

# Black's Law

## DEDICATION

**Dedicate.** To appropriate and set apart one's private property to some public use; as to make a private way public by acts evincing an intention to do so.

**Dedication.** The appropriation of land, or an easement therein, by the owner, for the use of the public, and accepted for such use by or on behalf of the public. Such dedication may be express where the appropriation is formally declared, or by implication arising by operation of law from the owner's conduct and the facts and circumstances of the case. *Varallo v. Metropolitan Government of Nashville and Davidson County*, Tenn.App., 508 S.W.2d 342, 346. A deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. *Longley v. City of Worcester*, 304 Mass. 580, 24 N.E.2d 533, 537; *Consolidated Realty Co. v. Richmond Hotel & Building Co.*, 253 Ky. 463, 69 S.W.2d 985.

See also **Dedication and reservation**, below.

*By adverse user.* A dedication may arise from an adverse exclusive use by the public under a claim of right with the knowledge, actual or imputed, and acquiescence of the owner.

*Common-law or statutory.* A common-law dedication is one made as above described, and may be either express or implied. A statutory dedication is one made under and in conformity with the provisions of a statute regulating the subject, and is of course necessarily express. An "express common-law dedication" is one where the intent is expressly manifested, such as by ordinary deeds, recorded plats not executed pursuant to statute or defectively certified so as not to constitute a statutory dedication. *Board of Com'rs of Garfield County v. Anderson*, 167 Okl. 253, 29 P.2d 75, 78.

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*Copyright law.* The first publication of a work, without having secured a copyright, is a dedication of it to the public; that having been done, any one may republish it. *Deward & Rich v. Bristol Savings & Loan Corporation, C.C.A.Va., 120 F.2d 537, 540 (partial publication).*

*Express or implied.* A dedication may be express, as where the intention to dedicate is expressly manifested by a deed or an explicit oral or written declaration of the owner, or some other explicit manifestation of his purpose to devote the land to the public use. An implied dedication may be shown by some act or course of conduct on the part of the owner from which a reasonable inference of intent may be drawn, or which is inconsistent with any other theory than that he intended a dedication.

**Dedication and reservation.** The dedicator may impose reasonable conditions, restrictions and limitations, and compliance therewith is essential unless waived. Dedicator may reserve a new right in himself by way of implied grant and may include rights personal or rights appurtenant to the land. At common law, a reservation in a dedication is not perpetual.