

# PROPERTY

PROFESSOR KRISTELIA GARCÍA

---

CLASS 7(B):  
THE PUBLIC TRUST DOCTRINE

# Class Outline

---

- Inherently public property
- Public trust doctrine

# *Illinois Central Railroad Co. v. Illinois*

---

Sec. 3 of the grant of 1869:

“...All the right and title of the state of Illinois I and to the submerged lands constituting the bed of Lake Michigan, and lying east of the tracks and breakwater...are hereby granted in fee to the said Illinois Central Railroad Company, its successors and assigns: provided, however, that the fee to said lands shall be held in perpetuity, and that the said company shall not have power to grant, sell or convey the fee to same...”

# Alternatives for Protecting Public Access to Beaches

---

- Prescription: We'll see this doctrine later in the semester; court here sets out elements and suggests they're met
- Implied dedication: Similar to prescription but based in inferred (but fictional) intent of the landowner to grant access
- Public trust: Some courts have extended the public trust doctrine to recreational uses
- ...& custom.