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Subject: : Paflyfish General Forum

Topic: : Waterway Rights info on PA streams

Re: Waterway Rights info on PA streams

Author: : geebee

Date: : 2013/10/11 13:11:27

URL:

Quote:

troutbert wrote:

Quote:

geebee wrote:

There are crown grants in PA but none have been publicized to be owning the river bottom too - so far...

On what stretches of stream? And how do you know this to be the case?

PA was one of the original 13 colonies where King George granted lands to English nobles. That was stated in the Recitals of the Jackson and Salmon river cases.

Crown Grants don't necessarily cover streams, it can be any land - and unless they specifically mention the river bottom (which some do) or in the Brewster Mass. case the sea bottom, they don't apply as PA like most other states hold the stream & sea bottoms in Trust as a commonwealth.

However, they are a form of legal title which is not negated by the Declaration of Independence - so if you held title to the stream bottom as a result of a Crown Grant of lands which was later subsequently legally transferred, the State cannot lay claim to it.

In the Jackson river case the State did lay claim to it but the private interests sued and won.

The Douglaston Salmon Run in Pulaski on the Salmon river is actually a Crown Grant - that used to be Douglaston Manor - and they own the river bottom because the title deed specifically includes it - hence you can float the DSR but you cannot anchor, wade or touch bottom.

the reason that some do was the gathering of freshwater mussels and eels, and in the case of the sea shore oysters and kelp.

i've been following these cases since 2008 when i was fly fishing the beach on Cape Cod and a homeowner repeatedly tried to insist that i leave 'his' beach on a number of occasions.

he eventually called the cops which i warned him not to do. so i had him arrested and cautioned for harrassment - the Cape cops are well versed in the law. which i subsequently carried a copy of in my license holder - which quite a few anglers do now since it was posted on Stripersonline a lot people printed it off.

As i mentioned earlier, you can fish in front of the Kennedy Compound if you don't mind an audience - but not John Kerry's place i think...