June 11, 1971

INISIATVE MORES OF N.S. 24:48:1 (Mose and riots - liability of - municipalities or county)

(1968 amendment)

For general packground see:

2 1974.90 108.3. Governor's Select Commission on CECLE Civil Disorder. 1968 Report for Action. 1968.

1. 1968, Chapter 386 - 2940 Introduced Hovember 15 by Rinaldo (and others). Not amended during passage. 5111 had statement (copy enclosed). Ho hearings or reports located.

Similar pills 1965-1971 (All died in Committee)

1968 - A983 - Laskin No statement.

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1968 - S913 - Rivaldo (and 3 others). Statement enclosed

1960 - S915 - Køy, Hiering. - No statement.

1969 - S432 - Kay, Hiering No statement.

1970 - S349 - Kay, Hiering, Schoem No statement.

1970 - S742 - Suarini No statement.

1971 - S2081 - Guarini Ro statement.

Searched <u>Net Jersey Annicipalities</u> for 1967, 1968 without success. Governor's Counsel files for 1968 net yet released by Covernor Cabill.

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CHAPTER 38 6 LAWS OF N. J. 19.6

APPROVED 12/09 SENATE, No. 940

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 15, 1968

By Senators RINALDO, TANZMAN, CRABIEL, KAY and FORSYTHE

(Without Reference)

An Acr limiting the liability of municipalities and counties for property loss from mob violence and riots and amending section 2A:48-1 of the New Jersey Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State 2 of New Jersey:

1 1. Section 2A:48-1 of the New Jersey Statutes is amended to 2 read as follows:

2A:48-1. When, by reason of a mob or riot, any property, real 3 or personal, is destroyed or injured, the municipality if it has a 4 paid police force, in which the mob congregates or riot occurs, 5or, if not in such a municipality, the county in which such property 6 7 is or was situate, shall be liable to the person whose property was so destroyed or injured for the damages sustained thereby, recov-8 erable in an action by or in behalf of such person, in an amount 9 10 not to exceed \$10,000.00 for the aggregate of damage done to all 11 such property, both real and personal, at each separate location 12 within a municipality, provided; however, that no person, and no 13 subrogce of such person, having insurance coverage in whole or 14 in part for the said destruction or injury, shall have a cause of action against such municipality or county at common law or pur-15suant to the provisions of this act. For the purpose of this section, 1617 insurance coverage means insurance obtained through any source 18 whatsoever, including insurance purchased through any insurance 19 pool, placement facility, plan of operation, or any other plan estab-20 lished pursuant to Federal or State law.

1 2. This act shall take effect immediately.

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STATEMENT

This amendment is not intended to indicate a legislative determination as to whether or not subrogation is presently permitted pursuant to N. J. S. 2A:48-1. Insurance companies writing property insurance coverage for damage due to mob or riot have recently been granted a $3\frac{1}{2}\%$ surcharge for this coverage by the Department of Banking and Insurance. Moreover, since the enactment of Ch. 129, P. L. 1968, individuals will be able to obtain insurance coverage for properties in areas subject to mob or riot damage notwithstanding this environmental hazard. Coverage will be provided at manual or tariff rates so long as the property is otherwise insurable. The insurers writing such coverage are able to participate in a Federal reinsurance program and have, in addition, a state fund to "back-up" any catastrophic loss.

In light of the foregoing, it appears unfair to permit property owners of their insurers, as subrogees, to also have redress against the municipality for loss due to mobs or riots. Therefore, this amendment immunizes the municipality from suit by an insured or his subrogee at common law and also deprives such persons of any statutory cause of action that might have been available under the original statute. The \$10,000 limitation seems appropriate under the circumstances and will serve to aid municipalities in obtaining insurance coverage for this statutory liability.

SENATE, No. 913

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 10, 1968.

By Senators RINALDO, LACORTE, KAY and FORSYTHE

(Without Reference)

An Act limiting the liability of municipalities and counties for property loss from mob violence and riots and amending section 2A:48-1 of the New Jersey Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State 2 of New Jersey:

1 1. Section 2A:48-1 of the New Jersey Statutes is amended to 2 read as follows:

3 2A:48-1. When, by reason of a mob or riot, any property, real or personal, is destroyed or injured, the municipality if it has a 4 paid police force, in which the mob congregates or riot occurs, or, 5 if not in such a municipality, the county in which such property is 6 or was situate, shall be liable to the person whose property was so 7 8 destroyed or injured for the damages sustained thereby, recoverable in an action by or in behalf of such person, in an amount not to 9 exceed \$10,000.00 for the aggregate of damage done to all such 10 property, both real and personal, at each separate location within a 11 12municipality, provided; however, that no person, and no subrogee of such person, having insurance coverage in whole or in part for $\mathbf{13}$ the said destruction or injury, shall have a cause of action against 14 such municipality or county pursuant to the provisions of this act. 15For the purpose of this section, insurance coverage means insur-16 ance obtained through any source whatsoever, including insurance 17 purchased through any insurance pool, placement facility, plan of 18 operation, or any other plan established pursuant to Federal or 19 State law. $\mathbf{20}$

1 2. This act shall take effect immediately.

STATEMENT

This amendment is not intended to indicate a legislative determination as to whether or not subrogation is presently permitted pursuant to N. J. S. 2A:48-1. Insurance companies writing property insurance coverage for damage due to mob or riot have recently been granted a $3\frac{1}{2}$ % surcharge for this coverage by the Department of Banking and Insurance. Moreover, since the enactment of Chapter 129, P. L. 1968, individuals will be able to obtain insurance coverage for properties in areas subject to mob or riot damage notwithstanding this environmental hazard. Coverage, will be provided at manual or tariff rates so long as the property is otherwise insurable. The insurers writing such coverage are able to participate in a Federal reinsurance program and have, in addition, a State fund to "back-up" any catastrophic loss.

In light of the foregoing, it appears unfair to permit property owners or their insurers, as subrogees, to also have redress against the municipality for loss due to mobs or riots. The \$10,000.00 limitation seems appropriate under the circumstances and will serve to aid municipalities in obtaining insurance coverage for this statutory liability:

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Repealer.

P. L. 1872, p. 70.

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Proviso.

Payment for

such reports.

11. That all acts relative to the publication of the chancery and law reports and to the compensation and duties of the law and chancery reporters, and all other acts inconsistent with the provisions of this act be and the same are hereby repealed.

An act relative to the law reports of New Jersev.

Approved April 4, 1st:

Approved January 29, 185,

12. SEC. 1. That whenever any of the law reports of this state shall be Treasurer to purreprinted, it shall be lawful for the state treasurer to purchase two hundry law reports that copies of such reports at the same price, and to be distributed in the same manner as the law and chancery reports are now purchased, paid for at a distributed.

[Proviso repealed by act of March 27, 1874, (P. L. 1874, p. 134)].

13. SEC. 2. That the state treasurer shall pay for such reports, on the delivery thereof, out of any moneys in the treasury of this state Let otherwise appropriated, and that this act shall take effect immediately.

An act relative to the equity reports of New Jersey,

14. SEC. 1. That whenever any of the equity reports of this state shall

be reprinted, it shall be lawful for the state treasurer to purchase the

P. L. 1873, p. 11.

Treasurer to purchase copies of equity reports that may be reprinted.

hundred copies of such reports in the same form, at the same price, and to be distributed in the same manner as the law and equity reports are new purchased, paid for and distributed; provided, that such reports shall to published under the direction and supervision of such person as the chancellor may appoint. 15. SEC. 2. That the state treasurer shall pay for such reports on the Payment for such reports.

delivery thereof to him out of any moneys in the treasury of this state not otherwise appropriated, and that this act shall take effect immediately

Riots.

1. Proclamation to be made among rioters commanding them to disperse.

4. Riotously continuing together an hour after procla-

2. Rioters to be apprehended. 3. Opposing the making proclamation punished.

mation punished.

Revision-Approved March 27, 1874

- 5. Compensation for damages by riots.
 - An act to prevent routs, riots and tumultuous assemblies.

1. That from and after the publication of this act, if any persons, to the

number of twelve or more, being armed with clubs, guns, swords, or other

weapons, or if any number of persons, consisting of thirty or more, when

be unlawfully, routously, riotously, or tumultuously assembled, any justice

of the peace, sheriff, under-sheriff, or constable of the county, where such

assembly shall be, shall, among the rioters, or as near to them as he can safely come, command silence, while proclamation is making, and sha openly and with a loud voice, make, or cause to be made, proclamation a

R. S. 597. P. L. 1864, p. 237.

Proclamation to be made among rioters, commanding them to disperse.

R. 8. 597, 21.

Form of proclamation.

these or the like words: State of New Jersey. By virtue of an act of this state, entitled "At act to prevent routs, riots and tumultuous assemblies," I am directed to charge and command all persons, being here assembled, immediately to disperse themselves and peaceably to depart to their habitations, or to their lawful business, upon the pains and penalties contained in the said at God save the state.

Justices, etc., to make proclamation.

And all justices of the peace, sheriffs, under-sheriffs, and constable within the limits of their respective jurisdictions, are hereby authorized

6. How collected.

- 7. When no recovery.
- 8. Actions against rioters also,
- 9. Limitation of actions.
- 10. City or county may agree with claimant.
- 11. City or county may recover from rioters.

empowered and required, on notice or knowledge of any such unlawful, routous, riotous, or tumultuous assembly, to resort to the place where uch unlawful, routous, riotous, or tumultuous assembly shall be, and there 10 make, or cause to be made, proclamation in manner aforesaid.

. If such persons, so unlawfully, routously, riotously, and tumultuously Rioters to be apassembled as aforesaid, shall, after proclamation made, or attempted to be prehended. made, in manner aforesaid, continue together and not disperse themselves 16. 22. within one hour, then it shall and may be lawful to and for every justice of the peace, sheriff, under-sheriff, or constable of the county where such assembly shall be, and to and for such other person and persons, as shall be commanded to be assisting unto any such justice, sheriff, under-sheriff, or constable (who are hereby respectively authorized and empowered to command all the citizens of this state, to be assisting to them therein), to seize and apprehend, and they are hereby required to seize and apprehend such persons, so unlawfully, routously, riotously and tumultuously continuing together, after proclamation made, or attempted to be made, as aforesaid, and forthwith to carry the persons so apprehended, before one or more of the justices of the peace of the county, where such persons hall be so apprehended, in order to their being proceeded against, for uch their offences, according to law; and if the persons so unlawfully, Persons killing routously, riotously and tumultuously assembled, or any of them, shall rioters held happen to be killed, wounded or hurt, in the dispersing, seizing or appre- guiltless. hending, or endeavoring to disperse, seize or apprehend them, by reason of their resisting the persons so dispersing, seizing or apprehending, or endeavoring to disperse, seize or apprehend them, then every such justice of the peace, sheriff, under-sheriff, or constable, and all and singular person and persons, being aiding or assisting to them, or any of them, shall be held guiltless, and be absolutely indemnified and discharged.

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4. All persons, who, for the space of one hour after proclamation made, Punishment for or attempted to be made, as aforesaid, shall unlawfully, routously, riotously unlawfully con-tinuing together and tumultuously continue together to the number of twelve or more, if an hour after armed, or of thirty or more, if unarmed, as aforesaid; then such persons, proclamation so offending, shall be adjudged guilty of a misdemeanor, and on conviction, made. hall be punished by fine or imprisonment, or both, or by fine or 16.14. imprisonment at hard labor, or both, the fine not to exceed one thousand dollars, nor the imprisonment three years.

5. Whenever any buildings or other real or personal property shall be Compensation destroyed or injured, in consequence of any mob or riot, the city in which for damage by the same shall occur, or if not in a city, then the county in which such riot, etc. property was situated, shall be liable to an action, by or in behalf of the P. L. 1864, p. 237, party whose property was thus destroyed or injured, for the damages sustained by reason thereof.

0. Such action or actions may be brought and conducted in the same How collected. manner that other actions may be prosecuted by law, and the judgment 1b. 22. 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 2 county in any such action, such judgment shall be paid and collected as other judgments against such city or county.

7. No person or corporation shall be entitled to recover in any such when no recovaction if it shall appear upon the trial thereof that such destruction or erv. minry of property was occasioned, or in any manner aided, sanctioned or 16, 23. 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

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how punished.

• 2 1.

RIPARIAN RIGHTS.

shall have used all reasonable diligence to provent 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.

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.

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.

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.

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.

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 tresposs.

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

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- 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.
- 26. Completionenta promoteu.
- 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. Approved April 11, 1864.

P. L. 1864, p. 681.

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

Duty of officer.

Actions against rioters also. 1b. § 4.

Limitation of actions. 16, 2 5,

City or county may agree with claimant. 10. § 6.

City or county may recover from rioters. 1b. § 7.

RIOTS.

Repealer.

P. L. 1872, p. 70.

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may be re-

printed.

Proviso.

Payment for

such reports.

11. That all acts relative to the publication of the chancery and law reports and to the compensation and duties of the law and chancery reporters, and all other acts inconsistent with the provisions of this act be and the same are hereby repealed.

An act relative to the law reports of New Jersey.

Approved April 4, 1872

12. SEC. 1. That whenever any of the law reports of this state shall be Treasurer to purreprinted, it shall be lawful for the state treasurer to purchase two hundry law reports that copies of such reports at the same price, and to be distributed in the same manner as the law and chancery reports are now purchased, paid for and distributed.

[Proviso repealed by act of March 27, 1874, (P. L. 1874, p. 134)]

13. SEC. 2. That the state treasurer shall pay for such reports, on the delivery thereof, out of any moneys in the treasury of this state not otherwise appropriated, and that this act shall take effect immediately.

An act relative to the equity reports of New Jersey.

Approved January 29, 1873

14. Sec. 1. That whenever any of the equity reports of this state shall be reprinted, it shall be lawful for the state treasurer to purchase two hundred copies of such reports in the same form, at the same price, and to be distributed in the same manner as the law and equity reports are now purchased, paid for and distributed; provided, that such reports shall be published under the direction and supervision of such person as the chancellor may appoint.

15. SEC. 2. That the state treasurer shall pay for such reports on the delivery thereof to him out of any moneys in the treasury of this state not otherwise appropriated, and that this act shall take effect immediately.

6. How collected.

7. When no recovery.

9. Limitation of actions.

8. Actions against rioters also.

10. City or county may agree with claimant. 11. City or county may recover from rioters.

Riots.

1. Proclamation to be made among rioters commanding them to disperse.

2. Rioters to be apprehended.

3. Opposing the making proclamation punished.

4. Riotously continuing together an hour after proclamation punished.

5. Compensation for damages by riots.

An act to prevent routs, riots and tumultuous assemblies.

Revision-Approved March 27, 1-74

Proclamation to be made among rioters, commanding them to disperse.

P. L. 1864, p. 237.

R. S. 597.

R. S. 597, 21.

Form of proclamation.

1. That from and after the publication of this act, if any persons, to the number of twelve or more, being armed with clubs, guns, swords, or other weapons, or if any number of persons, consisting of thirty or more, shall be unlawfully, routously, riotously, or tumultuously assembled, any justice of the peace, sheriff, under-sheriff, or constable of the county, where such assembly shall be, shall, among the rioters, or as near to them as he can safely come, command silence, while proclamation is making, and shall openly and with a loud voice, make, or cause to be made, proclamation in these or the like words:

State of New Jersey. By virtue of an act of this state, entitled "An act to prevent routs, riots and tunultuous assemblies," I am directed to charge and command all persons, being here assembled, immediately to disperse themselves and peaceably to depart to their habitations, or to their lawful business, upon the pains and penalties contained in the said act God save the state.

Justices, etc., to make proclama tion.

And all justices of the peace, sheriffs, under-sheriffs, and constable within the limits of their respective jurisdictions, are hereby authorized

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Treasurer to purchase copies of equity reports that may be

reprinted.

Payment for

such reports.

P. L. 1873, p. 11.

evered and required, on notice or knowledge of any such unlawful, riotous, or tumultuous assembly, to resort to the place where unlawful, routous, riotous, or tumukuous assembly shall be, and there take, or cause to be made, proclamation in manner aforesaid.

It such persons, so unlawfully, routously, riotonsly, and tumultuously Rioters to be apmbled as aforesaid, shall, after proclamation made, or attompted to be prehended. in manner aforesaid, continue together and not disperse themselves Ib. #2. in one hour, then it shall and may be lawful to and for every justice the peace, sheriff, under sheriff, or constable of the county where such mbly shall be, and to and for such other person and persons, as shall commanded to be assisting unto any such justice, sheriff, under-sheriff, ministable (who are hereby respectively authorized and empowered to miniand all the citizens of this state, to be assisting to them therein), ereize and apprehend, and they are hereby required to seize and appreand such persons, so unlawfully, routously, riotously and tumultuously tinning together, after proclamation made, or attempted to be made, adoresaid, and forthwith to carry the persons so apprehended, before For more of the justices of the peace of the county, where such persons . If he so apprehended, in order to their being proceeded against, for ... h their offences, according to law; and if the persons so unlawfully, Persons killing ... itonsly, riotously and tumultuously assembled, or any of them, shall rioters held appen to be killed, wounded or hurt, in the dispersing, seizing or appro- guiltless. ling, or endeavoring to disperse, seize or apprehend them, by reason their resisting the persons so dispersing, seizing or apprehending, or the avoring to disperse, seize or apprehend them, then every such justice the peace, sheriff, under sheriff, or constable, and all and singular person persons, being aiding or assisting to them, or any of them, shall be

guiltless, and be absolutely indemnified and discharged. 3. If any person or persons do or shall, with force and arms, wilfully Opposing the with knowingly, oppose, obstruct, or in any manner, wilfully and knowingly, making such t, hinder, or hurt any person or persons, that shall begin to proclaim, or how punished, to proclaim, according to the proclamation hereby directed to be made, Ib. 48. shereby such proclamation shall not be made, that then every such tiposing, obstructing, letting, hindering, or hurting such person or persons, ...beginning or going to make such proclamation as aforesaid, shall be indged a misdemeanor, and be punished by fine or imprisonment, or wh, or by fine or imprisonment at hard labor, or both, the fine not to exceed one hundred dollars, nor the imprisonment, six months.

4. All persons, who, for the space of one hour after proclamation made, Punishment for attempted to be made, as aforesaid, shall unlawfully, routously, riotously unlawfully con-tinuing together to the number of twelve or more, if an hour after armed, or of thirty or more, if unarmed, as aforesaid; then such persons, proclamation wolfending, shall be adjudged guilty of a misdemeanor, and on conviction, made. hall be punished by fine or imprisonment, or both, or by fine or 1b. 24. aprisonment at hard labor, or both, the fine not to exceed one thousand follars, nor the imprisonment three years.

5. Whenever any buildings or other real or personal property shall be Compensation destroyed or injured, in consequence of any mob or riot, the city in which for damage by the same shall occur, or if not in a city, then the county in which such riot, etc. oroperty was situated, shall be liable to an action, by or in behalf of the P. L. 1864, p. 237, party whose property was thus destroyed or injured, for the damages ...tained by reason thereof.

6. Such action or actions may be brought and conducted in the same How collected. manner that other actions may be prosecuted by law, and the judgment Ib. 22. 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 ounty in any such action, such judgment shall be paid and collected as ther judgments against such city or county.

7. No person or corporation shall be entitled to recover in any such when no recovaction if it shall appear upon the trial thereof that such destruction or ery, about the state of permitted by the carelessness or negligence of such person or corporation; tor shall any person or corporation be entitled to recover any damages for any destruction or injury of property as aforesaid, unless such party

*2 1.

Duty of officer.

Actions against rioters also. 1b. § 4.

Limitation of Actions. 1D, § 5.

City or county may agree with claimant. 1b. 26.

City or county may recover from rioters. 1b. 27. 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.

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.

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.

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.

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 eity or county, may be offered and shall be received as *prima facie* evidence of the value of the property destroyed or injured.

Riparian Rights.

- 1. Commissioners appointed. Powers, duties.
- 2. Until report of commissioners made no further grant, &c., to be made.
- 3. Oath of oflice.
- 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 reutals secured.
- 12. Commissioners to be appointed to complete certain work.
- 13. Powers and duties.
- 14. Proceedings to obtain grant of lahds under water.
- 15, Compensation of commissioners,
- 16. Proceeds of sales, how applied.
- 17. Commissioners onth.
- 18. May commence proceedings for trespass.

19. When grant mude to person other than riparian owner, his rights how extinguished.

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- 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 lenses.
- 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. Approved April 11, 1864.

P. L. 1864, p. 681.

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