

- 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.
8. 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.
- Actions against rioters also.  
Ib. § 4.
9. 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.
- Limitation of actions.  
Ib. § 5.
10. 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 agree with claimant.  
Ib. § 6.
11. 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.
- City or county may recover from rioters.  
Ib. § 7.

### 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. Notice of meetings.
7. Exterior bulk heads and pier lines determined.
8. Unlawful to fill in beyond these lines.
9. Act of 1851 repealed as to certain tidewaters.
10. Leases and conveyances for land under water.
11. No grant in force until compensation or rentals secured.
12. Commissioners to be appointed to complete certain work.
13. Powers and duties.
14. Proceedings to obtain grant of lands under water.
15. Compensation of commissioners.
16. Proceeds of sales, how applied.
17. Commissioners oath.
18. May commence proceedings for trespass.
19. When grant made to person other than riparian owner, his rights how extinguished.
20. Riparian owner may apply for lease or conveyance.
21. To what waters supplement not to apply.
22. Pier lines may be changed.
23. Encroachments prohibited.
24. Commissioners may make lease or sale.
25. Votes of three commissioners and approval of governor necessary for sale or lease.
26. Repealer.
27. Compensation for lands taken, leased or granted by state.
28. Extension of surveys over tidewater.
29. Laying of road along shore-line not to affect rights of riparian owner.
30. Commissioners may capitalize annual payments and convey in fee.
31. To operate upon all leases.
32. Covenants, clauses and conditions to be inserted in leases.
33. Salary of commissioners.

### 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.

P. L. 1864, p. 681.

Approved April 11, 1864.

Preamble.

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.

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

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 continued 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.

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

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.

Proviso.

Oath of office.

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.

Vacancies.

4. 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.

May appoint surveyors, agents, &c.

[Sec. 6 repealed].

Notice of meetings.

6. SEC. 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.

P. L. 1869, p. 1017.

Approved March 31, 1869.

Exterior bulkheads and pier lines determined.

7. SEC. 1. That the bulkhead line or lines of solid filling and the pier lines in the tidewaters 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.

Unlawful to fill in beyond these lines.

8. SEC. 2. That it shall not be lawful to fill in with earth, stones or other solid material, in the tidewaters 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 tidewaters, 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.

Unlawful to erect pier.

How piers may be constructed.

Act of 1851 repealed as to certain tidewaters.

9. SEC. 3. That the act entitled "An act to authorize the owners of lands upon tidewaters to build wharves in front of the same," approved March eighteenth, eighteen hundred and fifty-one, (1) be and the same is hereby repealed, as to the tidewaters of the Hudson river, New York bay and Kill Von Kull, below the line of mean high tide; but said repeal shall not be construed to restore any supposed usage, right custom, 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 land under the tidewaters of this state in New York bay, Hudson river, or Kill Von Kull; and in case any person or corporation so offending, shall be guilty of a purpresture, which shall be abated at the costs 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

No person or corporation shall fill in, &c., without grant of commissioners.

(1) See post title "WHARVES."

same may be, or opposite to and 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 land 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 given directly by legislative act, whether said acts are or are not repealable, and as to any revocable license given by the board of chosen freeholders of a county to build docks, wharves, or piers, or to fill in or reclaim any lands under water in the said New York bay, Hudson river, or Kill Von Kull, the same shall be irrevocable, so far as the land under water has been reclaimed or built upon under such license, at the time that this act takes effect; but as to the future, such revocable license is hereby revoked, and no occupation or reclamation of land under water, without such legislative act, or revocable license, shall divert the title of the state, or confer any rights upon the party who has reclaimed, or who is in possession of the same.

10. 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

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

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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 tidewater by filling 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.

No grant in force until compensation or rentals are secured.

11. 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.

12. 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.

13. 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.

14. 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 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

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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.

15. 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. 33).

Compensation to commissioners.

16. 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.

17. 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.

18. 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.

19. 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 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.

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

May appeal.

#### Supplement.

Approved March 21, 1871.

P. L. 1871, p. 44.

20. 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

Riparian owner may apply to commissioners for lease or conveyance.

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.

To what waters act not to apply.

21. 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.

P. L. 1872, p. 99.

Approved April 4, 1872

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.

22. 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.

23. 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.

24. 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.

Supplement.

P. L. 1874, p. 103.

Approved March 27, 1874.

The votes of three commissioners and approval of governor necessary for sale or lease of lands.

25. 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 tidewater 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.

Conveyances how prepared and by whom paid for.

Repealer.

26. 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.

**Supplement.**

Approved March 27, 1874. P. L. 1874, p. 136.

27. SEC. 1. That in all cases where lands which now are or ever have been under the tidewaters 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 tidewater 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,

28. SEC. 1. That the riparian commissioners may and shall at the request of shore owners extend their surveys over the tidewaters 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 without charge to the treasury; they may retain and expend for this purpose not to exceed in the aggregate five per centum of the amounts named in the grants or leases made to riparian owners; rendering in their annual report a detailed statement of the amount so retained and disbursed under this act.

Commissioners may at request of shore owners extend surveys over tide waters.

**Supplement.**

Approved March 9, 1877. P. L. 1877, p. 113.

29. 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 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.

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

**Joint resolution relative to the riparian commission.**

Approved March 17, 1870. P. L. 1870, p. 69.

30. 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

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



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.

31. 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.

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 tidewater, 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;

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

32. 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 tidewater; 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 tidewater, 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.

Proviso.

Salary of commissioners.

33. SEC. 2. That each commissioner shall receive (\$1500) fifteen hundred dollars per annum.