

the party whose property was thus destroyed or injured, for the damages sustained by reason thereof. (a)

How collected.
Ib., § 2.

6. That such action or actions may be brought and conducted in the same manner that other actions may be prosecuted by law, and the judgment may be reviewed in the manner now provided for in civil actions; and whenever any final judgment shall be recovered against any such city or county in any such action, such judgment shall be paid and collected as other judgments against such city or county.

When no recovery.
Ib., § 3.

7. That no person or corporation shall be entitled to recover in any such action if it shall appear upon the trial thereof that such destruction or injury of property was occasioned, or in any manner aided, sanctioned or permitted by the carelessness or negligence of such person or corporation; nor shall any person or corporation be entitled to recover any damages for any destruction or injury of property as aforesaid, unless such party shall have used all reasonable diligence to prevent such damage, and shall have notified the mayor of such city, or the sheriff of such county, immediately after being apprised of any threat or attempt to destroy or injure his or their property by any mob or riot, of the facts brought to his knowledge; and upon the receipt of such notice it shall be the duty of such officer to take all legal means to protect the property attacked or threatened.

Duty of officer.

Actions against rioters also.
Ib., § 4.

8. That nothing in this act shall be construed to prevent any person or corporation whose property has been injured or destroyed by any mob or riot from having or maintaining an action against each and every person engaged or in any manner participating in such riot or mob.

Limitation of actions.
Ib., § 5.

9. That no action shall be maintained against any city or county, under the provisions of this act, unless the same shall be brought within three months after the loss or injury; *provided*, if the parties bringing suit be in ward, as of unsound mind, or minors, or under coverture, this limitation shall not apply. (b)

City or county may agree with claimant.
Ib., § 6.

10. That it shall be lawful for any city, by its common council, and for any county, by its board of chosen freeholders, whenever such city or county shall be liable to an action under the provisions of this act, to agree in writing, with the owner of the property destroyed or injured, upon the sum to be paid by such city or county, without action; and the sum agreed upon shall be paid as claims of a general nature against such city or county.

City or county may recover from rioters.
Ib., § 7.

11. That any city or county which shall pay any sum under the provisions of this act, whether paid upon judgment or settlement, may recover the full value of the property destroyed or injured, in an action against any or all of the persons in any manner engaged in such destruction or injury; and in such action the judgment recovered against, or the settlement made by such city or county, may be offered and shall be received as prima facie evidence of the value of the property destroyed or injured.

(a) This section is within the title of the act and is constitutional. *Clark Thread Co. v. Freeholders of Hudson*, 25 Vr. 265.
(b) A married woman is not barred from her action for an

injury to her property, caused by a riot, by the lapse of three months after the injury and before suit, she being within the saving clause of this section. *Carey v. Paterson*, 18 Vr. 365.

Riparian Rights.

1. Commissioners appointed. Powers, duties.
2. Until report of commissioners made, no further grant, &c., to be made.
3. Oath of office.
4. Vacancies.
5. May appoint surveyors, agents, &c.
6. Repealed.
7. Meetings, notice of.
8. Exterior bulkheads and pier lines determined.
9. Unlawful to fill in beyond these lines.
10. Amended by section 43.
11. Leases and conveyances for land under water.
12. No grant in force until compensation or rentals secured.
13. Commissioners to be appointed to complete certain work.
14. Powers and duties of commissioners.
15. Proceedings to obtain grant of lands under water.
16. Compensation of commissioners.
17. Proceeds of sales, how applied.
18. Commissioners' oath.
19. May commence proceedings for trespass.
20. When grant made to person other than riparian owner, his rights, how extinguished.
21. Riparian owner may apply for lease or conveyance.
22. To what waters supplement not to apply.
23. Pier lines may be changed.
24. Encroachments prohibited.
25. Commissioners may make lease or sale.
26. Commissioners to fix purchase-money or rentals to be paid by any applicant.
27. Repealer.

28. Compensation for lands taken, leased or granted by state.
29. Amended by section 82.
30. Laying of road along shore line not to affect rights of riparian owner.
31. Grant or lease of lands, whereon are natural oyster beds only to be made for wharves, &c.
32. Commissioners, on shore-owners' request, to extend surveys over tide-water. Expense, how provided.
33. Cities may apply for grants of lands under water in front of public park, &c.
34. Repealer.
35. Commissioners to establish exterior lines around islands in tidal-waters, &c.
36. Commissioners to sell or let lands under water, &c.
37. Repealer.
38. No person or corporation to dig, bridge or remove any deposits of sand, &c., from lands under tidal-waters without license.
39. Commissioners to license.
40. Commissioners may lease lands under water.
41. Commissioners may sell lands below mean high-water mark.
42. Repealer.
43. Act of 1851 repealed as to certain tide-waters.
44. Repealer.
45. Leases and grants in front of Palisades to be subject to certain conditions and restrictions.
46. Commissioners may capitalize annual payments on leases and convey in fee-simple.
47. To operate on all leases.
48. Covenants, clauses and conditions to be inserted in grants and leases.
49. Salary of commissioners.
50. Board, how constituted and appointed.
51. Board to be non-partisan.
52. Members of present board retired.
53. Compensation, &c.
54. Repealer.
55. Commissioners not to grant exclusive right to plant or take oysters in Delaware bay.

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. P. L. 1864, p. 681.

WHEREAS, It is represented to the legislature of the state that grants of rights to occupy land under the waters of the bay of New York and the Hudson river, and elsewhere within the state have been made and are liable to be made, without sufficient information of the rights of the state and of the riparian owners in the same, therefore, with the view of obtaining the proper information to enable the legislature to protect the rights of the state,

1. That a board of commissioners be nominated by the governor and confirmed by the senate, to consist of six citizens of this state, who shall have power and whose duty it shall be to cause the necessary surveys and examinations to be made by competent surveyors of the lands lying under the waters of the bay of New York and of the Hudson river, and of the lands adjacent thereto, the Kill von Kull, Newark bay, Arthur's kill, the Raritan bay, and the lands lying under the water of the Delaware river, opposite to the county of Philadelphia, the right to reclaim which has not been granted by the state, and to obtain all needful information from other sources, in order to ascertain the present rights of the state in the same, and the value of said rights; and to fix and establish an exterior line in the said bays and rivers, beyond which no pier, wharf, bulkhead, erection or permanent obstruction of any kind shall be permitted to be made, and to report to the next legislature, on or before the first day of February next, the result of the information thus obtained, and the value of the said rights, together with the evidence upon which the same is founded; and second, that they shall recommend to the legislature such plans and provisions for the improvement, use, renting or leasing of the said lands under water as they shall deem necessary for and most conducive to the interest of the state, and to have prepared, and submit with their report, maps of said land exhibiting the exterior line fixed and established by them in said bays and rivers, and the lines of the existing piers, wharves and bulkheads, and also showing any grants of lands under the waters of said bays and rivers which have not been occupied and also the original shore line as far as the same can be ascertained, accompanied with such field notes, measurements and elucidations as they shall deem necessary to a full exposition and understanding on the subject. [See Sec. 50, *post.*]

2. That until such report is made no further grant, lease or sale of any of said lands shall be made, and the said commissioners may apply to the chancellor for an order to restrain and stay all proceedings, erections and obstructions until the further direction of the legislature; and if any permanent erection in or obstruction of the said waters, within the said exterior line to be fixed or established by them, be commenced or con-

Preamble.

Board of commissioners to be appointed.
Power and duties of.

Until report made of commissioners no further grant, &c., to be made.

- tinued after such order, the said chancellor may cause the said order to be enforced, and disobedience thereof to be punished by the court of chancery, in the same manner and to the same extent as in cases of injunction issued out of said court; and any permanent erection or obstruction, made contrary to any such written order, may be removed and abated by the order of the chancellor; *provided, however,* that the said commissioners or the chancellor shall not interfere with any rights already granted, or which have been or may be granted at the present session of the legislature.
- Proviso.**
- Oath of office.** 3. That the said commissioners shall take and file in the office of the secretary of state an oath well, truly and faithfully to perform the duties of their appointment, before entering upon said duties, and they shall not be or become interested, directly or indirectly, in any water rights or rights to occupy lands under water in the said bays or rivers, nor in any real estate that can in any way be benefited or affected by the establishment of such exterior lines, or by any measures that they may recommend; and upon proof being made to the governor of any one of said commissioners being so interested, and upon a hearing of a party so charged, he may be removed from office by the governor.
- Vacancies.** 4. That any vacancies in the board of commissioners, caused by removal, resignation, refusal to serve or otherwise, shall be filled by appointment by the governor, of a citizen of this state not interested as aforesaid.
- May appoint surveyors, agents, &c.** 5. That the said commissioners may appoint surveyors, agents and others necessary for the discharge of these duties, and they and their agents may enter upon any land for the purpose of surveying or obtaining any information on the subject of their appointment.
- Notice of meetings.** 6. [Repealed.]
7. That the said commissioners shall give public notice of the time and place of their first meeting by advertisement published for ten days in each of the papers printed in the counties in which the commissioners shall make their investigation, and all subsequent meetings of the commissioners shall be publicly adjourned to some particular time and place.

Supplement.

Approved March 31, 1869.

P. L. 1869, p. 1017.

Exterior bulkheads and pier lines determined.

Unlawful to fill in beyond these lines.

Unlawful to erect pier.

How piers may be constructed.

8. SEC. 1. That the bulkhead line or lines of solid filling and the pier lines in the tide-waters of the Hudson river, New York bay and Kill von Kull, lying between Enyard's dock, on the Kill von Kull and the New York state line, so far as they have been recommended and reported to the legislature by the commissioners appointed under the original act, of which this is a supplement, by report bearing date February first, eighteen hundred and sixty-five, are hereby adopted and declared to be fixed and established, as the exterior bulkhead and pier lines between the points above named, as such exterior bulkhead and pier lines, so fixed, established and adopted, are shown upon the manuscript maps, accompanying said report, and filed in the office of the secretary of state, except said lines drawn on said maps over or upon lands within the boundaries of the grant made to the Morris canal and banking company, by act approved March fourteenth, eighteen hundred and sixty-seven.

9. SEC. 2. That it shall not be lawful to fill in with earth, stones or other solid material, in the tide-waters of the Hudson river, New York bay and Kill von Kull, beyond the bulkhead line or lines of solid filling by this act adopted, fixed and established, laid down and exhibited on the aforesaid maps; and that it shall not be lawful to erect or maintain any pier or other structure exterior to the said bulkhead line or lines of solid filling in any place or places where no exterior line for piers is reported or indicated by said maps, on the Hudson river, New York bay and Kill von Kull; and that when an exterior line for piers is recommended and shown by said report and maps, no erection or structure of any kind shall hereafter be erected, allowed or maintained beyond or exterior to the aforesaid bulkhead line or lines of solid filling, except piers which shall not exceed one hundred feet in width respectively, and which shall in no case extend

beyond the line indicated for piers on said maps accompanying said report ; and no piers shall hereafter be constructed in said tide-waters, when such exterior pier lines are adopted, fixed and established, at less intervals between such piers than seventy-five feet, except at places occupied and used for ferries, or to be so occupied or used, when the spaces between the piers may be less ; nor shall any such pier be constructed in any other manner than on piles or on blocks and bridges ; and if on blocks and bridges, such blocks and bridges shall not occupy more than one-half of the length of the pier, and they shall be so constructed as to permit a free flow or passage of water under and through them, without any other interruption or obstruction than the pile or blocks necessary to support said piers.

10. SEC. 3. [Amended by Sec. 43, *post.*]

11. SEC. 4. That in case any person or corporation who by any legislative act, is a grantee or licensee, or has such power or authority, or any of his, her or their representatives or assigns shall desire a paper capable of being acknowledged and recorded, made by and in the name of the state of New Jersey, conveying the land in the proviso to the third section mentioned whether under water now or not, and the benefit of an express covenant, that the state will not make or give any grant or license power, or authority affecting lands under water in front of said lands, then and in either of such cases, such person or corporation, grantee or licensee, having such grant and license, power or authority, his, her or their representatives or assigns on producing a duly-certified copy of such legislative act to said commissioners, and in case of a representative or assignee also satisfactory evidence of his, her or their being such representative or assignee, and requesting such grant and benefits as in this section mentioned, shall be entitled to said paper so capable of being acknowledged and recorded, and granting the title and benefits aforesaid, on payment of the consideration hereinafter mentioned ; and the said commissioners or any two of them, with the governor and attorney-general for the time being, to be shown by the governor signing the grant, and the attorney-general attesting it, shall and may execute and deliver and acknowledge in the name and on behalf of the state, a lease in perpetuity to such grantee or licensee or corporation having such grant, license, power or authority, and to the heirs and assigns of such grantee or licensee, or to the successors and assigns of such corporation, upon his, her or their securing to be paid to the state an annual rental of three dollars for each and every lineal foot measuring on the bulkhead line, or a conveyance to such grantee or licensee or corporation having such grant, license, power or authority, and to the heirs and assigns of such grantee or licensee, or to the successors and assigns of such corporation in fee, upon his, her or their paying to the state fifty dollars for each and every lineal foot measuring on the bulkhead line, in front of the land included in said conveyance ; *provided*, that no corporation to whom any such grant, license, power or authority was given by legislative act as aforesaid, in which provision was made for the payment of money to the treasurer of the state for each and every foot of the shore embraced and contained in the act ; nor the assigns of such corporation shall be entitled to the benefits of this section ; *and provided further*, that the said commissioners shall in no case grant lands under water beyond the exterior lines hereby established, or that may be hereafter established, but the said conveyance shall be construed to extend to any bulkhead or pier line further out on said river and bay that may hereafter be established by legislative authority ; in case any person or corporation taking a lease under this section, shall desire afterwards a conveyance of all or any part of the land so leased, the same shall be made upon payment of the said sum of fifty dollars for every such lineal foot, as aforesaid, of the land so desired to be conveyed, the conveyance or lease of the commissioners under this or any other section of this act, shall not merely pass the title to the land therein described, but the right of the grantee or licensee, individual or corporation, his, her or their heirs and assigns, to exclude to the exterior bulkhead line, the tide-water by filling

Proceedings when any person or corporation desires a covenant in regard to lands under water from the state.

Proviso.

Proviso.

in or otherwise improving the same, and to appropriate the land to exclusive private uses, and so far as the upland from time to time made shall adjoin the navigable water, the said conveyance or lease shall vest in the grantee or licensee, individual or corporation, and their heirs and assigns, the rights to the perquisites of wharfage, and other like profits, tolls and charges. (a)

No grant in force until compensation or rentals are secured.

12. SEC. 5. That no grant hereafter made, extending beyond the line of high-water mark, shall be in force or operation as to so much thereof as extends below said line of high-water mark, until the grantee or grantees shall have paid into the treasury of the state such compensation or rentals, or secured to the state such payment or rentals for the estate in the lands lying below the said line of mean high-water mark, contained in and conveyed by such grant or lease as is hereinafter provided.

Commissioners, how appointed.

13. SEC. 6. That four commissioners shall be appointed by the governor, by and with the advice and consent of the senate, who are hereby required and empowered to complete as much of the details of the work assigned to them by such original act, by surveys and otherwise, on the Hudson river, New York bay, and Kill von Kull, as in their judgment the interest of the state requires.

Powers of commissioners.

14. SEC. 7. That all the powers and duties of the said commissioners, contained in the act to which this is a supplement, be and the same are hereby continued in force, except so far as the same are superseded or modified by any of the provisions of this act.

Proceedings when any person or corporation desire a grant for lands under water.

15. SEC. 8. That if any person or persons, corporation or corporations, or associations, shall desire to obtain a grant for lands under water which have not been improved, and are not authorized to be improved, under any grant or license protected by the provisions of this act, it shall be lawful for any two of the said commissioners concurring, together with the governor and attorney-general of the state, upon application to them, to designate what lands under water for which a grant is desired lie within the exterior lines, and to fix such price, reasonable compensation, or annual rentals for so much of said lands as lie below high-water mark, as are to be included in the grant or lease for which such application shall be made, and to certify the boundaries, and the price, compensation or annual rentals to be paid for the same, under their hands, which shall be filed in the office of the secretary of state; and upon the payment of such price or compensation or annual rentals, or securing the same to be paid to the treasurer of this state, by such applicant, it shall be lawful for such applicant to apply to the commissioners for a conveyance, assuring to the grantee, his or her heirs and assigns, if to an individual, or to its successors and assigns, if to a corporation, the land under water so described in said certificate; and the said commissioners shall, in the name of the state, and under the great seal of the state, grant the said lands in manner last aforesaid, and said conveyance shall be subscribed by the governor and attested by the attorney-general and secretary of state, and shall be prepared under the direction of the attorney-general, to whom the grantee shall pay the expense of such preparation, and upon the delivery of such conveyance, the grantee may reclaim, improve, and appropriate to his and their own use, the lands contained and described in the said certificate; subject, however, to the regulations and provisions of the first and second sections of this act, and such lands shall thereupon vest in said applicant; *provided*, that no grant or license shall be granted to any other than a riparian proprietor; until six calendar months after the riparian proprietors shall have been personally notified in writing by the applicant for such

Proviso.

(a) Legislative authority granted to individuals or corporations to fill up, occupy, possess and enjoy all land covered with water fronting or adjoining lands owned by them, will not extinguish the public right of access to navigable waters by a street on the lands of such owners which, by dedication, terminated at the high-water line, but such street will run to the water over the lands reclaimed by such authority. *Hoboken Land and Improvement Co. v. Hoboken*, 7 Fr. 540. Grants made by the state under the act of March 31st, 1889, secure to the grantees the whole beneficial interest and estate in the property described, for their exclusive use for the purposes expressed in the grants, and exclude every right of use or occupancy on the part of the public, transferring to the grantees or extinguishing

every previous right of the state, whether proprietary or sovereign, except such sovereign rights as the state may lawfully use over all private property; and that, in face of such grants, highways running to the original water line will not be continued to the water line newly formed by filling in the granted area. *Hoboken v. Pennsylvania R. R. Co.*, 124 U. S. 656. See *Elizabeth v. Central R. R. Co.*, 24 Fr. 495, as to distinction between the subjects on which these judgments were rendered. The privilege of securing such a conveyance must be regarded as enhancing the value of the land, to the ownership of which the privilege attaches for the purpose of taxation. *New York, Lake Erie and Western R. R. Co. v. Hughes*, 17 Fr. 67.

grant or license, and shall have neglected to apply for the grant or license, and neglected to pay, or secured to be paid, the price that said commission shall have fixed; the notice in the case of a minor shall be given to the guardian, and in case of a corporation to any officer doing the duties incumbent upon president, secretary, treasurer or director, and in case of a non-resident, the notice may be by publication for four weeks successively in a daily newspaper published in Hudson county, and in a daily newspaper published in New York city. (a)

16. SEC. 9. That the same compensation for the time and personal expenses of said commissioners shall be allowed and paid as heretofore, and all other expenditures to be incurred by the said commissioners in the prosecution and completion of their works contemplated by the original act and this supplement, shall not exceed the sum of five thousand dollars annually, which sum is hereby appropriated out of any money in the treasury not otherwise appropriated, to be subject to the draft of said commissioners, and shall be paid upon the warrant of the comptroller, upon satisfactory vouchers being produced of such expenditures made or incurred. [See Sec. 49, *post.*]

Compensation to commissioners.

17. SEC. 10. That the moneys so received from the sales and rentals of the said lands under water shall be first appropriated to the payment of such appropriation as the legislature may authorize from time to time, then to the payment and liquidation of the state debt, and afterwards the same shall be invested according to law, and the interest thereof be annually paid over to the trustees of the school fund, to be appropriated by them towards the maintenance of free schools.

Proceeds of sales, how applied.

18. SEC. 11. That the said commissioners shall take and file in the office of the secretary of state, an oath, well, truly and faithfully to perform the duties of their appointment before entering upon their said duties.

Commissioners shall take oath.

19. SEC. 12. That the said commissioners may commence proceedings in the name of the state of New Jersey, by ejectment or otherwise, against persons and corporations trespassing upon or occupying the lands of the state under water, or which were heretofore under water, and the attorney-general of the state is hereby required to commence and prosecute such actions as may be instituted or directed by the said commissioners; and his expenses and disbursements, and the expenses and disbursements of such assistants as may be appointed by the governor, and their reasonable charges and counsel fees shall be taxed by the chief justice and paid by the treasurer, on presentation of the bill so taxed.

May commence proceedings for trespass.

20. SEC. 13. That in any case where a grant of the lands of the state under water is made by the commissioners, to any person other than the riparian owner that the state's grantee shall not fill up or improve said lands under water until the rights and interest of the riparian owner in said lands under water (if any he has) shall be extinguished, as follows: the said commissioners shall fix the amount to be paid to said riparian owner for his rights and interest therein (if any he has), and said riparian owner shall have the right, within twenty days after he has been notified of said amount, to accept said sum in full extinguishment of all his rights, or if he is dissatisfied with said award he may apply to the supreme court at the next term thereafter for a struck jury to try the question in such place as may be designated by said court, and said jury may increase or diminish the amount to be paid the said riparian owner, and their verdict shall be final as to said amount, and on the payment or tender by the state's grantee to the riparian owner of the amount fixed by said jury all the rights and interest of said riparian owner in the lands of the state under water in front of his land shall be extinguished; that the costs of

When grant made to person other than riparian owner, how rights of riparian owner, how extinguished.

May appeal.

(a) The power of the riparian commissioners to make grants of lands of the state under tide-waters to other persons than riparian owners, applies only to the tide-waters of the Hudson river, New York bay and Kill von Kull, lying between Enyard's dock, on the Kill von Kull, and the New York state line. Provision for grants of the state's lands under tide-water by the commissioners, than within the territory above designated, is made by the act of March 21st, 1871 (Sec. 21, *post*), which authorizes grants to riparian owners only. *Fitzgerald v. Faunce*, 17 Pr. 536. Subsequent legislation has, in effect, ex-

tended the provisions of the act of 1869 to all the tide-waters of the state in which the exterior lines of solid filling had been, or should be, established by the riparian commissioners. *Elizabeth v. Central E. E. Co.*, 24 Pr. 595. See act of March 27th, 1874, Sec. 26, *post*. The pre-emption given by this section of the act of 1869 to the riparian owner is of grace, and not of right. *American Dock and Improvement Co. v. Trustees of Public Schools*, 12 Stew. 409. See *Point Breeze Ferry and Improvement Co. v. Bragaw*, 2 Dick. 298.

the trial shall be paid as follows : if the verdict of the jury is greater than the award of the commissioners then the state shall pay the costs of the trial, if the verdict is the same as the award or less than the award of the commissioners then the riparian owner shall pay the costs. (a)

Supplement.

Approved March 21, 1871.

P. L. 1871, p. 44.

Riparian owner may apply to commissioners for lease or conveyance.

21. SEC. 1. That any riparian owner on tide-waters in this state who is desirous to obtain a lease, grant or conveyance from the state of New Jersey of any lands under water in front of his lands, may apply to the commissioners appointed under the act to which this is a supplement and the supplements thereto, who may make such lease, grant or conveyance with due regard to the interests of navigation, upon such compensation therefor, to be paid to the state of New Jersey, as shall be determined by said commissioners, which lease, conveyance or grant shall be executed as directed in the act to which this is a supplement and the supplements thereto, and shall vest all the rights of the state in said lands in said lessee or grantee. (b)

To what waters act not to apply.

22. SEC. 2. That this act shall not interfere with the original act or its supplements as to the waters of the Hudson river, New York bay or Kill von Kull, easterly of Enyard's dock.

Supplement.

Approved April 4, 1872.

P. L. 1872, p. 99.

Preamble.

WHEREAS, The riparian commissioners recommend some changes in the line for solid filling in the bay of New York and Hudson river, and to enable them to make the changes proposed, and to provide additional wet basins in the same ;

Commissioners may change lines for solid filling, &c.

23. SEC. 1. That the riparian commissioners may change, fix and establish any other lines than those now fixed and established for pier lines, or lines for solid filling in the waters of the bay of New York or the Hudson river, or make any changes in any basin now fixed and established, or lay out and fix and establish any new basin or basins in the waters of the bay of New York or the Hudson river, and when so fixed and established, the said riparian commissioners shall file a map and surveys in the office of the secretary of state, showing what lines have been fixed and established by them for the exterior lines for solid filling and pier lines, as well as for any changes in basins or new basins fixed, laid out and established by them under this act.

Map and survey to be filed.

Encroachment prohibited.

24. SEC. 2. That from and after the filing of said map and surveys in the office of the secretary of state, no encroachment of any kind shall be permitted to be made beyond said lines so fixed and established for solid filling or pier lines, or in or upon any basin or basins so laid out and established.

Commissioners may make lease or sale.

25. SEC. 3. That the said riparian commissioners may make, for a satisfactory consideration, any lease or sale to the owners of the lands fronting on the said basin, of the right to have the exclusive use of the said basin or basins, for the purpose of wharfage and docking, and to charge a reasonable sum for the use of the same on the line of bulkhead owned by them respectively ; and that from and after the filing of said map and survey, the same shall remain as a public basin or basins, and they are hereby dedicated for that purpose.

Public basins.

(a) This section of the act was designed for the benefit of riparian owners who, after notice, neglected to apply for the grant, and the grant had, consequently, been made to some one else, and the right of the riparian owner to compensation is, by the act, made to depend upon whether, in law, he had such a right or interest as would make compensation to him necessary in order to enable the state to make the grant. *American Dock and Improvement Co. v. Trustees of Public Schools*, 12 Stew. 409. The legislature had the right to rescind the provision for pre-emption ; and it had also the right to repeal the provision for compensation. 16.

(b) The power of the riparian commissioners to make grants of the state's lands under water, under the act of 1871, is more restricted than it is under the act of 1869. Under the act of 1871, no one but a riparian owner can apply, and a grant by the commissioners to anyone else would be *ultra vires*. In this respect, the act of 1871 is analogous to the wharf act of 1851. *Fitzgerald v. Faunce*, 17 Vr. 594. *Boon v. Kent*, 15 Vr. 134. See act of 1874 (Sec. 26, post) and *Elizabeth v. Central E. R. Co.*, 24 Vr. 496. *Hoboken v. Pennsylvania E. R. Co.*, 124 U. S. 656.

Supplement.

Approved March 27, 1874.

P. L. 1874, p. 103.

26. SEC. 1. That from and after the passage of this act it shall be lawful for the riparian commissioners, or any three of them therein concurring, together with the governor of this state, to fix and determine, within the limits prescribed by law, the price or purchase-money, or annual rental to be paid by any applicant for so much of lands below high-water mark, or lands formerly under tide-water belonging to this state as may be described in any application therefor duly made according to law; and the said commissioners, or any three of them therein acting and concurring, with the approval of the governor, shall in the name and under the great seal of the state, grant or lease said lands to such applicant accordingly; and all such conveyances or leases shall be prepared by the said commissioners or their agents at the cost and expense of the grantee or lessee therein, and shall be subscribed by the governor, and at least three of said commissioners, and attested by the secretary of state. (a)

Commissioners may fix purchase-money or rentals to be paid by any applicant for lands below tide-water.

Conveyances, how prepared and by whom paid for.

27. SEC. 2. 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.

Repealer.

Supplement.

Approved March 27, 1874.

P. L. 1874, p. 136.

28. SEC. 1. That in all cases where lands which now are or ever have been under the tide-waters of this state, but which have been or may hereafter be leased or granted by this state to any person or persons, party or parties, shall be taken by the company incorporated by an act entitled "An act to incorporate a company to form an artificial navigation between the waters of Newark bay and New York bay," approved March thirteenth, one thousand eight hundred and sixty-six, or by virtue of any supplement thereto, or by any commissioners appointed under last-mentioned act; that in such case such person or persons, party or parties, and all persons claiming through and under them, or either of them, shall be entitled to compensation for the lands or any materials so taken, in the same way and manner as the owner or owners of lands and materials taken for said company, under and by virtue of last-mentioned act, or the supplements thereto, are entitled to compensation therefor; and in case of dissatisfaction with the report made by the commissioners appointed under last-mentioned act, and the supplements thereto, they or either of them shall have the same right to appeal, and under the same provisos as is provided for by the said last-mentioned act, and the supplement thereto; *provided, however,* that nothing in this act or in the said act approved March thirteenth, one thousand eight hundred and sixty-six, or any supplement thereto shall be construed to give any right, title or interest of the state to lands under water to any person or persons, corporation or corporations.

Compensation to be paid by canal company for lands under water taken from parties to whom the state has leased or granted them.

Proviso.

Supplement.

Approved April 5, 1875.

P. L. 1875, p. 53.

WHEREAS, Applications are frequently made to the riparian commissioners for grants of lands under tide-water in various parts of the state, requiring surveys to be made and maps to be prepared and filed with the secretary of state, and some provision should be made to have these surveys extended from time to time as the citizens of the state may require, and in order to provide the necessary means for carrying on this work without any additional tax on the treasury of the state; therefore,

29. SEC. 1. [Amended by Sec. 32, *post.*]

Supplement.

Approved March 9, 1877.

P. L. 1877, p. 113.

30. SEC. 1. That when land has been or shall be taken or granted for a right of way, and such right of way has been or shall be so located on land of a riparian owner as to occupy the same along or on the shore line, and thereby separate the upland of such riparian owner adjoining that used for

Location of roads on land of riparian owner along shore-owner not to affect his rights as such owner.

(a) This act makes it lawful for the commissioners to fix the purchase-money or rentals to be paid by any applicant for so much of the land below high-water mark, or lands formerly

under tide-water, belonging to the state, as may be described in the application. *Elizabeth v. Central R. R. Co.*, 24 Vt. 496. *Hoboken v. Pennsylvania R. R. Co.*, 124 U. S. 656.

such right of way from tide-water, such owner of the land so subject to such right of way shall be held to be the riparian owner for the purpose of receiving any grant or lease heretofore or hereafter made of lands of the state under water, or for the purpose of receiving any notice under the act to which this is a supplement or the supplements thereto; *provided*, that nothing in this act shall affect the rights of the state to the lands lying under water. (*a*)

A supplement to "An act to ascertain the rights of the state and the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state" [Revision], approved April eleventh, one thousand eight hundred and sixty-four, and the several supplements thereto.

P. L. 1888, p. 140.

Grant or lease of lands whereon are natural oyster beds, only to be made for wharves, &c.

Approved March 6, 1888.

31. SEC. 1. That no grant or lease of lands under tide-water, whereon there are natural oyster beds, shall hereafter be made by the riparian commissioners of this state, except for the purpose of building wharves, bulkheads or piers.

A supplement to an act entitled "A further supplement to an act entitled 'An act to ascertain the rights of the state and the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in this state,'" approved April eleventh, one thousand eight hundred and sixty-four, which supplement was approved April fifth, one thousand eight hundred and seventy-five.

P. L. 1888, p. 437.

Commissioners may, at request of shore-owners, extend surveys over tide-water. How expense provided for.

Approved April 17, 1888.

32. SEC. 1. That section one [see Sec. 29, *ante*] of the said act be amended after the enacting clause so as to read as follows :

[That the riparian commissioners may and shall, at the request of shore-owners, extend their surveys over the tide-waters of this state and prepare maps and have the same filed as now provided by the act to which this is a supplement and the supplements thereto; and to provide the necessary means to pay the expenses incurred by them in this work they may retain and expend for this purpose from the riparian fund, before any portion thereof is transferred to the school fund for permanent investment, a sum not exceeding in the aggregate five per centum of the amount named in the grants made to riparian owners, and they may further retain and disburse from the said fund the necessary sum to pay the salaries of the commissioners and the expenses incurred in the prosecution of their work as now provided by law, rendering in their annual report a detailed statement of the amounts so retained and disbursed; *provided*, that when in any year the grants made by the commissioners shall not amount (after deducting the above specified five per cent.) to a sufficient sum to pay the said salaries and expenses, such salaries and expenses shall be paid from the state treasury, and be returned thereto by the said commissioners from the proceeds of the first subsequent grants thereafter made.]

Proviso.

A further supplement to "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, and the several supplements thereto.

P. L. 1889, p. 323.

Cities may apply for grants of lands under water in front of a public square or park.

Approved April 19, 1889.

33. SEC. 1. That whenever any public square or park now dedicated in any city or other municipality shall front upon any tide-waters in this state, the city or other municipality may apply through its legislative body to the commissioners appointed under the acts to which this is a further supplement for a grant or conveyance to such city or municipality of the lands under water in front of such public square or park; such grant to contain

(*a*) The acquisition by a railroad or canal company of an easement for a right of way over the land of a riparian owner, along or on the shore of his land, does not, according to general principles of law, deprive such owner of his right or equity to pre-

serve or improve the connection of his land with the adjacent tide water. *New Jersey Zinc and Iron Co. v. Morris Canal and Banking Co.*, 17 *Stew.* 398.

provisions that the same shall be kept and maintained as an open public square forever fronting on such tide-water ; and that no buildings or other structures shall be erected on such square or park, or on the lands under water, which shall in any way obstruct or interrupt the view or public access to the water from any part of the said square or park ; that said commissioners shall make said grant or conveyance, at a consideration of one dollar, upon receiving a written assent to such grant or conveyance of the person or corporation owning the title to the fee of the soil embraced within such public square or park ; that such grant or conveyance shall contain the above provisions, and a copy of such assent, and shall also contain a provision that if at any time after the grant aforesaid such public square or park shall cease to be used as such, the lands under water granted as aforesaid shall at once revert to this state.

Grant to contain certain provisions.

34. SEC. 2. That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Supplement.

Approved February 10, 1891.

P. L. 1891, p. 15.

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 this state, are also capable of such use 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 ;

Preamble.

35. SEC. 1. That the riparian commissioners, or a majority of them, therein 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 maintained, 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 consultations 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.

Riparian commissioners to establish exterior lines around islands in tidal-waters beyond which no pier, wharf, &c., shall be made or maintained.

Proviso.

36. SEC. 2. 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.

Commissioners may sell or let lands under water embraced within lines so established.

37. SEC. 3. 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.

Repealer.

Supplement.

Approved March 20, 1891.

P. L. 1891, p. 213.

No person or corporation shall dig, dredge or remove any deposits of sand, &c., from lands under tidal-waters without license.

Proviso.

Commissioners to license persons or corporations to dig, &c., deposits of sand, &c.

Moneys received for licenses to be paid to state treasurer.

Commissioners may lease lands under water.

Notice to be served.

Not to repeal act of February 10th, 1891.

38. SEC. 1. 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 offense 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.

39. SEC. 2. 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 lands 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.

40. SEC. 3. 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 intention 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 weeks 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.

41. SEC. 4. 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 removal 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.

Commissioners
may sell lands
below mean high-
water mark.

42. SEC. 5. 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.

Repealer.

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.

Approved March 20, 1891.

P. L. 1891, p. 216.

43. SEC. 1. That section three [see Sec. 10, *ante*] of the act to which this is amendatory be and the same is hereby amended to read as follows :

[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, (1) 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

Act of 1851
repealed as to cer-
tain tide-waters.

No person or
corporation shall
fill in, &c., with-
out grant of com-
missioners.

Proviso.

(1) See title WHARVES, *post*, and note (a) to Sec. 1.

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.]

Repealer.

44. SEC. 2. 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.

P. L. 1895, p. 88.

Preamble.

Supplement.

Approved February 19, 1895.

WHEREAS, The Palisades situate in this state are liable to be irreparably injured or destroyed unless measures be adopted for the preservation thereof; and whereas, by the insertion or imposition of proper and appropriate terms, conditions, restrictions and limitations in leases, grants and conveyances of the lands lying under water adjacent to or in front of the Palisades, the threatened injury or destruction thereof may in a great degree be averted;

Leases and grants in front of Palisades to be subject to certain conditions and restrictions.

45. SEC. 1. 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.

Joint resolution relative to the riparian commission.

P. L. 1870, p. 69.

Riparian commissioners may capitalize annual payments on leases and convey in fee-simple.

Approved March 17, 1870.

46. SEC. 1. That the riparian commissioners may and shall, in all leases, as well those authorized by the eighth section as those authorized by the fourth section of the act of last year, relating to the subject of lands under water, covenant on behalf of the state that the state will at any time accept the capital sum of which the annual payment is the interest, at the rate of seven per centum per annum, in lieu of all further annual payments, and make conveyance of the fee-simple and may convey or lease to any exterior line hereafter to be fixed; and such lease or conveyance under said eighth section and this resolution shall, in all respects, be as effectual to pass all the perquisites of wharfage and other like profits, tolls and charges, as conveyances and leases under the fourth section would be.

To operate upon all leases.

47. SEC. 2. That this resolution shall take effect immediately, and operate upon leases and conveyances whether delivered or to be delivered.

An act relative to the riparian commission.

P. L. 1871, p. 113.

Preamble.

Approved April 6, 1871.

WHEREAS, Applications are frequently made to said commission for grants and leases of lands which were heretofore, but are not now, under tide-water, and it is desirable to quiet the possession of those who so apply, but doubts have arisen whether such cases are now provided for by law; and it has been found by experience that grants and leases containing the grants and covenants authorized by the fourth section of the act approved March thirty-first, one thousand eight hundred and sixty-nine, entitled "Supplement to an act entitled 'An act to ascertain the rights of the state, and of riparian owners, in the lands lying under waters of the bay of New York, and elsewhere in the state,'" approved April eleventh, one thousand eight hundred and sixty-four, and the joint resolution of one thousand eight hundred and seventy,

are more readily accepted, and are more satisfactory, than those which do not contain the same ;

48. SEC. 1. That the said commissioners with the concurrence of the governor and attorney-general, in all cases of application for grants or leases of land now, or at the time of the application, or at the time of the lease or grant, under tide-water ; and in all cases of application for grants or leases of lands which are not now, or shall not at the time of the application, or at the time of the lease or grant be under tide-water, and in all cases of applications for leases or grants for all or any of such lands may, notwithstanding the first proviso in the fourth section of said supplement, or any other clause or matter in said supplement contained, grant or lease, or lease first with a covenant to grant, and grant afterwards, for such principal sum that the interest thereof at seven per centum will produce the rental, such lands, or any part thereof lying between what was, at any time heretofore, the original high-water line and the exterior lines established or to be established, and grant or lease in all cases in which, in their discretion, they shall think such grant or lease should be made, such rights, privileges and franchises as they are authorized to grant in cases coming directly within the said fourth section, and enter into the same covenants in the name of the state, in all cases of grants or leases where they deem such covenants proper, as are authorized in grants or leases under said fourth section, and insert such other covenants, clauses and conditions in said grants or leases as they shall think proper to require from the grantee or lessee, or ought to be made by the state ; *provided*, that nothing herein contained shall authorize grants or leases in front of a riparian owner to any other than such riparian owner, except upon the proceedings and conditions in said supplement provided ; *and provided also*, that the applications for grants or leases, and the certificates of said commissioners, governor and attorney-general, may in the cases hereby provided for, vary from the provisions of the said supplement in such manner as to conform to this act, and any party who has already asked for or accepted a lease or conveyance may apply for and have the benefits of this act, notwithstanding such former application or former acceptance of a lease or conveyance. (a) [See Sec. 53, *post*.]

Covenants, clauses and conditions to be inserted in grants or leases.

Proviso.

Proviso.

49. SEC. 2. That each commissioner shall receive (\$1,500) fifteen hundred dollars per annum.

Salary of commissioners.

An act to re-organize the board of riparian commissioners of this state.

Approved May 9, 1894.

P. L. 1894, p. 267.

50. SEC. 1. That the board of riparian commissioners shall hereafter consist of the governor and four other commissioners, to be appointed by the governor by and with the advice and consent of the senate who shall hold their office for a term of five years and until their successors are qualified. [See Sec. 2, *ante*.]

Board, how constituted and appointed.

51. SEC. 2. That not more than two of the appointees shall be members of the same political party, and in all subsequent appointments the same political status shall be maintained, and in case of a vacancy the appointment shall be for the unexpired term only.

Board shall be non-partisan.

52. SEC. 3. That the term of office of the members of the present board of riparian commissioners shall expire upon the passage of this act.

Members of present board retired.

53. SEC. 4. That the compensation of the new commissioners and the powers and duties of the new board shall be the same as now provided by law.

Compensation of new board.

54. SEC. 5. That all acts or parts of acts by which any different number, term of office or mode of appointment of said commissioners is provided for, or which are in any way inconsistent with any of the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

(a) See *Elizabeth v. Central R. R. Co.*, 24 Vr. 496.

An act to prohibit the riparian commissioners from granting any special oyster rights or privileges in Delaware bay.

P. L. 1894, p. 309.

Approved May 15, 1894.

Commissioners not to grant exclusive right to plant or take oysters in Delaware bay.

55. SEC. 1. That the riparian commissioners shall not have the right or power, in the name of the state or otherwise, by deed, grant, or lease, to give, grant or convey to any person or corporation the exclusive right or privilege to plant or take oysters from any part of Delaware bay.

Roads.

I. GENERAL ROAD LAW OF 1874, WITH SUPPLEMENTS.

1. APPOINTMENT OF SURVEYORS AND CHOSEN FREEHOLDERS AND THEIR PROCEEDINGS.

1. Amended by section 119.
2. Application to lay out road in two counties.
3. Road in three counties.
4. Amended by section 124.
5. How surveyors to proceed.
6. Return to be filed in fifteen days.
7. Not to be recorded for fifteen days.
8. Proceedings on caveat if road in one county.
9. If in two counties.
10. If in three counties.
11. Penalty for neglect of duty.
12. What to be quorum of surveyors or freeholders.

2. ASSESSMENT OF DAMAGES IN LAYING OUT OR VACATING A PUBLIC ROAD.

13. Surveyors to assess damages.
14. Return to be made.
15. Township liable for damages assessed.
16. Assessment if road in two or more townships.
17. Proceedings to review assessment.
18. No assessment in favor of applicant.
19. Road not to be opened till damages paid.
20. Notice of re-assessment.
21. Laying out or altering of road may be reviewed.
22. Suit for damages assessed.
23. Fees.

3. ASSESSMENT OF DAMAGES IN LAYING OUT A PRIVATE ROAD.

24. Damages in case of a private road.
25. Assessment to be returned.
26. Amended by section 171.
27. Road opened when damages paid.
28. Suit for amount of assessment.
29. Fees.

4. WORKING AND REPAIRING PRIVATE ROAD, SWINGING GATES, BRIDGES, ETC.

30. How private road worked and maintained.
31. When several owners, each may have a swinging gate.
32. May make bridges.
33. Bridges considered as swinging gate.
34. Expenses of road or bridge when two or more benefited.
35. Expenses, how collected.

5. BY-ROADS.

36. Amended by section 113.

6. WORKING AND MAINTAINING PUBLIC ROADS.

37. Division assigned to overseers.
38. Duty of overseers.
39. Money for roads, how raised.
40. Overseer to account.
41. Overseer liable if township fined.
42. Persons may elect to work out road tax.
43. Roads laid over dams.
44. When owner need not repair bridge.
45. Overseer may enter lands to make and open drains.
46. Trees not to be girdled.

47. Penalty.
48. Penalty for extorting from travelers.
49. Encroachments to be removed.
50. Penalty for obstructing.
51. Inhabitants may determine how roads worked.
52. Township committee to assign district.
53. Penalty for neglect or refusal to work.
54. Overseer to keep account of labor.
55. Delinquents to make up deficiency.
56. If money not supplied, roads to be repaired by inhabitants.
57. Penalty on overseers for neglect.
58. Posts and milestones to be set.
59. Penalty for neglecting to prosecute.
60. Fees.
61. Surveyors and freeholders to act after term of office.
62. Roads dividing townships, how kept in order.
63. Commissioners' oath and duty.
64. Duty of townships.
65. Trees protected.
66. Penalty for injuring.

7. CONSTRUCTION OF SIDEWALKS.

67. Inhabitants may by vote provide for sidewalks.
68. Owner of land may make sidewalk.
69. Penalty for driving over.

8. ALTERING THE GRADE OF STREETS AND HIGHWAYS.

70. Damages for alteration of grade of road recoverable.
71. Repealer of inconsistent provisions.
72. Not to apply in certain cases.
73. Consent requisite to warrant alteration of grade.
74. Damages, by whom paid and how assessed.
75. Not to affect contracts.

9. MISCELLANEOUS PROVISIONS.

76. Amended by section 162.
77. Width of private road.
78. Vacation of certain old roads.
79. Amended by sections 160 and 167.
80. Certain roads public highways.
81. Certain other roads public roads.
82. Map or survey accepted may be put on record.
83. Applications in Cape May.
84. Construction of road, township, &c.
85. No road to be laid on lands of state.
86. Penalty.
87. Abandoned turnpikes laid out over public roads.
88. Proceedings in case of land injured by water from neglect of overseer.
89. Appeal in such cases.
90. Turnpikes, when deemed in possession of corporation.
91. Law of the road.
92. Regulation of wheel carriages.
93. Road land free from tax.
94. Between what time roads to be worked.
95. Railroad companies may alter grades of roads.
96. Landing place in Cape May.
97. Proceedings of surveyors not set aside for defect in official oath.
98. Map, return and assessment may be amended.
99. Saving clause.