

New Jersey

REPORT

OF THE

PALISADE COMMISSION

OF THE

STATE OF NEW JERSEY

1899



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TRENTON, N. J.
MACCRELLISH & QUIGLEY, STATE PRINTERS, OPPOSITE POST OFFICE.

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REPORT

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REPORT.

To His Honor Foster M. Voorhees, Governor of the State of New Jersey :

The undersigned, a Commission appointed by you, under authority of the joint resolution of the New Jersey Legislature, approved March 21st, 1899, "to report upon the present condition of the Palisades," and "to suggest some remedy or remedies to preserve the Palisades from defacement and depredations," have the honor to report as follows :

THE LEGAL STATUS.

The first step taken toward the preservation of the Palisades by legislative action bears date of the year 1895, when the New York Legislature passed a law giving the Governor authority to appoint three commissioners to secure action by the government of the United States in acquiring and setting apart that part of the west shore of the Hudson river known as the Palisades "for the purpose of fortification and reservation," in order that this section "of world-wide renown for the beauty and grandeur of its precipitate cliffs" might be preserved in its natural beauty. A similar act received the approval of the Governor of New Jersey the same year, and three commissioners were appointed for each State. They reported in favor of the acquisition of the cliffs and a part of the surrounding territory by the United States "for the adequate manœuvring and quartering of the troops of the States of New York and New Jersey." An attempt to secure an appropriation by Congress to carry out the idea failed utterly, and we believe that every member of the Commission of 1895 considers it useless to look to Congress for any appropriation large enough to vest the title of the Palisade district in the Federal government.

The New Jersey Legislature, to protect the Palisades, passed an act, approved February 19th, 1895, containing the following provision :

"That hereafter the riparian commissioners shall not make any lease, grant or conveyance of any lands lying under the waters of the

Hudson river adjacent to or in front of the Palisades or adjacent to or in front of the strip of land between the base of the Palisades and the lands under water, unless there be inserted in the lease, grant or conveyance such terms, conditions, restrictions and limitations as will, so far as possible, forever thereafter preserve unbroken the uniformity and continuity of the Palisades, and also, so far as possible, prevent the lands leased, granted or conveyed from being in any way used or devoted to injurious or destructive work or operations against the Palisades, or in connection with or for the encouragement, aid or promotion of injurious or destructive work of any kind against the Palisades."

In the same year, 1895, an information was filed by Attorney-General Stockton asking for an annulment of a riparian right leased to the firm of Brown & Fleming, charging that they were violating the law above quoted, and the terms of their lease which forbade them "to break or destroy or impair the uniformity and continuity of the Palisades." This matter was argued before the Chancellor by Attorney-General Grey, the argument bringing up the legal definition of the word "Palisades," Brown & Fleming contending that the term applied only to the steep bluff, and not to the talus or slope. The Chancellor has never rendered any decision in this case.

Soon after the passage of the above quoted act, approved February 19th, 1895, the owners of some land lying between the river and the cliffs, above Fort Lee, construed said act as forbidding even the excavation that would be necessary for the erection of a building on said premises. They therefore succeeded in having passed and approved by the Governor (May 18th, 1898,) the following amendment to said act:

"Provided, however, that no terms, conditions, restrictions or limitations shall be inserted in any such lease, grant or conveyance which shall in anywise prevent or interfere with any work or operations, whether by blasting and removing rock, or otherwise, on any part of the land lying between the base of the vertical line of the Palisades and high-water mark on the Hudson river, for the purpose of preparing the ground for the construction of buildings, or for commercial purposes; *and provided further*, that this act shall not apply to or in any way affect any right of the state involved in any pending suit or suits, nor shall it nor shall any of its provisions affect or impair any lease or leases, grant or grants already made by the riparian commissioners."

The late Hon. William Walter Phelps, who was a large owner of property on the top of the Palisade cliffs, and whose interest in the preservation of the Palisades was most active up to the day of his death, conceived the idea that an agreement might be made between the owners of Palisade land that they would protect the cliffs against defacement. He therefore had an indenture prepared, and circulated among some of the owners of property affected, the canvass extending north as far as the Opdyke plot, by which the owners would have pledged themselves to make an agreement, running with the land, "whereby valid restrictions shall be imposed upon all present and future owners of said lands against any defacement from quarrying rock upon the easterly front of the Palisades, etc." Many owners consented to sign this indenture, but others refused. It is the opinion of Mr. Phelps' representative in this matter, and of others who have made similar inquiries, that no attempt to secure a unanimous agreement to such an indenture will succeed.

PRESENT CONDITION OF THE PROPERTY.

The natural beauty of the Palisades has been marred, and is threatened with further spoliation in two ways, viz., by the blasting away of the cliffs to procure the stone for street and road-making purposes, and by the occupation of the river shore by unsightly business structures.

At the present time the rock is worked more particularly for the manufacture of crushed stone, and for this purpose not only the loose rock of the talus is removed and crushed, but the cliffs themselves are being blasted out and removed. Extensive operations in this line are being carried on at Carpenter Brothers' quarry opposite Riverdale; the Brown & Fleming quarry at Englewood, and the Gallagher quarry, a short distance north of Alpine, opposite Yonkers, the two latter of which have as yet only attacked the talus or rock slope.

South of Fort Lee the cliffs have been entirely defaced by blasting, and the shore is already substantially occupied by warehouses, factories and other business structures.

The ease with which these cliffs can be quarried and the stone removed by water makes the Palisades a peculiarly attractive field for the quarrymen. Owners of cliff lands are being constantly approached with propositions to sell their holdings for use for this

purpose. The quarries now in operation are being worked night and day to supply the demand for their output, so that there is every reason to believe that in course of time the section above Fort Lee will become as badly mutilated and as completely destroyed, as far as scenic beauty is concerned, as the old section near Bull's Ferry already has been. Doubtless, too, the erection of factories and similar structures will be extended northward if the river front remains in private hands.

PRESERVATIVE MEASURES.

In considering practical means of preserving the Palisade front from future defacement, the plateau above the edge of the cliffs may be eliminated from the discussion because of the large expense which its purchase would entail, and also because, if the territory from the edge of the cliffs to the water front passed out of private control, the apprehended defacement would make no further progress. It will be deemed desirable, however, to give authority to purchase such parts of the upper plateau as the proposed Commission (hereinafter referred to) shall deem advisable, in order to give the public access to the cliff and enable them to enjoy the view therefrom.

There exists at present no corporate body having any authority to hold for public use any part of the Palisade real estate which might come into its possession through purchase, gift or bequest. The first action to be taken in the matter, therefore, should be the passage of an act by the Legislature constituting a permanent Palisade Park Commission, with power to acquire and hold for the State so much of the land between the edge of the cliffs and low-water mark as may be deemed necessary to prevent the further destruction of the Palisades. The land so acquired would constitute a park, through which might run a boulevard, and which might be devoted to various uses, none detrimental to the object for which it was established, while many of them might prove a source of revenue. Such a Commission would be in position to accept and apply any sums of money which might come to it in any way. A bill providing for such a Commission is in course of preparation and will be submitted to the Legislature.

The amendment of May 18th, 1898, to the act of February 19th, 1895 (quoted above), removes all restrictions on the erection of buildings along the Palisade river-front. We advise the passage of an act

forbidding the granting of any further riparian rights along the strip to be protected, or the restriction of such rights so as to prevent any filling-in for commercial or building purposes. The State at present has control of the riparian right of nine of the twelve miles of the Palisade water-front from Fort Lee to the New York State line.

At the request of Governor Roosevelt, of New York State, the president of the Society for the Preservation of Scenic and Historic Places and Objects (a New York organization), appointed last summer a commission to co-operate with the New Jersey Commission for the preservation of the Palisades. The two commissions have held several joint sessions for the discussion of the subject entrusted to them. We have reason to believe that New Jersey will receive practical and efficient co-operation from New York in any steps taken to preserve the Palisades from ruin and defacement.

Very respectfully,

FRANKLIN W. HOPKINS,
ELIZABETH B. VERMILYE (Signed),
W. A. LINN (Signed),
CECILIA GAINES HOLLAND (Signed),
S. WOOD McCLAVE (Signed).



