

Supreme Court

THE

STATUTES OF CALIFORNIA,

PASSED AT THE

SECOND SESSION

OF THE



LEGISLATURE:

BEGUN ON THE SIXTH DAY OF JANUARY, 1851, AND ENDED ON
THE FIRST DAY OF MAY, 1851, AT THE CITY
OF SAN JOSE.

CALIFORNIA
STATE
SEAL
LAW DEPT.

EUGENE CASSERLY, STATE-PRINTER.

1851.

Chap. 41.

AN ACT to provide for the disposition of certain property of the State of California.

Passed March 26, 1851.

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

§ 1. All the lots of land situated within the following boundaries, according to the survey of the City of San Francisco, and the map or plat of the same now on record in the office of Recorder of the County of San Francisco, are known and designated in this Act as the San Francisco Beach and Water Lots; that is to say, beginning at the point where the eastern line of Simmons street intersects the southern boundary line of the city; thence northerly on the eastern line of Simmons street, to the southern line of South street; thence easterly on the southern line of South street to a point three hundred and seventy-five feet easterly from Simmons street; thence at right angles to South street, northerly to the eastern line of Hubbel street; thence easterly on the line of Hubbel street, two hundred and seventy-five feet; thence northerly at right angles to Hubbel street, to the southern side of Hooper street; thence easterly on the southern line of Hooper street, to the eastern line of Fifth street; thence northerly on the eastern line of Fifth street, to the southern line of Channel street; thence easterly on the southern line of Channel street, to the eastern line of Third street; thence northerly on the eastern line of Third street, to the southern line of Berry street; thence easterly on the southern line of Berry street, to the eastern line of Second street; thence northerly on the eastern line of Second street, to the southern line of King street; thence easterly on the southern line of King street three hundred and seventy-five feet;

166
219
Boundaries of San Francisco beach and water lots.

thence northerly at right angles to King street, to the southern line of Townsend street; thence easterly on the southern line of Townsend street, to the eastern line of First street; thence northerly on the eastern line of First street, to the southern line of Brannan street; thence easterly on the southern line of Brannan street, to the eastern line of Beal street; thence northerly on the eastern line of Beal street, to the southern line of Bryant street; thence easterly on the southern line of Bryant street, to the eastern line of Spear street; thence northerly on the eastern line of Spear street, to a point within one hundred and thirty-seven and one-half feet of the southern side of Harrison street; thence easterly at right angles to Harrison street, to the eastern side of Stuart street; thence northerly on the eastern line of Stuart street, to the southern line of Folsom street; thence easterly on the southern line of Folsom street, to the eastern line of East street; thence northerly on the eastern line of East street, to its point of intersection with the northern side of Jackson street; thence northerly at right angles with the northern side of Jackson street, to the northern line of Pacific street; thence westerly along the northern side of Pacific street, to the eastern line of Davis street; thence northerly along the eastern line of Davis street, to the northern line of Vallejo street; thence westerly along the northern line of Vallejo street, to the eastern line of Front street; thence northerly on the eastern line of Front street, to the northern line of Greenwich street; thence easterly on the northern line of Greenwich street, to the eastern line of Battery street; thence northerly on the eastern side of Battery street, to the northern line of Lombard street; thence westerly on the northern line of Lombard street, to the eastern line of Sanson street; thence northerly on the eastern line of Sanson street, to the northern line of Chesnut street; thence westerly on the northern line of Chesnut street, to the eastern line of Montgomery street; thence northerly on the eastern line of Montgomery street, to the northern line of Francisco street; thence westerly on the northern line of Francisco street, to the eastern line of Kearny street; thence northerly on the eastern line of Kearny street to the northern line of North Point street; thence westerly on the northern line of North Point street, to the east line of Dupont street; thence northerly on the eastern line of Dupont street, to the northern line of Beach street; thence westerly on the northern line of Beach street, to the eastern line of Powell street; thence northerly on the eastern line of Powell street, to the northern line of Jefferson street; thence westerly on the northern line of Jefferson street, to the western line of Larkin street; thence following the line of ship's channel to the western boundary line of said city; thence southerly along the western boundary line of said city, to the natural high water mark; thence along the line of the said high water mark, to its point of intersection with the southern boundary line of said city; thence easterly along the southern boundary line of

said city, to its point of intersection with the eastern line of Simmons street, being the place of beginning.

§ 2. The use and occupation of all the land described in the first section of this act is hereby granted to the city of San Francisco, for the term of ninety-nine years from the date of this act; except as hereinafter provided, all the lands mentioned in the first section of this act, which have been sold by authority of the ayuntamiento, or town, or City Council, or by any Alcalde of the said town or city, at public auction in accordance with the terms of the grant known as Kearny's grant to the city of San Francisco; or which have been sold or granted by any Alcalde of the said city of San Francisco, and confirmed by the ayuntamiento, or town, or City Council thereof, and also registered or recorded in some book of record now in the office, or custody, or control, of the Recorder of the Court of San Francisco, on or before the third day of April, A. D. one thousand eight hundred and fifty, shall be and the same are hereby granted and confirmed to the purchaser or purchasers or grantees aforesaid, by the State relinquishing the use and occupation of the same and her interests therein to the said purchasers or grantees and each of them, their heirs and assigns, or any person or persons holding under them, for the term of ninety-nine years from and after the passage of this Act: *Provided*, that the city of San Francisco shall pay into the State Treasury twenty-five per cent. of all moneys hereafter arising in any way from the sale or other disposition of the property described in the first section of this act; the same to be paid within twenty days after its receipt by said city. The property known as the Government reservation is exempt from the operation of this Act; except that any estate held by virtue of any lease or leases, executed or confirmed by any officer of the United States on behalf of the same, shall be and the same are hereby granted and confirmed to the lessees thereof, and the written instrument whereby such lease or leases was made shall, in all actions brought by the lessees for the recovery of the lands so demised, be sufficient evidence of title and possession to enable the plaintiff to recover.

§ 3. That the original deed, or other written or printed instruments of conveyance, by which any of the lands mentioned in the first section of this act were conveyed or granted by such Common Council, Ayuntamiento, or Alcalde; and in case of its loss, or not being within the control of the party, then a record copy thereof, or a record copy of the material portion thereof, properly authenticated, may be read in evidence in any Court of Justice in this State, upon the trial of any cause in which the contents of the same may be important to be proved, and shall be prima facie evidence of title and possession, to enable the plaintiff to recover the possession of the land so granted.

§ 4. That the boundary line described in section first of this Act, shall be and remain a permanent water front of said city; the authorities of which shall keep clear and free from all obstructions whatsoever

Grant of
said lots to
San Francisco.

Evidence
of title to
said lots.

Said
boundaries to
be a permanent
water front.

the space beyond said line, to the distance of five hundred yards therefrom.

Map of
said boundaries
to be deposited
in Secretary
of State's Office.

§ 5. The city of San Francisco shall, within thirty days after the passage of this Act, deposit in the office of the Secretary of State of California, and in the office of the Surveyor General of this State, and in the office of the Surveyor of the city of San Francisco, a correct map of said boundary line mentioned in section one of this Act, distinctly and properly delineated by a red line; said maps to be duly certified to by the Mayor and Surveyor of said city, and under the official seal of said city.

Right
of State to
construct
wharves.

§ 6. Nothing in this Act shall be construed as a surrender by the State of its right to regulate the construction of Wharves or other improvements, so that they shall not interfere with the shipping and commercial interests of the Bay and harbor of San Francisco.