SENATE, No. 266

STATE OF NEW JERSEY

INTRODUCED APRIL 10, 1934

By Mr. KUSER

Referred to Committee on Judiciary

AN ACT to provide for the possession of the Delaware and Raritan canal by the State of New Jersey.

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

1. Pursuant to the rights reserved by it in and by virtue of an act entitled "An act to incorporate the Delaware and Raritan Canal Company," which act was enacted by the Legislature of the State of New Jersey on February fourth, one thousand eight hundred and thirty, and by virtue of section seventeen of said act, and all other acts supplemental and amendatory to said act, the State of New Jersey shall forthwith take possession of the Delaware and Raritan canal and the feeder thereof and the appendages thereto, and the works and improvements erected thereon, heretofore abandoned by the United New Jersey Railroad and Canal Company, the former owner thereof, and that in and by and upon such taking of possession, title to said canal and feeder, the appendages thereto and the works and improvements erected thereon shall be deemed to be and shall thenceforth be vested in the State of New Jersey to be thereafter used or disposed of as the Legislature may deem proper.

2. The State Highway Commisssion is empowered and directed to enter upon and take possession of said canal and feeder for and on behalf of the State of New Jersey; that said canal and feeder shall continue to be deemed a public highway, and until the Legislature shall have further directed the

use or disposition of said canal and feeder, the State Highway Commission shall be and hereby is directed in the meanwhile and until further directions of the Legislature to maintain, repair and keep in safe condition existing highway bridges over said canal and feeder, to repair and preserve the banks thereof, to keep at all times (save and except during the period of not earlier than December fifteenth of each year and not later than March thirty-first of the ensuing year) a flow of water diverted from the Delaware river through the feeder and into the canal of a depth of seven (7) feet; that to insure said flow aforesaid, and in order to preserve sanitary conditions in said canal and about the banks thereof and the tow path adjacent thereto, that said feeder, said canal and said banks and tow path be kept free of weeds and other growth, save and except such growth as is in the judgment of the said State Highway Commission conducive to the appearance of said canal and feeder and the banks and tow path thereof.

3. The State Highway Commission is empowered to sell water from said canal for industrial or potable purposes, and rent or in its discretion use as residence for its employees connected with the maintenance of the canal dwellings adjoining the canal and feeder, to which title has vested in the State, and that the deficit, if any, arising from maintenance of the canal and after deducting the income derived therefrom in the manner aforesaid shall be borne and paid out of funds appropriated as highway funds.

4. The State Highway Commission may, but by this act it is not required to, operate said canal and the locks thereof, and as a part of such operation permit the use of said canal by pleasure and commercial craft, or pleasure craft alone, passing through or requiring the use of such locks. In the event of such operation of the canal by said State Highway Commission, said State Highway Commission shall adopt and formulate from time to time a tariff of tolls and lock charges to be paid by said craft so using the canal.

5. The State Highway Commission, if it deems it necessary or advisable so to do, is hereby empowered to accept quit claim deed or deeds from the United New Jersey Railroad and Canal Company and the Pennsylvania

Railroad Company, or either of them, or of their rights in and to said canal and feeder, together with adjacent property, and as a consideration for said quit claim deed to pay therefor the sum of one dollar ($1.00), and to grant to said company certain siding, switch and terminal rights in connection with said canal; *provided, however,* that such rights so granted for sidings, switches and spurs shall not be exclusive, and that rights to cross and re-cross the canal, and the rights to use property not required for canal purposes, shall be limited to crossings and recrossings and to the use of property as it now exists, or if extended or increased it shall be subject to the approval of the State Highway Commission or Board of Public Utilities.

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