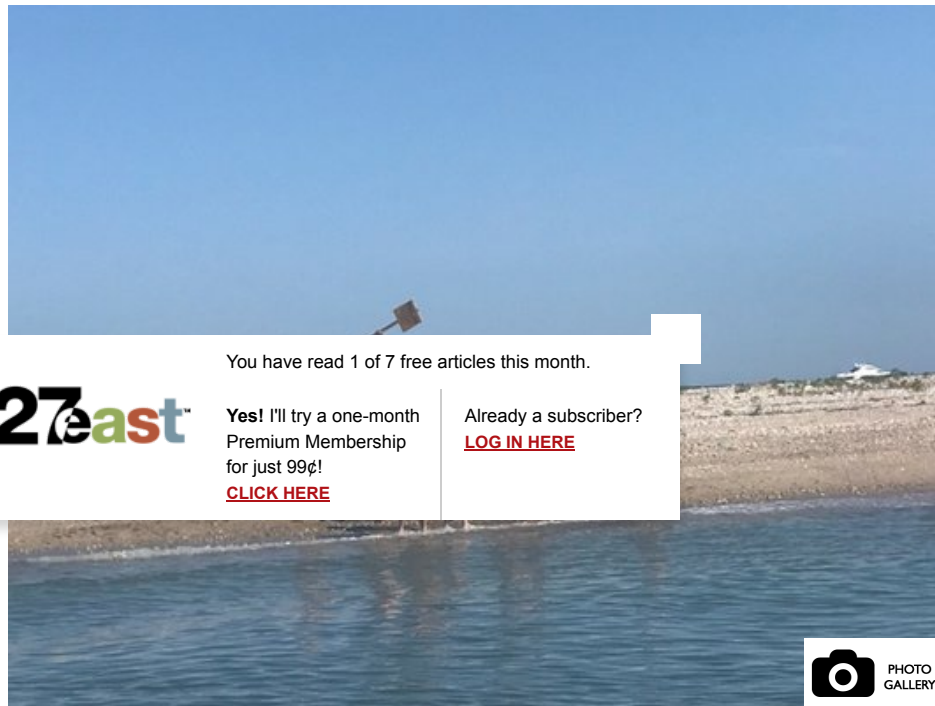




Publication: The East Hampton Press

Aug 8, 2018 11:26 AM

# Man Arrested On Cartwright Island After Taking Down Signs Stands His Ground



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**UPDATED** Aug 9, 2018 12:18 PM

**Ben Kava**

A fairy tale of royal grants, oxen, horses and a mysterious island became real recently when Rod Richardson, whose family has had roots in East Hampton since 1947, was charged by East Hampton Town Police with criminal tampering, a misdemeanor, and trespassing, a violation, on Cartwright Island, the southern tip of shoreline that extends out from the privately owned Gardiners Island.

On June 30, Mr. Richardson, of Amagansett, was paddleboarding in Gardiners Bay with his family when he came across several families traveling in four boats who had been told by security-operated vessels that they could not use the beach at Cartwright Island. Mr. Richardson said a security guard who works for the Goelet family—descendants of the Gardiners, who own Gardiners Island—then approached his daughter, who was also on the Cartwright Island beach, and told her that East Hampton Town Marine Patrol had been called.

According to Mr. Richardson, the security guard said that the land is private "as far as an ox can walk without getting its belly wet." In previous years, Mr. Richardson said, the line used by security had been "of a horse's belly."

After asking for proof of the island's ownership—Mr. Richardson said the security guards could not provide any—he then removed two signs from the beach stating that the land was private.

On July 25, he received an appearance ticket from East Hampton Town, and he is scheduled to be arraigned in East Hampton Town Justice Court on Thursday, August 9.

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Though Gardiners Island has been owned by the family of the same name ever since it was granted to them by British royalty, Mr. Richardson said that he has done extensive research proving that Cartwright Island is not included in that space, and is therefore public land, owned by the people of the State of New York. Gardiners Island falls under the local jurisdiction and taxation of East Hampton Town.

Mr. Richardson said he is not launching a new crusade to secure public beach access. Instead, he is trying to protect a right that he believes East Hampton residents have always had.

"I, and many people in East Hampton, have enjoyed this freedom in our lifetimes, and for generations before us," he said. "The shore of Cartwright is part of an ancient right of way, protected by the public trust doctrine. The right to roam, the freedom to navigate the waters and the shores, is one of the oldest freedoms that mankind has going back to literally prehistoric times."

Reached on Tuesday, the Goelets' attorney, Robert J. Alessi of DLA Piper in New York City, said he did not have time to comment at the time; he had not returned the call as of Wednesday. The Goelets did not return a phone message left at their Manhattan residence on Tuesday with a woman who said she worked for them.

East Hampton Town Chief Harbormaster Ed Michels, whose Marine Patrol charged Mr. Richardson, indicated on Wednesday that Mr. Richardson's removal of the signs went a step too far.

"You may be right, but you did it the wrong way," Chief Michels said of the situation in general.

Mr. Richardson said that when he was a young boy, his father took his family on trips to Cartwright Island, where they would hike and play, never threatened by security.

He said he believes there is a connection between Robert Lion Gardiner's death, in 2004, and the change in how security of the property is managed.

"When he had a say in running the island," he said, "no one was ever chased off of Cartwright." Now that Gardiners Island is run through the Goelet family trust, Mr. Richardson said, "Goelet security apparently tells anyone who sets foot on Cartwright Island that they are calling Marine Patrol "

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Interesting! Another article from the SH press on this island with some additional (vague ) history:

<http://www.27east.com/news/article.cfm/news/289390/A-visit-to-Cartwright-shoal>

By [adlkjd923ilifmac.aladfkdsurwp \(538\)](#), southampton on Aug 8, 18 2:37 PM

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If anyone wants to read a full account of the 'incident' on Cartwright on June 30, here it is:

<https://www.dropbox.com/s/8q70op3mypp9uvf/Show%20me%20the%20Ox.pdf?dl=0>

By [Rod R \(23\)](#), East Hampton on Aug 9, 18 3:47 PM

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Occupy Cartwright!!

By [Agawam Yacht Club \(57\)](#), Southampton on Aug 8, 18 3:58 PM

2 members liked this comment

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Great article. Of course I disagree with Chief Michaels that I, not he, "did it the wrong way." Private Land and no trespass signs placed on public shore are characterized by NYS Office of General Counsel (OGC) as a "public nuisance" that should be removed. Marine Patrol's failure to enforce that OGC guidance properly, along with the failure of Goelet security to provide proof of ownership after repeated requests, and the explicit threat to the children's public rights [...more](#)

By Rod R (23), East Hampton on Aug 8, 18 4:46 PM

2 members liked this comment

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Well done Sir, well done!

By bigfresh (3604), north sea on Aug 8, 18 5:53 PM

2 members liked this comment

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For all Public Freeholders under the law.

By Mr. Z (10319), North Sea on Aug 8, 18 7:33 PM

1 member liked this comment

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Thank you for saying so. Anything you can think of to lend a hand in this battle royal would be gratefully appreciated.

By Rod R (23), East Hampton on Aug 8, 18 9:31 PM

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Anyone who want to understand how Marine Patrol should have enforced this matter can read the NYS Office of General Counsel "Enforcement Guidance: Public Rights of Navigation and Fishing":

<https://www.dec.ny.gov/regulations/74771.html>

By Rod R (23), East Hampton on Aug 8, 18 4:53 PM

1 member liked this comment

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Also, anyone who want to find out whether or not Cartwright Island really belongs to the town at all, let alone "into the town" as their employees have said, is no ox, or any language that is a fairytale. See for your self. [Donagan%20Patents%20for%20Gardiner%27s%20Island.pdf?](#)

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Now compare that to the Dongan Patent to the EH Town Trustees. Notice the Trustees are specifically given the "beaches." Dongan did NOT give the beaches to the Gardiners. For very good reason. The Trustees are a public organization, democratically elected, suitable guardians of the public trust. The Gardiners were not reliably so. So the Crown retained the beaches:

<https://www.dropbox.com/s/0oh4b2cdohb86qc/Dongan%20East%20Hampton%20Patent%20of%201686%20dropboxcopy.pdf?dl=0>

By Rod R (23), East Hampton on Aug 9, 18 8:43 AM

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This is born out in the earliest survey map of Gardiner's Island we have, from 1722, calculating the land area owned by the Gardiner's, which deliberately leaves out the beaches from that ownership calculation, with a notation to that effect in the top right of the survey map:

<https://www.dropbox.com/s/cw1gnzk5v77k9pi/1722%20Gardiner%27s%20Island%20Survey%20dropboxcopy.png?dl=0>

By Rod R (23), East Hampton on Aug 9, 18 8:49 AM

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Conclusion. The Gardiner's legitimately own their Island, but not the beaches of the Island, so definitely not Cartwright Island or Shoal.

By Rod R (23), East Hampton on Aug 9, 18 8:51 AM

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You aren't pointing to specific wording because there isn't any that supports your using some emotional application of a profoundly clear deed. The passing to David Gardner was meant to be so thorough that it included all of the fishing, fowling and hunting. There is no question that you will lose. Setting those kids up is mean

By SlimeAlive (904), Southampton on Aug 11, 18 7:56 AM

[Like](#) [Reply](#) [Report as inappropriate](#)



In my opinion, it is a waste of East Hampton Marine Patrol and judicial resources to have me arrested based on allegations that I was on what I understand is a public beach. Every Town official, Trustee, and public interest group concerned with civil rights and public access should denounce the foolish waste of taxpayer resources to enforce ANY complaint of trespass on the public foreshore and public land that is Cartwright Island.

By Rod R (23), East Hampton on Aug 8, 18 4:59 PM

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This comment has been removed because it is a duplicate, off-topic or contains inappropriate content.

By Rod R (23), East Hampton on Aug 8, 18 5:47 PM



Exactly what is the height of an oxen's belly?

By Mr. Z (10319), North Sea on Aug 8, 18 7:33 PM

1 member liked this comment

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confused:

- Did 'Cartwright Island' even exist when Gardiner's island was established (and how to know this?)
- Wouldn't the beach still be public to the mean high tide line? (and what if we were to breed a horse or an ox with very short or even no legs?)
- Is it legal to hire private security guards to 'patrol' any public land so long as no one complains ( can my private security guard kick people off of my personal section of cooper's beach?)
- How is 'cartwright island' defined [...more](#)

By adlkd923ilifmac.aladfsdurwp (538), southampton on Aug 8, 18 6:54 PM

1 member liked this comment

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I would find it hard to believe that the sliver of sand between the two islands every granted them any right to it. Oxen or horse belly notwithstanding.

Old maps from the town archives may provide some insight.

By Mr. Z (10319), North Sea on Aug 8, 18 7:37 PM

1 member liked this comment

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I'll post a few of the earliest maps later tonight that shows the Islands in the 17th C. Good questions!

By Rod R (23), East Hampton on Aug 8, 18 8:58 PM

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er1674%20dropboxcopy.png?

1689 copy of a 1674 map. I have never seen.



For those who may be interested, see the etymology for the term "fee simple".

By Mr. Z (10319), North Sea on Aug 8, 18 7:54 PM

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Throw the book at this guy. He's a perpetual trouble maker. He fancies himself some sort of freedom fighter.

By SlimeAlive (904), Southampton on Aug 8, 18 8:19 PM

1 member liked this comment

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By Rod R (23), East Hampton on Aug 8, 18 9:20 PM

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This comment has been removed because it is a duplicate, off-topic or contains inappropriate content.

By SlimeAlive (904), Southampton on Aug 9, 18 4:46 AM



You should expand on that. And perhaps have the courage to use your real name, Mr. SlimeAlive.

Of course I have no idea what you mean by perpetual... what do you have in mind?

And I am mystified why you'd want to rush to defend a folks who, not satisfied with actual aristocratic privilege beyond the wildest dream of most mere billionaires, have for years instructed their minions to tell fairly tales claiming fake royal privileges that don't actually exist. Why?

Someone [...more](#)

By Rod R (23), East Hampton on Aug 8, 18 9:11 PM

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Here is one of the oldest maps of Gardiner's Island and Ram Island, 1689 copy of a 1674 map. Separate islands then and on every subsequent map or chart that I have ever seen.

<https://www.dropbox.com/s/c5ge6ch08k58v1v/thronton1689fromRyder1674%20dropboxcopy.png?dl=0>

By Rod R (23), East Hampton on Aug 8, 18 11:29 PM

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Open this sliver of land to the public and you'll get a beer can and garbage littered beach. We all know this is true. Let the birds nest in peace and keep the place clean. There are miles of beach surrounding Gardiner's Bay that you can enjoy with your kids. What's your true motive?

By harbor (361), East Hampton on Aug 9, 18 8:26 AM

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NOT SO. Conservation and public access go hand in hand, and reinforce each other. Mostly nature lovers go out of their way to visit places like this, and they clean up, after themselves and any bozos that don't. Hicks Island also had illegal no public access signs up. The trash piled up on the shore because no one picked it up. The Hicks Is. signs have come down, public access was restored, and now the nature lovers visit and keep it clean.

By Rod R (23), East Hampton on Aug 9, 18 3:21 PM

1 member liked this comment

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This comment has been removed because it is a duplicate, off-topic or contains inappropriate content.

By localEH (303), East Hampton on Aug 8, 18 11:54 PM

2 members liked this comment



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By SlimeAlive (904), Southampton on Aug 9, 18 4:53 AM



"When he (Robert Lion Gardiner) had a say in running the island," he said, "no one was ever chased off of Cartwright."

That's not true. Security staff on ATVs or in small boats would ask people to leave. I observed this numerous times while fishing in the area.

I think the major concern is an idiot starting a fire on Cartwright and then having embers drift over to the main island where the ability to fight a fire is very limited.

By harbor (361), East Hampton on Aug 9, 18 8:39 AM

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... true, but never Cartwright. travel 2 miles over water. And



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By harbor (361), East Hampton on Aug 10, 18 8:07 AM



You never responded to my question why a nature lover like you would want the public to disturb a bird nesting area? You seem to think that only people who respect nature will visit the place. Have you ever been to any East Hampton beach before the morning cleanup? Yikes. And of course some idiots will bring their dogs.

Incidentally, I have fished around Gardiner's for 25 years and observed security challenging visitors to Cartwright before Gardiner's death. So saying that never happened [...more](#)

By harbor (361), East Hampton on Aug 10, 18 8:49 AM

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Abolishing public access rights completely is extreme and unnecessary.

First of all, the birds only nest a few months of the year. From August 15 to May, there would be no reason to deny anyone public access.

Second, they only nest on about 20% at most of the total Island length, 10% of Shoal. Easy to avoid nesting areas. Bird nesting areas can be easily protected with exactly the same procedures on every beach: enclosure fencing and signs, but allowing passage along the public [...more](#)

By Rod R (23), East Hampton on Aug 10, 18 2:56 PM

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Good for Mr. Richardson -- standing up for what is right, just and legal!

However, being on the correct side of the law does not equal having your side prevail in the legal system.

Public access to beaches on eastern Lung Guyland is threatened by wealthy waterfront landowners.

More power to Mr. Richardson : )

By Aeshtron (93), Southampton on Aug 9, 18 9:43 AM

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So you'll be calling the Shinnecock Indian reservation to schedule the handing over of your property?

It was "stolen"

By SlimeAlive (904), Southampton on Aug 10, 18 5:29 AM

2 members liked this comment  
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Montauket Tribe would have a reasonable claim if they were still around, but they are not legally recognized. So it belongs to people of NYS.  
By Rod R (23), East Hampton on Aug 10, 18 2:58 PM  
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WHO IS PAYING THE TAXES ON THIS PIECE OF LAND???  
By DisgustedHamptons (36), Hampton Bays on Aug 10, 18 4:30 AM  
[Like](#) [Reply](#) [Report as inappropriate](#)



No one. Its on the tax map, but not the tax rolls  
By Rod R (23), East Hampton on Aug 10, 18 3:00 PM  
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This guy's research is wrong. Child protective services should intervene. He is using kids and teaching them to disrespect the law  
Aug 10, 18 5:27 AM appended by SlimeAlive  
Every piece of written recording of that shoal indicates it is private. Rod would have to reveal is research that proves its public first. He cannot.  
By SlimeAlive (904), Southampton on Aug 10, 18 5:27 AM  
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Prove it, Slim!  
By adlkjd923ilifmac.aladfkdsdurwp (538), southampton on Aug 10, 18 7:26 AM  
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You can actually do that yourself,  
<http://www.suffolkcountynyny.gov/Departments/SocialServices/ChildEnforcementBureau/ReportingAbuse.aspx>



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off-topic or contains



As to proof, just read the royal patents. Posted above. There is no ox, no language that proves Goelet ownership. Turns out they don't even own their own beaches. But don't worry, it is all available now, and it is going to be even more available soon.  
By Rod R (23), East Hampton on Aug 10, 18 3:08 PM  
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There is absolutely NOTHING in those charters that support your contention and you couldn't point to Amy specific wording if your life depended on it. There is nothing that says that property is public. You will lose your case  
Aug 11, 18 7:51 AM appended by SlimeAlive  
Your research is as solid as your guesswork. I have zero skin in the game. You're just a stereotype I dislike in combination with an issue on which you couldn't be more inaccurate. Your inflated sense of self renders me exclusively a member of the extended family because anyone else MUST agree with you. This is all very typical of your ilk  
By SlimeAlive (904), Southampton on Aug 11, 18 7:51 AM  
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Actually, the grants must specifically say they own into the water to be able to make that claim. It must specifically say they own Ram I. If it doesn't say it, the Gardiner's foreshore and Cartwright I and Shoal are all public, all 16.5 miles. I will definitely win.  
So you work for the Goelets, right? Or is this Tom?  
By Rod R (23), East Hampton on Aug 11, 18 1:12 PM  
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Feel free to quote the language that shows they own into the water or that they own Cartwright. It is not there.  
By Rod R (23), East Hampton on Aug 11, 18 3:09 PM  
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Slime Alive is sounding more and more like Mark Hissey - so passionate about this  
By adlkjd923ilifmac.aladfkdsdurwp (538), southampton on Aug 11, 18 8:19 AM  
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One way or another, he probably works for the Goelets is my guess, directly or indirectly. Why would he care so much otherwise.  
By Rod R (23), East Hampton on Aug 11, 18 1:13 PM  
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You've got a lot to learn, Rod

By [adlkjd923ilifmac.aladfkdsurwp \(538\)](#), southampton on Aug 11, 18 4:15 PM

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