

THE
STATUTES OF CALIFORNIA,

PASSED AT THE

Eighteenth Session of the Legislature,

1869-70,

BEGAN ON MONDAY, THE SIXTH DAY OF DECEMBER, EIGHTEEN HUNDRED
AND SIXTY-NINE, AND ENDED ON MONDAY, THE FOURTH DAY
OF APRIL, EIGHTEEN HUNDRED AND SEVENTY.



SACRAMENTO:
D. W. GELWICKS, STATE PRINTER.
1870.

CHAPTER CCCLXXXVIII.

An Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

[Approved April 1, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Tide Land Commissioners shall have the charge and disposition of all the salt marsh and tide lands lying under water belonging to the State of California, and situate in the City and County of San Francisco, and all the salt marsh and tide lands, to nine feet of water at extreme low tide, within five statute miles of the exterior boundaries of said city and county, as fixed and established in section one (1) of an amendatory and supplementary Act, approved April eighteenth, eighteen hundred and fifty-seven; *provided*, that nothing herein contained shall give said Commissioners any control over the lands heretofore granted to the City of Oakland.

Powers of
Commiss-
sioners.

SEC. 2. Said Commissioners shall have the said lands lying outside the boundary lines of said county and within five miles thereof, as aforesaid, surveyed to a depth of nine feet of water at the lowest stage of the tide, and subdivided into lots of not more than twenty acres or into lots of not less than fifty feet front by one hundred feet deep, as in the judgment of said Tide Land Commissioners, approved by the State Board, may seem fit for the best interests of the State; and the Commissioners shall locate, declare, lay down and establish a canal six hundred feet in width, along and adjoining the southern boundary line of the City and County of San Francisco, extending from the shore line of the Bay of San Francisco to Ships' Channel, in said bay; also, a canal of like width extending from the mouth of Guadalupe Creek, in the County of San Mateo, in a due east course to the Ships' Channel; and said Commissioners shall have power to locate and establish canals and basins upon the marsh and tide lands lying outside of the exterior boundaries of the County of San Francisco, mentioned in section one of this Act, whenever they deem them necessary for the purposes of drainage, navigation and the wants of commerce; and shall cause to be prepared the necessary maps, exhibiting the property as surveyed, the number, area and location of each subdivision or lot, and all other matters proper and necessary to be shown thereon. The Commissioners shall file certified copies of said maps with the Surveyor-General of the State and with the Recorder of the City and County of San Francisco, retaining the original field notes and maps of said survey in their office at San Francisco.

same.

SEC. 3. After the Commissioners shall have complied with the provisions of section two, they shall proceed to sell at public auction, to the highest bidder, on the following terms: Cash, in gold coin, twenty-five per cent., payable on the day of

Sale of lands

sale to the Commissioners; and seventy-five per cent. payable twenty-five per cent. in one year, twenty-five per cent. in two years, and twenty-five per cent. in three years, thereafter, to the State Treasurer, at Sacramento. The Commissioners shall receipt to each purchaser for the amount of his payment of twenty-five per cent., stipulating that if the remaining seventy-five per cent. of the purchase money shall be paid in three equal parts—in one, two and three years thereafter, together with legal interest, to the State Treasurer, at Sacramento, he shall receive a deed from the State of California for the property purchased by him. Such sale shall be by lots, in accordance with the maps provided for in section two of this Act, and on the same terms as provided for in the sale of salt marsh and tide lands, in the Act of which this is amendatory and supplementary to; and the Commissioners shall appoint proper and competent auctioneers to sell said lands, and their compensation shall be one per cent. on the gross amount of sales of all lands outside of the exterior boundaries of said City and County of San Francisco, and one-half of one per cent. on the gross amount of sales of all lands within the boundaries of said City and County of San Francisco, and such sales shall be made in some public place in the city and county aforesaid.

Compensation of auctioneers.

State Board.

SEC. 4. The State Board, under this Act, shall consist of the Governor of the State, Surveyor-General of the State and the Controller of State, who shall have power to make all rules for the sales; and before such sales shall be deemed complete, shall be approved by said State Board. Such approvals to be made within sixty days after the report of such sales be filed with the State Board.

Commissioners may compromise.

SEC. 5. The Commissioners, or a majority of them, shall have the power to compromise with any adverse claimants to any portion or portions of lands mentioned in this Act, whenever and on such terms as they may deem it most conducive to the interests of the State; all such compromises to be approved by and with the consent of the State Board and by the advice of the Attorney-General of the State; *provided*, that all such compromises shall be made and in all respects completed, and the money paid, within eighteen months from the passage of this Act, and not afterwards.

Expenses.

SEC. 6. All salaries, bills and accounts for expenses incurred in enforcing this Act, shall be approved by the State Board; after they shall have been approved, the Secretary of the Commissioners shall certify the approval of the same to the Controller of State, who thereupon shall draw his warrants upon the General Fund for the separate amounts of such salaries, bills or accounts, in favor of the parties to whom it is due. The Secretary of the Board of Tide Land Commissioners shall receive, as compensation for his services as Secretary of said Board, the sum of two hundred dollars per month, payable out of the General Fund.

Salary of Secretary.

Costs of deeds.

SEC. 7. The costs and expenses of all deeds required to be made under the provisions of this Act, for the conveyance of such lands purchased by any persons, shall be paid by the purchasers at such sales, not to exceed five dollars for each and every conveyance so required to be made by said Commissioners.

SEC. 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall take effect and be in force from and after its passage.
