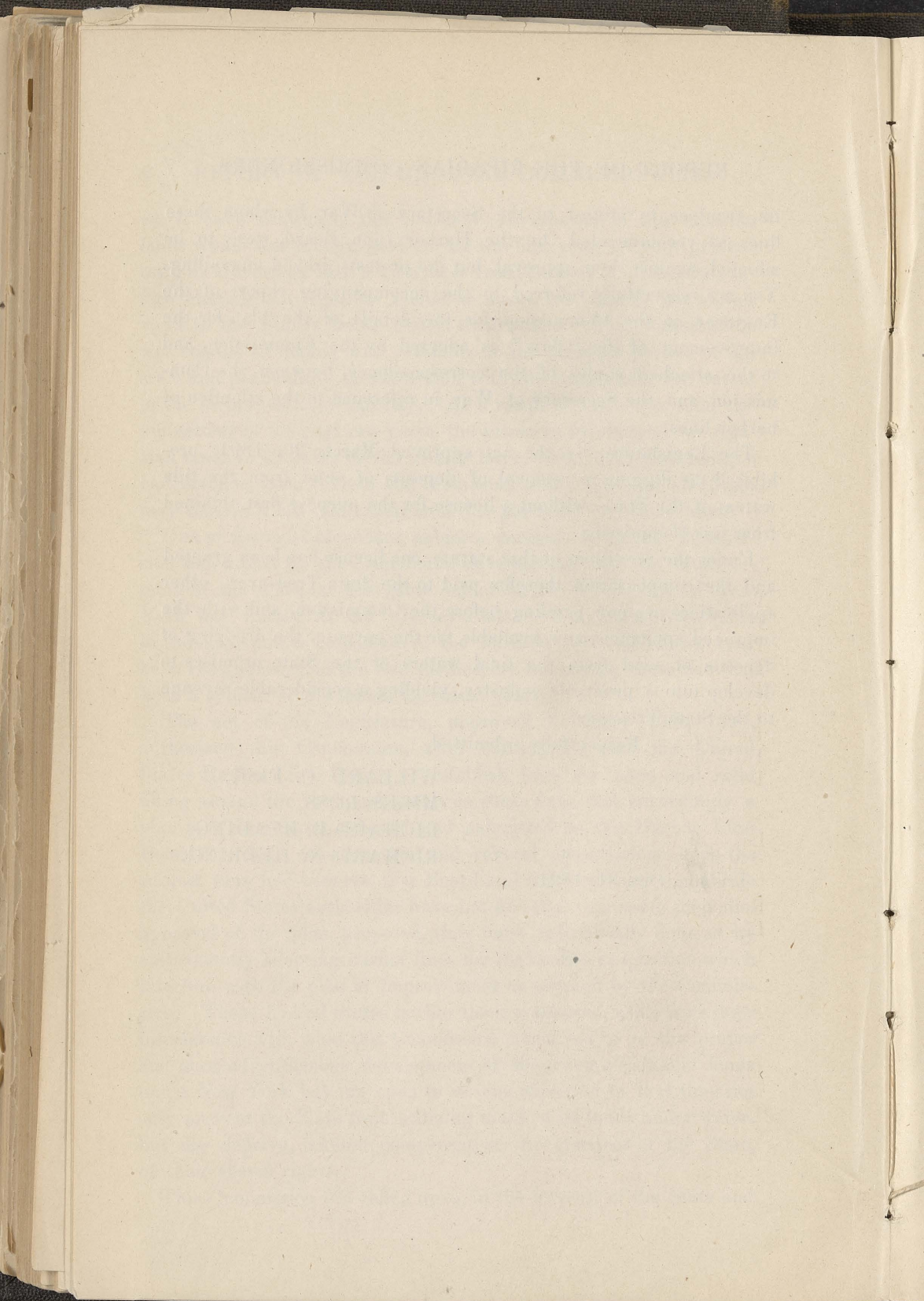
The Legislature, by the act approved March 20, 1891. prohibited the digging or removal of deposits of sand from the tide waters of the State, without a license for the purpose first obtained from this Commission.

Under the provisions of that statute, one license has been granted and the compensation therefor paid to the State Treasurer; other applications are now pending before the Commission, and with the improved appliances now available for the purpose, the dredging of deposits of sand from the tidal waters of the State promises to develop into a profitable industry, yielding a considerable revenue to the State Treasury.

Respectfully submitted,

WILLARD C. FISK,
MILES ROSS,
RICHARD B. READING,
RICHARD N. HERRING.

Trenton, Oct. 31, 1891.



ENGINEER'S REPORT.

To the Riparian Commissioners of the State of New Jersey:

GENTLEMEN: Grants, leases and licenses for lands under water in this State made during the year ending October 31st, 1891, have been as follows:

STATE FUND.

Grants in fee under the Act of March 19th, 1890.

To Calvin Pardee.....	\$7,545 00	
To W. J. Wilcox Lard and Refining Co....	12,757 79	
To Elizabeth Opdyke	20,754 72	
To Hugh Cranshaw.....	25 00	
To Inhabitants of Shrewsbury Township..	Nom.	
To Estate of Silas Wood.....	725 00	
To Mary E. Serrell	6,324 55	
To Canda Manufacturing Co.....	5,000 00	
To William G. Bumstead.....	5,287 50	
To Anne E. Brown.....	60 00	
	\$58,479 56	

Lease to Wm J. Thompson under act of March 19th, 1890, (principal sum \$8,- 295.00).....		
Rentals received on this lease.....	\$580 66	
License to Newark Sand Dredging Co....	500 00	
	1,080 66	
		\$59,560 22

SCHOOL FUND.

Received for old leases converted into grants, under act of March 11th, 1869:

Elizabeth Opdyke.....	\$2,125 00	
J. C. Bullitt and others.....	386 55	
Manufacturers' Land and Improvement Co.	12,000 00	
J. C. Bullitt and others.....	1,266 80	
	\$15,778 35	

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Rentals paid to State Treasurer on old leases, under act of March 11th, 1869.....	50,666 23
	\$66,444 58

SUMMARY.

Grants in fee.....	} State Fund {	.....	\$58,479 56
License for digging sand..		.....	500 00
Rentals on new lease.....		.....	580 66
Principal sum of new lease }		.....	8,295 00
Old leases converted into grants }	} School Fund {	.....	15,778 35
Rentals paid State Treasurer on old leases.....		.....	50,666 23
			\$134,299 80

Under the provisions of the act of the Legislature of March 19th, 1890—

There has been deposited in the State Fund the sum of.....	\$59,560 22
Lease filed.....	8,295 00
And in the School Fund.....	66,444 58

The legislation of the session of 1891 embraces the following acts relative to the Riparian interests of the State:

Act of February 10, 1891—To authorize the establishment of exterior lines for improvements around islands, reefs and shoals in the tidal waters of the State and to sell or let any of the lands under water embraced within said lines with proviso as to lands under water which have been granted or leased to riparian owners.

Act of March 20th, 1891—To prevent the digging or removal of deposits of sand or other materials from the tide waters of the State without a license first obtained from the Riparian Commission for that purpose.

Also to enable persons or corporations other than riparian owners to lease or purchase lands under water upon giving six months' notice in writing to owners of the shore of application to the Commission for a grant or lease of said lands.

Also that the Riparian Commission may sell or let any of the lands of the State below mean high water upon such terms and conditions as the interests of the state may require.

Act of March 20th, 1891—Repeals the act of March 18th, 1851, in reference to building wharves and filling in the tide waters of the State without a grant or permission first obtained from the Riparian Commission, provided that this act shall not apply to lands under water reclaimed or built upon under any license previous to July 1st, 1891, and provided also that such reclamation or building upon shall be completed prior to January 1st, 1892.

Act of April 4th, 1891—Provides for the care and preservation by the Riparian Commission of the monuments which mark the boundary lines of this State, by an examination of said monuments during the year 1893 and every third year thereafter, in co-operation with persons duly authorized by the adjoining State to repair restore or replace the same and to make a detailed report to the Legislature of the expenses of such examination and restoration.

(The above Acts in full will be found in Appendix "A.")

The descriptions of the monuments established December 23d, 1889, in New York bay and the Hudson River by the Joint Commission on the boundary line between the States of New Jersey and New York not having been completed in time for the publication of the report of that commission (1890), were not included therein.

In view of the duties devolving upon this Board under the above act, it has been deemed important that the description of these monuments should be recorded in this report. They will be found in Appendix "B."

The most important subject which has engaged the attention of the Board during the past year, has been a plan for the improvement of the lands of the State under water in New York bay, known as the Jersey Flats, extending from the terminus of the Central Railroad of New Jersey, at Jersey City, to Constables Hook, in the city of Bayonne. The best method for improving these flats, has been a matter of consideration and discussion for a great many years. In 1865, a committee appointed by a previous Legislature, made a report in reference to the lands under water in New York bay, and the rights of the shore owners therein.

The plan reported by that committee was substantially the establishment of exterior lines for piers and solid filling, and the dredg-

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ing of a ship channel between said pier lines and the deep water of the bay.

On March 5th, 1888, a committee was appointed by the Legislature to prepare, together with the Riparian Commissioners, a general plan for the improvement of the flats.

On February 10th, 1891, a law was passed authorizing and empowering the Riparian Commissioners, after consultation with the Harbor Line Board of the U. S. Government, to establish pier and solid filling lines around the reefs and shoals of these flats.

In compliance with the purpose of the law last cited, the Commissioners took up the subject of the improvement of these flats, and formulated a plan for the same. A sketch of this plan is hereto attached. This plan briefly described, contemplated the construction of two artificial islands, each 4,850 feet in length, by 600 feet in depth, between Bedloes Island and Robbins' Reef Light; a water way or passage of 1,000 feet wide between the islands, and openings of like width between Bedloes Island and the northerly island, and between Robbins' Reef Light and the southerly island, which would afford convenient access to the lands of the shore owners to the west of the islands, that is, to the flats.

On the easterly and westerly sides of these artificial islands piers each 80 feet in width by 800 feet in length would extend out to deep water on the east, and to the ship channel on the west, respectively.

This ship channel would be 1,000 feet wide and 25 feet deep at mean low water and would extend along the westerly line of the piers and afford convenient access to them as well as to the flats to the westward or to any improvements thereon. Each island to be connected with the main land by a railway on open pile bridges or trestle work, with draw bridges 150 feet in width at the ship channel.

The Riparian Commissioners having formulated this plan, submitted it to the "Harbor Line Board" of the United States Army Engineers and requested their concurrence in its adoption by the State of New Jersey.

Several consultations between the two Boards ensued and the plan submitted by the commission was thoroughly discussed.

The following arguments were urged upon the Harbor Line Board in favor of the adoption of the plan :

1st. This improvement could be easily and comparatively cheaply constructed.

The dredging out of the channel, as also that of the water ways between the respective islands would provide the material for the solid filling.

2d. It could be made immediately available for commercial purposes having the deep water of the natural channel of the bay on one side and the artificial channel on the other.

3d. It would afford a greater wharf area than any other plan. The two long lines of wharves on either side of the islands would all be clear gain in wharf area over that afforded by any other plan—the area contained in these two islands as compared with the whole tidal area is hardly appreciable, being only 133½ acres, compared with 90,080 acres.

4th. It is the only plan which would allow the State to realize upon its valuable land under water, upon deep water between Bedloes island and Robbins' Reef.

The plan met with strenuous opposition on the part of many of the State's grantees along the shore of New York bay, who made the following objections :

1st. That such an improvement would impair some of the rights which the State had granted to the shore owners; that the State had covenanted not to sell or improve the land under water in front of their grants.

2d. That the draw bridges would prove an obstruction.

3d. That this improvement would so diminish the tidal flow or prism as to injuriously affect the channel over the bars at Sandy Hook at the entrance to the harbor.

On June 9th, 1891, the Harbor Line Board made a report to the Secretary of War, in which they recommended the establishment of lines for piers and solid filling not in accordance with plans proposed by the Riparian Commissioners.

The Riparian Commissioners thereupon made application to the Secretary of War for permission to be heard upon the report of the Harbor Line Board before it should be approved.

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In compliance with said request the War Department fixed June 21, 1891, for the hearing of the objections to the report.

The Governor and Commissioners being unable to be present at Washington on the day appointed, forwarded to the Department, a communication setting forth their objections to the lines established by the Harbor Line Board. A further communication covering legal points upon which the War Department had requested information, was also sent to the Department on August 8th, 1891.

On the 19th of July, 1891, the War Department approved the report of the Harbor Line Board.

The correspondence between the Commissioners and the Harbor Line Board, and also with the War Department, will be found in appendix "C."

Another subject which has received the consideration of the Commission during the year, is that of the compensation paid to the State by riparian owners, for grants or leases of lands under water in the various tidal waters of the State. Prices which were charged in many localities had remained unchanged a long period of time, while the value of these lands had increased considerably in value.

Personal examinations were thereupon made during the past year by the Commissioners, accompanied by his Excellency, the Governor, to almost all the shores of the riparian counties in the State, and the prices heretofore charged have been revised so far as the interest of the State seemed to require.

Licenses to dig and remove sand from the tidal waters of the State, an industry which has received an impetus from recent improvements made in machinery devised for that purpose, are now being applied for under the act of March 20th, 1891, and are likely to produce an important source of revenue.

The several leases heretofore made, upon which rentals have remained unpaid for many years, and involving large amounts of principal as well as rental have been placed in the hands of the Attorney-General, to take such legal measures as he may find necessary to enforce payment of the sums due to the State.

The tabular statement annexed shows the grants in fee and leases of lands under water which have been made by Legislative Acts and by the Riparian Commission from April, 1864, to October 31st, 1891, the names of the corporations or individuals to whom made,

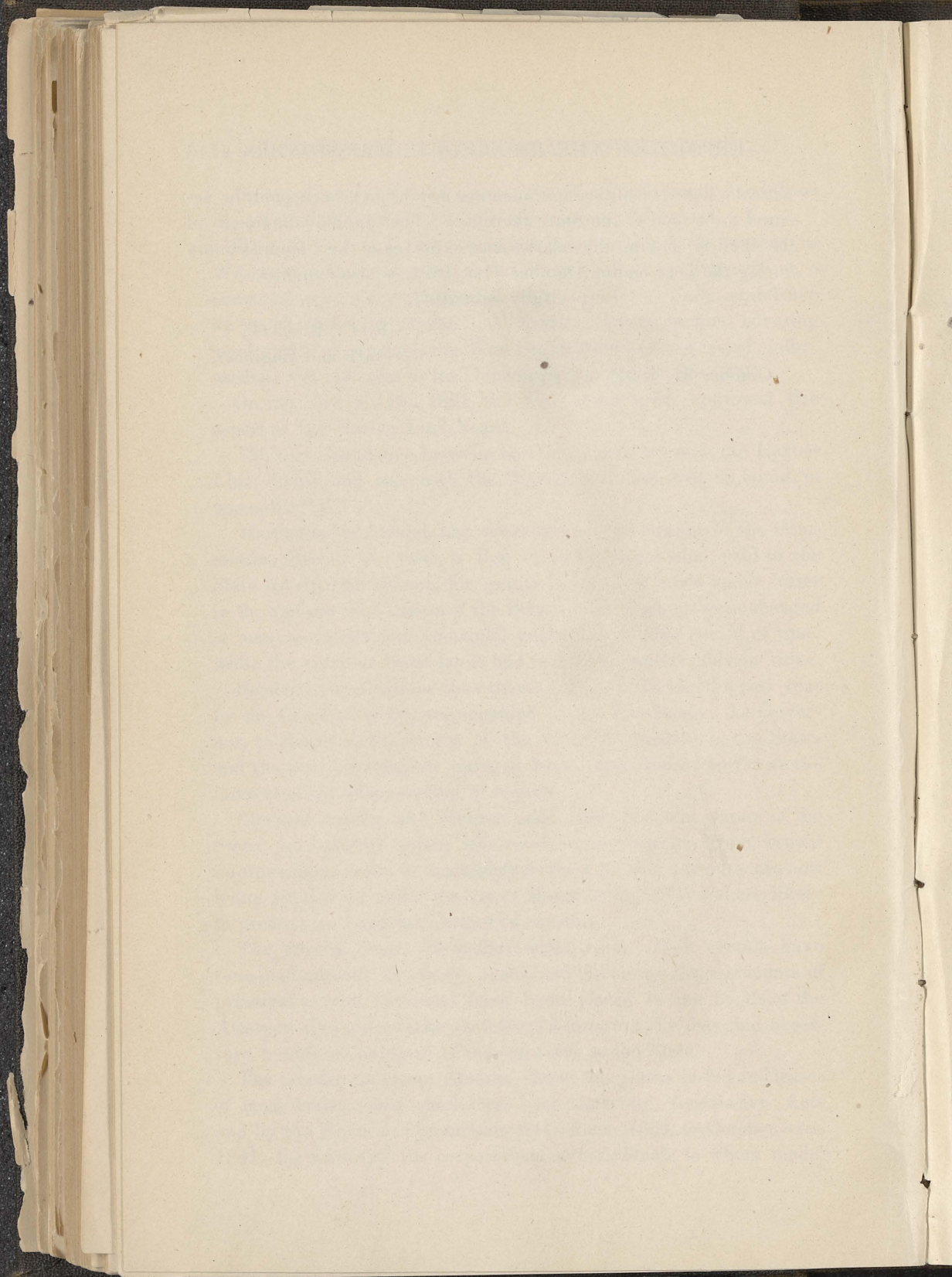
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with the dates, localities and amounts which have been paid, or secured to be paid to the State therefor. The annual statement of the fund for paying the salaries and expenses of the Commissioners during the year ending October 31st, 1891, is also annexed.

Respectfully submitted,

R. C. BACOT,
Secretary and Engineer.

October 31, 1891.



ABSTRACT OF GRANTS AND LEASES OF LANDS UNDER WATER,

Made by the State of New Jersey, from April 1st, 1864, to October 31st, 1891.

GRANTS IN FEE.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
<i>By Acts of the Legislature of New Jersey.</i>				
April 11, 1864	The American Dock and Improvement Co.	New York Bay	Hudson	\$114,725 00
March 30, 1868	New Jersey Railroad and Transportation Co.	Harsimus Cove	"	500,000 00
" 31, 1869	New Jersey Railroad and Transportation Co.	Hudson, Passaic, Newark Bay and Delaware River	Hudson, Union, Essex, Middlesex, Mercer, Burlington, Cape May and Camden.	20,000 00
<i>By the Riparian Commission.</i>				
December 31, 1869	The Hoboken Land and Improvement Co.	Hudson River	Hudson	35,500 00
January 6, 1872	Mathiessen and Wiechers	Communipaw Bay	"	1,000 00
March 15, 1872	N. J. West Line Railroad Co.	"	"	125,000 00
May 11, 1872	The Hoboken Land and Improvement Co.	Hudson River	"	2,250 00
November 9, 1872	German Trans. and Am. Steam Nav. Co.	"	"	22,625 00
April 19, 1873	Morris and Cummings	Harsimus Cove	"	40 00
" 29, 1873	A. V. Schenck	Raritan River	Middlesex	1,386 00
August 13, 1873	L. F. and A. Beckwith	Arthur Kill Sound	Union	1,000 00
October 29, 1873	Freeman and Titcomb	Harsimus Cove	Hudson	50 00
" 29, 1873	Juan G. Ribon	"	"	10 00
January 27, 1874	Alexander Cooper and others	Delaware River	Camden	1,815 00
" 27, 1874	Samuel B. Garretson	"	"	1,600 00
April 1, 1874	J. B. and W. B. Nixon	Cohansey River	Cumberland	169 00
" 1, 1874	W. J. Thompson	Delaware River	Camden	760 50
" 18, 1874	American Dredging Co.	"	"	5,200 00
" 18, 1874	J. and C. Stockham	"	"	545 00
" 28, 1874	Alexander Cooper and others	"	"	1,557 00
May 16, 1874	Charles Robb	"	"	1,629 00
" 29, 1874	William S. Doughten	"	"	350 00

GRANTS IN FEE—Continued.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
May 29, 1874	Henry B. Wilson	Delaware River	Camden	\$350 00
June 17, 1874	Samuel C. Cooper and others	" "	"	4,010 00
" 17, 1874	Rachel A. Beader and others	" "	"	610 00
" 30, 1874	James Simpson and I. L. Neil	" "	"	1,645 00
July 30, 1874	David S. Brown	" "	"	609 00
September 2, 1874	Jesse W. Starr	" "	"	1,326 00
" 28, 1874	John T. Allen	N. Shrewsbury River	Monmouth	97 00
" 28, 1874	John S. Applegate	" "	"	71 00
" 28, 1874	M. H. Sneed	" "	"	48 00
" 28, 1874	Elias Pitcher	" "	"	64 00
" 28, 1874	Joseph S. Applegate	" "	"	53 00
" 28, 1874	J. A. Throckmorton	" "	"	124 00
" 28, 1874	Charles Hubbard	" "	"	48 00
" 28, 1874	Matthew White	" "	"	97 00
" 28, 1874	William Applegate	" "	"	73 00
November 12, 1874	Central Railroad Company of New Jersey	New York Bay and Road Crossings	Hudson, Union, Essex and Middlesex,	313,649 32
December 19, 1874	City of Camden	Delaware River	Camden	120 00
February 23, 1875	William Summerill and others	Salem Creek	Salem	5 00
March 30, 1875	M. C. Cope, Trustee	Delaware River	Camden	1,586 04
" 30, 1875	M. C. Cope	" "	"	3,744 04
" 30, 1875	Mary A. C. Morris	" "	"	3,835 83
" 30, 1875	James Manderson	" "	"	3,170 00
April 24, 1875	Jane F. Dodd	S. Shrewsbury River	Monmouth	150 00
May 22, 1875	Andrew and James Manderson	Delaware River	Camden	8,693 50
June 12, 1875	Charles B. Coles	" "	"	691 67
" 12, 1875	Delaware, Salem and Phila. Steam Nav. Co.	Salem Creek	Salem	104 00
" 12, 1875	U. S. Fertilizing and Chemical Co.	Cooper's Creek	Camden	625 00
" 12, 1875	Joseph Wharton	" "	"	150 00
July 3, 1875	Peter H. Valleau	N. Shrewsbury River	Monmouth	50 00
" 3, 1875	Knickerbocker Ice Co.	Delaware Bay	Cape May	102 00

July	16, 1875	John Cooper	Delaware River	Camden	725 00
"	16, 1875	American Dredging Co.	" "	"	240 00
"	16, 1875	Peter F. Verga	" "	Gloucester	350 00
August	20, 1875	Jonathan Powell and others	" "	Camden	1,365 00
"	20, 1875	Elizabeth C. Collins	" "	"	500 00
"	20, 1875	Mary A. C. Morris	" "	"	583 00
"	20, 1875	M. C. Cope	" "	"	963 00
September	17, 1875	Erick Parmley	N. Shrewsbury River	Monmouth	1,000 00
October	12, 1875	William P. Street, Trustee	Delaware River	Burlington	210 00
"	22, 1885	George A. Kirkham	" "	"	684 00
"	22, 1875	James Lafourcade	" "	"	72 00
"	22, 1875	James Hopkins	" "	"	69 00
"	22, 1875	Samuel W. De Coursey	" "	"	104 00
November	12, 1875	Franklin J. Hovey	" "	"	29 00
"	12, 1875	William Carter	" "	"	230 00
"	12, 1875	Sarah M. Bechtel	" "	"	90 00
"	17, 1875	William B. Welling, Trustee	" "	"	230 00
"	17, 1875	Henry Wilson	" "	"	120 00
February	1, 1876	Hugh Coffey	Maurice River	Cumberland	198 00
March	14, 1876	Morris and Essex Railroad Co.	Harsimus Cove	Hudson	235 00
April	22, 1876	George E. Taylor	Delaware River	Burlington	230 00
"	22, 1876	John Wright	Cooper's Creek	Camden	97 00
"	22, 1876	A. A. Willets	Delaware River	Burlington	231 00
"	22, 1876	Walter Freeman	" "	"	387 00
May	6, 1876	William Gladding	" "	"	275 00
June	17, 1876	Abraham Perkins, Jr.	" "	"	400 00
"	17, 1876	Frank Skinner	" "	Camden	30 00
"	21, 1876	James Keilvaine	Mount Holly Creek	Burlington	250 00
"	21, 1876	William C. Reeves and others	Cooper's Creek	Camden	158 00
July	15, 1876	Joseph N. Piersol	Atlantic Ocean	Atlantic	50 00
July	15, 1876	Abraham Browning and others	Delaware River	Camden	1,055 83
August	15, 1876	Abraham Browning and others	" "	"	250 00
September	9, 1876	Howard Potter	N. Shrewsbury River	Monmouth	500 00
"	9, 1876	Lemuel Smith	" "	"	225 00
"	30, 1876	Jacob Keim	Atlantic Ocean	Atlantic	133 80
October	21, 1876	Pierce Archer, Jr.	" "	"	350 00
"	21, 1876	Joseph Wharton	Cooper's Creek	Camden	59 00

GRANTS IN FEE—Continued.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
November 4, 1876	Jesse W. Starr	Delaware River	Camden	\$3,645 00
January 27, 1877	A. J. Ligier	N. Shrewsbury River	Monmouth	156 79
" 27, 1877	John F. Starr	Atlantic Ocean	Atlantic	150 00
February 1, 1877	John Weiler	Passaic River	Essex	250 00
" 10, 1877	William V. Wilson	Raritan Bay	Monmouth	450 00
" 10, 1877	Dr. Joseph Pancoast	Delaware River	Camden	1,825 00
March 10, 1877	Elizabeth Smith	" "	"	800 00
" 10, 1877	Elizabeth Smith	" "	"	285 00
" 24, 1877	Alfred J. Walling, Jr.	Raritan Bay	Monmouth	55 37
" 24, 1877	George F. Lee	Atlantic Ocean	Atlantic	200 00
" 24, 1877	Peter C. Cornell and others	New York Bay	Hudson	35,200 00
" 24, 1877	Peter C. Cornell and others	Hudson River	Bergen	3,100 00
May 12, 1877	C. T. and H. Sharpless	Cooper's Creek	Camden	108 75
" 12, 1877	R. C. Bacot	Shrewsbury River	Monmouth	75 00
June 10, 1877	Ephraim Larrabee	Atlantic Ocean	Atlantic	150 00
" 10, 1877	William H. Berry	" "	"	100 00
" 30, 1877	Delerhe P. Cubberly	Delaware River	Burlington	230 00
" 1, 1877	Jane Fortescue	Atlantic Ocean	Atlantic	200 00
September 1, 1877	Children's Sea-Shore House	" "	"	150 00
" 1, 1877	George Howell	Delaware River	Camden	1,707 50
" 1, 1877	Pennsylvania Coal Co.	Hudson River	Hudson	16,000 00
" 29, 1877	Robert V. Baldwin	Staten Island Sound	Middlesex	200 00
September 29, 1877	Taylor W. Walling	Raritan Bay	Monmouth	56 35
December 8, 1877	H. J. Lamarche	Navesink River	"	500 00
" 17, 1877	Central Railroad Co. of New Jersey	Platty Kill Creek	"	Part of Original Payment.
February 2, 1878	Charles Seidler	Hackensack River	Hudson	150 00
" 19, 1878	J. H. Leedom	Atlantic Ocean	Atlantic	50 00
" 19, 1878	T. H. Vantine	Navesink River	Monmouth	64 00
March 16, 1878	J. H. Wahl	Atlantic Ocean	Atlantic	50 00
" 25, 1878	Hendrickson and Drummond	Navesink River	Monmouth	52 50

May	13, 1878	Edward C. Knight	Atlantic Ocean	Cape May	316 00
"	27, 1878	William King	" "	" "	164 38
"	27, 1878	Victor Denizot	" "	" "	78 52
"	27, 1878	The Mayor and Aldermen of Jersey City	Hudson River	Hudson	10 00
August	17, 1878	United States of America	Raritan Bay	Middlesex	1 00
"	17, 1878	Fenaille and Despeaux	Kill Von Kull	Hudson	1,750 00
September	14, 1878	New Jersey Steel and Iron Co.	Delaware River	Mercer	580 00
October	12, 1878	Emanuel Metzger	Atlantic Ocean	Atlantic	175 00
"	12, 1878	John Hunter	" "	" "	175 00
November	16, 1878	Cook and McCord	Arthur Kill Sound	Union	400 00
"	16, 1878	William King	Atlantic Ocean	Cape May	60 16
"	16, 1878	Bliss and Borden	Navesink River	Monmouth	500 00
"	16, 1878	Caroline H. Meeker	" "	" "	400 00
"	16, 1878	Charles R. Foote	" "	" "	74 63
"	30, 1878	Congress Hall Hotel Co.	Atlantic Ocean	Cape May	398 00
December	6, 1878	Cape Island Turnpike Co.	Delaware Bay	" "	150 00
January	11, 1879	John W. Stout	Navesink River	Monmouth	110 00
"	11, 1879	B. N. Hartshorn	" "	" "	132 16
"	11, 1879	Thomas H. Leonard	Raritan Bay	" "	50 00
"	25, 1879	Farr and Heckman	Delaware River	Camden	1,899 00
February	8, 1879	Ellen C. Wright	Atlantic Ocean	Atlantic	125 00
March	15, 1879	H. J. Lamarche	Navesink River	Monmouth	300 00
"	20, 1879	Samuel Allison, Treasurer	Assisscunk Creek	Burlington	24 37
April	12, 1879	B. Lippincott	Atlantic Ocean	Atlantic	150 00
"	12, 1879	Cook and McCord	Arthur Kill	Union	200 00
May	10, 1879	William J. Quinlan	Raritan Bay	Monmouth	150 00
"	10, 1879	John Wright	Cooper's Creek	Camden	36 85
"	10, 1879	James Butterworth and Sons	Passaic River	Passaic	265 00
"	31, 1879	John R. Watson	Arthur Kill and Raritan River	Middlesex	700 00
"	31, 1879	Martha J. Mount	Atlantic Ocean	Monmouth	100 00
July	7, 1879	Thomas White	Kill Von Kull	Hudson	6,065 33
"	12, 1879	Charles Guidet	Hudson River	" "	14,806 97
"	12, 1879	Freehold and New York Railroad Co.	Raritan Bay	Monmouth	274 00
September	6, 1879	Mary Quigley and others	Atlantic Ocean	Atlantic	20 00
"	20, 1879	The United N. J. Railroad and Canal Co.	Hudson River	Hudson	14,000 00
October	4, 1879	Benjamin F. Lee	Delaware Bay	Cumberland	238 63

GRANTS IN FEE—Continued.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
November 15, 1879	Elisha Roberts	Atlantic Ocean	Atlantic	\$222 00
January 3, 1880	James C. Hand	" "	"	45 30
January 31, 1880	J. Howard Mansfield	Arthur Kill Sound	Union	2,500 00
February 14, 1880	United States of America	Robbins' Reef, New York Bay	Hudson	Nominal.
March 6, 1880	Francis Danzenbaker	Delaware River	Gloucester	1,250 00
" 6, 1880	Francis S. Emmons	Hudson River	Hudson	15 00
April 3, 1880	Merchants Steamboat Co.	N. Shrewsbury River	Monmouth	60 00
" 3, 1880	Charles G. Allen	" "	"	105 00
" 3, 1880	Catharine T. Allen	" "	"	45 00
" 3, 1880	Hudson River Chemical and Dye Wood Co.	Hudson River	Bergen	4,000 00
" 3, 1880	James C. Parish	Shrewsbury River	Monmouth	372 75
" 3, 1880	Samuel B. Dodd	Hudson River	Hudson	10 00
" 24, 1880	Mary A. C. Terhune and others	Raritan Bay	Middlesex	137 50
" 24, 1880	James Manderson	Delaware Bay	Camden	Reissue.
" 24, 1880	Navesink Park Co.	Raritan Bay	Monmouth	15,000 00
May 15, 1880	West Jersey and Atlantic Railroad Co.	Atlantic Ocean	Atlantic	150 00
" 15, 1880	West Jersey and Atlantic Railroad Co.	Beach Thoroughfare	"	100 00
" 15, 1880	West Jersey and Atlantic Railroad Co.	Babcock's Creek and Great Egg Harbor River	"	99 00
" 15, 1880	N. Y. and Long Branch Ext. R. R. Co.	Manasquan	Atlantic and Ocean	218 00
" 15, 1880	David Morris and P. Archer, Jr.	Atlantic Ocean	Atlantic	200 00
" 15, 1880	Merrill A. Furbush	Cooper's Creek	Camden	250 00
June 5, 1880	J. F. De Navarro	Navasink River	Monmouth	396 00
" 5, 1880	J. F. De Navarro	Shrewsbury River	"	111 75
" 5, 1880	E. A. D. De Navarro	" "	"	637 00
" 26, 1880	Robert Gilchrist	Atlantic Ocean and Shrewsbury River	"	125 00
" 26, 1880	Mrs. Gelyna Fitzgerald	Atlantic Ocean and Shrewsbury River	"	125 00

July	10, 1880	John L. Riker	Atlantic Ocean	Monmouth	217 50
"	10, 1880	George S. Scott	" "	"	75 00
"	10, 1880	Frederick S. Winton	" "	"	275 00
"	10, 1880	Wheeler H. Peckham	" "	"	75 00
"	10, 1880	Thomas C. Brown	Newark Bay	Hudson	500 00
"	10, 1880	Benjamin F. Romaine	Shrewsbury River	Monmouth	375 00
"	10, 1880	Julia A. F. Romaine	" "	"	100 00
August	7, 1880	Sarah A. Houghton	Atlantic Ocean	"	62 50
"	7, 1880	Brayton Ives	" "	"	75 00
"	7, 1880	Joseph T. Low	" "	"	100 00
"	7, 1880	F. G. Burnham	" "	"	62 50
"	7, 1880	Benjamin S. Wolcott	" "	"	50 00
"	7, 1880	Martha A. B. Niles	" "	"	75 00
"	7, 1880	George F. Baker	" "	"	100 00
"	7, 1880	Richard De Gray	" "	"	187 50
"	7, 1880	J. J. McLaren	" "	"	75 00
"	7, 1880	David A. Depue	" "	"	75 00
"	7, 1880	Sarah K. Cornell	" "	"	75 00
"	7, 1880	Henry S. White	Navesink River	"	195 00
"	7, 1880	Isabella G. Paton	Atlantic Ocean and Shrewsbury River,	"	125 00
"	7, 1880	Sarah F. Turner	Atlantic Ocean and Shrewsbury River,	"	125 00
"	7, 1880	Dr. Edward G. Janeway	Atlantic Ocean and Shrewsbury River,	"	125 00
"	7, 1880	Washington E. Connor	Atlantic Ocean and Shrewsbury River,	"	372 00
"	7, 1880	Louise Simmons	Atlantic Ocean and Shrewsbury River,	"	318 75
"	7, 1880	Charles E. Laidlaw	Atlantic Ocean and Shrewsbury River,	"	125 00
"	7, 1880	Thomas N. McCarter	Atlantic Ocean	"	75 00
"	7, 1880	James B. Vredenburgh	" "	"	137 50
"	21, 1880	Patrick O'Reilly	" "	Atlantic	250 00
October	2, 1880	Franklin Osgood	Kill Von Kull	Hudson	1,542 86
"	2, 1880	John A. Worthley	Navesink River	Monmouth	370 50
"	2, 1880	S. H. B. Penrose	Atlantic Ocean	Atlantic	246 20

GRANTS IN FEE—Continued.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
October 2, 1880	J. W. Johnson	Atlantic Ocean	Atlantic	\$50 00
" 2, 1880	John R. McPherson	" "	Monmouth	187 50
" 2, 1880	J. J. McLaren	" "	"	112 50
" 2, 1880	J. L. Riker	" "	"	176 25
" 2, 1880	George S. Scott	" "	"	112 50
" 16, 1880	William W. Shippen	Shrewsbury River	"	487 50
November 13, 1880	George Crumbie	Atlantic Ocean	Atlantic	50 00
December 4, 1880	Craighead, Tilney and Pike	Passaic and Hackensack Rivers	Hudson	1,075 00
January 8, 1881	Annie E. Wild	Navesink River	Monmouth	17 50
" 8, 1881	F. H. Vantine	" "	"	17 50
" 22, 1881	Roberts and Passmore	Atlantic Ocean	Atlantic	150 00
" 22, 1881	H. McK. Twombly	Hudson River	Hudson	10,000 00
February 5, 1881	H. M. Alexander	Shrewsbury River	Monmouth	118 25
" 5, 1881	James W. Alexander	" "	"	81 00
" 5, 1881	Mary P. Belknap	" "	"	247 20
" 5, 1881	Susan H. Clark	Atlantic Ocean and Shrewsbury River	"	125 00
" 5, 1881	James Long	Atlantic Ocean	Atlantic	2,625 00
" 5, 1881	J. R. B. Anderson	" "	"	50 00
" 5, 1881	Eliza A. Connell	Manasquan River	Ocean	15 84
" 5, 1881	Mark Divine	Atlantic Ocean	Cape May	2,060 00
April 2, 1881	R. A. F. Penrose	" "	Atlantic	246 00
" 2, 1881	E. A. K. Navarro	Atlantic Ocean and Shrewsbury River	Monmouth	212 50
" 2, 1881	Charles Palmer	Atlantic Ocean	Atlantic	65 00
" 30, 1881	Charles G. Francklyn	" "	Monmouth	225 00
" 30, 1881	C. K. Garrison	" "	"	118 50
" 30, 1881	Bryce Gray	" "	"	87 50
" 30, 1881	Moses Taylor	" "	"	207 00

April	30, 1881	John Sloane	Atlantic Ocean	Monmouth	75 00
"	30, 1881	A. J. Drexel	" "	"	108 00
"	30, 1881	U. S. Grant	" "	"	124 90
"	30, 1881	M. M. Hendricks	" "	"	81 85
"	30, 1881	George M. Curtis	" "	"	62 50
"	30, 1881	J. W. Curtis	" "	"	62 50
"	30, 1881	Jeremiah Curtis	" "	"	100 00
"	30, 1881	G. W., J. W. and J. Curtis	" "	"	117 50
"	30, 1881	Kate W. Winthrop	" "	"	100 00
"	30, 1881	H. V. Newcomb	" "	"	151 67
"	30, 1881	Amos Cotting	" "	"	101 67
"	30, 1881	C. F. Woerishoffer	" "	"	87 50
"	30, 1881	Rose Seligman	" "	"	81 00
"	30, 1881	T. G. Thomas	" "	"	241 17
May	22, 1881	H. C. Fahnstock	" "	"	176 63
"	22, 1881	Horace White	" "	"	75 00
"	22, 1881	Emma M. Brown	" "	"	25 00
"	22, 1881	Lewis B. Brown	" "	"	142 95
"	22, 1881	Smith E. Hughes	Delaware Bay	Cape May	551 29
June	11, 1881	Henry Hilton	Atlantic Ocean	Monmouth	300 00
"	11, 1881	Mt. Pleasant Cemetery Co.	Passaic River	Essex	300 00
"	11, 1881	H. M. Alexander and others	Shrewsbury River	Monmouth	60 00
"	11, 1881	E. C. Borrowe	" "	"	75 00
"	11, 1881	H. V. Butler, trustee for Jane B. Colt	" "	"	75 00
July	1, 1881	Jersey Shore Improvement Co.	Hudson River	Hudson	39,433 33
"	9, 1881	Margaret Buchanan	Shrewsbury River	Monmouth	135 00
"	9, 1881	John Kean, Jr.	Passaic River	Essex	377 28
"	20, 1881	M. H. Daley	Kill Von Kull	Hudson	1,763 66
Sept.	3, 1881	Thomas H. Leonard	Raritan Bay	Monmouth	47 50
"	3, 1881	Robert R. Prondfit	Shrewsbury River	"	257 25
Oct.	29, 1881	Stephen B. Wygant	Raritan Bay	"	250 00
"	31, 1881	Caroline V. Pierce and others	Manasquan River	"	250 08
"	31, 1881	Wm. H. Green	" "	"	17 25
"	31, 1881	Catharine L. Smart	" "	"	12 75
"	31, 1881	Winant V. Pierce	" "	"	35 25
"	31, 1881	Theodore S. P. Brown	" "	"	29 50
"	31, 1881	Samuel K. Jackson	" "	"	38 25

GRANTS IN FEE—Continued.

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REPORT OF THE RIPARIAN COMMISSIONERS.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
Oct. 31, 1881	Phebe A. Wiley	Manasquan River	Monmouth	\$127 75
" 31, 1881	Allen Osborne	" "	"	1,798 75
" 31, 1881	William W. Fisher	" "	"	38 00
Nov. 15, 1881	Olivia A. VanRensseler	Atlantic Ocean and Shrewsbury River.	"	125 00
" 15, 1881	Ellen A. V. DeNavarro	Atlantic Ocean and Shrewsbury River.	"	93 75
" 15, 1881	Edgar S. Auchinchloss	Atlantic Ocean and Shrewsbury River.	"	187 50
" 15, 1881	Maria C. Henry	Atlantic Ocean and Shrewsbury River.	"	93 75
" 15, 1881	George Wood	Atlantic Ocean and Shrewsbury River.	"	125 00
" 15, 1881	William E. Strong	Atlantic Ocean and Shrewsbury River.	"	62 50
" 15, 1881	Mary M. Ward	Atlantic Ocean and Shrewsbury River.	"	62 50
" 25, 1881	Henry Dupont and others	Hudson River	Bergen	5,000 00
December 3, 1881	The Tammany Pea Shore Fishing Co.	Delaware River	Camden	220 00
" 3, 1881	Joseph Wharton	Cooper's Creek	"	151 00
" 3, 1881	William Weightman	Atlantic Ocean	Cape May	183 15
" 12, 1881	The Hazard Powder Co.	Hudson River	Bergen	9,200 00
" 29, 1881	George W. Childs	Atlantic Ocean	Monmouth	132 50
" 31, 1881	James M. Bradley	" "	"	2,000 00
January 14, 1882	Anthony J. Campbell	Raritan Bay	"	532 00
February 4, 1882	Benjamin H. Brown	Atlantic Ocean	Atlantic	350 00
March 13, 1882	B. Davis Ellis	Atlantic Ocean and Beach Thoro'fare	"	81 25
" 13, 1882	George G. Lennig	Atlantic Ocean and Beach Thoro'fare	"	32 50

March	13, 1882	Thomas H. Hall	Atlantic Ocean and Shrewsbury River	Monmouth	187 50
"	13, 1882	William Baring Wells	Atlantic Ocean and Shrewsbury River	"	187 50
"	13, 1882	A. A. Meyers and J. A. Rutherford	Atlantic Ocean and Shrewsbury River	"	125 00
"	13, 1882	Gertrude W. Kensett	Atlantic Ocean and Shrewsbury River	"	187 50
"	13, 1882	Nicholas B. Cushing	Hudson River	Hudson	10 00
"	13, 1882	Joseph Douglass	Delaware Bay	Cape May	144 60
"	13, 1882	Cornelius White	Arthur Kill	Middlesex	400 00
"	13, 1882	William Massey and others	Beach Thoroughfare	Atlantic	48 75
April	22, 1882	Joseph Hand	Delaware Bay	Cape May	158 40
"	22, 1882	Joseph H. Borton	Atlantic Ocean	Atlantic	150 00
"	22, 1882	United New Jersey Railroad and Canal Co.	Hackensack River	Hudson	159 00
"	22, 1882	The Passaic Zinc Co.	"	"	1,800 00
"	22, 1882	George M. Keasbey	Passaic River	"	661 52
"	22, 1882	John Wood	Kill Von Kull	"	675 50
"	22, 1882	The New York Coal Tar Chemical Co.	Hudson River	Bergen	3,500 00
"	22, 1882	N. Y., L. E. and W. Docks and Improvement Co.	"	Hudson	505 00
"	22, 1882	Mifflin Paul	Shrewsbury River	Monmouth	62 30
"	22, 1882	W. W. Conover and S. T. and H. Hendrickson	"	"	250 50
"	22, 1882	Richard Bew	Atlantic Ocean	Atlantic	150 00
May	6, 1882	Open Cut and General Store-House Co.	Hudson River	Hudson	81,237 00
June	10, 1882	Open Cut and General Store-House Co.	"	"	64,110 00
"	10, 1882	Open Cut and General Store-House Co.	"	"	47,933 00
"	10, 1882	Pennsylvania Coal Co.	"	"	16,000 00
"	10, 1882	Robert Barbour	Atlantic Ocean	Monmouth	125 00
"	17, 1882	Cohansey Glass Manufacturing Co.	Mill Creek	Cumberland	92 20
"	17, 1882	Cohansey Glass Manufacturing Co.	Cohansey River	"	116 68
"	17, 1882	James M. Algor	Atlantic Ocean and Shrewsbury River	Monmouth	93 75
"	17, 1882	William Conover	Cordergo Bay	Atlantic	69 00
"	17, 1882	Effingham H. Nichols, Executor and Trustee	Navesink and Shrewsbury Rivers	Monmouth	1,800 00
"	17, 1882	Caroline E. Pearce and others	Manasquan River	"	218 75
"	17, 1882	J. Wheaton Smith	"	"	16 50

GRANTS IN FEE—Continued.

28

REPORT OF THE RIPARIAN COMMISSIONERS.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
June 17, 1882	Hannah A. Janvier	Manasquan River	Monmouth	\$14 27
July 1, 1882	Mrs. Mittie Gardner	Absecom Inlet	Atlantic	234 50
" 1, 1882	George G. Lennig	Beach Thoroughfare	"	1 95
" 29, 1882	Adelbert Ames	Shrewsbury River	Monmouth	164 25
August 10, 1882	Edward D. Cook	Delaware River	Burlington	124 00
" 10, 1882	Eliza F. Calef	Atlantic Ocean and Shrewsbury River	Monmouth	156 25
" 10, 1882	Annie and Angelo Torriani	Navesink River	"	102 50
" 26, 1882	Caroline V. Sanborn	Manasquan River	Ocean	67 98
September 26, 1882	Mayer and Simon Sternberger	Atlantic Ocean	Monmouth	90 00
October 14, 1882	Catharine A. De La Vergne	Hudson River	Bergen	2,617 50
November 18, 1882	John Winterburn	" "	"	1,669 00
December 2, 1882	John Ellis, T. M. Leonard and W. D. Ellis	" "	"	3,000 00
" 2, 1882	Myrtilla H. Daly	Kill Von Kull	Hudson	1,751 49
January 6, 1883	Metropolitan Gas Light Co., of New York	Hudson River	Bergen	7,291 35
" 6, 1883	James Butterworth and E. Judson	Passaic River	Essex	249 20
" 20, 1883	Edward D. Webb	Navesink River	Monmouth	125 00
February 12, 1883	Daniel H. Kent	Delaware River and Salem Creek	Salem	189 75
" 17, 1883	P. S. Ross and J. B. Sanford	Hudson River	Bergen	4,535 65
" 17, 1883	Anthony Reckless	Shrewsbury River	Monmouth	60 80
" 17, 1883	Mary R. Rhodes	Atlantic Ocean	Atlantic	25 00
" 17, 1883	Maria Fath	Delaware River	Camden	132 76
March 3, 1883	J. Edward Allaire	Navesink River	Monmouth	68 00
" 3, 1883	J. and H. N. Wagenen	Hackensack River	Hudson	10 00
" 31, 1883	Anthony Reckless	Shrewsbury River	Monmouth	153 20
" 31, 1883	James R. Black	Atlantic Ocean	Atlantic	100 00
April 14, 1883	Sylvanus Jenkins	Manasquan River	Ocean	96 00
" 28, 1883	John Hagan	Atlantic Ocean	Atlantic	25 00
June 23, 1883	Richard Bew.	" "	"	25 00
July 7, 1883	Henry S. Clark	Raritan Bay	Monmouth	230 50

July	21, 1883	Henry Amy	Navesink River	Monmouth	77 00
August	18, 1883	Stephen Cox, Sr. and others	Cohansey River	Cumberland	105 93
"	18, 1883	John Getsinger	" "	"	163 92
"	18, 1883	The Sea View Hotel Co.	Atlantic Ocean	Atlantic	400 00
"	21, 1883	John F. Starr	Delaware River	Camden	1,350 00
September	15, 1883	Andrew Scull, Jr.	Great Egg Harbor Bay and Middle River	Atlantic	1,376 24
"	15, 1883	Anna C. Guyer	Barneget Bay	Ocean	81 50
October	13, 1883	John W. Wright	Cooper's Creek	Camden	323 50
November	17, 1883	William H. Wyld	Atlantic Ocean	Atlantic	50 00
"	17, 1883	Mason and I. H. Young, Executors.	Passaic River	Hudson	1,632 48
"	17, 1883	Lemuel H. Davis	Delaware River	Burlington	80 00
December	15, 1883	Robert T. Loveless	Atlantic Ocean	Atlantic	25 00
"	15, 1883	James A. Bradley	" "	Monmouth	408 71
May	17, 1884	William B. Pearce	Manasquan River	Ocean	120 86
"	17, 1884	John H. Conover	Raritan Bay	Monmouth	181 76
"	17, 1884	Richard G. Taylor	" "	"	101 11
"	17, 1884	Richard G. Taylor	" "	"	71 18
"	17, 1884	George W. Walling	" "	"	153 00
"	17, 1884	The Freehold and New York Railroad.	" "	"	15 00
"	17, 1884	The Keyport Steamboat Co.	" "	"	25 50
"	17, 1884	Joseph D. Hoff	" "	"	100 00
"	17, 1884	Elias H. Force	" "	"	19 67
"	17, 1884	Charles G. Gelhaus	" "	"	35 59
"	17, 1884	Silas R. Morse	Atlantic Ocean	Atlantic	153 00
August	2, 1884	Victor Denizot	" "	Cape May	524 00
"	2, 1884	Pierre Lorillard	Harsimus Cove	Hudson	350 00
"	2, 1884	The Laffin & Rand Powder Co.	Hudson River	Bergen	2,525 00
"	2, 1884	The Meyers Excursion and Navigation Co.	" "	"	750 00
"	2, 1884	Ellis F. Draper and Jenny B. Smith	Passaic River	Hudson	650 00
"	16, 1884	Edward D. Webb	Navesink River	Monmouth	25 00
September	12, 1884	Camden and Atlantic Railroad Co.	Atlantic Ocean	Atlantic	700 00
October	4, 1884	George G. Lennig	" "	"	66 55
November	1, 1884	Henry C. Manderville	Raritan Bay	Monmouth	120 00
"	1, 1884	Alfred Speer	" "	"	120 00
February	21, 1885	James R. Minugh	Shrewsbury River	"	409 00

GRANTS IN FEE—Continued.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
March 28, 1885	The Stockton Hotel and Improvement Co.	Atlantic Ocean	Cape May	\$505 00
April 11, 1885	John Green	Hudson River	Bergen	3,575 00
May 16, 1885	Charles T. Leonard	Raritan Bay	Monmouth	486 00
" 16, 1885	Jos. Moulton and M. P. Graves	Staten Island Sound	Union	400 00
" 16, 1885	Rebecca Robbins	Maurice River	Cumberland	600 00
" 17, 1885	Benjamin Decker	Raritan Bay	Monmouth	174 12
" 17, 1885	Trustees and Executors of Henry Young	Passaic River	Hudson	2,424 52
" 23, 1885	Hoboken Land and Improvement Co.	Hudson River	"	211,041 00
June 6, 1885	Jacob D. Sickles	Raritan Bay	Monmouth	588 00
" 20, 1885	J. Nixon Bodine	Cohansey River	Cumberland	170 25
July 11, 1885	A. Q. Garretson and J. B. Vredenburg	Formerly Hudson River	Hudson	30 00
" 11, 1885	The Red Bank Gas Light Co.	Navesink River	Monmouth	130 50
August 15, 1885	The Manufacturers Land and Imp. Co.	Delaware River	Camden	1,800 00
October 10, 1885	The Fire-Proof Building Co.	Raritan River	Middlesex	104 00
December 12, 1885	Catharine M. Beekman	Staten Island Sound	"	250 00
January 16, 1886	Henry W. Miller	" " "	"	2,968 50
" 22, 1886	The Manufacturers Land and Imp. Co.	Delaware River	Camden	1,000 00
February 20, 1886	Andreas Ridgeway	Rancocas River	Burlington	122 75
" 20, 1886	Mary C. Shaw	Manasquan River	Ocean	60 43
June 26, 1886	George P. Wetmore	Newark Bay	Union	492 00
" 26, 1886	Ralph H. Isham	" " "	"	375 63
" 26, 1886	William B. Pearce	Manasquan River	Ocean	169 74
" 26, 1886	Mary P. Belknap	Shrewsbury River	Monmouth	371 60
" 26, 1886	George Hartley	Rancocas River	Burlington	100 00
" 26, 1886	Luther Bateman	Delaware Bay	Cumberland	215 34
" 26, 1886	James G. Gandy	" " "	"	173 92
" 26, 1886	Auguste J. Ligier	Navesink River	Monmouth	493 72
" 26, 1886	Richard B. Somers	Egg Harbor Bay	Atlantic	208 25
" 26, 1886	Frederick Hemsley	Atlantic Ocean	"	865 50
" 26, 1886	Henry H. Isham, Trustee	Newark Bay	Union	1,165 00

June	26, 1886	The N. Y. and Long Branch Railroad Co.	Crossings of Creeks	Monmouth	193 00
"	26, 1886	The N. Y. and Long Branch Railroad Co.	" " "	"	420 50
July	10, 1886	Abraham DeRonde	Hackensack River	Bergen	35 46
"	10, 1886	Irving and Warren Felter	"	"	404 00
"	10, 1886	Martha B. Stevens	Hudson River	Hudson	50,000 00
"	10, 1886	Mary P. Lewis	"	"	25,000 00
"	10, 1886	The Delaware and Hudson Canal Co.	"	"	52,500 00
September	4, 1886	The Cumberland County Packing and Canning Co.	Cohansey River	Cumberland	2,010 00
"	4, 1886	F. N. & L. N. Bradford	Delaware Bay	"	636 32
"	18, 1886	Edward Balbach, Jr.	Newark Bay	Essex	159 72
October	9, 1886	John Watts Kearney	Passaic River	Hudson	202 74
"	30, 1886	Wm. Walter Phelps	Hudson River	Bergen	1,800 00
"	30, 1886	Wm. Walter Phelps	"	"	1,735 00
"	30, 1886	Wm. Walter Phelps	"	"	1,460 00
"	30, 1886	Wetmore & Phelps	"	"	1,550 00
"	30, 1886	Wetmore, Dana & Phelps	"	"	3,000 00
January	22, 1887	The Jersey City and Bergen Railroad Co.	Kill Von Kull	Hudson	10,350 00
"	22, 1887	Simon Bacharach	Atlantic Ocean	Atlantic	480 00
"	22, 1887	Joseph G. Hanson	New York Bay	Hudson	700 00
February	12, 1887	John A. Blair	"	"	46,740 00
"	26, 1887	Borne, Scrymser & Tappen	Staten Island Sound	Union	840 94
"	26, 1887	Ralph B. Gowdy	Toms River	Monmouth	474 00
"	26, 1887	Anna L. Mulford, Guardian	Maurice River	Cumberland	306 90
June	4, 1887	Boysina I. Poppinja	Shrewsbury River	Monmouth	243 00
"	4, 1887	Richard I. Dobbins	Branchport Creek	"	75 00
"	11, 1887	Louise T. Kneeland, Executrix	Formerly Harsimus Cove	Hudson	60 00
July	30, 1887	John Watts Kearney	Passaic River	"	895 26
"	30, 1887	Edward Balbach, Jr.	Newark Bay	Essex	102 00
"	30, 1887	John F. R. Brown	Branchport Creek	Monmouth	403 50
"	30, 1887	Edward H. Price	"	"	174 75
"	30, 1887	The Monmouth Boat Club	Navesink River	"	58 16
"	30, 1887	E. Ellery Anderson	Hudson River	Bergen	1,110 00
"	30, 1887	Wm. W. Niles	"	Hudson	1,500 00
September	3, 1887	Ralph B. Gowdy	Toms River	Monmouth	30 00
"	3, 1887	Rudolph A. Bauer	Ranococas River	Burlington	75 00
October	22, 1887	William B. Kelley	"	"	377 50

GRANTS IN FEE—Continued.

DATE.		TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
October	22, 1887	I. H. C. Tesnow	Rancocas River	Burlington	\$75 50
"	22, 1887	Robert T. Loveless	Atlantic Ocean	Atlantic	108 00
December	1, 1887	The Salem Brice Co.	Salem Creek	Salem	148 22
"	17, 1887	George Wood	Thoroughfare	Atlantic	197 70
"	17, 1887	The Ocean Grove Camp Meeting Association	Atlantic Ocean	Monmouth	1,000 00
"	17, 1887	The Chelsea Beach Co.	"	"	2,901 00
January	14, 1888	Charles James Cassidy	Mill Creek	Cumberland	310 00
"	14, 1888	Nicholas P. Young	Navesink	Monmouth	175 50
February	4, 1888	The Camden and Atlantic R. R. Co.	Absecon Inlet	Atlantic	787 00
April	14, 1888	Morris & Essex R. R. Co.	Hudson River	Hudson	76,900 00
"	14, 1888	Worthen & Aldrich	Passaic River	Passaic	544 52
"	28, 1888	Rudolph Wirths	Manasquan River	Ocean	44 59
May	12, 1888	The Manor Trust and Real Estate Co.	Harsimus Cove	Hudson	25 00
June	2, 1888	William B. Kelley	Rancocas River	Burlington	300 00
"	14, 1888	John Ellis	Hudson River	Bergen	5,187 60
"	14, 1888	Thomas C. Gilford	Barneget Bay	Ocean	1,292 50
July	5, 1888	Cumberland and Maurice R. R. Co.	Maurice River	Cumberland	1,090 00
"	5, 1888	Camden and Atlantic R. R. Co.	Delaware River	Camden	1,735 00
August	2, 1888	John M. Sharts	Raritan Bay	Monmouth	106 56
September	6, 1888	Kensington and N. J. Ferry Co.	Delaware River	Camden	4,680 00
"	6, 1888	Executors of Amos Stearns, deceased	Kill Von Kull	Hudson	5,277 00
"	20, 1888	Thos. Patten	Branchport Creek	Monmouth	1,323 00
*October	4, 1888	John H. Mohlman	Manasquan River	"	67 92
*"	4, 1888	George Rankin	"	"	99 08
"	18, 1888	Patrick J. Hogan and others	Harsimus Cove	Hudson	10 00
"	18, 1888	The Camden and Atlantic R. R. Co.	Delaware River	Camden	2,592 00
"	18, 1888	Charles S. Dodge and E. K. Meigs	Hackensack River	Hudson	1,830 00
"	26, 1888	Francis J. Crilly	Barneget Bay	Ocean	135 00
January	17, 1889	Sigmund Bergman (Annie E. Wild)	Navesink River	Monmouth	110 30
February	14, 1889	Edward F. C. Young	New York Bay	Hudson	75,541 00
"	14, 1889	Edward F. C. Young	" " "	"	7,275 00

* Reissue.

March	11, 1889	Edward F. C. Young	New York Bay	Hudson	\$26,481 50
"	11, 1889	Charles E. Ellis	Beach Thoro'fare	Atlantic	15 00
"	11, 1889	The "Ours" Fishing Club	"	"	15 00
"	28, 1889	The Atlantic Refining Co.	Salem Creek	Salem	173 73
June	6, 1889	Edward Balbach, Jr	Newark Bay	Essex	570 00
"	6, 1889	Henry C. Miner.	Navesink River	Monmouth	274 00
"	6, 1889	Estate of Abijah Curtiss, deceased.	Harsimus Cove	Hudson	5 00
"	6, 1889	North Jersey Land Co.	Passaic River	"	514 29
July	12, 1889	Lehigh Valley Railroad Co.	Hudson River	"	357,142 00
"	12, 1889	Geo. W. Flaacke	Hackensack River	"	48,000 00
August	1, 1889	F. W. Buchanan and Clara McGinnis	Newark Bay	"	1,692 00
"	1, 1889	J. C. Bullitt and others	Atlantic Ocean	Cape May	730 00
"	1, 1889	The Hoboken Land and Improvement Co.	Hudson River	Hudson	98 40
"	1, 1889	Executors of John Armstrong	Newark Bay	"	12,612 00
"	1, 1889	Joseph Hatch and others.	Delaware River	Camden	1,097 55
"	1, 1889	Reon Barnes	New York Bay	Hudson	1,080 00
"	1, 1889	Hamilton McK. Twombly	Hudson River	Hudson	2,104 47
"	1, 1889	Hamilton McK. Twombly	"	Bergen	5,000 00
"	29, 1889	John J. Pfefferle	Passaic River	"	6,000 00
September	12, 1889	Arthur Devine	Newark Bay	Essex	166 00
"	12, 1889	Sarah Ann McCarty	Branchport Creek	"	5,259 00
October	18, 1889	Mary C. B. Annett	Newark Bay	Monmouth	337 50
"	18, 1889	Edward G. Burgess.	"	Hudson	1,140 00
"	18, 1889	The Sea View Hotel Co.	Atlantic Ocean	"	2,020 75
November	7, 1889	Henry E. Owen.	Navesink River	Atlantic	2,800 00
"	7, 1889	Cornelius N. Bliss	"	Monmouth	372 00
"	7, 1889	Edward D. Webb.	"	"	162 00
September	18, 1890	Leibig Manufacturing Co.	Arthur Kill	"	54 00
"	18, 1890	Elizabeth Opdyke	Hudson River	Middlesex	10,600 00
"	18, 1890	Elizabeth Opdyke	"	Hudson	20,754 72
October	30, 1890	Calvin Pardee.	Raritan River	"	2,125 00
November	3, 1890	W. I. Wilcox Lard and Refining Co.	Hudson River	Middlesex	7,545 00
February	19, 1891	J. C. Bullitt and others.	Atlantic Ocean.	Hudson	12,757 79
March	12, 1891	Hugh Crawshaw	Harsimus Cove	Cape May	386 55
"	12, 1891	Manufacturers Land and Improvement Co.	Delaware River	Hudson	25 00
"	30, 1891	Executors and Trustees of Silas Wood, deceased	Harsimus Cove	Camden	12,000 00
				Hudson	725 00

GRANTS IN FEE—Continued.

34

REPORT OF THE RIPARIAN COMMISSIONERS.

D TE.	TO WHOM MADE.	LOCALITY.	COUNTY.	AMOUNT.
March 30, 1891	Inhabitants of Township of Shrewsbury	Navesink River	Monmouth	
April 21, 1891	Mary E. Serrell	Newark Bay	Hudson	6,324 55
June 1, 1891	Newark Sand Dredging Co.	Passaic River	Hudson and Essex	500 00
July 30, 1891	William G. Bumsted	Hackensack River	Hudson	5,287 50
" 30, 1891	J. C. Bullitt and others	Atlantic Ocean	Cape May	1,266 80
August 28, 1891	Anne E. Brown	Delaware River	Salem	60 00
	Canda Manufacturing Co			5,000 00
				\$2,859,552 93

LEASES.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	PRINCIPAL SUM.
March, 14, 1867	<i>By Acts of the Legislature of New Jersey.</i> Morris Canal and Banking Co.	Hudson River	Hudson	Converted into a grant, July 12, 1889
	<i>By the Riparian Commission.</i>			
December 2, 1869	John Meeks	Hudson River	"	Bal. 54,125 00
" 23, 1869	Henry Dupont and others	Converted into a fee		
April 18, 1871	William E. Dodge	Hudson River	Hudson	13,000 00
June 22, 1871	Charles T. Reynolds & Co., Mortgagees	Kill Von Kull	"	10,000 00
December 9, 1871	William H. Kemp	Hudson River	"	3,148 00
" 22, 1871	Jersey Shore Improvement Co.	Converted into a fee		
October 29, 1873	Wetmore & Phelps	" " "		
" 29, 1873	Otto Kohler	Hudson River	Hudson	5,355 00
" 29, 1873	I. S. Lyle and M. H. and E. P. Newcombe	" " "	Bergen	13,425 00
" 29, 1873	Henry J. Anderson	" " "	"	1,003 33
April 1, 1874	Sarah E. Meredith	Arthur Kill Sound	Middlesex	3,538 38
" 18, 1874	John L. Brownell (converted into a fee)	Hudson River	Bergen	
" 18, 1874	John L. Brownell	" " "		22,314 00
" 18, 1874	John L. Brownell	" " "		7,210 00
" 18, 1874	William Walter Phelps	Converted into a fee		
" 18, 1874	William Walter Phelps	" " "		
" 18, 1874	William Walter Phelps	" " "		
" 18, 1874	Wetmore, Dana & Phelps	" " "		
" 18, 1874	Phelps & Coe	Hudson River	Bergen	2,060 00
" 18, 1874	Englewood Dock and Improvement Co.	" " "		330 00
" 18, 1874	Heirs of Robert Annett	" " "		7,860 00
" 18, 1874	Heirs of Robert Annett	" " "		10,825 00
" 18, 1874	Isaac P. Martin	" " "		3,125 00
" 18, 1874	George S. Coe	" " "		1,076 77
" 18, 1874	Gorham & Dickerman	" " "		7,825 00
" 28, 1874	Cramond Kennedy	" " "		664 50

LEASES—Continued.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	PRINCIPAL SUM.
" 28, 1874	Jeseoph L. Van Sant	Delaware River	Burlington	\$1,800 00
" 28, 1874	Mary F. Riley and others	" "	"	1,771 50
" 28, 1874	Joseph L. Van Sant and others	" "	"	928 50
" 28, 1874	Angelina Thompson	" "	"	750 00
" 28, 1874	Charles Reeder	" "	"	750 00
" 28, 1874	Morris and Essex Railroad Co.	Hudson River	Hudson	Converted into a grant April 14, 1888
May 29, 1874	Morris & Cummings Dredging Co.	New York Bay	"	12,690 00
" 29, 1874	Joseph L. Van Sant and others	Delaware River	Burlington	100 00
June 17, 1874	Camden and Atlantic Railroad Co.	" "	Camden	Converted into a grant July 5, 1888
December 12, 1874	Gifford I. Maxwell	" "	"	1,000 00
" 28, 1874	Manufacturers Land and Improvement Co.	Delaware Bay	Converted into a fee	
March 9, 1875	Benjamin F. Woolsey: now John Wood	Converted into a fee		
May 22, 1875	Joseph G. Hanson	" "	Hudson	
June 12, 1875	John Winterburn	" "	"	
July 16, 1875	Guidet, Brown and Mencke	" "	"	
August 20, 1875	Nathaniel D. Hare	Newark Bay	Hudson	664 50
" 20, 1875	(Noah D. Taylor), Edw. F. C. Young	New York Bay	"	Converted into a grant April 26, 1889.
September 3, 1875	Hazard Powder Co.	Converted into a fee		
" 3, 1875	Hazard Powder Co.	" "	"	
" 3, 1875	Hazard Powder Co.	" "	"	
October 1, 1875	National Stock Yard Co.	Hudson River	Hudson	35,000 00
December 27, 1875	Tubular Transit Co.	Kill Von Kull	Hudson	500 00
January 8, 1876	Richard Lloyd	Delaware River	Burlington	330 00
" 18, 1876	Catharine Barrett	Rancocas River	"	425 00
February 1, 1876	Farr and Heckman	Converted into a fee		

September 30, 1876	Point Breeze Ferry and Improvement Co.	New York Bay	Hudson	12,550 00
December 18, 1876	William B. Dana	Hudson River	"	640 00
" 18, 1877	Charles H. Ward, Trustee	Navesink River	Monmouth	575 00
January 27, 1877	Adele H. Ligier	"	"	339 00
February 24, 1877	Children's Sea-Shore Home	Converted into a fee		
March 10, 1877	Charles B. Gunther and others	New York Bay	Hudson	5,000 00
" 10, 1877	Wilson Fitzgerald	Delaware River	Gloucester	Canceled.
" 27, 1877	James Brady	Kill Von Kull	Hudson	400 00
May 12, 1877	Seacaucus Iron Co.	Hackensack River	"	500 00
" 12, 1877	Ario Pardee	"	"	750 00
" 12, 1877	Thomas White	Converted into a fee		
June 10, 1877	Pennsylvania Coal Co.	" " "		
" 30, 1877	Manufacturers Land and Improvement Co.	Part Converted into a fee, Delaware River	Camden	Bal., 2,700 00
" 30, 1877	Benjamin C. Bloodgood, now C. White	Converted into a fee		
August 1, 1877	Henry and M. I. Oigg	Rancocas River	Burlington	925 00
September 29, 1877	Hazard Powder Co.	Converted into a fee		
" 29, 1877	A. A. Coykendall	New York Bay	Hudson	Converted into a grant Nov. 3, 1888.
March 16, 1878	C. B. Reeves and others	Delaware Bay	Cape May	237 60
" 16, 1878	Jonathan Cone	"	"	272 40
April 3, 1878	Franklin Osgood	Converted into a fee		
July 13, 1878	North Jersey Land Co.	Passaic River	Hudson	Converted into a grant June 20, 1889.
August 17, 1878	Delano, Tracy and others	Kill Von Kull and New York Bay	"	\$6,681.24. Part converted into a grant Aug. 9, 1889.
" 17, 1878	James Binns	New York Bay	Hudson	3,428 57
September 14, 1878	Smith E. Hughes	Converted into a fee		
October 12, 1878	Henry S. White	" " "		
" 12, 1878	William Dulty, Jr.	Delaware River	Burlington	685 71

LEASES—Continued.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	PRINCIPAL SUM.
November 30, 1878	John A. Blair	New York Bay	Hudson	Converted into a grant Nov. 3, 1888.
April 12, 1879	Jane G. Wilden	Delaware Bay	Cape May	500 00
" 12, 1879	The Sea Grove Association	" "	" "	16,000 00
May 10, 1879	The Long Branch Ocean Pier Co.	Atlantic Ocean	Monmouth	598 00
September 6, 1879	Anna K. Smith and others	Delaware River	Camden	854 00
" 20, 1879	Point Breeze Ferry and Improvement Co.	New York Bay	Hudson	18,000 00
November 15, 1879	Myrtil H. Daly	Kill Von Kull	"	3,984 85
January 30, 1880	William Swanton	Shark River	Monmouth	800 00
March 6, 1880	John Ellis & Co.	Converted into a fee		
April 24, 1880	Margaret E. Whitehead	Arthur Kill Sound	Middlesex	400 00
June 15, 1880	Mutual Life Insurance Co., of New York	Navesink River	Monmouth	531 00
August 7, 1880	Washington L. Tyson	Shrewsbury River	"	1,200 00
" 7, 1880	(Anna E. Wild) Sigmund Bergman	Navesink River	"	Converted into a grant March 14, 1889.
" 7, 1880	R. C. Bacot, E. M. Palon, Assignee	Shrewsbury River	"	68 75
" 21, 1880	James M. Bradley	Converted into a fee		
September 11, 1880	Ocean Grove Camp Meeting Association, M. E. Church	Atlantic Ocean	Monmouth	Converted into a grant Dec. 17, 1887.
October 16, 1880	Anthony Reckless	Atlantic Ocean and Shrewsbury River,	"	2,036 00
" 16, 1880	M. B. Bonnett	Converted into a fee	Union	
February 5, 1881	Mary A. Crosby	Shrewsbury River	Monmouth	90 00
" 5, 1881	Charlotte A. Peabody	" "	"	120 00
" 5, 1881	William B. Pearce (converted into a fee)	Manasquan River	Ocean	
" 5, 1881	Joanna Pearce	" "	"	Converted into a grant May 29, 1887.

February	5, 1881	A. B. Pearce	Manasquan River	Ocean	60 43
"	5, 1881	G. W. Pearce	" "	"	60 43
April	2, 1881	M. and C. Stokem	Atlantic Ocean and Shrewsbury River,	Monmouth	812 50
"	30, 1881	W. S. and J. B. Yard	Shark River	"	114 00
"	30, 1881	H. McK. Twombly	Hudson River	Bergen	Converted into a grant October 9, 1889.
"	30, 1881	Morris & Cummings Dredging Co.	New York Bay	Hudson	60,480 00
June	17, 1881	J. N. Bodine (converted into a fee)	Cohansey River	Cumberland	
"	17, 1881	Heath Norbury	Delaware Bay	Cape May	138 60
July	1, 1881	Ocean Beach Association	Atlantic Ocean and Shark River	Monmouth	4,725 00
October	31, 1881	Seth Miller	Delaware Bay	Cape May	87 75
"	31, 1881	Evaline B. Ross	" "	" "	43 80
"	31, 1881	J. H. Shellinger	" "	" "	200 25
"	31, 1881	Charles Osborne	Manasquan River	Monmouth	416 25
"	31, 1881	George Rankin	" "	"	Converted into a grant October 4, 1888.
"	31, 1881	Sarah E. Shibola	" "	"	91 75
"	31, 1881	John M. Brown	" "	"	213 50
November	11, 1881	Edward J. Harvey	Navesink River	"	78 00
December	31, 1881	Hamilton McK. Twombly	Hudson River	Bergen	Converted into a grant October 9, 1889.
"	31, 1881	Edward King	" "	Hudson	17,781 00
"	31, 1881	Open Cut and General Store-House Co.	Converted into a fee		
"	31, 1881	Open Cut and General Store-House Co.	" " "		
"	31, 1881	Open Cut and General Store-House Co.	" " "		
March 13,	1882	Lucius D. Bulkley	Atlantic Ocean and Shrewsbury River,	Monmouth	156 25
"	25, 1882	The Cumberland and Maurice River Railroad Co.	Maurice River	Cumberland	Converted into a grant July 5, 1888.
April	8, 1882	The Sea-Shore Land Co.	Atlantic Ocean and Barnegat Bay	Ocean	3,500 00

LEASES—Continued.

DATE.	TO WHOM MADE.	LOCALITY.	COUNTY.	PRINCIPAL SUM.
April 22, 1882	John C. Bullitt and others (part converted into a fee)	Atlantic Ocean	Cape May	Bal. 398 25
" 22, 1882	Hugh J. Jewett, Trustee	Hudson River	Hudson	103,191 00
" 22, 1882	N. Y., L. E. and W. Dock and Improvement Co.	" "	"	24,722 50
" 22, 1882	John Holmes Hand	Delaware Bay	Cape May	143 63
May 20, 1882	Edward H. Coffin	Hudson River	Bergen	2,349 70
June 17, 1882	Martha A. Dederer	Shrewsbury River	Monmouth	152 70
" 17, 1882	James R. Minugh (converted into a fee).	" "	"	
July 1, 1882	A. Gracie King	Hudson River	Hudson	17,690 50
" 1, 1882	Caroline King	" "	"	17,690 50
" 1, 1882	S. G. Duer and others, heirs of Caroline Duer	" "	"	19,690 50
October 28, 1882	Margaret A. Dunn	Raritan Bay	Monmouth	43 50
" 28, 1882	Lillian C. Moore	" "	"	109 85
December 2, 1882	Joseph I. Thompson	Shrewsbury River	"	359 55
" 2, 1882	George S. Adams	Atlantic Ocean and Swan Pond	Ocean	350 92
February 3, 1883	Rebecca A. Simpson	Atlantic Ocean	Cape May	1,822 50
June 9, 1883	Charles Barton	Atlantic Ocean and Beach Thoro'fare	Atlantic	488 50
July 21, 1883	East Cape May Beach Co.	Atlantic Ocean	Cape May	2,000 00
October 13, 1883	Murell Dobbins	Delaware River	Burlington	776 50
" 13, 1883	John C. Bate	Delaware Bay	Cape May	159 78
November 17, 1883	Charles Seidler	Hackensack River	Hudson	1,922 00
December 15, 1883	Bourne, Scrymser and Tappin	Staten Island Sound	Union	Converted into a grant March 15, 1889.
May 17, 1884	The Berkeley Land and Improvement Co.	Atlantic O. and B.	Ocean	2,974 00
" 17, 1884	The Hoboken Land and Improvement Co. (converted into a fee)	Hudson River	Hudson	
" 28, 1884	New Brunswick Land Co	Atlantic O. and B.	Ocean	1,800 00
October 4, 1884	The Holly Beach City Improvement Co.	" "	Cape May	1,175 00
" 4, 1884	Isaac W. Mulford	Cohansey River	Cumberland	284 78

May 16, 1885	James Atkins	Navesink River	Monmouth	\$155 00
August 15, 1885	David M. Hildreth	Atlantic Ocean	"	3,943 50
" 15, 1885	John Gayner	Salem Creek	Salem	314 39
September 12, 1885	Chester D. Ayres	Newark Bay	Hudson	765 60
June 26, 1886	The Sea Bright Improvement Co.	Shrewsbury River	Monmouth	831 00
" 26, 1886	Adele H. Ligier	Navesink River	"	123 14
" 26, 1887	R. A. and E. Clark and M. E. Pearce	Manasquan River	Ocean	214 00
" 4, 1887	Thomas N. Acken	Raritan River	Middlesex	1,183 71
" 4, 1887	The Raritan Hollow and Porous Brick Co.	" "	"	600 00
July 30, 1887	Charles McKenna	Hudson River	Bergen	3,000 00
" 30, 1887	C. F., C. D. and F. C. Williams	Passaic River	Hudson	690 00
" 5, 1888	Arthur Buel	Arthur Kill	Middlesex	681 70
" 5, 1888	Adelia Bently	Raritan Bay	Monmouth	170 50
December 6, 1888	John G. Hippenstiel	Rancocas River	Burlington	99 20
" 6, 1888	Charles Knapp	" "	"	99 20
" 6, 1888	David W. Steel	" "	"	150 83
January 3, 1889	The Westrays Point Land and Improvement Co.	Barnegat Bay and Toms River	Ocean	2,790 00
" 17, 1889	Kate M. Mershon	Rancocas River	Burlington	295 00
February 4, 1889	James P. Hall	Hackensack River	Hudson	536 65
" 4, 1889	Mary K. Richards and A. G. King, Trustee	Hudson River	"	26,535 75
April 26, 1889	Mungo J. Currie	New York Bay	"	1,515 00
June 6, 1889	Joseph Parker, Jr.	Passaic River	"	659 00
" 29, 1889	Thomas P. Fowler	Hudson River	"	17,009 50
August 1, 1889	Katharine V. R. Imbrie and others	Newark Bay	"	1,406 85
" 1, 1889	Louisa D. Cook	" "	"	2,296 30
" 1, 1889	Thomas C. Brown	" "	"	1,640 15
" 29, 1889	John Denning	Rancocas River	Burlington	166 66
September 7, 1889	The Lincoln Park Co.	Delaware River	Gloucester	1,916 00
November 7, 1889	W. W. Dashiell	Newark Bay	Hudson	526 60
" 29, 1889	Charles Sculthorpe	S. Shrewsbury River	Monmouth	57 75
" 29, 1889	Henry Maurer	Arthur Kill	Middlesex	12,225 00
December 17, 1889	Geo. L. Record and others	New York Bay	Hudson	3,608 50
" 17, 1889	DeWitt Van Buskirk and others	" "	"	3,142 50
April 21, 1891	William I. Thompson	Delaware River	Camden	8,295 00
				\$674,926 46

RESERVED FUND.

*Statement of the Reserved Fund of the Riparian Commissioners for
the year ending October 31st, 1891.*

1890.	CR.	
October 31.	To balances.....	\$6,627 46
December 31.	To interest received from balances on deposits.....	62 46
1891.		
May 23.	To amount received from State Treasurer.....	6,000 00
September 4.	To amount received from State Treasurer.....	4,000 00
		\$15,689 92
1891.	DR.	
October 31.	By salaries of four Commissioners.....	\$6,000 00
"	By salary of Secretary and Engineer.....	4,999 98
"	By salary of Assistant Engineer and Draftsman.....	1,500 00
"	By rent of riparian offices.....	400 01
"	By travelling and incidental expenses, printing, stationery, clerk's wages, office expenses, etc.....	1,342 23
"	By petty cash paid out for postages, expressage, etc.....	103 00
"	By balances in Camden Safe D. & T. Co.....	\$1,334 07
"	In Trenton Banking Co.....	10 59
"	Petty cash on hand.....	04
		1,344 70
Trenton, October 31st, 1891.		\$15,689 92

R. C. BACOT, *Secretary.*

Directions for making application to the Riparian Commission for a Grant in fee or a Lease or for a License to dig and remove sand from lands under the tidal waters of this State.

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

Second—State whether the lands under water applied for are now or are to be hereafter used for commercial or other purposes, and if so, what; whether they have been improved in whole or in part; also, if any oyster lands, fishery or privilege therefor, is embraced within the limits of the land 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 to the State Treasurer in advance.

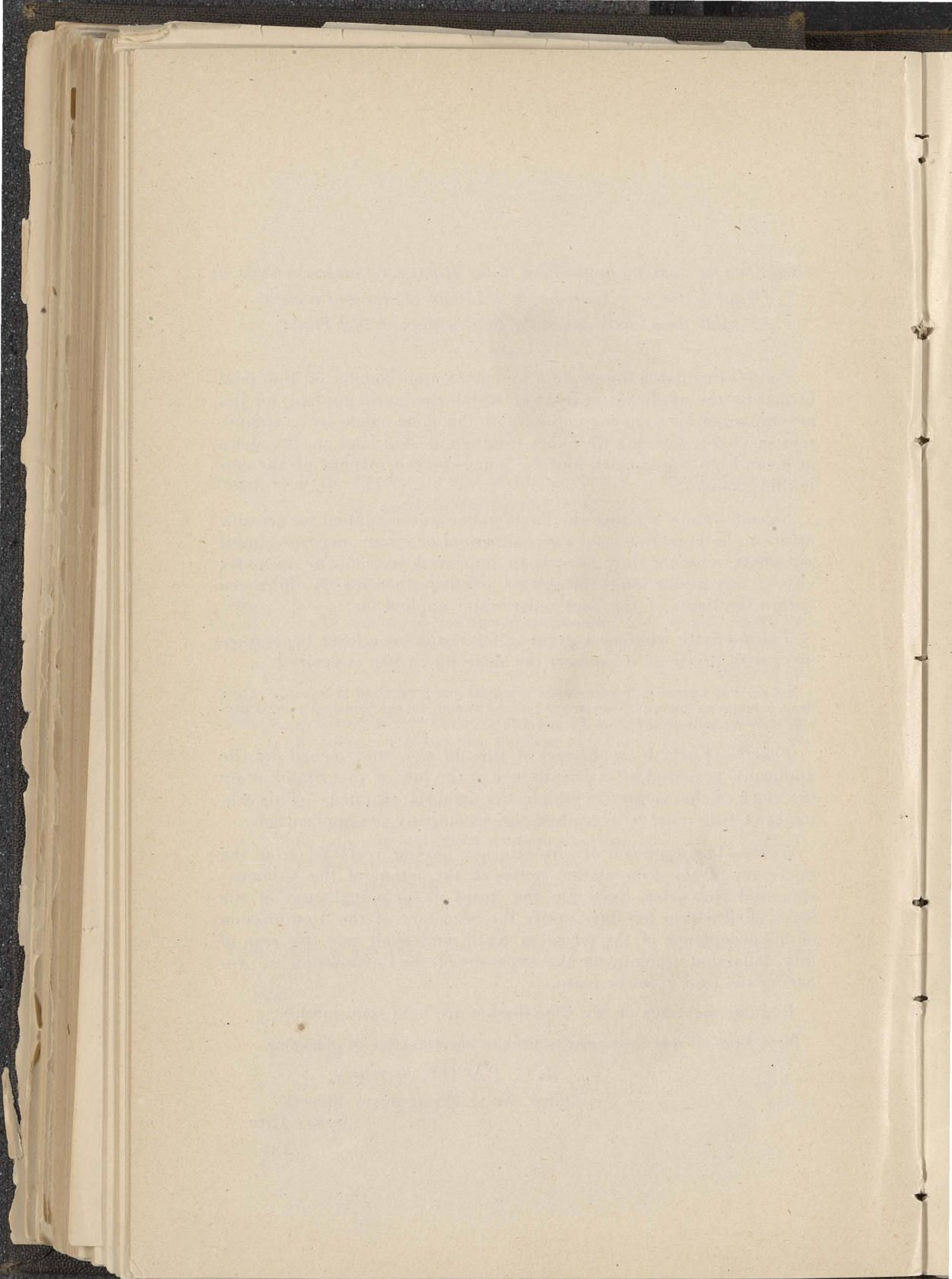
Fourth—Furnish an abstract of title to the land owned by the applicant, prepared by a practitioner of the law of this State, or by the clerk of the county in which the land is situated. This abstract of title must be furnished and accompany the application.

Fifth—The applicant or his attorney having received from the Secretary of the Commission notice of the action of the Commission and the price fixed for the grant or principal sum of the lease, shall within ten days notify the Secretary of the Commission of his acceptance of the terms so fixed, and shall pay the sum of fifty dollars on account, for the expenses of the Commission in preparing the said grant or lease.

Regular meetings of the Commission are held semi-monthly.

Blank forms for applications may be obtained from this office by addressing

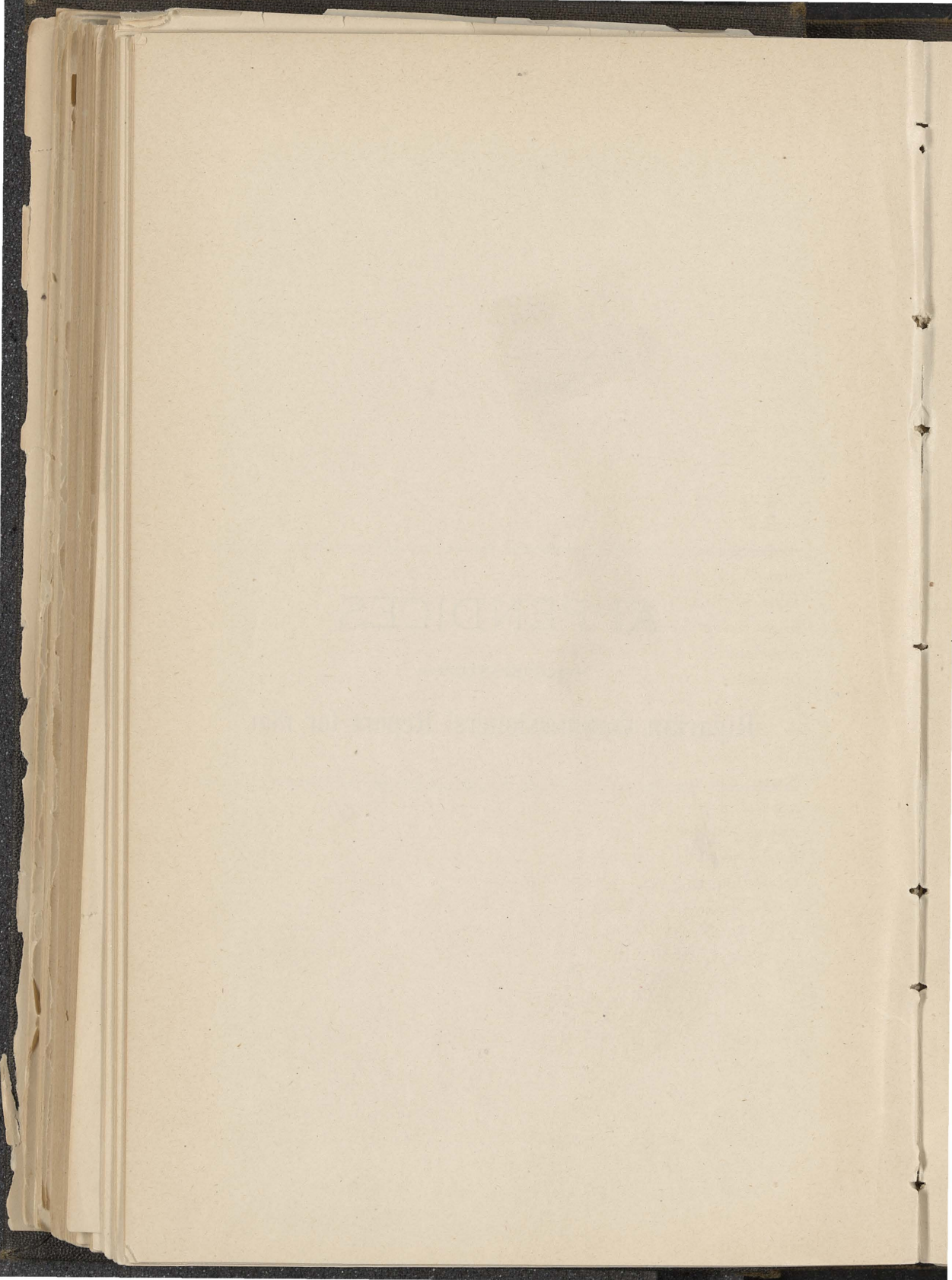
R. C. BACOT, *Secretary*,
Office, No. 1 Montgomery Street,
Jersey City.



APPENDICES

—ACCOMPANYING—

Riparian Commissioners' Report for 1891.



APPENDIX A.

Legislative Acts Passed at the Session of 1891, Relating to Riparian Rights.

CHAPTER V.

A further supplement to an act entitled "An act to ascertain the rights of the State and of the Riparian owners in the lands lying under the waters of the Bay of New York and elsewhere in the State," approved April 11th A. D. 1864. Whereas, there are Islands situate in the tidal waters of this State, the lands below mean high water adjoining to which are the property of this State and are capable of being used for the erection and construction thereon of docks, wharves, piers, warehouses, and other structures, which use will greatly promote foreign and inland commerce; and whereas, there are reefs and shoals in the tidal waters of this State, awash or submerged at mean high water, which are the property of this State, which reefs and shoals and the lands below mean high water adjoining thereto, which are also the property of the State, are also capable of being used as aforesaid, and foreign and inland commerce will be greatly promoted thereby; and whereas, it is just and wise that the State should so legislate as to permit its said lands to be used as aforesaid.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the Riparian Commissioners, or a majority of them concurring, with the approval of the Governor, and after consultation with the Board of Engineers acting under the authority of the Secretary of War, and known as the Harbor Commission, shall, from time to time fix and establish around or in front of all islands, reefs and shoals situate in the tidal waters of this State, exterior lines in said waters, beyond which no pier, wharf, bulkhead, erection or permanent obstruction of any kind shall be made or main-

tained, and also interior lines for solid filling in said waters beyond which no permanent obstruction shall be made or maintained other than wharves and piers and erections thereon for commercial uses; provided, however, that no exterior line around or in front of any such island, reef or shoal shall be fixed and established in front of any riparian grant which has been heretofore made, unless such exterior line shall be fixed and established after consultation with the said Board of Engineers at such distance as will, in the judgment of said Commissioners, leave a sufficient water way in front of said grants for navigation, and when the Riparian Commissioners shall have so fixed and established said lines after consultation aforesaid, they shall file a survey and map thereof in the office of the Secretary of State, showing the lines for piers and lines for solid filling so fixed and established.

2. *And be it enacted*, That the said Riparian Commissioners or, a majority of them, together with the Governor, may sell or let to any applicant therefor any of the lands under water and below mean high water mark, embraced within the lines so fixed and established, upon such terms as to purchase money or rental, and under such conditions and restrictions as to time and manner of payment, the duration and renewal of any lease, the occupation and use of the land sold or leased, and such other conditions and restrictions as the interest of the State may require, and as may be fixed and determined by the said Riparian Commissioners, or a majority of them, together with the Governor.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 10, 1891.

CHAPTER CXXIII.

A further supplement to an act entitled "An act to ascertain the rights of the State and of the riparian owners in the lands lying under the waters of the Bay of New York and elsewhere in the State," approved April eleventh, one thousand eight hundred and sixty-four.

1. *Be it enacted by the Senate and General Assembly of the State*

of New Jersey, That no person or corporation shall dig, dredge or remove any deposits of sand or other material from the lands of the State lying under tidal waters without a license so to do first obtained as provided in the second section of this act, and any person or corporation who shall so unlawfully dig, dredge or remove any deposit of sand or other material as aforesaid shall forfeit and pay for each and every such offence the sum of one hundred dollars, to be prosecuted for and recovered by an action on contract by any person or persons in any court of competent jurisdiction with costs of suit, the one-half the amount so recovered to be for the use of the State, and the other half to the use of the person or persons who shall sue for and prosecute the same to effect; provided, however, that nothing in this section contained shall prevent the owner of any grant or lease from the State, or the assignee or lessee thereof, from digging, dredging, removing and taking sand and other material within the lines of, or in front of, such grant or lease, for the purpose of improving lands granted or leased to them or their grantors or lessors, by the State, nor prevent such owner, assignee or lessee from digging or dredging a channel or channels to the main channels, and removing and taking the material therefrom.

2. *And be it enacted*, That the Riparian Commissioners or a majority of them therein concurring with the approval of the Governor, may, under such terms and restrictions as to duration, compensation to be paid, and such other conditions and restrictions as the interests of the State may require, license by an instrument in writing, executed in the same manner as grants of land under water are required to be executed, any person, persons or corporations to dig, dredge or remove any deposits of sand or other material from the lands of the State under tidal waters; and the moneys received from any such licenses as aforesaid shall be paid to the Treasurer of the State for State purposes.

3. *And be it enacted*, That the Riparian Commissioners, with the approval of the Governor, may lease or grant the lands of the State below mean high water mark and immediately adjoining the shore, to any applicant or applicants therefor other than the riparian or shore owner or owners, provided the riparian or shore owner or owners shall have received six months' previous notice of the inten-

tion to take said lease or grant such notice given by the applicant or applicants therefor, and the riparian or shore owner or owners shall have failed or neglected within said period of six months to apply for and complete such lease or grant; the notice herein required shall be in writing and shall describe the lands for which such lease or grant is desired, and it shall be served upon the riparian or shore owner or owners personally; and in the case of a minor it shall be served upon the guardian; in case of a corporation, upon any officer performing the duties of President, Secretary, Treasurer or Director, and in the case of a non-resident owner the notice may be by publication for four week successively, at least once a week, in a newspaper or newspapers published in the county or counties wherein the lands are situate, and in case of such publication a copy of such notice shall be mailed to such non-resident owner (or in case such non-resident owner be a corporation, then to the President of such corporation, directed to him at his post office address, if the same can be ascertained, with the postage prepaid); but nothing in the provisions of this act contained shall be construed as repealing, altering, abridging, or in any manner limiting the provisions and power conferred upon the Riparian Commissioners and Governor by the act entitled "A further supplement to an act entitled 'an act to ascertain the rights of the State and of the riparian owners in the lands lying under the waters of the Bay of New York and elsewhere in the State,'" approved April eleventh, one thousand eight hundred and sixty-four, which supplement was approved February tenth, one thousand eight hundred and ninety-one.

4. *And be it enacted*, That the Riparian Commissioners, or a majority of them, together with the Governor, shall not hereafter be required to give leases for lands of the State under water, convertible into grants upon payment of the principal sum mentioned therein, but may sell or let any of the lands of the State below mean high water mark, upon such terms as to purchase money or rental, and under such conditions and restrictions as to time and manner of payment, the duration and revival of any lease, the occupation and use of the land sold or leased, and such other conditions and restrictions as the interest of the State may require, as may be fixed and determined by said Riparian Commissioners, or a majority of them, together with the Governor.

5. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed and that this act shall take effect immediately.

Approved March 20, 1891.

CHAPTER CXXIV.

An Act to amend an act entitled "Supplement to an act entitled 'An act to ascertain the rights of the State and of riparian owners in the lands lying under the water of the bay of New York and elsewhere in this State,'" approved April eleventh, one thousand eight hundred and sixty-four, which was approved March thirty-first, one thousand eight hundred and sixty-nine.

1. *Be it enacted*, That the act entitled "An act to authorize the owners of lands upon tide waters to build wharves in front of the same," approved March eighteenth, one thousand eight hundred and fifty-one, be and the same is hereby repealed as to the tide waters of this State below the line of mean high tide; but said repeal shall not be construed to restore any supposed rights, usage or local common law, founded upon the tacit consent of the State or otherwise to fill in any land under water below mean high tide; and without the grant or permission of said Commissioners no person or corporation shall fill in, build upon or make any erection on or reclaim any of the lands under the tide waters of this State; and in case any person or corporation so offending shall be guilty of purpresture, which shall be abated at the cost and expense of such person or corporation on application of the Attorney General, under decree of the Court of Chancery or by indictment in the county in which the same may be, or opposite to or adjoining which said purpresture may be; provided, however, that neither this section nor any provision in this act contained shall in any wise repeal or impair any grant of land under water, or right to reclaim made directly by legislative act, or grant or license, power or authority, so made or given, to purchase, fill up, occupy, possess and enjoy lands covered with water fronting and adjoining lands owned or authorized to be owned by the corporation, or grantee or licensee in the legislative act mentioned, its, his or their representatives, grantee or assigns, or to repeal or impair any grant or license,

power or authority to erect or build docks, wharves and piers opposite and adjoining lands owned, or authorized to be owned by the corporation, or grantee or licensee in the legislative act mentioned, its, his or their representatives, grantees or assigns heretofore made, or which may be made or granted at the time this act goes into effect, or given directly by legislative acts, whether said acts are or are not repealable, and as to any revocable license given by the Board of Chosen Freeholders of a county before this act goes into effect to build docks, wharves or piers, or to fill in or reclaim any lands under water in this State, the same shall be irrevocable so far as the land under water has been or shall be lawfully reclaimed or built upon under any such license issued prior to July first, eighteen hundred and ninety-one, provided such reclamation or building under such license shall be completed prior to January first, eighteen hundred and ninety-two; but as to the future such revocable license, if the said lands covered by the license have not been wholly or in part lawfully reclaimed or built upon, is hereby revoked, and no occupation or reclamation of land under water without such legislative act or revocable license shall divest the title of the State, or confer any rights upon the party who has reclaimed or who is in possession of the same.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect on the first day of July next.

Approved March 20, 1891.

CHAPTER CLXX.

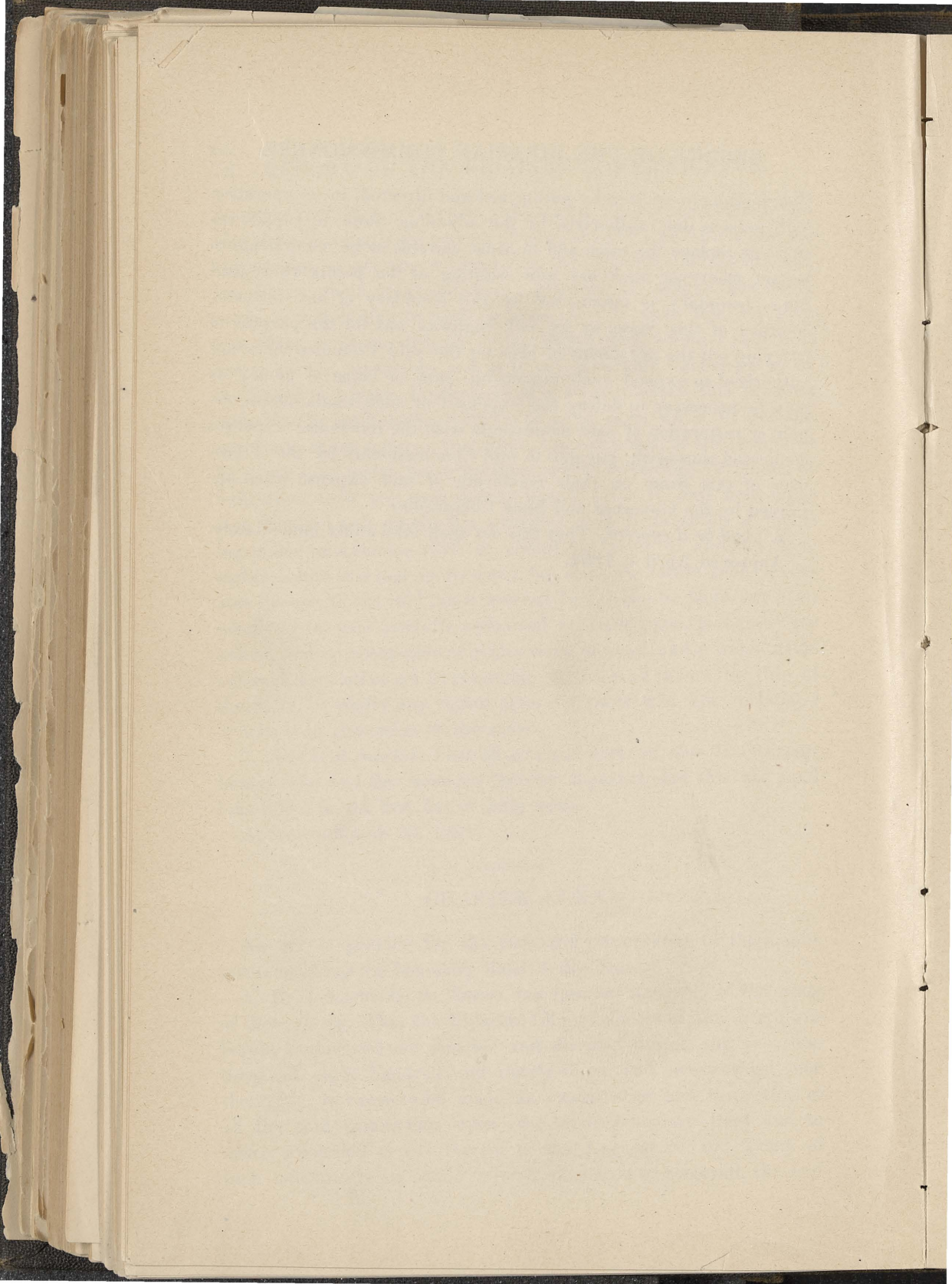
An act to provide for the care and preservation of the monuments marking the boundary lines of this State.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the Riparian Commissioners of this State are hereby authorized and directed and directed during the year one thousand eight hundred and ninety-three, and every third year thereafter, to cause to be made an examination and inspection of all the said monuments upon the State boundary lines and to make a detailed report thereof to the Legislature, and if any of such monuments be found injured, displaced or removed, the said

Commissioners are hereby authorized and directed, in co operation with persons duly authorized by the adjoining State, to repair, restore or replace the same and to cause suitable stone monuments to be set wherever such are now wanting at the points where said State boundary is intersected by the boundary of any towns or counties of this State, or by any highway, and for the purpose of carrying out the provisions of this act the said Commissioners are authorized to expend such reasonable sum or sums of money as may be necessary to defray the expenses of such examination, repair or restoration of said monuments with the incidental expenses connected therewith, payable to said Commissioners by the Treasurer of this State on their certificate of said expense when approved by the Governor and State Comptroller.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1891.



APPENDIX B.

Description of Monuments for Ascertaining the Boundary Line between the States of New Jersey and New York in the Bay of New York and the Hudson River, established Dec. 23, 1889.

DESCRIPTION OF MONUMENTS

For ascertaining the boundary line between the States of New Jersey and New York in the Bay of New York and the Hudson River.

(Continued from Report of Joint Commission on boundary line between New Jersey and New York, published 1890). See maps accompanying that report.

Station J'.

Ranges from Bayonne Church Spire, southeast to an assumed point "a", east of Bay Ridge, and from Fort Columbus flag staff to an assumed point "b" on Staten Island.

STATION.	LATITUDE.	SECONDS IN METERS.	LONGITUDE.	SECONDS IN METERS.
J'-----	40°, 39', 04.94".	152.38	74°, 03', 22.25".	522.65
Bayonne Church ----	40°, 40', 24.74".	763.1	74°, 06', 50.92".	1195.9
"a"-----	40°, 33', 10.77".	332.49	74°, 01', 00.00".	0.
Ft. Columbus F. S. --	40°, 41', 30.47".	939.9	74°, 01', 00.60".	14.1
"b"-----	40°, 37', 32.91".	0.	74°, 05', 23.76".	558.6
Atlantic Brewery } Cupola ----- }	40°, 37', 32.91".	1015.1	74°, 04', 48.79".	1146.6
Atlantic Brewery } S. W. Chimney --- }	40°, 37', 33.62".	1087.0	74°, 04', 49.26".	1157.6

Description of Range Points for J'.

BAYONNE CHURCH.

This is the First Reformed Dutch Church located at the north-

west corner of Avenue C and 33d street. The frame steeple is the point. See diagram "A."

The steeple is 13.2 meters from the curb line of 33d street and 14.0 meters from the curb line of Avenue C.

BAY RIDGE (Point "a.")

A station was established here and the range line was found to strike as—See diagram "B."

Measurements in this and all sketches in meters.

FORT COLUMBUS FLAGSTAFF.

The tall white flagstaff is now standing in the position shown by the record its location having been fully verified by a new triangulation.

ATLANTIC BREWERY (Range to "b.")

The range Fort Columbus Flagstaff to "b," passes 56.5 meters to the right of Atlantic Brewery Cupola and 34.6 to right of the southwest chimney corner Boyd and Court streets, Stapleton. See diagram "C."

Station K'. or aa.

Ranges from Statue of Liberty to an assumed point "c" in New York City and from an assumed point "d" at Communipaw to Trinity Church spire in Brooklyn.

STATION.	LATITUDE.	SECONDS IN METERS.	LONGITUDE.	SECONDS IN METERS.
K' or aa -----	40°, 42', 00"	0.	74°, 01', 36.50"	858.0.
Statue of Liberty---	40°, 41', 25.05"	649.2.	74°, 02', 41.78"	981.1.
"c" -----	40°, 42', 57.7"	1779.8.	74°, 00', 00"	0.
"d" -----	40°, 42', 23.34"	720.0.	74°, 04', 00"	0.
Trinity Ch. Brooklyn	40°, 41', 40.26"	1241.9.	73°, 59', 34.36"	806.7.
Communipaw Ch'y--	40°, 42', 19.44"	599.6.	74°, 03', 34.93"	820.
Trinity Ch., N. Y.	40°, 42', 28.41"	876.3.	74°, 00', 44.15"	1036.4.

The range from Statue of Liberty torch to "c" passes 710 meters to the left of the spire of Trinity Church, New York city, and if we stand at the Statue of Liberty and turn off an angle of 1°,

10', 56" to the left from Trinity spire we have the range through K or "au." Statue of Liberty torch and Trinity Church spire are too well known to need further description.

RANGE MARKS AT "d."

The south chimney of the house shown in the sketch, at Communipaw, was carefully determined by triangulation and its position has already been recorded. Measurements from this point showed the range from "d," to Trinity Church, Brooklyn, falling as shown in the sketch. See diagram "D."

The perpendicular from Communipaw chimney to range measures 4.75 meters.

BROOKLYN TRINITY CHURCH.

This is a substantial stone building at the northwest corner of Montague and Clinton streets, Brooklyn.

Station B. B.

Ranges from Battery flagstaff to Erie, a hydrographic point on the Wells, Fargo Express pier at the north side of Pavonia ferry slip, Jersey City and from St. John's Church, New York to Court House, Jersey City.

STATION.	LATITUDE.	SECONDS IN METERS.	LONGITUDE.	SECONDS IN METERS.
Battery Flagstaff	40°, 42', 05.38"	165.9.	74°, 00', 52.85"	1240.8
Cupola on Wells, Fargo Ex. Build- ing	40°, 43', 36.04"	1111.6.	74°, 01', 42.31"	993.0
St. John's Church	40°, 43', 16.05"	495.1.	74°, 00', 24.41"	572.9
Colgate & Co's Ch'my	40°, 42', 55.22"	1703.3.	74°, 02', 08.54"	200.4
Barge Office Tower	40°, 42', 04.36"	134.5.	74°, 00', 51.87"	1217.7

BATTERY FLAGSTAFF.

This flagstaff still stands in Battery Park 31.4 meters north and 23.1 meters west of the tall tower of the new stone barge office. A perpendicular from the barge office tower to the range to B. B. measures 8 52 meters. The location of Battery flagstaff was identified by a new triangulation.

RANGE AT ERIE.

The only object to which this range could be referred was the cupola on the Wells, Fargo Express pier at the north side of Pavonia Ferry slips. The range line from Battery flagstaff through BB passes 60.21 meters to the left or west of this cupola. Standing at Battery flagstaff turn off $0.56' 49.5''$ to the left from this cupola and you will have the range through B. B.

ST. JOHN'S CHURCH.

This church stands on the east side of Varick street, between Laight and Beach streets, New York city. The church and lower part of the tower are of brown stone and the upper tower of wood. The tower is 70.8 meters from the south line of Laight street 71.4 meters from the north line of Beach street and 16.2 meters from the east line of Varick street.

COURT HOUSE.

The Court House having been removed from the old location to a point on Bergen Hill the range here was referred to the tall brick chimney of the Colgate Soap Company, standing in the centre of the block between York, Grand, Greene and Hudson streets, Jersey City. Standing at St. John's church tower if we turn off $1^{\circ} 12' 32''$ to the right, or north, we will have the range through BB. The range passes 53.32 meters to the right, or north of the chimney.

Station C. C.

The ranges for this point are from the geodetic station observatory in Weehawken, to Zion Church in New York city; and from geodetic station, Highwood 2, in Weehawken, to point marked Prison in New York city.

STATION.	LATITUDE.	SECONDS IN METERS	LONGITUDE.	SECONDS IN METERS.
Observatory -----	$40^{\circ}, 45', 39.21''$.	1209.5.	$74^{\circ}, 01', 47.11''$.	1105.0.
Zion Church -----	$40^{\circ}, 45', 00.45''$.	13.9.	$73^{\circ}, 58', 53.11''$.	1246.0.
Highwood 2 -----	$40^{\circ}, 46', 12.70''$.	391.7.	$74^{\circ}, 01', 02.06''$.	48.3.
Prison -----	$40^{\circ}, 44', 00.73''$.	22.5.	$74^{\circ}, 00', 33.50''$.	786.1.
Beadleston & } Woerz's Chimney. }	$40^{\circ}, 44', 00.83''$.	25.6.	$74^{\circ}, 00', 34.66''$.	813.3.
C. C. -----	$40^{\circ}, 45', 26.82''$.	827.3.	$74^{\circ}, 00', 52.00''$.	1219.66.

OBSERVATORY.

No description of this point was procurable, so it was identified by triangulation. A great frame tower still stands here, but it is rapidly going to decay. The position of the center of the tower was secured by measurement to two substantial square stone property monuments, as shown in the sketch below. It is on the brow of the hill, at the southerly extremity of Weehawken. See diagram "E."

RANGE AT STATE PRISON.

The old State Prison having been demolished and Beadleston & Woerz's Brewery erected on the site, the range here was referred to the tall brick chimney of the brewery. The brewery is on the north side of West 10th street, between West and Washington streets, and the chimney is just in the rear of the office. The range from Highwood 2 passes 46.8 meters to the left, or eastward of this chimney. Stand at Highwood 2, and turn off $0^{\circ} 39' 04''$ to the left from the chimney for the range.

HIGHWOOD 2.

This is a station of the U. S. Coast and Geodetic Survey. It is on the brow of the Palisades in Weehawken, just southwest of the West Shore Railroad depot. It is in a miniature redoubt on property formerly belonging to James G. King. A hole is drilled in the bed rock and filled with lead. Over this a solid pier of bricks and cement, about 21 inches square, is built. A hemispherical piece of lead flush with top of pier has a cross cut into it to mark the centre of the station which coincides with the centre of the pier. A capstone of marble 2 feet square and 6 inches thick with a bolt of lead to mark its centre, and the letters U. S. C. S. cut on its surface completes the monument. The whole is surmounted with a bronzed vase of iron. See diagram "F."

ZION CHURCH.

This is a substantial stone building standing at the northwest corner of Madison avenue and 38th street, New York City. The spire is 24 meters from Madison avenue curb line and 8.2 meters from the curb line of 38th street.

Station D. D.

The ranges for this station are from Van Wort's house at Edgewater to High Bridge topographic station and from Daly to Sacred Heart. Standing at Van Wort's house and turning off an angle of $28^{\circ} .09' 48''$ to the left from Annunciation Church, we have the range through D. D. Annunciation Church has a slated spire standing 13 meters west of the westerly line of Broadway and 15 meters north of the northerly line of 131st street in New York City.

Daly could not be found and as the outlook from it would be much obscured by trees which could scarcely be cut without the payment of damages it was decided to refer the point to a second range from Flat Rock, a fine commanding station of which a description will be found under Station E. E. If we stand at Flat Rock and turn off $7^{\circ} 15' 18''$ to the right from Annunciation Church spire it will give the range through D. D.

STATION.	LATITUDE.	SECONDS IN METERS.	LONGITUDE.	SECONDS IN METERS.
Van Wort's House---	$40^{\circ} 48' 53.44''$.	1648.5.	$73^{\circ} 59' 11.51''$.	269.8.
Daly -----	$40^{\circ} 49' 56.95''$.	1756.7.	$73^{\circ} 58' 27.75''$.	650.2.
Annunciation Ch.---	$40^{\circ} 49' 02.46''$.	73.9.	$73^{\circ} 57' 22.79''$.	534.1.
Flat Rock-----	$40^{\circ} 50' 41.41''$.	1277.4.	$73^{\circ} 58' 09.66''$.	226.3.
D. D. -----	$40^{\circ} 49' 35.55''$.	1096.6.	$73^{\circ} 57' 50.38''$.	1180.6.

Station E. E.

The ranges given are Flat Rock to Hudson River R. R. 1, and Fort Lee Point to the hydrographic point High Bridge.

FLAT ROCK.

This is a well known rock on the brow of the hill above the village of Fort Lee. The position of the station will be readily identified by the sketch. It is in the crevice of the rock. See diagram G.

Standing at Flat Rock Station we turn off $96^{\circ} 58' 49''$ to the left from Annunciation Church Spire for the range through E. E. and the point E. E. is distant 1,520.9 meters from Flat Rock. Neither Fort Lee Point nor Hudson River R. R. 1, were located.

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STATION.	LATITUDE.	SECONDS IN METERS.	LONGITUDE.	SECONDS IN METERS.
Flat Rock.....	40° 50', 41.41".	1277.4.	73° 58', 09.66".	226.3.
Annunciation Ch....	40° 49', 02.46".	75.9.	73° 57', 22.79".	534.1.
Hudson River R. R. 1	40° 51', 21.30".	657.0.	73° 56', 27.22".	637.6.
Fort Lee Point.....	40° 51', 13.28".	409.7.	73° 57', 34.53".	808.8.
E. E.....	40° 51', 03.62".	111.7.	73° 57', 11.69".	273.8.

Station F. F.

The ranges given are Spuyten Duyvil to Westerfield, and Delafield Flag to hydrographic point Wag. As none of these points can be found, other points as near them as possible have been located and the ranges referred to them.

STATION.	LATITUDE.	SECONDS IN METERS.	LONGITUDE.	SECONDS IN METERS.
Spuyten Duyvil.....	40° 52', 35.57".	1097.3.	73° 55', 41.33".	967.8.
Westerfield.....	40° 54', 29.85".	920.8.	73° 56', 00 19".	4.4.
Spuyten D. Range....	40° 52', 36.27".	1118.7.	73° 55', 39.33".	921.1.
Delafield Range.....	40° 53', 42.33".	1305.7.	73° 55', 04.37".	102.3.
F. F.....	40° 53', 19.05".	587.6.	73° 55', 48.77".	1141.7.

The new points are designated ranges, and the range lines are from Spuyten Duyvil range to range marks on the shore below Westerfield, and from Delafield range to range marks on the shore below Wag.

SPUYTEN DUYVIL RANGE.

(See diagram "H.")

RANGE FOR WESTFIELD.

(See diagram "I.")

DELAFIELD RANGE.

(See diagram "J.")

RANGE FOR WAG.

(See diagram "K.")

Station G. G.

The ranges given are from Upper Closter to Forrest and from

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Lower Closter to flag on wharf below bedstead factory. These points were all re-established by triangulation and the ends of the range lines distinctly marked as below.

STATION.	LATITUDE.	SECONDS IN METERS.	LONGITUDE.	SECONDS IN METERS.
Upper Closter-----	40° 56', 50.01".	1542.6.	73° 55', 06.90".	161.5.
Forest-----	40° 54', 48.27".	1488.9.	73° 54', 43.19".	1018.8.
Lower Closter-----	40° 55', 37.43".	1154.6.	73° 55', 30.69".	718.0.
Flag on Wharf be- low Bedstead } Factory-----)	40° 55', 42.92".	1324.0.	73° 54', 19.59".	458.3.
G. G.-----	40° 55', 40.3".	1243.1.	73° 54', 52.82".	1235.6.

RANGE MARKS AT UPPER CLOSTER.

(See diagram "L.")

RANGE MARKS AT FOREST.

(See diagram "M.")

RANGE MARKS AT LOWER CLOSTER.

(See diagram "N.")

RANGE MARKS AT FLAG BELOW BEDSTEAD FACTORY.

(See diagram "O.")

Station H. H.

The range marks given are Yonkers yellow spire to Sukeby's Observatory, and Lower Yonkers to tall white chimney above Upper Closter.

STATION.	LATITUDE.	SECONDS IN METERS	LONGITUDE.	SECONDS IN METERS.
Yonkers Yellow Spire	40° 56', 22.20".	684.8.	73° 53', 45.58".	1066.2.
Sukebys' Observatory	40° 57', 23.21".	716.1.	73° 55', 38.37".	883.6.
Lower Yonkers-----	40° 56', 04.60".	141.9.	73° 54', 15.72".	367.8.
Tall White Chimney-	40° 58', 01.96".	60.5.	73° 55', 03.93".	91.9.
H. H.-----	40° 56', 48.22".	1487.5.	73° 54', 32.35".	780.1.
Second Flag-----	40° 57', 34.22".	1058.6.	73° 54', 52.57 .	1229.6.

YONKERS YELLOW SPIRE.

This is the spire of the Westminster Church, a stone structure with brick tower. The roof of the tower or spire is now red.

RANGE MARKS FOR SUKEBY'S OBSERVATORY.
(See diagram "P.")

LOWER YONKERS RANGE MARKS:
(See diagram "Q.")

RANGE MARKS FOR TALL WHITE CHIMNEY ABOVE UPPER CLOSTER.
(See diagram "R.")

Station I. I.

The ranges given are from Rockwell to Bauman's Pier and from Hastings to North Quarry. These stations were all re-determined in position.

STATION.	LATITUDE.	SECONDS IN METERS.	LONGITUDE.	SECONDS IN METERS.
Rockwell-----	40°, 59', 36.87".	1137.4.	73°, 54', 11.11".	259.7.
Bauman's Pier-- --	40°, 58', 15.48".	477.4.	73°, 53', 26.42".	617.6.
Hastings-----	40°, 59', 32.50".	1002.7.	73°, 53', 10.19".	238.2.
North Quarry-----	40°, 58', 04.59".	141.7.	73°, 54', 37.25".	871.1.
I. I.-----	40°, 58', 54.39".	1677.8.	73°, 53', 47.63".	1118.6.
Hastings Pavement } Chimney----- }	40°, 59', 37.26".	1149.3.	73°, 53', 06.69".	156.3.
Riparian Monument	40°, 59', 36.88".	1137.5.	73°, 54', 11.09".	259.2.

ROCKWELL.

This station is on a small point on the west bank of the Hudson, 419 meters south of the Station Rock, on the New Jersey and New Jersey State line. A good prominent monument has been set close by, by the New Jersey Riparian Commission. It is rectangular and has across the top the letters R. C. N. J. 1872. Rockwell station is 0.5 meter west and 0.1 meter north of this stone. It may readily be found from this description and the range established.

BAUMEN'S PIER.
(See diagram "S.")

HASTINGS.

No opportunity offering to mark the range here it was referred to the Hastings Pavement Company's chimney, opposite the railroad station and between the railroad and the river. The range from North Quarry passes 22.3 meters to the right or southeast of this chimney.

NORTH QUARRY.
(See diagram "T.")

Station J. J. and Station Rock.

Some discrepancies existed in the recorded positions of Station Rock and a careful re-determination was made by measuring the azimuth and distance from Station Duer. The azimuth from Duer is $10^{\circ} 31'$ and the distance 94.6 meters. Station J. J. is due east of Station Rock and the line through J. J. was produced to the east side of the River and marked as in the sketch.

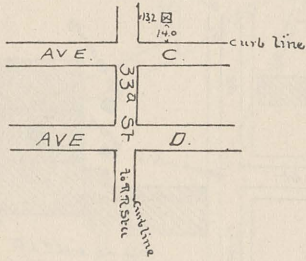
STATION.	LATITUDE.	SECONDS IN METERS.	LONGITUDE.	SECONDS IN METERS.
Station Rock-----	$40^{\circ} 59', 50.46''$.	1556.5.	$73^{\circ} 54', 11.13''$.	260.2.
J. J.-----	$40^{\circ} 59', 50.46''$.	1556.5.	$73^{\circ} 53', 38.57''$.	901.46,
Duer -----	$40^{\circ} 59', 53.47''$.	1649.5.	$73^{\circ} 54', 10.39''$.	242.9.
Hastings Cl'k Tower.	$40^{\circ} 59', 54.57''$.	1683.2.	$73^{\circ} 53', 01.23''$.	28.7.

STATION ROCK AND RANGE MARKS.
(See diagram "U.")

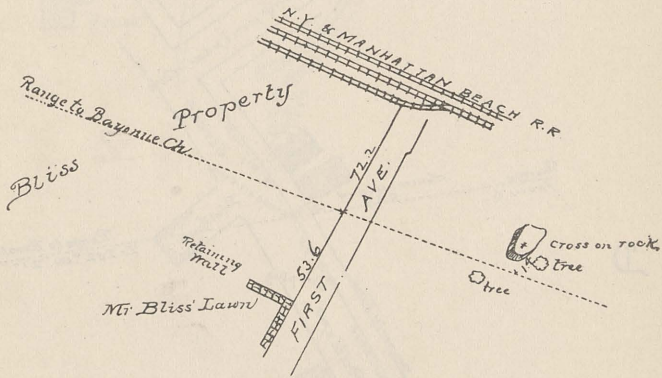
Station Rock is a large firmly bedded rock lying at the foot of the talus from the Palisades and at the west edge of a small swamp. It was determined to be in latitude 41° north probably by David Rittenhouse, in 1769, and the fact that he differs less than ten seconds from the present determination made on the latest and best data as to the shape and size of the earth speaks volumes for his faithfulness and ability for between the instruments in use and the data available then and now there is a wide discrepancy to our advantage. The rock is marked by a vertical line across its face and the inscription "New Jersey" on the south side of the line and "New York" on the north side. "Latitude 41 deg. north" is also inscribed. All of these marks are somewhat faint with age. A small square cavity has been recently chiseled at the top edge of the stone over the vertical line.

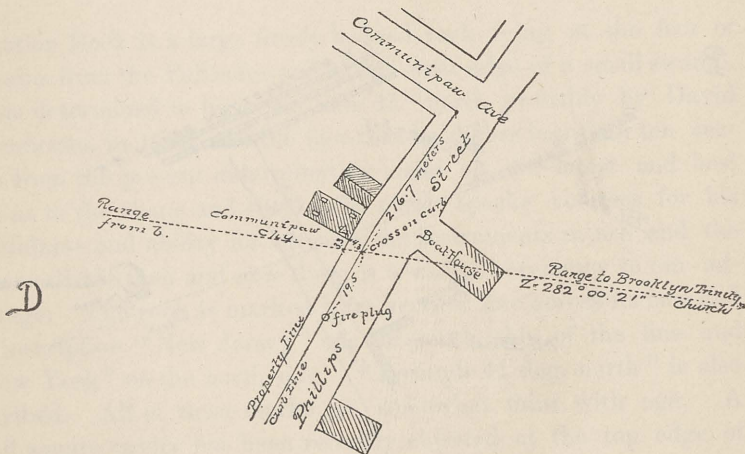
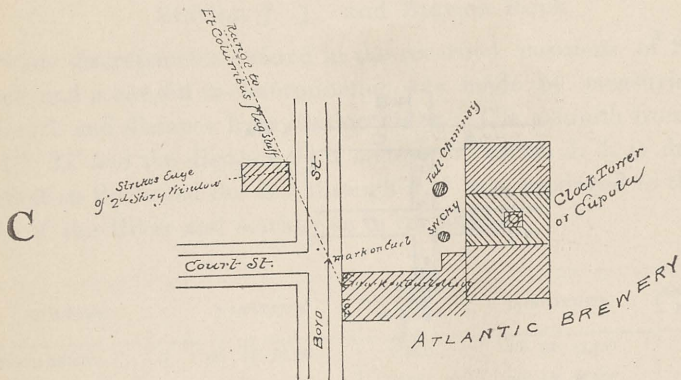
From report of C. C. Vermeule, Eng'r to Joint Commission, N. J. and N. Y., July 11th, 1890.

A

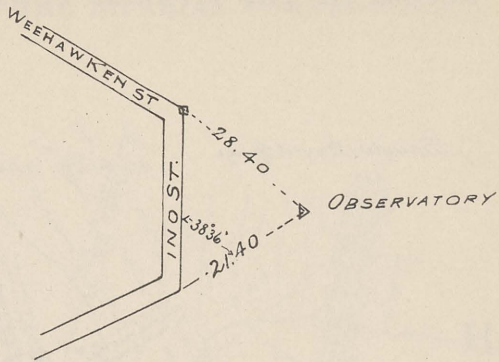


B

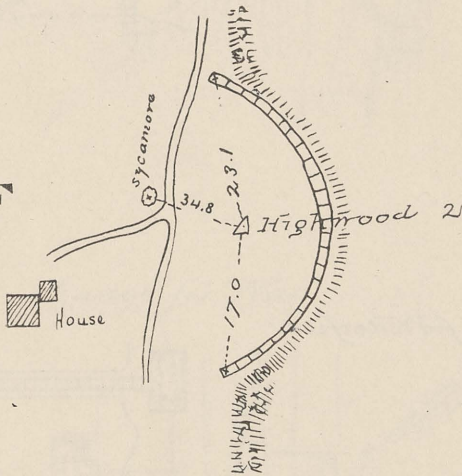




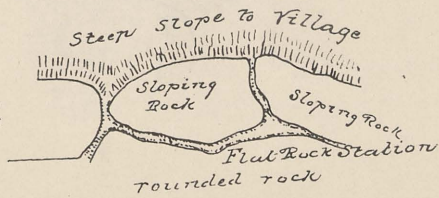
E

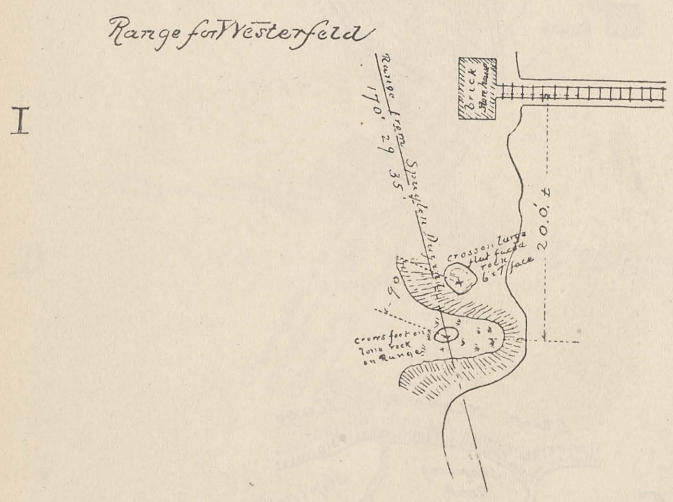
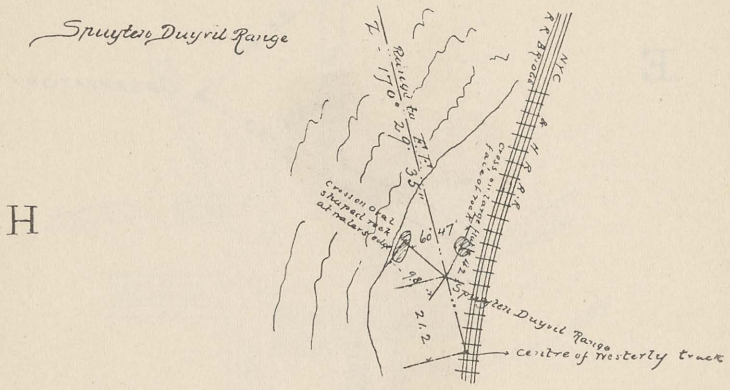


F



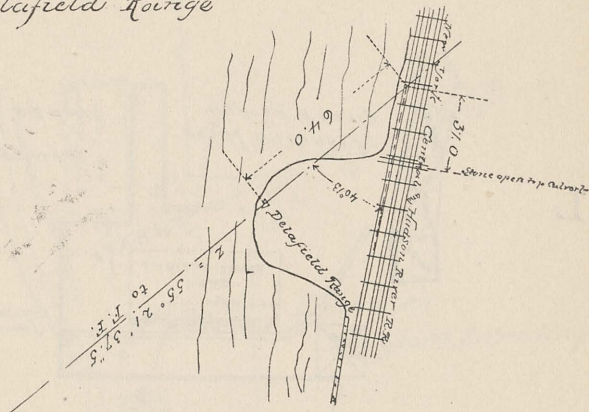
G





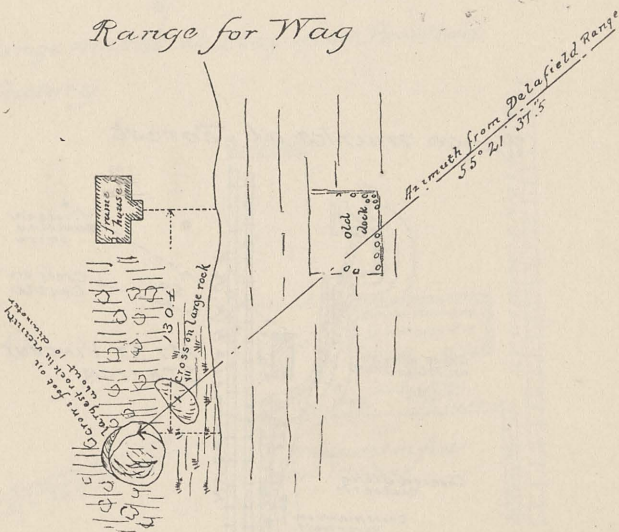
DeLafield Range

J

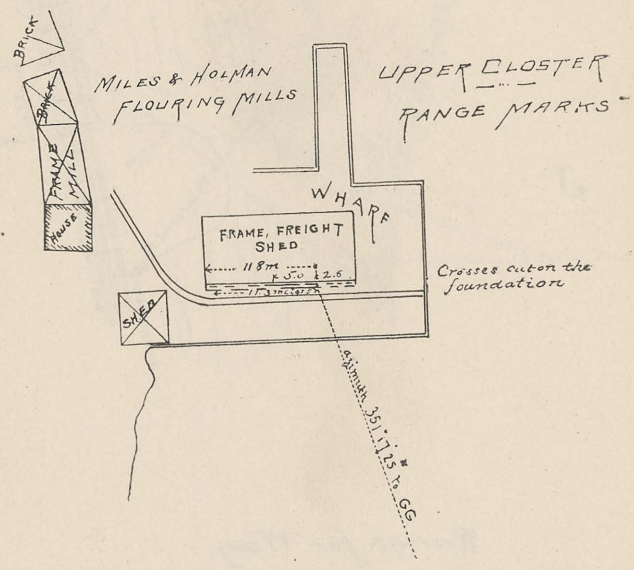


Range for Wag

K

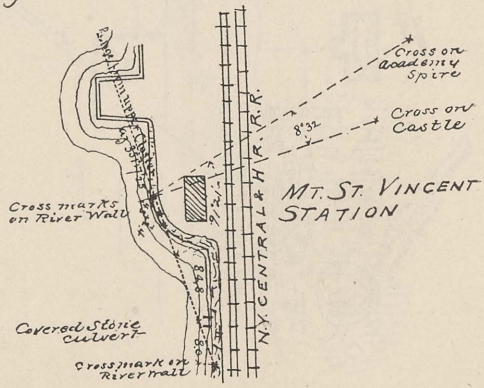


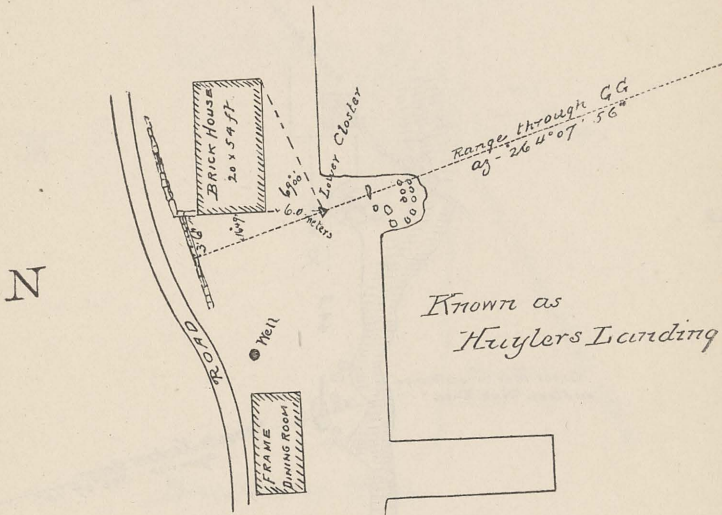
L



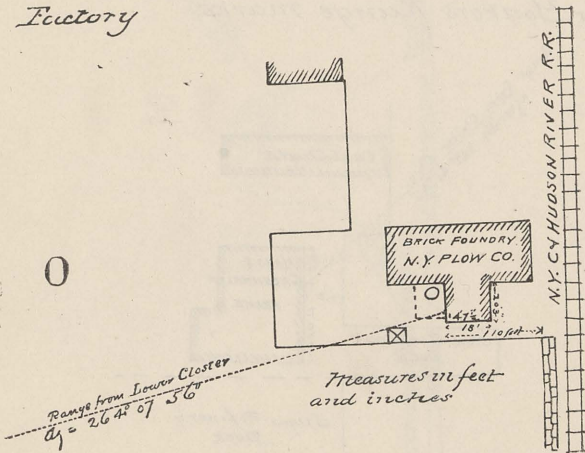
Range marks at Forest

M



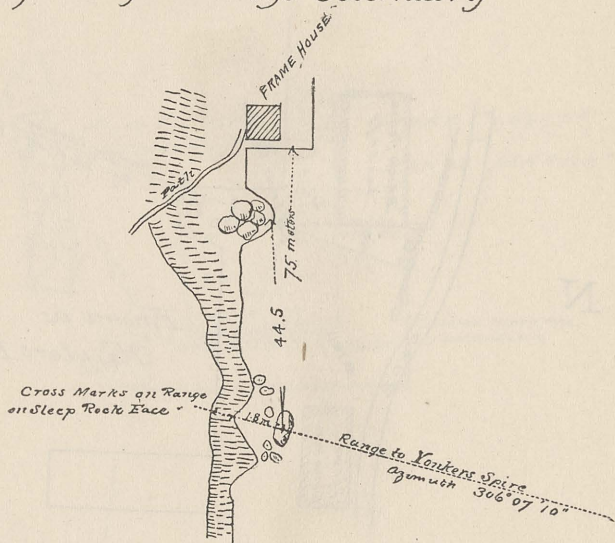


Range marks at Flag below Bedstead
Factory



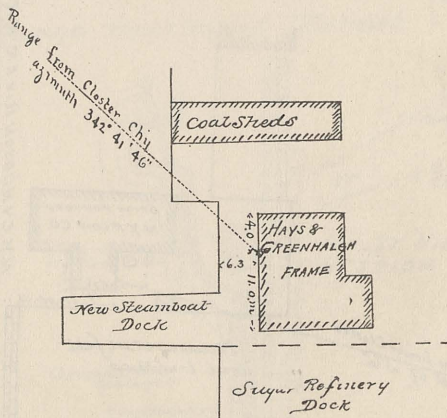
Range marks for Sutebys Observatory

P



Lower Yorkers Range marks

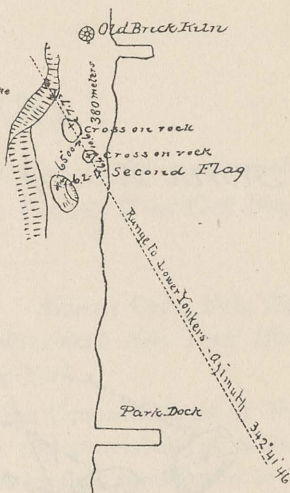
Q



*Range marks for Tall White Chimney above
Upper Closter*

R

Cross marks on steep
rock face one above the
other

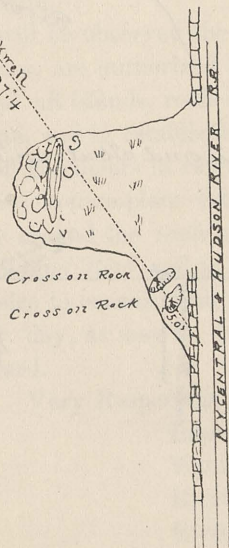


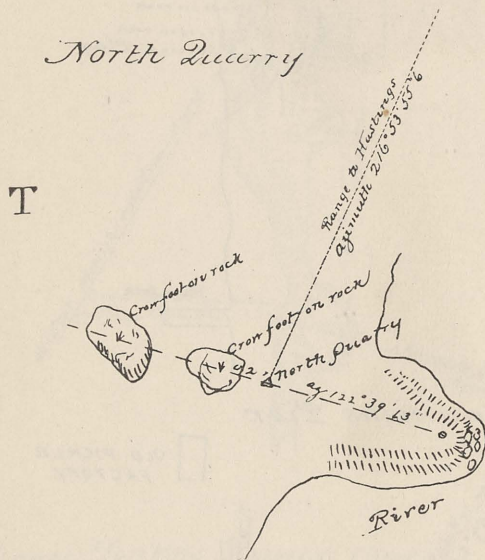
Baumens Pier

OLD PICKLE
FACTORY

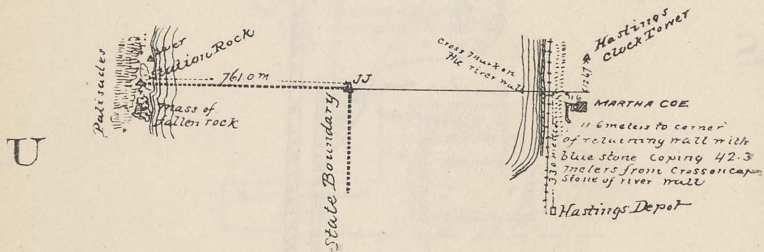
S

Range to Rockwell
157° 24' 0" 1/4





Station JJ and Station Rock



APPENDIX C.

Correspondence with the Harbor Line Board in reference to a Plan for the Improvement of the Jersey Flats in New York Bay.

JERSEY CITY, Feb. 26, 1891.

Gen. Henry L. Abbot, U. S. A., President New York Harbor Line Board, Army Building, New York.

SIR—The Governor and Riparian Commissioners of New Jersey desire to call your attention to the provisions of a law recently enacted in this State entitled "A further supplement to an act entitled 'An act to ascertain the rights of the State and of the riparian owners in the lands lying under the waters of the Bay of New York and elsewhere in the State, approved April 11, 1864,'" a copy of which is enclosed herewith.

Under this act it will be observed the Commissioners, with the approval of the Governor, are authorized to establish lines for solid filling and piers around all islands, reefs and shoals situated in the tidal waters of the State, and in establishing such lines to first consult with your Board of Engineers in reference thereto.

The State authorities contemplate establishing under this act lines in New York bay around the reefs and shoals lying between Bedloes Island and Robbins' Reef and in accordance with the directions of the act, desire to consult with your board with reference thereto, at such early day, as may be found convenient and to be designated by your board.

Very Respectfully.

LEON ABBETT, *Governor.*

WILLARD C. FISK,

RICHARD B. READING,

RICHARD N. HERRING,

Riparian Commissioners of New Jersey.

RIPARIAN COMMISSION,
STATE OF NEW JERSEY,
JERSEY CITY, N. J., June 12th, 1891. }

*To the Honorable Redfield Proctor, Secretary of War, Washington,
D. C. :*

SIR:—I am directed by the Riparian Commissioners of this State, having in charge its riparian interests, including the establishment of exterior lines for improvements in its tidal waters, to respectfully request that a hearing before you be allowed to the Governor and Riparian Commissioners of the State of New Jersey, upon the subject of a Report, which it is understood will be presented for your approval on, or about the 15th inst., by United States Engineers composing the "Harbor Line Board," in which report certain exterior lines for improvements in front of the cities of Jersey City and Bayonne, in lands under the tidal waters of this State, will be recommended by said Board. To this end the Governor and Riparian Commissioners of this State, respectfully ask that a time be appointed by you for said hearing.

Very respectfully your obedient servant,

R. C. BACOT,
Sec'y and Eng. R. C. N. J.

BOARD OF RIPARIAN COMMISSIONERS, }
STATE OF NEW JERSEY, }
JERSEY CITY, July 20th, 1891. }

Hon. Redfield Proctor, Secretary of War, Washington, D. C. :

SIR—The Riparian Commission of the State of New Jersey have read the report of the "Harbor Line Board" of June 9th, 1891, in the matter of pier and bulkhead lines in front of the New Jersey shore of New York bay, and feel it their duty to object to the recommendation made by the Board, and to request the Secretary of War to withhold his approval from the report, and to delay the establishment of the proposed lines for the New Jersey shores of New York bay, until the matter can be further investigated for the following reasons :

1st. The lines proposed will authorize the present shore of Jersey City to be extended by pier and bulkhead improvements out to

the westerly line of Ellis Island and nearly to the westerly line of Bedloes Island.

This is objectionable for the following reasons :

(a) It will prevent the construction of a ship channel along the westerly shores of those islands and the Jersey flats in the bay, which has always been regarded as essential to the proper development of the flats for commercial purposes.

(b) It will in addition substantially make Ellis Island a part of Jersey City and bring the hospital on that Island to be established by the United States Government within the territory of that city, thus virtually establishing a pest house within the city limits.

2nd. The proposed lines set back the line for solid filling established by the Riparian Commissioners of the State of New Jersey. This is strenuously objected to because:

(a) It will prevent the improvement by solid filling of some 545 acres of land under water. Of this area 120 acres belong to the State of New Jersey and 425 acres belong to grantees of the State.

The effect of such action therefore is to enormously depreciate the value of property both of the State and its individual and corporate grantees.

It virtually amounts to the taking by the United States Government of State and private property without due process of law and without compensation.

(b) The lands under water belonging to individuals and corporations which the bulkhead lines would prevent being filled up and reclaimed were acquired from the State by grants in which the State covenanted that the grantees should have the right to reclaim the land so granted by solid filling out to the line of 1883, so-called.

All of these grants with three exceptions were made long before the Act of Congress under which the Harbor Line Board is acting and the action of that Board if made effectual by the approval of the United States Government would prevent the State of New Jersey from fulfilling its covenants with its grantees. It would thus fall within the familiar rule forbidding laws impairing the obligation of contracts.

3d. The proposed lines will further injuriously affect the State of New Jersey in its property rights in the following manner :

The bulkhead or solid-filling line of 1865, established by the

Riparian Commissioners of this State was always considered as a temporary line, to remain only until the Commissioners could carefully determine the best lines for final adoption.

The lines of 1883, so called, established by said Commissioners, were intended to be final and permanent lines for bulkhead and pier improvements.

The lands of the State grantees were to be made accessible for commercial purposes, by a ship channel one thousand feet in width by twenty-five feet in depth, extending from the Hudson river, near the terminus of the Central Railroad of New Jersey, along the westerly sides of Ellis island, Bedloes island and Robbins' Reef Light to Constable Hook, at the entrance of Kill Von Kull sound.

Outside of the lines so established, and the ship channel, the State would still have a vast area of extremely valuable land under water, extending out to deep water and to the boundary line between the States of New Jersey and New York. The authorities of New Jersey consider that land as the most valuable possession of the State.

The proposed action of the National Government will render absolutely impossible the improvement of these lands, and entirely destroy the State's most valuable property.

To obviate the difficulties and disadvantages incident to the plan recommended by the Harbor Line Board, the Riparian Commissioners of this State submitted to that Board a plan which is referred to in the report.

This plan contemplates the construction of two artificial islands, each 4,850 feet in length, by 600 feet in depth, between Bedloes island and Robbins' Reef Light, a water way or passage between the islands, and openings of like width between Bedloes island and the northerly island, and between Robbins' Reef Light and the southerly island, afford convenient access to the lands of the shore owners to the west of the islands, that is, to the flats.

On the easterly and westerly sides of these artificial islands, piers each 800 feet in length extend out to deep water on the east, and to the ship channel on the west, respectively.

This ship channel would be 1,000 feet wide, and 25 feet deep at mean low water, and would extend along the westerly line of the piers and afford convenient access to them as well as to the flats to

the westward, or to any improvements thereon. Each island is connected with the main land by a railway on open pile bridges, or trestle work, with draw bridges 150 feet in width at the ship channel.

A sketch of this plan is herewith submitted and its advantages are many and obvious :

1st. This improvement could be easily and comparatively cheaply constructed.

The dredging out of the channel as also that of the water ways between the respective Islands would provide the material for the solid filling.

2d It could be made immediately available for commercial purposes having the deep water of the natural channel of the Bay on one side and the artificial channel on the other.

3d It would afford a greater wharf area than any other plan, the two long lines of wharves on either side of the Islands would all be clear gain in wharf area over that afforded by any other plan, the area contained in these two Islands as compared with the whole tidal area is hardly appreciable, being only 133½ acres, compared with 90,080 acres.

4th It is the only plan which would allow the state to realize upon its valuable land under water, upon deep water between Bedloes Island and Robbins' Reef.

To this plan certain objections were made before the Harbor Line Board.

1st It was urged that such an improvement would impair some of the rights which the State had covenanted not to sell or improve the land under water in front of their grants.

To this it is sufficient to say, that that is a purely legal question between the State and its grantees and the courts can be trusted to protect the States grantees in all the rights secured to them by their grants.

This is a question, as the Harbor Line Board say in their report, which does not belong to the province of the National Government.

2d. It is objected that the draw bridges would prove an obstruction.

This might be true if the several railroads from the Islands to

the mainland crossed in the centre of the land of any one owner. Then such owner might be compelled to go through a bridge in order to get by water from one of his wharves to another. But the selection of judicious lines of railroad connection between the Islands, and when along the dividing lines of large holdings, would destroy the force of the objection.

Then each owner would need only easy access through the three 1000 feet openings provided to the open bay in the ordinary course of shipping business which the proposed island plan amply provides.

3rd. The fear was expressed that this improvement would so diminish the flow or prism as to injuriously affect the channel over the bars at Sandy Hook forming the entrance to the harbor.

To this it may be answered that it is by no means certain or even probable that any such result would follow this improvement. In fact the water displaced by the additional filling in—thus occasioned—would be infinitesimal in comparison with the whole volume which exists in the vast reservoirs formed by the bays, rivers and streams forming the tidal waters of the harbor.

The amount of displacement compared to the volume remaining would be in the proportion of 25,000,000 cubic feet to 20,000,000 cubic feet, or 0012-10,000.

Furthermore, there is no proof that the diminution of the tidal flow, by solid filling, has had any effect whatever upon the channels of the outer entrances of the harbor, nor is there any concensus of engineering opinion to that effect.

On the contrary, past experience at this port shows that notwithstanding the vast areas of lands formerly under water, adjacent to the shores of the North and East rivers, which have been filled up and reclaimed by citizens of New York and Brooklyn, the injurious effects of such solid filling have been confined almost solely to the navigating interests and regimen of these rivers and specially to the detriment of the opposite shores of New Jersey.

The report states, that at the public hearings in March, April and May, the plan submitted by the Riparian Commissioners of New Jersey for the formation of artificial islands, was discussed in great detail, and condemned by many of the riparian owners on the ground that such an improvement would be disastrous to the shore

property, where rights had been acquired by purchase from the State, in covenants which forever prohibited any grants exterior to them.

That the Riparian Commissioners alleged in reply to these protests that their action in preparing and proposing the plans was in compliance with the State act of February 10th, 1891, a (certified copy of which act accompanies this communication) which authorized them to fix lines around inlands, reefs and shoals, and that the plans submitted for the occupancy of the outer shoals of the flats by solid constructions with open shore connections had their approval.

The Board proceed to say that it did not feel empowered by the congressional act, or by the orders of the Chief of Engineers to consider a legal question of the nature of that involved in the dispute between the Riparian Commissioners of the State and the riparian owners, and therefore confined its consideration of the Commissioners' plans to the engineering principles governing the preservation of the harbor.

It is manifest, however, that the assumption that there was a legal dispute, and the charge that the plan of the Riparian Commissioners involved a breach of covenants contained in the grants to the riparian proprietors, must have prevented the Board from a fair consideration of the plan proposed. The fact is, however, that there is no such dispute. The act referred to of February 10, 1891, which authorizes the commissioners to fix lines around island, reefs and shoals, has carefully guarded all the rights of the State's grantees. It will also be observed that the Board was in error in stating that these grants contained covenants "which forever prohibited any grant *exterior to them.*" The covenant was, not to make or give any grant, license, power or authority to any other person or corporation affecting lands under water *in front* of said lands hereby leased.

The words of the covenant show, that the State retained its title to the land in front of the land granted. If this were not so, the covenant not to authorize or license, etc., would be unmeaning.

The extent of the title of the grantee is to a tract described in the grant by metes and bounds; and the right to build piers, etc., between the lines for solid filling and the pier lines.

The creation of artificial islands, suggested by the plan of the

Riparian Commissioners at an average distance of 2,000 feet from the exterior lines now established, with the suggested improvements of the channel in front of the grantees, is no breach of the covenants in the grant. When the object of the grant, and its other provisions are considered the plan proposed does not injuriously affect the grantees. The proposed plan is in no sense the granting to others of lands in front of the land already granted by the State. The grants of the State are required by law to be made by the owners of the bank. The right of the State to the bed of the river, and to make such use of it for the public good or improvement of commerce and navigation cannot be destroyed, if there is no interference which affects lands in front of the grantee so as to practically injure or impair his access to deep water. If one own land fronting on both sides of a highway and sells a lot on one side with a covenant not to authorize or license any one to affect a strip of land in front of purchaser's land, grantor would not be considered to refer to the land on the other side of the highway, but to the strip between his grantee and the highway.

The creation of artificial islands, *not in front but* on the other side of a *channel* which is to be widened and deepened, to the great advantage of the public and the grantee also, may possibly create *rival* wharves and piers—but this is no breach of the State's covenant not to grant to another land in front of the grantee's land, on which he might erect obstructions between the land granted to the riparian owner and the channel. The proposition is so broad as to be unreasonable and absurd, and ought not to be considered by the Board of Engineers as a *legal dispute* between the State and its grantees. If the State with the consent of the general government improves the navigation, and incidentally creates new wharves and piers opposite to those of the riparian owner, and on the other side of a channel, it is simply performing its duty to the public and violates no covenant in any of its grants so long as the riparian proprietor is not deprived of his right of adjacency to the water as intended by the State's grant.

The report states that the Board has recognized that the lines previously established by the State of the New Jersey *gave certain water rights*, more or less valuable to the riparian owner, *which*

should not be abridged unless the preservation and protection of the harbor demanded it.

And in another place it adds, the Pennsylvania Railroad Company submitted plans for improving and utilizing its front; the National Storage Company, plans for improving its front at Black Tom Island, and the Lehigh Valley Railroad Company, plans for its front at Constable Point.

It seems as if the Board were induced to consider that the plans submitted by the Riparian Commission under the act of 1891, were violations of the covenants of the State to these corporations, which covenants they seemed to consider as prohibiting any grants *exterior* to the land granted to these corporations, and they seemed to consider that the improvements proposed to be made by the railroad companies might properly cover the land under water to the middle of the river, if the plan did not conflict with the views of the Board in reference to the proper protection of the harbor.

This is a fundamental error, and moreover, is the exercise of a power which the Board itself disclaims.

Under these circumstances, it is respectfully suggested that a delay of action on this report, until the matter can be properly explained, and the erroneous information on which the Board has made its report, can be answered—is necessary for the public good. It cannot certainly be wise or proper to fix so-called permanent lines, liable to be changed when the government receives further information.

The result of the action of the Board is to prevent the improvement of some 545 acres of land under water, 120 of which belong to the State, and 425 to grantees of the State, who held covenants assuring to them the right to reclaim by solid filing out to the line of 1883. Which covenants were made before the passage of the act of Congress under which the Harbor Commission is acting.

The proposed action will also destroy a large and valuable tract of land outside the lines heretofore established, extending out to deep water and to the boundary line between the States of New Jersey and New York.

The adoption of the lines proposed would be taking State and private property of inestimable value without due process of law, without compensation, and without any public necessity therefor.

The fact that the Board disclaims any intention to decide legal questions, or go beyond the power of fixing harbor lines, will not prevent the adoption of the lines by the Secretary of War, from causing the result above stated and from constituting a private and public wrong, but simply shows that the Board has been misled and did not appreciate the serious character of the recommendations it has made.

If the corporations named in the report have any legal rights, the courts will protect them. It is not in accordance with the character of our Government that the Executive Department, acting through the Secretary of War, should approve of a plan which private corporations may use to injure and destroy the property of the State and its grantees.

The Riparian Commissioners are fully convinced that if an opportunity is allowed them, they can establish conclusively the proposition that the improvements suggested by them will not injure commerce, but will, on the contrary, be of great advantage not only to the State but to all commercial interests connected with the harbor of New York.

WILLARD C. FISK,

Chairman Board of Riparian Commissioners of New Jersey.

ROBT. C. BACOT,

Secretary and Engineer.

Subject: JERSEY FLATS.

WAR DEPARTMENT, }
WASHINGTON, July 27, 1891. }

SIR:—I beg leave to acknowledge the receipt of the communication and argument of the Board of Riparian Commissioners of New Jersey, and the map in reference to the harbor lines of the Jersey Flats. The Riparian Commissioners place stress upon the fact, that the setting back of the bulkhead line deprives the State of New Jersey of a large tract of land of great value, and also that the establishment of the proposed pier-line will render certain contemplated improvements impossible, and destroy other valuable property of the State, consisting of the land under the waters in the

harbor, and the burden seems to be that this land ought not to be taken or used as proposed without compensation to the State.

In the case of Stockton, Attorney-General, *vs.* Baltimore and N. Y. R. Co., and others, in the Circuit Court of New Jersey, 1887, Justice Bradley held, in substance, that such lands were held by the State in trust for public uses of navigation and fishery, and the erection of wharves, piers, lighthouses, beacons and other facilities of navigation and commerce; and that the ownership of the State was "not for the purpose of emolument," but for public use, especially the public use of navigation and commerce.

The Department is inclined to the views of Justice Bradley, and would respectfully inquire whether that case was ever carried to the Supreme Court and reversed. If there are authorities sustaining the views of the Commission upon the subject, will you kindly furnish a memorandum of them.

The Commission also claim that prior to the act of Congress under which the Harbor Line Board is acting, the State had made grants to different parties, in which there were covenants giving the right to reclaim by solid filling out to the line of '83.

Upon that point the question arises: Have the grantees of the State any rights superior or different from what the rights of the State would have been had these grants and covenants not been made? Upon this point the Department would be glad of the views of the Commission, and to be cited to authorities.

While it is important that definite action upon this subject should be had at an early date, the Department appreciates the fact that the subject in all its bearings is an important one, and that it should have all the light possible to be obtained. The case will be kept open two weeks longer for the receipt of your reply hereto, and any other suggestions the Commission may think proper to make.

Very respectfully,

L. A. GRANT,

Acting Secretary of War.

R. C. BACOT, Esq.,

Secretary and Engineer,

1 Montgomery Street, Jersey City, N. J.

BOARD OF RIPARIAN COMMISSION,
 STATE OF NEW JERSEY,
 JERSEY CITY, August 8th, 1891. }

Hon. Redfield Proctor, Secretary of War, Washington, D. C. :

SIR :—The Riparian Commission of the State of New Jersey have the honor to acknowledge the receipt of the communication of the Secretary of War, under date of July 27th, and in reply to the questions contained therein, submit the following :

In the case of the Attorney General *vs.* The Baltimore and New York Railroad Company, referred to, the information was filed in the Court of Chancery of the State, and prayed an injunction against the defendants entering upon the lands of the State under the waters of the Arthur Kill for the purpose of facilitating the erection of a bridge upon the lands described in the information, and from erecting any bridge or viaduct across the lands of the State, lying under the waters of the Arthur Kill. The case was removed to the Circuit Court of the United States, and the sole question presented to the court was, whether the defendants, who were acting under an act of Congress, should be enjoined from using the lands of the State under water ; an appeal was taken from the decree of the court. but has not been argued. The decree states that the cause having been heard on motion to dissolve the injunction issued by the Court of Chancery of New Jersey, before the removal of the cause to this court, and the court having held the matter under consideration, it is now on the first of August, 1887, ordered, adjudged and decreed that the injunction heretofore issued in this cause, be dissolved. As the question decided involved simply the exercise of the discretion of a Court of Equity in granting an injunction, the completion of the work on the refusal to grant the injunction before the case could be reached by the Supreme Court, made the preventive remedy of injunction no longer applicable. An action of ejectment was therefore brought as being the proper remedy to recover possession of the land, which action is still pending. Courts of Equity in New Jersey do not try titles to land.

Justice Bradley, however, did not rest the refusal to grant the injunction on the grounds of the dicta quoted by the Secretary of War, but, on page 18 of the pamphlet opinion as printed at the

time, he says: "The fifth amendment provides only that private property shall not be taken without compensation, making no reference to public property. But if the phrase may have an application broad enough to include all property and ownership, the question would still arise whether the appropriation of a few square feet of the river bottom to the foundation of a bridge which is to be used for the transportation of an extensive commerce in aid and relief of that afforded by the water way, is at all a diversion of the property from its original public use? It is not so considered when sea walls, piers, wing dams, and other structures are erected for the purpose of aiding commerce by improving and preserving the navigation. Why should it be deemed such when (without injury to the navigation) erections are made for the purpose of aiding and enlarging commerce beyond the capacity of the navigable stream itself, and of all the navigable waters of the country? It is commerce and not navigation which is the great object of constitutional care."

In this sentence the Judge places the refusal to grant the injunction on the ground that the injury is trifling, and that the use was such as not to be a taking of private property, within the meaning of the Constitution, thus placing the decision on the grounds which are consistent with the State's interest and title to the soil under the decisions of the Supreme Court, theretofore made. The refusal to grant an injunction in the case referred to, is therefore no authority whatever for the position which must be assumed if the Secretary approves of the report.

The act authorizing the bridging of Arthur Kill, which led to the application for an injunction, was passed under the statement by the most eminent lawyers in the Senate, that it required the assent of New Jersey before the land under water could be appropriated for the purposes of the bridge. In the debate which occurred eminent jurists declared the settled law to be as claimed by the commission.

On May 20th, the bill being under discussion, Mr. Hoar said: "Now, if that be true, what operation is there in this bill at all to accomplish anything? I understand that Congress may, in the first place, by national authority remove the objection in regard to a structure across a navigable stream that it obstructs navigation,

so that the persons building the bridge would not be indictable at common law, or by any other process, and the structure would not be destroyed as a nuisance. I understand that many persons, not everybody, claim that under our power to regulate commerce we may authorize a railroad, under the law of *eminent domain*, to cross the country and take land, in which case, however, there must be provision for its condemnation, and provisions which must attend the exercise of the power of *eminent domain*. * * * *

“It is conceded that the power exists in the United States to authorize the dealing with navigable waters as it sees fit. It may authorize the extension of a wharf from Boston harbor, and it may authorize the taking of land by *eminent domain* for that purpose, if that be a matter of general public interest. It may authorize the crossing of the Mississippi river. That is one thing it may do.

“There is another thing which Congress may do. It may authorize the crossing of the entire continent for purposes of inter-State commerce with a railroad and confer *eminent domain*. That is a separate thing which it may do. * * * *

“In the next place, if it be necessary to take New Jersey soil to come down to the line of navigable water on one side, and the bridge cannot be built without that, the control of that proceeding is solely within the power of the New Jersey Legislature, unless the Congress of the United States, in addition to its license to cross or occupy or to interfere with the water of the navigable streams, have added the authority to come down to the bank, and have added the authority to exercise *eminent domain* under national power conferred upon it for that purpose.

“That does not appear in this bill. We have simply said that a New Jersey corporation may cross this navigable stream, and that is all.”

The communication of the Secretary of War says, “Judge Bradley held in substance, * * * * * that the ownership of the State was not for the purpose of emolument, but for public use, especially the public use of navigation and commerce.”

This sentence is ambiguous. In one sense it is true, in another it is not.

The sovereign cannot, either himself or by authority given to others, destroy the public use, and therefore he cannot do this for

emolument; and this is true, whether the sovereign be the King of England, the Federal government or a State government. But it is not because he desires emolument from it that it is *ultra vires*, but because the tenure is subject to a servitude. That he may derive emolument from it by putting it to a use consistent with the easement is beyond dispute. The income from the use of such lands was a part of the royal revenue. The history of New York, Jersey City, Boston and other seaports, with the State legislation on the subject, establish an unbroken line of precedent for such regulation of the lands under water by the States.

There is also the highest authority against the proposition of Judge Bradley in the sense that the State cannot use the lands under water for revenue.

Justice Matthews, delivering the opinion of the Supreme Court of the United States, in *Hoboken vs. The Pennsylvania Railroad Co.*, reported in 124 U. S., page 688, October, 1887, assumes the question to be settled that the State has absolute and exclusive deminion including the right to appropriate them to such uses as might best serve its views of the public interest.

“In the examination of the effect to be given to the riparian laws of the State of New Jersey by the act of April 11th, 1864, in connection with the supplementary act of March 31st, 1869, it is to be borne in mind that the lands below high-water mark, constituting the shores and submerged lands of the navigable waters of the State, were, according to its laws, the property of the State as sovereign. Over these lands it had absolute and exclusive dominion, including the right to appropriate them to such uses as might best serve its views of the public interest, subject to the power conferred by the Constitution upon Congress to regulate foreign and inter-state commerce.”

Other portions of the dicta of Judge Bradley are in opposition to the decisions of the Supreme Court of the United States, and are based upon a supposed governmental necessity which does not exist. The Judge said: “If it is necessary that the United States government should have an *eminent domain* still higher than that of the State, in order that it may fully carry out the objects and purposes of the Constitution, then it has it. Whatever may be the necessities or conclusions of theoretical law as to *eminent domain*,

or anything else, it must be received as a postulate of the Constitution, that the government of the United States is invested with full and complete power to execute and carry out its purposes, and as one of these purposes is the regulation of commerce among the several States, and as that involves the needs and ways of intercommunication, it follows that Congress may provide for these necessities whether the States co-operate and concur therein or not." And again he says: "It is contended that, although Congress may have power to construct roads and other means of communication between the States, yet this can only be done with the concurrence and consent of the States in which the structures are made. We do not concur in this view. We think that the power of Congress is supreme over the whole subject, unimpeded and unembarrassed by State lines or State laws; that in this matter the country is one, and the work to be accomplished is national, and the State interests, State jealousies, and State prejudices do not require to be consulted. In matters of foreign and inter-state commerce there are no States."

Such expressions have never received the sanction of the Supreme Court, or, it is believed, of any other court in this country; they manifestly place the clause of the Constitution of the United States regulating commerce in a position which destroys the whole force of many other clauses with which it should be construed, including the clause which says: "Nor shall private property be taken for public use without just compensation."

"Nor to be deprived of life, liberty or property without due process of law."

The grant of the power to regulate commerce, as all other grants of power, is subject to constitutional limitation.

Justice Bradley also suggests that the land under water is not the *private* property of the State, but *public* property, because it is held subject to the rights of navigation; but this doctrine is inconsistent with the express definition of the title as given by the Supreme Court itself. The property is the property of the State, although it is undoubtedly subject as all other property to the reasonable exercise of the power given by the Constitution of the United States to regulate commerce. It is private property *and private rights are vested therein*, so that the owner cannot be deprived of it,

nor can it be destroyed without making compensation, and this can only be done on the ground of public necessity, otherwise our government becomes an arbitrary one, and all private rights are subject to the control, not only of Congress, but of any individual, military or otherwise, in whom, Congress shall see fit to vest the discretion of destroying private property without compensation.

The cases in the Supreme Court on this question are all in harmony, and are all consistent with the position taken by the Riparian Commission in the paper they addressed to the Secretary of War, under date of July 20th, which position is briefly stated in the following sentence: "The adoption of the lines proposed would be taking State and private property of inestimable value, without due process of law, without compensation and without any public necessity therefor."

The reply of the Secretary of War says: "That the burden of the paper forwarded to him by the Riparian Commission, seems to be, that the land of the State and its grantees, under the waters of New York bay, ought not to be taken or used as proposed, without compensation to the State."

The Riparian Commission submit that it is settled law that the State of New Jersey is seized and possessed of and entitled to an estate in fee simple absolute, in the soil covered by the waters of New York bay, and being within the boundaries of said State, subject only to the easement of navigation.

It has been held by the Supreme Court of the United States that the land under water is private property, and for that reason may be disposed of to its own citizens, to the exclusion of citizens of other States without violating the clause of the Constitution, which guarantees that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

94 U. S., 301;

Co. Litt., 107, 260*b*; Colles, 17; 3 Leo, 75; 2 Molloy, 275;

Royal Fishery in the Bonne, Davies' Rep., 149;

The Attorney General *vs.* Chambers, 11 De Gex, M. & G., 206;

Stevens *vs.* Railroad Co., 5 Vr., 540;

Martin *vs.* Wadell, 16 Peters, 367-415;

Arnold *vs.* Munday, 1 Halstead, 1 and 91;

Den *vs.* Jersey Co. 15 Howard, 432;

Smith *vs.* Maryland, 8 Howard, 71-74;

McCraedy *vs.* Virginia, 94 United States, 301-394;

Nan Bracklin *vs.* Anderson, 6 Sup. Ct. Rep., 670;

See also as to treaty with New York;

The People *vs.* Central R. of New Jersey, 42 N. Y., 283;

The People *vs.* Central Railroad, 12 Wall, 455;

Hoboken *vs.* Penna. R. R. Co., 124 U. S., 688.

The grant to Congress to regulate commerce on the navigable waters of the several States contains no cession of territory, or of public or private property. 1st Kent, Comm., 439; Caulfield *vs.* Coryell, 4 Washington C. C. Rep., 371.

Mr. Justice Field, in the case of Miller *vs.* The Mayor of New York, 109 U. S., 385, thus defined the meaning of the clause conferring upon Congress the power to regulate commerce. He says: "the power vested in Congress to regulate commerce with foreign nations and among the several States, includes the control of the navigable waters of the United States, so far as may be necessary to insure their free navigation.

It is a principle of American law, that the State is the original and ultimate proprietor of all the land within its boundary, and that all land is held by tenure from the State. 4th Kent. Comm., 6 Ed. 424; West River Bridge *vs.* Green Bay, 6 How. 507. This is practically the adoption of the common law of England.

That the King of Great Britain has the legal title in and to all lands under tide waters, extending outward from the line of medium high tide, has been a settled doctrine of the common law of England from a very early date. The language of the old books is ordinarily, that the sea is the king's proper inheritance, and he is styled the lord of the great waste; "*tam aquæ quam soli*" Co., Litt., 109, 260*b*; Colles, 17; 3 Leo., 75; 2 Molloy, 275.

The suggestion of Justice Bradley, that the fifth amendment provided only that *private* property shall not be taken without compensation, making no reference to *public* property, seems to be the basis of his dicta.

It is singular that Justice Bradley should have intimated that if the property was the public property of the State of New Jersey, it might be taken by the government of the United States, without condemnation and without compensation. He could hardly have

meant this. Private property only could be taken, and that only for public use, and only upon compensation. There is no power given to the Congress of the United States to take the public property of the States, with or without compensation. The language by all rules of construction imports that public property, or property of the State, cannot be taken at all. *Expressio unius est exclusio alterius*. It cannot be supposed that the States ceded the power to destroy their autonomy.

The proposition that the public property of a State used for governmental purposes can be taken by the United States because it is not within the clause protecting private property is revolutionary, and has been solemnly repudiated as such by the Supreme Court of the United States, notwithstanding the dissent of Justice Bradley.

In *McCullock vs. Maryland*, Chief Justice Marshall said: "That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is plain repugnance in conferring on one government a power to control the constitutional measures of another, which other, with respect to those very measures, is declared to be supreme over that which exerts the control.

"If the States may tax one instrument employed by the government in the execution of its powers they may tax every instrument. They may tax the mail; they may tax the mint; they may tax patent rights; they may tax the papers of the custom house; they may tax judicial process; they may tax all the means employed by the government to an excess which would defeat all the end of government. This was not intended by the American people. They did not design to make their government dependent upon the States."

The question involved in the case was the right of the State to tax a branch of the United States bank. It was held that the power of the State was unlimited as to the mode, form and extent of taxation when the subjects to which it applied are within her jurisdiction; but the instruments of the general government were not within State jurisdiction. Chief Justice Marshall, in delivering the opinion of the court, approached the consideration of the subject with these memorable words: "The Constitution of our country in its most interesting and vital parts is to be considered; the conflicting pow-

ers of the government of the Union and of its members, as marked in that Constitution, are to be discussed, and an opinion given which may essentially influence the great operations of the government. No tribunal can approach such a question without a deep sense of its importance, and of the awful responsibility involved in its decision. But it must be decided peacefully or remain a source of hostile legislation, perhaps of hostility of a still more serious nature; and if it is to be so decided, by this tribunal alone, can the decision be made."

In the case of *The Collector vs. Day*, 11th Wallace, 113, it was held "That it is not competent for Congress, under the Constitution of the United States, to impose a tax upon the salary of a judicial officer of a State." Mr. Justice Nelson, delivering the opinion of the court, said: "The *supremacy* of the general government, therefore, so much relied on in the argument of the counsel for the plaintiff in error, in respect to the question before us, cannot be maintained. *The two governments are upon an equality*, and the question is whether the power to lay and collect taxes enables the general government to tax the salary of a judicial officer of a State." And again he says: "And if the means and instrumentalities employed by that government to carry into operation the powers granted to it are necessarily and for the sake of self preservation exempt from taxation by the States, why are not those of the State, depending upon their reserve power for like reasons, equally exempt from federal taxation? Their unimpaired existence in one case is as essential as in the other. It is admitted that there is no express provision in the Constitution that prohibits the general government from taxing the means and instrumentalities of a State, nor is there any prohibiting the States from taxing the means and instrumentalities of that government. In both cases it rests upon necessary implication, and is upheld by the great law of self-preservation; *as any government whose means employed in conducting its operations, is subject to the control of another and distinct government, can exist only at the mercy of that government.* Of what avail are these means if another power may tax them at discretion."

If under the sense of a solemn responsibility attending the consideration and decision of these delicate questions, the court of the last resort charged with this duty, have denied the power of either

government to endanger the sovereignty and operation of the other *incidentally* by means of the exercise of the necessary and admitted right of taxation, how much stronger is the argument which denies to either government the right of condemning the *public governmental* property of the other. Taxation may be destruction because it may be unlimited, but it is no longer taxation, and the power is exhausted when it becomes a *taking of property* within the fifth amendment. If, therefore, the *incidental* danger of the exercising of the taxing power induced such opinions, how much more should the court hold that each of the respective governments hold their public property for governmental purposes, not as citizens, not as subjects, but as parts of one system and free from the exercise of the right of *eminent domain* by the other? It requires no illustration to add force to the words of Justice Nelson, describing the destructive effect of the exercise of such a power over the States.

In December, 1868, Chief Justice Chase, delivering the opinion of the Supreme Court of the United States in the case of *Texas vs. White*, expressed himself in language which is in conformity with the previous rulings of the court on the great constitutional question involved. He said: "And we have already had occasion to remark at this term, that 'the people of each State compose a State, having its own government, and endowed with all the functions essential to separate and independent existence,' and that, 'without the States in union, there could be no such political body as the United States.' Not only, therefore, can there be no loss of separate and independent autonomy to the States through their union under the Constitution, but it may be not unreasonably said that the preservation of the States and the maintenance of their governments are as much within the designs and care of the Constitution as the preservation of the union and the maintenance of the national government. The Constitution, in all its provisions, looks to an indestructible union composed of indestructible States."

County of Lane vs. The State of Oregon, 7 Wallace, page 76; *Texas vs. White*, 7 Wallace, page 725.

At the time the fifth amendment was adopted it was settled law that the land under the navigable waters within the boundaries of a State was the *private property* of the sovereign, subject only to the public rights of navigation and fishery.

The right of property in the tide waters of England is vested in the King, not merely on the principle that he is the universal occupant, but on the principle of his being the fountain from whence, in contemplation of law, all authority and privilege proceed. "Touching," says Callis, "*our Mare Anglicum*, in whom the interest is, and by what law the government thereof is, the King hath therein these powers and properties: 1. *Imperium regale*. 2. *Potestatem legalem*. 3. *Proprietatem tam soli quam aquæ*. 4. *Possessionem et proficuum tam realequam personale*"

To the King of England is, therefore, not only assigned the sovereign dominion of the sea adjoining the coasts, and over the arms of the sea, but in him is also vested the *right of property* in the soil thereof. *Proprietas tam soli quam aquæ*. It was resolved in the case of the Royal Fishery in the river Banne, in Ireland, that the sea is not only under the dominion of the King (as is said 6 Rich. 2 Fritz. Protect. 46.—the sea is of the legiance of the King as of his Crown of England), but it is also his proper inheritance, and therefore the King shall have the land which is gained from the sea (Dyer, 15). Also the King shall have the grand fishes of the sea (whales and sturgeons) which are royal fish. In the case of the Attorney General *vs.* Richards, in the exchequer, the information stated, that by the royal prerogative, the sea and the sea coasts, and as far as the sea flows and reflows, between the high and the low water marks, and all the ports and havens of the kingdom, belong to his majesty, and ought to be preserved for the use of his majesty's vessels and others, and that his majesty has the right of superintendency over them for their preservation.

But although the dominion over, and the right of property in the waters of the sea are in the crown, yet they are of common right public (as by the civil law) for every subject to navigate upon, and to fish in, without interruption; with the exception only of royal fish, the King's right to which is founded upon the consideration of his guardianship of the seas, and his protection thereof against pirates. And although the right of property in the soil covered and flowed by those waters, is in the King to high water mark; yet the shore, or the land which is between the high and low marks, is also of common right public. The maxim is, *Rex in ea habet proprietatem sed populus habet usum ibidem necessarium*; the King

has the property, but the people have the use necessary. The rights of use are considered to emanate from the King to his subjects, who, by virtue of their subjection, become entitled to the free and uninterrupted enjoyment of what are deemed inherent privileges. These inherent privileges are those of navigation and fishery, privileges which are classed among those public rights denominated *jura publica* or *jura communia*, and thus are contradistinguished from *jura coronæ* or the private rights of the Crown.

See Angell on Tide Waters, Chapter 1.

There are cases, both ancient and modern, showing that this *districtus maris*, this land covered by water, was a property susceptible of valuable uses. Thus, in the celebrated case of the Royal Fishery in the Banne, Davies' Rep., 149, it is said: "The city of London, by a charter from the King, hath the river Thames granted to them, but because it was conceived that the soil and ground of the river did not pass by that grant, they purchased another charter by which the King granted unto them *solem et fundum* of the said river, by force of which grant the city to this day receives rents of those who fix posts or makes wharves or other edifices on the soil of said river." It cannot fail to be observed how entirely this case explodes the assumption that the riparian proprietor has any common law right to extend his front either by filling in or by the erection of a wharf. Such acts would have been trespasses *on the private property* of the sovereign. The modern case illustrative of the same subject is that of the Attorney General *vs.* Chambers, 11 De Gex, M. & G. Rep. 206. This was an information against certain owners and lessees of a district abutting on the sea shore. The information alleged that by the royal prerogative, the sea shore and the soil, and all mines and minerals lying under the sea, and all *profits arising therefrom*, belonged to her majesty, &c.; that there were very valuable veins of strata of coal lying under that part of said district which was contiguous to the sea shore; that the sea shore vested in her majesty extended landwards as far as high water mark in ordinary spring tides, or at all events far beyond high water mark in neap tides, and that the defendants had encroached upon and worked valuable mines under the shore. The general right of the Queen as stated was admitted, the only question which was put in controversy being as to the extent of such right. A

verdict was taken by consent for the crown, and the court decided that the right of her majesty to the sea shore landwards is *prima facie*, limited by the line of medium high tide between the spring and neap tides. This decision was made in the year 1854.

From these two cases it seems most conspicuous that the ownership of the shore under the sea drew to it *all the usual rights of property*. It could be leased out for wharves or worked as a coal mine. We are also to bear in mind that the sea shore could be granted in gross, that is, without being parcel of the upland. *Hall on the Rights of the Crown, &c.*, page 19. Reference is also made to a number of examples in which claims of the crown similar to the foregoing have been successfully enforced, to an article in *Vol. 6, page 99, of the Law Magazine and Law Review*.

From these authorities and many others which might be cited, it appears to be plain that by the rules of the ancient law the owner of land along the shore was entitled to no right as an incident of such ownership, except of alluvion and dereliction, and that, on the other hand, the title of the soil under tide water was in the sovereign, and that *such title was attended with the usual concomitants of the ownership of reality*.

Stevens vs. Railroad Co. 5 Vroom 540-544.

The title to the lands under water being thus vested in the King of Great Britain, at and before the Revolution of 1776, became vested, by the law of nations and by right of conquest in the people of the then Colony and now State of New Jersey, by the successful war waged by them for the maintenance of their independence, declared on July 2d, 1776.

The Supreme Court of the United States, speaking by Chief Justice Taney, have so adjudged in the words following:

“And when the people of New Jersey took possession of the reins of government, and took into their own hands the powers of sovereignty, the prerogatives and regalities, which before belonged either to the crown or the parliament, became immediately and rightfully vested in the State.”

Martin vs. Waddell, 16 Peters 367, 415.

And the Supreme Court of New Jersey, speaking by Chief Justice Kirkpatrick, have adjudged to the same effect in the words following:

“And I am further of the opinion that upon the revolution all these royal rights became vested in the people of New Jersey as the sovereign of the country, and are now in their hands; and that they having themselves *both the legal title and the usufruct*, may make such disposition of them and such regulation concerning them as they may think fit: that this power of disposition and regulation must be exercised by them in their sovereign capacity; that the legislature is their rightful representative in this respect, and therefore that the Legislature in the exercise of this power may lawfully erect ports, harbors, basins, docks and wharves on the coasts of the sea and in the arms thereof, and in the navigable rivers; that they may bank off those waters and reclaim the lands under the shores; that they may build dams, locks and bridges for the improvement of the navigation and in ease of passage; that they may clear and improve fishing places to increase the product of the fisheries; that they may create, enlarge and improve oyster beds by planting oysters therein in order to procure a more ample supply; that they may do these things themselves at the public expense, or they may authorize others to do it by their own labor and at their own expense, giving them reasonable tolls, rents, profits or exclusive and temporary enjoyments; but still this power which may thus be exercised by the sovereignty of the State, is nothing more than what is called the *jus regium*, the rights of regulating, improving and securing for the common benefit of every individual citizen.”

Arnold *vs.* Mundan, 1 Halstead, 1, 94.

The adjudications above cited are briefly but thoroughly sustained in

Den *vs.* Jersey Co., 15 How., 432.

And so also the Supreme Court of the United States have reiterated the principle of the foregoing adjudications in the case of Smith *vs.* State of Maryland. 18 How., 71, 74,. The court, speaking by Justice Curtis, says:

“Whatever soil below low-water mark is the subject of *exclusive propriety and ownership*, belongs to the State on whose maritime border and within whose territory it lies subject to any lawful grants of that soil by the State or the sovereign power which governed its territory before the Declaration of Independence.”

And in the more recess case of *McCready vs. Virginia*, 94 U. S., 391, 394, speaking by Chief Justice Waite, says :

“The principle has long been settled in this court that each State owns the beds of all tide waters within its jurisdiction, unless they have been granted away. In like manner the States own the tide waters themselves and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. The title thus held is subject to the paramount rights of navigation, the regulations of which, in respect to foreign and inter-state commerce, has been granted to the United States. There has been, however, no such grant of power of the fisheries. These remain under the exclusive control of the State, which has, consequently, the right, in its discretion, to appropriate its tide waters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation. Such an appropriation is, in effect, nothing more than a regulation of the use by the people of their common property. The right which the people of the State thus acquire comes not from their citizenship alone, but from their citizenship and *property combined*. It is, in fact, a *property right*, and not a mere privilege and immunity of citizenship. * * * * *

Following then this salutary rule, and looking only to the particular right which is here asserted, we think we may safely hold that the citizens of one State are not invested by this clause of the Constitution (*Article 4, sec. 2*) with an interest in the common property of the citizens of another State. * * * The planting of oysters in the soil covered with water, owned in common by the people of the State, *is not different in principle from that of planting corn upon dry land held in the same way. Both are for the purposes of cultivation and profit; and if the State, in the regulation of its public domain, can grant to its own citizens the exclusive right of dry land, we see no reason why it may not do the same thing in respect to such as are covered by water.* And as all concede that a State may grant to one of its citizens the exclusive use of a part of the common property, the conclusion would seem to follow, that it might, by appropriate legislation, confine the use of the whole to its own people alone.”

And in *Van Brocklin vs. Anderson*, 6 Sup. Ct. Rep., page 679, the Federal Supreme Court, by Mr. Justice Grey, says: "Upon the admission of a State into the Union, the State doubtless acquires general jurisdiction, civil and criminal, for the preservation of public order and the protection of persons and property throughout its limits, except where it has ceded exclusive jurisdiction to the United States. The right of local sovereignty, including the title to lands held in trust for municipal uses, and in the shores of navigable waters below high-water mark, vest in the State and not in the United States.

The power to regulate the public right of navigation is given to the general government for the preservation of the public right-of-way, and does not authorize the imposition of any additional servitude on the soil or any interference with the possession of the owner thereof, except so far as it may be necessary for the purpose for which the right exists.

The owner of the soil has the exclusive right to all above and under the ground, except only the right of passage for the public.

Chancellor Kent says: "It is admitted that the grant to Congress to regulate commerce on the navigable waters of the several States contains no cession of territory or of public or private property." 1 Kent Comm., 439; *Caufield vs. Corgell*, 4 Washington C. C. Rep., 371.

Of the extent and character of the public right.

The extent of the easement is limited by its object. The purpose is to give a right of passage over the water to the public. The *preservation of this right* is given to the United States government by the power given to Congress to regulate commerce. All that is necessary to protect, preserve and possibly improve the natural highways of the nation is within that grant of power. The slightest interference with the soil *for any other purpose* is an invasion of the rights of the owner and a trespass.

From the fact that the United States have the *power* to erect jetties and dykes upon the lands of the States under navigable waters, for the purpose of improving *navigation*, it by no means follows that such power can be exerted for *another purpose* than that of *navigation*. Such *power*, if it exists, arises from the fact that the waters are subject to the *easement of navigation*; and,

therefore, for the enjoyment of such easement, such erections may be made as are *necessary* for the beneficial use of the easement in question and its proper regulation.

Chief Justice Waite in delivering the opinion of the court in the case of *McCready vs. Virginia*, simply announced what had been the uniform ruling of the courts. He said :

“The principle has long been settled in this court, that each State owns the beds of all tide waters within its jurisdiction, unless they have been granted away. In like manner, the States own the tide waters themselves and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. The title thus held is subject to the paramount rights of *navigation, the regulations* of which, in respect to foreign and inter-state commerce, has been granted to the United States.”

Lord Denman, delivering the opinion of the Court of Queen's Bench in the case of the Mayor of Colchester *vs. Brooke*, said the right of soil in arms of the sea and public navigable rivers which the Crown *prima facie* has independently of any ownership in the adjoining land, must be in all cases considered *as subject to the public right of passage*.

See *The Law of Waters*, Coulston & Forbes, 34-35.

It is beyond question that the same public right which exists in this country over the public navigable waters was a part of the civil law as well as the common law of England. It existed before the Constitution ; it was not ceded to the general government ; but it exists a *public right*, belonging to every individual. Its *regulation* was committed to Congress, but the right itself is not a power granted to the general government, but a reserved public right ; a way over which Congress is the overseer.

The extent of the public right was well expressed by Platt, Justice, delivering the opinion of the Supreme Court of New York, in *Jackson vs. Hathaway*, 15 Johns., 447. Highways, he remarks, are regarded in our law as *easements*. The public acquire no more than the right-of-way, with the powers and privileges incident to that right, such as digging the soil and using the timber and other materials found within the space of the road in a reasonable man-

ner, for the purpose of making and repairing the road and its bridges. The proprietor retains his exclusive rights in all mines, quarries, springs of water, timber and earth for every purpose not incompatible with the public right-of-way. The owner of the fee may maintain trespass against one who builds on a highway. *Peck vs. Smith*, 1 Conn., 103; *Costelyou vs. Van Brundt*, 2 Johns., 357; or one who digs up and removes the soil; *Gidney vs. Earle*, 12 Wend., 98; *Willoughby vs. Jenks*, 20 Wend., 96; *Tucker vs. Eldred*, 6 R. I., 404; or cuts down trees or timber growing thereon. And though a surveyor may, as the agent of the town, cut such trees to be used in the repair of the way, or in order to improve it, yet, if he cuts them for his own use he is a trespasser. *Babeock vs. Lamb*, 1 Cowen, 238; *Makepeace vs. Worden*, 1 N. H., 16; *Tucker vs. Eldred*, 6 R. I., 404.

If by virtue of its power to regulate commerce between the States the United States has some unnamable estate or easement in the lands of the States under navigable waters, by virtue of which it may make erections thereon without compensation, for purposes other than those of navigation, it must have the like power over any other lands of the States.

Thus, as Congress has power to facilitate inter-state commerce by constructing turnpike roads, railroads, canals, &c., and as this power was granted to it by the States by the adoption of the Federal Constitution, then it must follow that all the lands owned by the several States at the adoption of the Constitution were thereby subjected to a public easement in favor of the United States for the construction thereon of railroads, canals, &c., without compensation to the States. For the power to regulate commerce between the States is co-extensive with the geographical boundaries of the United States, and operates alike upon all the lands within such boundaries, whether above or beneath the waters within such boundaries. The power is universal and is not limited or qualified by the location or quality of the lands. If the United States have power to take lands under water without compensation, they have also power to take lands above water without compensation. There is no other distinction between the legal quality of such lands and the estates therein than that lands under navigable waters are subject to the easement of navigation, and lands above water are subject to the easements of railroad, canal, &c., highways.

The easement of public navigation over the navigable waters of the States and the lands thereunder, was not *created* by the Federal Constitution, but existed from the beginning of government on this continent; nor was this easement *granted* to the United States by that Constitution. It existed before the creation of the general government, and belonged to the people of all the States in common, and still exists in them, and by the adoption of the Federal Constitution the United States acquired only *the power of regulating* the enjoyment of the easement, and did not acquire any *estate* whatever either in the navigable waters within its boundaries or in the lands thereunder.

It has been decided that any serious interruption to the common and necessary use of property may be equivalent to the taking of it under the constitutional provision, it is not necessary that the land be absolutely taken. Angell on Water Courses, sec. 65*a*; *Hooker vs. New Haven & Northampton Co.*, 14 Con., 146; *Rowe vs. Granite Bridge Co.*, 21 Pick., 344; *Canal Appraisers vs. The People*, 17 Wend., 604; *Lakeland vs. North Missouri R. Co.*, 31 Mo., 180; *Stevens vs. Proprietors of Middlesex Canal*, 12 Mass., 466.

The corporate body of the State itself can claim amends for its private property when taken for public use. Thus, suppose an act of the Legislature, by which a railroad corporation is established in the usual manner, and with the ordinary powers and privileges of such corporations, authorizes the corporation to locate their road so that the same may pass over certain land which belongs to, and is held by, the State as a body politic, for a particular purpose, but without any expression in the act of a design on the part of the legislature to aid the corporation in their undertaking. In such a case it cannot be considered to be the intention of the Legislature to grant the land of the State, or any easement therein without compensation, and the State, accordingly, may institute proceedings and prosecute a claim for damages before an appropriate tribunal, in the same manner as an ordinary individual proprietor. *Commonwealth vs. Boston & Maine Railroad Co.*, 3 Cush., 25; Angell on Highways (3d Ed.), sec. 111.

Puffendorf, Grotious, Vattel and all eminent publicists insist that it is a rule founded in equity that a provision for compensation is a

necessary attendant on the due exercise of the power of the law-giver to deprive an individual of his property without his consent.

A statute to promote any work for a public use which makes no provision for indemnifying the owner of property proposed to be taken is entirely void as being unconstitutional, and an injunction may be obtained to prevent the taking. Angell on Highways (3d Ed.) sec. 106, and cases cited.

It has been held that by the law of *eminent domain* a State has not the right, without making compensation, to destroy the property of individuals situated upon a water course in making it navigable, or in appropriating such water courses for the public use by artificial erections and improvements. Opinion of Chancellor Bland in Binney's Case, 2 Bland, 158; Angell on Highways, sec. 60, Title Navigable Rivers; Walker *vs.* Board of Public Works, 16 Ohio, 540; Moore *vs.* Veazie, 2 Red., 343; Gough *vs.* Bell, 3 Zab., 624.

It was at one time doubted whether the government of the United States could exercise the right of *eminent domain* within the States. The question was settled in *Codé vs. The United States*, 91 U. S., 376, where it was held that the government, if such property cannot be obtained by purchase, may appropriate it upon making just compensation to the owner.

It seems, then, to be clear that the State of New Jersey owns the fee. That the only servitude to which it is subject is the public right of navigation, subject to the regulation of Congress. That any interference with the soil for any other purpose but the preservation of the way and its use is a trespass.

That the United States may take whatever is necessary for public use on making just compensation to the owner.

That it is because is *jus privatum* that it can be taken.

That the State's property used for governmental purposes cannot be condemned nor destroyed by the general government.

It is not disputed that until Congress legislated under the commerce clause and assumed the regulation of navigation, that the legislation of the States on the subject was legitimate and proper. The right of control exists in the State in the absence of the affirmative action of Congress taking such control. Blatchford, J., *Manchester vs. Mass.*, 139 U. S. 266. Decided March 16th, 1891. The State held the land under water in fee, subject to the easement

of navigation, which Congress had the power to regulate. If the navigation was interrupted the public right could be asserted without the interposition of Congress. Any obstruction which interfered with navigation would have been a purpresture and indictable as such ; but subject to the easement of the public, the right of passage the State was omnipotent until Congress interfered. From the earliest periods to the present time, without the interference of Congress, the States have legislated. They have established exterior lines for solid filling and pier lines. Under the authority of the State of New York, on one side of the Hudson the river has been narrowed to the extent of a quarter of a mile at some places. It was stated on the argument of *Bell vs. Gough*, in 1852, that the Jersey Associates, as early as 1804, commenced reclaiming the flats, and nearly one-half of all Jersey City was below the old high water mark. The Riparian Commission of the States, while authorized to lease and sell the property, were confined to lines which were supposed to be in the interest of navigation and commerce. Grants have been made on both sides of the river, and wharves and docks of immense value to the city of New York and the whole country, have been established by the investment of large sums, by individuals, under grants from the State and under covenants, as to the use and disposition of the remainder. It is believed that a similar state of things exists in every large seaport in the country.

The Riparian Commission, in their communication, under date of July 20th, in answering the objections made to the plans proposed by them, which plans were consistent with the preservation of the rights and privileges which had been granted, as well as the preservation of the property of the State, and its further disposition in the interest of commerce, said : "The fear was expressed that this improvement would so diminish the flow or prism as to injuriously affect the channel over the bars at Sandy Hook, forming the entrance to the harbor." To this it may be answered that it is by no means certain, or even probable, that any such result would follow this improvement. In fact, the water displaced by the additional filling in, thus occasioned, would be infinitesimal in comparison with the whole volume which exists in the vast reservoirs formed by the bays, rivers and streams, forming the tidal waters of the harbor.

“The amount of displacement, compared to the volume remaining, would be in the proportion of 25,000,000 cubic feet, to 20,000,000.000 cubic feet.

“Furthermore, there is no proof that the diminution of the tidal flow by solid filling has had any effect whatever upon the channels of the outer entrances of the harbor, *nor is there any consensus of engineering opinion to that effect.*”

The communication of the Secretary, under date of July 27th, says, in reply, “The commission also claim that prior to the act of Congress, under which the Harbor Line Board is acting, the State had made grants to different parties, in which there were covenants giving the right to reclaim by solid filling out to the line of 1883.”

“Upon that point the question arises: Have the grantees of the State any rights superior or different from what the rights of the State would have been had these grants and covenants not been made? Upon this point the department would be glad of the views of the commission, and to be cited to authorities.”

The commission are of opinion that all the regulations and grants made by the States, in failure of any legislation or action on the part of Congress, were valid, and that rights became vested under them which will be protected by the Courts. Congress did not interfere, because the regulations made by the States for the protection of navigation were wise and met with its approval; the silence of Congress was an acquiescence in all that was legally done. Any structure or erection which interferes with navigation is a *purpresture* and violation of the public easement and may be suppressed; but it does not conflict with the power of Congress to regulate that easement, and it is not within the province of Congress to commit the abatement of such nuisances to the Secretary of War. Those who have expended large sums of money on the faith of grants made by the States, are entitled to a judgment of the court as to whether the erections they have made are in the interest of navigation or are obstructions. Where there is no consensus of scientific opinion as to the future result of erections which have long existed, there is no *public necessity* which justifies the taking of private property. If this is not true, the property invested in the wharves and piers in the cities of New York, Boston and other seaports, is subject to the orders of the Secretary of War;

and the report of a Board of Engineers, based upon a disputed theory that in the future the flow of water might be impeded by the erections, would justify the destruction of all this valuable private property without making any compensation therefor. Further, any new scheme which might be suggested for the improvement of the harbor, uncertain although it might be in its results, could be carried out by the destruction of existing property purchased from the States, with the acquiescence of Congress. It is manifest that such propositions are not in conformity with a government of law. Although time does not run against the King, yet it has frequently been held that the failure to exercise a preventive power within a reasonable time will debar the sovereign from destroying private property which has been created by notorious public acts.

Attorney General Vanatta, in 1878, filed an information against the Delaware and Bound Brook Railroad Company, asking for an injunction against erections they were making in the Delaware river on the lands of the State. In refusing the application the Chancellor said, "There is still another consideration constraining me to the conclusion at which I have arrived. The defendants have acted *bona fide* under what they believed to be a sufficient legislative authority; they have expended a very large sum of money in their enterprise; the work has been from its commencement a matter of public notoriety, and yet no action has been taken on the part of the State authorities, nor even any warning uttered against the work. There is no purpresture; the structure, which is for a public purpose and for the public advantage, is completed; it creates no impediment to free navigation of the river. It has been built *bona fide*, and there is cogent evidence of acquiescence on the part of the State in the construction which the defendants have put upon the law under which they have acted. Under such circumstances an injunction will not be granted.

Attorney General *vs.* Delaware and Bound Brook Railroad Company, 12 C. E. Green, 27;

City of Georgetown *vs.* Alexandria Canal Company, 12 Peters, 93;

Attorney General *vs.* United Kingdom Electric Telegraph Company, 30 Beav., 287;

Attorney General *vs.* Eastern Counties Railway Company, 7
 Jur., 806;
 Mississippi and Missouri Railroad Company *vs.* Ward, 2 Black,
 485.

These were the views which induced the Riparian Commission, in their communication to say, "All of these grants, with three exceptions, were made long before the act of Congress, under which the Harbor Line Board is acting, and the action of the board, if made effectual by the approval of the United States Government, would prevent the State of New Jersey from fulfilling its covenants with its grantees. The former communication of the Riparian Commission, also quoted from the report of the Board of Engineers, in which they said "that they recognized the fact that the lines previously established by the State of New Jersey, have certain water rights, more or less valuable to the riparian owner, which should not be abridged unless preservation and protection of the harbor demanded it." The theory of the Board of Engineers that possible injury might occur from present erections or the preservation of lines fixed by the State with the silent acquiescence of Congress, is not such a public necessity as to justify the taking of private property. It is not within the power of Congress in the exercise of its constitutional right to regulate commerce without the judgment of a court, to destroy the property which has been lawfully acquired, because incidentally and possibly the navigation of a harbor might at some distant date be impaired. Under these circumstances the commission repeat that in their opinion the adoption of the lines proposed would be taking State and private property of inestimable value, without due process of law, without compensation and without any public necessity therefor.

We have the honor to be,

Yours respectfully,

WILLARD C. FISK,

Chairman Board of Riparian Commissioners of New Jersey.

R. C. BACOT,

Secretary and Engineer.

110 REPORT OF THE RIPARIAN COMMISSIONERS.

Subject: HARBOR LINES, JERSEY FLATS.

WAR DEPARTMENT,
WASHINGTON, August 19, 1891. }

SIR:—I have to acknowledge the receipt of the printed communication and argument of the Board of Riparian Commissioners of New Jersey, forwarded by you.

The Department is indebted to you and the State officials for courtesies and valuable suggestions. It is, however, unable to adopt the views urged by the Riparian Commission. The recent case of *McCready vs. Virginia*, 94 U. S. 391-4, is good authority. I quote it from your printed brief as follows: "The principle has long been settled in this court that each state owns the beds of all tide waters within its jurisdiction, unless they have been granted away. In like manner the States own the tide waters themselves and the fish in them so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. The title thus held is subject to the paramount rights of navigation, the regulations of which in respect to foreign and inter-state commerce, has been granted to the United States." This seems to cover the whole question. By the establishment of its harbor lines, the government does not take the property of the State, or in anywise interfere with the State's rights. It simply takes control of the navigable waters of the bay, which control is prior and paramount to the rights of the State to the land under the waters.

The recent report of the Harbor Line Board has been approved to-day.

Very respectfully,

L. A. GRANT,
Acting Secretary of War.

R. C. BACOT, ESQ.,
Secretary and Engineer,
1 Montgomery Street, Jersey City, N. J.

