

ANNUAL REPORT

OF THE

Riparian Commissioners

OF THE

STATE OF NEW JERSEY

FOR THE YEAR

1905

With Accompanying Documents

TRENTON, N. J.
MACCRELLISH & QUIGLEY, STATE PRINTERS.

1906

Riparian Commissioners.

GOVERNOR EDWARD C. STOKES, *Chairman*, TRENTON, N. J.
WILLIAM CLOKE, *Vice-Chairman*, TRENTON, N. J.
ROBERT WILLIAMS, PATERSON, N. J.
M. F. McLAUGHLIN, NEWARK, N. J.
JOHN R. REYNOLDS, TRENTON,* N. J.
JOHN C. PAYNE, *Secretary and Engineer*, JERSEY CITY, N. J.

Commissioners' Report.

Hon. Edward C. Stokes, Governor of New Jersey:

SIR—In conformity with law, the State Board of Riparian Commissioners herewith submit their annual report.

The Commissioners propose, during the coming year, to press with renewed energy for the consent of the General Government to the proposed extension of the riparian lines out from the westerly shore of Newark bay, from a point near the confluence of the Passaic and Hackensack rivers to the Arthur Kill. This shore is now practically shut off from navigable water by a mud flat extending out almost three hundred feet. It cannot be reclaimed and developed until permission is secured from the Federal authorities to fill in this flat. Such permission has heretofore been denied, on what seems to the board trivial and unreasonable grounds. The Commissioners hope to have the co-operation of your Excellency and of the representatives in Congress from the Essex and Hudson districts in urging the General Government to reconsider its decision in this matter. If this extensive flat could be partly filled in and partly dredged out, it would open to manufacturing industries and commercial interests several miles of what would then be one of the most valuable water fronts in the State.

The Commissioners have of late largely advanced the price asked for riparian property on the Hudson river, New York bay, the Kills, and on all other waters in that vicinity. Several applications for large grants on the Hudson have been declined by the applicants on account of what they consider the excessive prices demanded; but the Commissioners are firm in their views as to the great and increasing value of these water fronts, believing that in the near future they will be worth considerably more than even the prices now asked. The available water

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frontage in the neighborhood of New York is limited, while there is no limit to the prodigious increase of population and material development in this part of the State.

The State's riparian holdings on all the waters within twenty miles of New York promise to become an increasingly valuable asset. Projected great enterprises looking to the improvement of the wide stretch of meadows between Jersey City and Newark will create a demand for sites on the Passaic and Hackensack rivers at advancing rates. Many acres of these marsh lands have already been filled in by dredging, and the work of reclamation is still progressing. The next inevitable step in the development of such enterprises is to apply to the State for the riparian interest.

Detailed information in regard to the operations of the board during the year will be found in the accompanying report of the Secretary and Engineer.

Respectfully submitted,

WM. CLOKE,
ROBERT WILLIAMS,
M. F. McLAUGHLIN,
J. R. REYNOLDS,
Riparian Commissioners.

Engineer's Report.

To the Riparian Commissioners of the State of New Jersey:

GENTLEMEN—The following tabular statement shows the grants, leases and licenses made by the Riparian Commissioners during the year ending October 31st, 1905, the name of the grantees or lessees, dates, localities and amounts paid, or secured to be paid, to the State:

GRANTS.

Date.	To Whom Made.	Locality.	County.	Amount.
1904.				
May 26.	Hamilton Godfrey,	Great Egg Harbor Bay, ..	Cape May,	\$106 25
June 30.	Caroline F. Pettingill,	Sandy Hook Bay or Shrewsbury River,	Monmouth, ...	75 00
Sept. 14.	George E. Stillman,	Grassy Sound,	Cape May,	24 23
Sept. 14.	Joseph Mason,	Grassy Sound,	Cape May,	40 50
Sept. 14.	Mary V. Cowpland,	Grassy Sound,	Cape May,	22 50
Sept. 14.	Oliver J. Leigh,	Grassy Sound,	Cape May,	106 23
Sept. 14.	Harrison H. Voorhees,	Grassy Sound,	Cape May,	26 00
Sept. 14.	Edwin Montgomery,	Grassy Sound,	Cape May,	42 00
Sept. 14.	James W. Riddle,	Grassy Sound,	Cape May,	74 36
Sept. 14.	Mary E. Shoemaker and Ann E. Snyder,	Grassy Sound,	Cape May,	21 60
Sept. 14.	Henry J. Bowden,	Grassy Sound,	Cape May,	35 14
Sept. 14.	Harry H. Platt,	Grassy Sound,	Cape May,	46 18
Sept. 28.	Ocean City Association,	Beach Thoroughfare, ...	Cape May,	20 00
Sept. 28.	John H. Stoutenberg,	Toms River,	Ocean,	44 00
Sept. 28.	Otto C. Manthey,	Sandy Hook Bay or Shrewsbury River,	Monmouth, ...	50 00
Oct. 26.	William Trenwith,	Atlantic Ocean,	Atlantic,	1,500 00
Oct. 26.	Eliza M. Strickler,	Grassy Sound,	Cape May,	20 82
Oct. 26.	Robert E. Lee Morgan,	Raritan Bay and Cheese- quakes Creek,	Middlesex, ...	285 00
Oct. 26.	Julius Christensen,	Raritan Bay and Cheese- quakes Creek,	Middlesex, ...	450 00
Nov. 30.	John H. Buhler,	Shark River,	Monmouth, ...	Nominal.
Nov. 30.	Ocean City Association,	Atlantic Ocean,	Cape May,	250 00
Nov. 30.	Milville Social and Athletic Association,	Maurice River,	Cumberland, ...	100 00
Nov. 30.	Ernst and Anna K. Kielgast,	Sandy Hook Bay or Shrewsbury River,	Monmouth, ...	420 00
Nov. 30.	The United States of America, New York Bay,		Hudson,	1,000 00
Nov. 30.	Mary Strauss,	Sandy Hook Bay or Shrewsbury River,	Monmouth, ...	100 00
Dec. 28.	Garrett Hennessy,	Atlantic Ocean,	Monmouth, ...	430 00
Dec. 28.	John A. Roebling's Sons Co.,	Delaware River,	Burlington, ...	5,430 00

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Date.	To Whom Made.	Locality.	County.	Amount.
Dec. 28.	Theresa D. Champlain,	Shrewsbury River,	Monmouth, ...	500 00
Dec. 28.	Peter R. Stelle,	Newark Bay,	Hudson,	1,666 70
Dec. 28.	Wm. A. Brackenridge,	Toms River,	Ocean,	600 00
1905.				
Feb. 1.	Livingston Gifford,	Newark Bay,	Hudson,	2,020 00
Mar. 1.	Henry Clay,	Egg Harbor Bay,	Cape May,	51 60
Mar. 1.	Ernest Grob,	Mill Creek,	Hudson,	25 00
Mar. 1.	Michael P. Howlett,	Delaware River,	Camden,	410 22
Mar. 13.	The Port Reading Railroad Co. Arthur Kill or Staten Island Sound,	Middlesex, ...		11,250 00
Mar. 23.	William G. Bumsted,	Mill Creek,	Hudson,	10 00
Mar. 23.	Mary M. Haines,	Toms River,	Ocean,	200 00
Mar. 23.	Wilmot Dick and Frederick Fitterling,	Grassy Sound,	Cape May,	124 33
Mar. 23.	Fred'k Fitterling,	Grassy Sound,	Cape May,	119 57
Mar. 23.	Thomas Byrnes,	Shrewsbury River,	Monmouth, ...	807 45
Mar. 23.	Henry H. VanSant and John Townsend,	Great Egg Harbor Bay, ..	Atlantic,	10 00
Mar. 23.	Security Land and Improvement Company,	Newark Bay,	Union,	3,570 00
Mar. 23.	Ocean City Association,	Atlantic Ocean,	Cape May,	500 00
Mar. 23.	Frederick McOwen,	Delaware River,	Camden,	126 84
April 5.	Thomas W. Synott,	Little Timber Creek, ...	Camden,	200 00
April 5.	Ocean City Association,	Beach Thoroughfare, ...	Cape May,	134 00
April 5.	Ocean City Association,	Beach Thoroughfare, ...	Cape May,	40 00
April 11.	Tuckerton and Long Beach Building, Land and Improvement Association, ...	Tuckerton Bay,	Ocean,	140 00
April 11.	Mayor and Council Borough of Beach Haven,	Tuckerton Bay,	Ocean,	94 00
April 26.	William Maltmann,	Grassy Sound,	Cape May,	21 64
April 26.	Communipaw Building and Loan Association,	Mill Creek,	Hudson,	10 00
April 26.	William E. Strong,	Navesink or North Shrewsbury River, ...	Monmouth, ...	700 00
May 3.	Standard Oil Company,	Hackensack River,	Bergen,	200 00
May 3.	Hemion Coal and Grain Co., ..	Passaic River,	Bergen,	400 00
May 31.	Security Land and Improvement Company,	Newark Bay,	Union,	2,150 00
May 31.	Harmon W. Hendricks,	Passaic River,	Essex,	200 00
June 14.	James E. Strickland,	Motts Creek,	Atlantic,	70 00
June 28.	Robert Weinmann,	Mill Creek,	Hudson,	10 00
July 5.	Lemuel A. White,	Absecon Bay,	Atlantic,	200 00
July 5.	Henry Clay,	Great Egg Harbor Bay, ..	Cape May,	30 00
July 5.	John G. Osborne,	Atlantic Ocean,	Atlantic,	195 00
July 5.	Estel D. Rightmire,	Atlantic Ocean,	Atlantic,	375 00
July 5.	Daniel L. Collins and others, ..	Atlantic Ocean,	Atlantic,	625 00
July 5.	Sam'l B. & Thos. J. Richards, ..	Atlantic Ocean,	Atlantic,	210 00
July 5.	Arthelia Johnson,	Atlantic Ocean,	Atlantic,	625 00
July 5.	J. M. Guffey Petroleum Co., ..	Kill von Kull,	Hudson,	27,000 00
July 5.	Noecker, Rickenbach & Ake Shipbuilding Company,	Delaware River,	Camden,	401 64
July 5.	Frederick McOwen,	Delaware River,	Camden,	961 60
July 5.	Peter Hagan,	Delaware River,	Camden,	737 60
July 26.	Augustus Nelson,	Grassy Sound,	Cape May,	70 74
July 26.	Anthony Gertzen,	Beach Thoroughfare, ...	Atlantic,	60 00
July 26.	Henry Gertzen,	Beach Thoroughfare, ...	Atlantic,	30 00
Aug. 23.	Bernard Tucker,	Delaware River,	Camden,	422 78
Aug. 23.	Rilatt & Barrett Dry Dock Co. Delaware River,	Camden,		152 00
Sept. 13.	Ellen Clark,	Hackensack River,	Bergen,	10 00
Sept. 13.	George W. Tichenor,	Passaic River,	Essex,	600 00

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Date.	To Whom Made.	Locality.	County.	Amount.
Sept. 13.	David Rankins,	Grassy Sound,	Cape May,	116 33
Sept. 27.	Adolph Turkel,	Mill Creek,	Hudson,	10 00
Total,				\$69,813 85

LEASES.

Date.	To Whom Made.	Locality.	County.	Principal Sum.
1904.				
Dec. 28.	Theophilous L. and Adelaide Y. Bear,	Delaware River,	Camden,	\$3,311 00
1905.				
Mar. 1.	Wilson Rickenbach,	Delaware River,	Camden,	634 16
June 14.	Carteret Realty Company, ...	Staten Island Sound, ...	Middlesex, ...	2,500 00
Sept. 13.	Philadelphia Brewing Co.,	Delaware River,	Camden,	478 40
Total,				\$6,923 56

LICENSES.

Date.	To Whom Made.	Locality.	County.	Amount.
1905.				
Feb. 1.	New York Bay Railroad Co., ..	New York Bay,	Hudson,	Nominal.
June 14.	Valencia Boat Club (yearly), ..	Hudson River,	Bergen,	\$10 00
July 26.	William M. Perrine, Trustee, (yearly),	Delaware River and Salem Creek,	Salem,	50 00
Oct. 17.	Drake & Stratton Company, ...	Hackensack River,	Hudson,	Nominal.
Total,				\$60 00

CONVERSIONS.

Date.	To Whom Made.	Locality.	County.	Amount.
1905.				
Feb. 1.	N. Y., Lake Erie & Western Docks and Impt. Co. (Con. of lease to said company of April 22, 1882),	Hudson River,	Hudson,	\$24,722 00
Feb. 1.	N. Y., Lake Erie & Western Docks and Impt. Co. (Con. of lease of April 22, 1882, to Hugh J. Jewett),	Hudson River,	Hudson,	103,191 50
Feb. 1.	N. Y., Susquehanna & Western R. R. Co. (Con. of lease of May 11, 1893, to said company),	Hudson River,	Bergen,	74,816 00
Mar. 1.	Cornelius P. Convery (Con. of lease of April 24, 1880, to Margaret E. Whitehead), ..	Staten Island Sound, ...	Middlesex, ...	400 00
Mar. 13.	H. DeCoursey Hamilton (Con. of part of lease of June 9, 1883, to Chas. Barton),	Beach Thoroughfare, ...	Atlantic,	9 76
Mar. 13.	Harry Wootton and Clement J. Adams (Con. of part of lease of June 9, 1883, to Chas. Barton),	Beach Thoroughfare, ...	Atlantic,	39 00

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Date.	To Whom Made.	Locality.	County.	Amount.
Mar. 13.	Edward D. Donnelly (Con. of part of lease of June 9, 1883, to Chas. Barton),...	Beach Thoroughfare,	Atlantic,	9 76
April 5.	Shark River Company (Con. of part of lease of July 1, 1881, to Ocean Beach Ass'n),	Shark River,	Monmouth, ...	579 81
July 26.	Noecker, Rickenbach & Ake Ship Building Co. (Con. of lease of March 1, 1905, to Wilson Rickenbach),	Delaware River,	Camden,	634 16
Total,				\$204,401 99

RELEASE.

Date.	To Whom Made.	Locality.	County.	Amount.
1905.				
Mar. 23.	Bernard J. Creighton (surrender of Susan A. Schenck lease,	Shrewsbury River,	Monmouth,	Nominal

SUMMARY.

Grants,	\$69,813 85
Leases,	6,923 56
Licenses,	60 00
Conversions,	204,401 99
Rentals on leases,	38,969 73
Total,	\$320,169 13

The amount of business done by the Commission during the past year is considerably greater in volume and amount than that of the preceding year, and applications for some of the most important and valuable water-front property of the State are now pending before the Board.

The detailed statement of the business done by the Commission gives the name of the grantee, with the locality and amount paid for the conveyance, and, with the reports for years 1903 and 1904, furnishes a complete record of the conveyances of lands under water made by the State of New Jersey, through the Riparian Commission, from its organization down to the present time.

Copies of these reports may be obtained from the Secretary of the Commission.

REPORT OF RIPARIAN COMMISSIONERS. 11

AVAILABLE WATER-FRONT LANDS OF THE STATE.

The available water front of the Hudson river, New York bay and Kill von Kull, still belonging to the State, is very limited in extent, but is of the most desirable character, and cannot fail of being in active demand in the near future.

A greater extent of available and desirable lands on the Hackensack river, Passaic river, Newark bay, Staten Island sound, Raritan bay and river, and on the Delaware river and tributary waters in the vicinity of Philadelphia and Trenton, still remain the property of the State, and offer exceptional and attractive advantages to commercial enterprises to locate on the tide waters of the State of New Jersey.

The attention of the Board is again called to the importance and urgency of the extension of the lines for improvements on the west shore of Newark bay. The extension of these lines to the position suggested by your Engineer would add greatly to the desirability and value of the water front of Newark bay and greatly increase the available land for commercial purposes in the most important section of the State of New Jersey.

The lines of the great railroads running through the State, with subsidiary lines connecting all of the water ways with these trunk lines, make the water-front lands exceptionally attractive, and account for the location within the State of New Jersey of some of the most important industries of the country.

STATE'S TITLE TO LANDS UNDER WATER.

While no question is now seriously raised as to the absolute title of the State to lands flowed by tide water at mean high tide, the construction of the rights purported to be conveyed by certain ancient legislative statutes is of great importance and has received the careful supervision of the Commission.

A case alluded to in the last annual report of this Commission is of interest in this connection: A legislative statute was deemed by certain parties interested in a commercial enterprise to give all the rights needed for occupation of the lands under water in

front of the upland owned by the parties, who proceeded to erect wharves and other structures necessary for the prosecution of their business. The matter was referred to the Attorney-General, Honorable Robert H. McCarter, who advised that suit be brought to test the questions involved of the rights of the respective parties. Suit was brought by the Attorney-General, and so determined and confident of their rights were the claimants under this legislative statute that a firm of the most eminent lawyers in the State were retained to support their claim, and the case was actually opened before one of the Vice-Chancellors, when overtures were made to the Attorney-General for settlement, with a most satisfactory and profitable result to the State.

RIPARIAN OWNERSHIP.

The question as to who is the owner of the title to the ripa and entitled to accretions as well as to be esteemed the riparian owner for the purpose of applying to the State for the riparian rights is one that is puzzling, and may give rise to doubt as to the validity of certain riparian grants.

The case of *The Ocean City Association v. William Shriver*, alluded to in the report of the Commission for 1900, is an interesting and important one. The case is fully reported in 35 Vroom, page 550, and the syllabus is printed herein for convenient reference by those interested in the questions involved:

"1. That to entitle a proprietor to the right of accretion, he must be a riparian owner, and his land must adjoin the line of ordinary high tide. If a strip of land, however small, intervene between the premises and the water at ordinary high tide its owner will not be entitled to the accretion.

"2. The right to alluvion depends upon the fact of the contiguity of the estate to the water, and to give a right to accession and accretion there must be an estate to which the accession can attach.

"3. The doctrine whereby title is acquired by accretion is founded on the principle of compensation. The proprietor of lands having a boundary on the sea is obliged to accept

the alteration of his boundary by the changes to which the shore is subject. He is subject to loss by the same means that may add to his territory; and, as he is without remedy for his loss, so he is entitled to the gain which may arise from alluvial deposits.

"4. As between vendor and vendee, the right to alluvion depends upon the condition of the land at the time of the transfer of the legal title.

"5. As between the association and Howell, the line of ordinary high water in 1884, which is the date of his deed, determines the right to accretion as between those parties. Shriver, by his deed from Howell in 1895, could not, as against the association, acquire any title or estate or right beyond that which the association, by its deed in 1884, conveyed to Howell.

"6. The defendant's grant by the Riparian Commissioners was made pursuant to the Act of 1871. Gen. Stat., p. 2790. The act empowers the Riparian Commissioners to make grants of the lands under water to riparian owners only, and a grant by the Commissioners under that act to anyone else would be ultra vires. The case, therefore, between these parties turns wholly on the condition of the line of ordinary high tide in 1884. If, as between the association and Howell, the line of ordinary high tide was not such that Howell became a riparian owner, then Shriver, by the changes in the shore, did not become the owner of the accretion, and the grant of the Riparian Commissioners in 1897 was a nullity.

"7. An instruction by the trial judge that if the high-water line before, or in 1895, advanced to or on the lot No. 849, that lot became a riparian lot, and whatever alluvial increase the ocean had in its advance brought to and in front of the lot became the land of the defendant, was erroneous."

An interesting application, in which the question of riparian ownership and the right to alluvion are involved, is now before the Board.

The riparian rights in front of two separate lots of land were applied for. In one case the present high-water line is nearly one

thousand feet beyond or exterior to the high-water line which partially covered the lot described by metes and bounds at some previous time. In the second case the present high-water line is some four hundred feet back of or interior to the former high-water line, which at some previous time only partially covered the lot in question, as described by metes and bounds, but which lot now is wholly covered by tide water.

The above-cited case will be found illuminating and useful in deciding the questions involved, and will serve as a guide in all similar difficulties.

STATE BOUNDARY LINE EXAMINATION.

Under the provisions of the act of the Legislature approved April 4th, 1891, making it the duty of this Commission to cause an examination to be made of the monuments marking the boundary line of the State every three years, this triennial examination was made by your Engineer under your direction.

The importance of this examination is more apparent as time passes and localities are built up by the increasing population. Not only does this examination discover the loss of monuments and the danger to others, but it acquaints the inhabitants of the locality in which the monuments are situated with their use, and impresses them with their importance, and so serves, in a great measure, to preserve them and prevent their loss.

Your Engineer, in making this examination, endeavored to spread, as far as possible, the information as to what these monuments were intended for, and to interest those likely to come in contact with them in their importance and value. Too little value is attached, by the uninformed and the unthinking, to monuments or landmarks that have been placed at the expense of time and money to mark the boundary lines of properties and of States, the loss of which monuments very often entails serious difficulties and law suits, as well as expense to restore.

The history of the defining of the boundary line between the States of New York and New Jersey is interesting in this connection, and your Engineer feels it worth reciting in brief in order that the interest in this important subject may be excited and kept alive.

The exact definition of the boundary line between New York and New Jersey seems not to have interested the earlier inhabitants of these two States, and so apparently unimportant an incident or industry as that of gathering oysters and other shell fish from the waters of Raritan bay is responsible for the determination and finally the actual location of this boundary line.

The value of lands under water in Raritan bay was recognized early in the last century. Raritan bay is a shallow, land-locked body of water, subject to the ebb and flow of ocean tides and fed by many fresh-water streams, possessing every requisite necessary for the successful and profitable cultivation of shell fish.

Beds of natural growth, where oysters and clams grow in great abundance, were found by the early settlers, and for a long time these proved sufficient to supply the wants of the scanty population. The rapid growth of population and the apparent danger of depletion from over fishing soon rendered artificial propagation necessary, and about the year 1810 the first oysters were planted and cultivated in Raritan bay.

At first all the lands under water in Raritan bay were considered as common to the residents of both States, and no attempt was made to divide them according to State lines, and not until the industry began to grow in importance, and the land consequently to increase in value, did local jealousies and disputes arise between the citizens of New York and New Jersey.

These disputes soon grew to be of a serious nature, and sometimes ended in bloodshed. Especially was this so after the Legislatures of each State had made it a misdemeanor for citizens to take or cultivate oysters in the waters of the other State, and in 1834 a treaty or compact was entered into by the two States in which it was agreed that "the boundary line between the States of New York and New Jersey shall be the middle of said river (Hudson), of the Bay of New York, of the water between Staten Island and New Jersey and of Raritan bay to the main sea." This, though vague, was sufficiently definite for a long time, but the rapidly increasing number of planters and the great demand for oyster lands soon led to the occupation, in the most valuable part of the bay, and the indefinite nature of the

description of the boundary line given in the agreement of 1834 became a source of constant dispute, and in 1886, pursuant to a joint resolution of the Legislature, Governor Green appointed Robert C. Bacot, A. B. Stoney and George H. Cook a commission on the part of New Jersey to co-operate with a similar commission on the part of the State of New York to locate and mark out in Raritan bay the line of 1834. This commission concluded its work and made its report to the Governor on December 20th, 1887.

The work of this commission was so satisfactory that it was continued to definitely locate and mark out the boundary between the States, in the Staten Island Sound, Kill von Kull, New York bay and the Hudson river. It was in the latter part of this commission work where the Honorable Robert C. Bacot, who was chairman of the commission on the part of New Jersey, as well as Engineer of the Riparian Commission, clung so tenaciously and successfully to the contention that the treaty of 1834 fixed the middle of the channel of New York bay, and not the middle of the area of the waters of the bay, as the boundary line, resulting in giving to the State of New Jersey, not only a greater area of land under water, but fixing the boundary line in the center of the deep-water channel.

This commission set monuments on the shores of New Jersey and New York, the intersections of the lines connecting which marked the boundary line in Raritan bay, Staten Island sound, Kill von Kull, New York bay and the Hudson river, and filed their report December 23d, 1889.

On April 4th, 1891, the Legislature of New Jersey passed an act authorizing and directing the Riparian Commissioners to cause an examination and inspection every three years of the State boundary line monuments, and to restore or replace any that are in need of it, and it is this examination that is now the subject of this report.

The important work done jointly by the States of New York and New Jersey in 1904 in erecting a steel beacon on the range through the Romer Shoal Light-House, on Romer Shoal, and the permanent monument in Raritan bay, near the mouth of Cheese-

quake's creek, effectually disposed of any ground or danger of dispute as to the location of this important part of the boundary line of the State in Raritan bay, and the only attention this part of the boundary line will need in the near future is that the permanent monument in Raritan bay should be repainted and relettered at a cost of about \$50, and that the steel range beacon on the shore should be repainted, at a cost of about \$200, one-half of which cost will be borne by each State.

As to the monuments on the shores of Staten Island and New Jersey, the intersection of the line connecting which mark the boundary line in Staten Island sound, the following monuments are noted as needing attention:

Monument No. 4, at Tottenville, has been covered by the erection of a dwelling-house. This is one of the cases where it would seem as though ignorance of the use and importance of these monuments was responsible for the loss of this one.

In July, 1902, the previous triennial examination was made, and this monument was found to be in good condition. One month later the erection of a building was commenced and the monument either removed entirely or buried under the filling made in the course of the erection of this building. If the people responsible for this work had known of the value and importance of this monument they would have acquainted the authorities with the fact that it needed removal.

Another case illustrating the danger to these monuments, located as they are, is that *Monuments Nos. 15 and 15 A, near Rossville, on the Staten Island shore*, planted on property now belonging to the Oakland Chemical Works, but for the care and forethought of the Superintending Architect, Mr. T. C. Perkins, might have been destroyed, as the company is erecting extensive buildings covering the site of these monuments.

Monument No. 24, on the New Jersey shore at Cartaret, New Jersey, has been covered or destroyed by the erection of a building and will have to be restored.

Monument No. 40, on the shore of Morse's creek, is in a very precarious position and is likely to be washed out by the tides if it is not destroyed by the erection of docks or buildings. This monument should be removed to a more secure position.

Monument No. 48, at Bergen Point, which was in good condition when the examination was made in 1902, is now covered by a building in which is stored tons of machinery.

This is another case where the importance and value of these monuments cannot have impressed the people responsible for its loss, for your Engineer, in 1902, took occasion to inform the superintendent of the enterprise located at this point of the use and importance of this monument, and also furnished him a copy of the report of the boundary line commissioners, showing its location, with the object of being informed if any danger to this monument arose at any time, and yet the monument is now covered and a new location will have to be provided and a monument set.

Monument No. 49, at Bergen Point, cannot be found and its relocation will have to be determined.

Monument No. 53, at Livingston, Staten Island, has been moved from its former location, and is now between the tracks of the Staten Island Rapid Transit Railroad, very much out of plumb and needing resetting.

The cost of re-locating and re-setting these monuments would be about \$500.

As to the monuments marking the northern boundary line of the State, between the Hudson river, opposite Hastings, and the Delaware river at Port Jervis:

One of the most interesting monuments on this line is called the "Eastern Witness, or Reference Monument." This monument stands on the top of the Palisades, overlooking the Hudson river, at Tappan. It is about five hundred feet back of the Hudson river and three hundred and fifty feet above tide water. The monument is in one piece, is eleven and a half feet long and weighs three tons. The words "Boundary Monument 1882" are cut on two faces, and on the north and south faces are the following lists of names as commissioners:

NEW YORK.

HENRY R. PIERSON,
CHAUNCEY M. DEPEW,
ELIAS W. LEAVENWORTH,
Commissioners.
H. W. CLARKE, *Surveyor.*

NEW JERSEY.

ABRAM BROWNING,
THOMAS N. McCARTER,
GEORGE H. COOK,
Commissioners.
E. A. BOWSER, *Surveyor.*

This is a very interesting and impressive monument, having chiseled thereon the names of noted men, some living and some dead. It is suggested by your Engineer that, if permission can be obtained from the property-owners, the underbrush and trees on the boundary line, between the public road and this interesting monument be cleared so that not only the monument itself, but the boundary of the State at its beginning may be seen at a glance.

Monument No. 25, or Road Monument No. 2.—The road on the side of which this monument is located has been graded down some three or four feet, and so close to the monument that there is danger of the natural sloping of the sides impairing the stability of the monument and carrying it down. It is recommended that this monument be reset.

At the crossing of the Lehigh and New England Railroad no monument seems to have been placed, and the nearest monument is some five hundred feet away and in a low meadow, very difficult to find. It is suggested that a monument be placed on the boundary line at this railroad crossing.

An instance showing the importance of these triennial examinations:

Monument No. 110, on the road from Greenville, or Minnisink, to Mt. Salem, was originally located with reference to "Widow Taylor's House," and also located with reference to what was noted as a "vegetable house." This latter reference mark has been destroyed and the house originally referred to as "Widow Taylor's House" is now occupied by and the property of Mrs. Ella Corwin.

The Tri-State Monument, at the junction of the Delaware and Neversink rivers, is in need of some attention. The point where this monument now stands was originally indicated by a crow-foot cut in the natural limestone rock, but the action of the water and

the ice gradually obscured this mark, and in 1882 an excavation was made in the rock and a monument set. In 1883 the top of this monument was broken off by the ice, and in 1885 the permanent portion of the monument was redressed and on its top surface grooves were cut, showing the direction of the lines of the three States which meet at this point. This monument is built into the natural rock at the junction of and so near the high-water mark of the two rivers that it is subject to the erosion of the water and the ice, and now needs some attention in the way of re-pointing, in order to prevent injury.

To carry out these suggestions as to the northern boundary line would cost in the neighborhood of \$150, making a total cost of about \$900.

It is earnestly suggested by your Engineer that in the case of all of the monuments on the shores of Staten Island and New Jersey, from which the boundary line in Staten Island sound is derived, wherever possible, the same should be either removed or referenced as to existing street lines, or permanent buildings, in such a way that their location cannot be lost, but can be readily determined at any time. Under the existing conditions, any one or any number of these monuments, placed as they are very close to the ground, and, in some cases, entirely covered, without knowledge or notice to the owners or occupants of the property of their existence or purpose, are liable at any time to be destroyed. It would seem as though the importance of this matter warranted the making of the occupation of lands for the purpose of planting these monuments the subject of agreement between the owners of said lands and the authorities of the States, so that their preservation might more certainly be secured.

ROUTINE WORK.

The meetings of the Commission have continued to be largely attended by parties interested in applications before the Board, and as the riparian lands of the State become more valuable, greater interest is manifested in their disposal, and the questions

arising in the disposition of the same more complicated. The Board has had the earnest and helpful attention of the Attorney-General, Robert H. McCarter, in all legal matters coming before the Board which have been referred to him for advice.

Respectfully submitted,

JOHN C. PAYNE,
Secretary and Engineer.

October 31st, 1905.

Financial Statement

Of Amounts Received and Paid by the Riparian Commissioners for Salaries
of Employees and Office Expenses of the Commission
for the Year Ending October 31st, 1905.

Dr.

1904.		
November.	To amount received from State Treasurer,.....	\$407 94
December.	To amount received from State Treasurer,.....	399 86
1905.		
January.	To amount received from State Treasurer,.....	577 37
February.	To amount received from State Treasurer,.....	405 16
March.	To amount received from State Treasurer,.....	460 42
April.	To amount received from State Treasurer,.....	410 46
May.	To amount received from State Treasurer,.....	401 49
June.	To amount received from State Treasurer,.....	401 97
July.	To amount received from State Treasurer,.....	401 96
August.	To amount received from State Treasurer,.....	409 63
September.	To amount received from State Treasurer,.....	743 44
October.	To amount received from State Treasurer,.....	406 97
		\$5,426 67

Cr.

1905.		
By amount paid for salary of Secretary and Engineer,.....		\$3,500 00
By rent of offices for 1905,		780 00
By maps, stationery and office expenses,.....		1,146 67
		\$5,426 67

(23)

APPENDIX.

Directions for Applicants to the Riparian Commission of the State of New Jersey for Lands Under Water.

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

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

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

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

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