

Am Oct 17 98

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~~Regarding Frontiers of
Nanigallie Waters.~~

~~Per J. J. Ayres.~~

Oct 11 98

Read & referred
to Com on Harbors
Tide Waters & Nanigallie
Streams

Thornton
as per

Oct 20 98

Referred to Com of
whole with recommendations
that it pass Thornton
Ayres as per

Pursue these unto close of
Journal.

Wednesday

PAGE.

~~Regarding the frontage of navigable waters~~

Article

Harbor Frontage, etc.

Sec. 1 The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

Sec. 2 No individual, Partnership, or corporation, claiming or possessing ~~the bottom~~ frontage or tidal lands of a harbor, bay, inlet, estuary or other navigable water in this State shall be permitted to exclude the right of way to such water whenever it is required for any public purpose; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always at fair value, and that the people shall not be shut out from the same.

Section 3. All tide lands within two miles
of any incorporated city or town in this State,
and fronting on the ~~Mississippi~~ waters of any harbor, es-
tuary, bay or inlet used for the purposes of navi-
gation, shall be withheld from grant or sale to pri-
vate persons, partnerships or corporations; but sites
for wharves, warehouses, or other necessary incidents
to commerce, may, upon application to the Board
of Supervisors of the counties in which such sites
are situated, and after due public notice ^{given} of such
application, be leased by such Boards for a term
of years to such persons, partnerships or corporations,
Provided, that nothing in this section shall apply
to the tide lands of the Bay of San Francisco.

~~Additional information for the Report
of the Committee on Harbors, Dredges
and Navigable Streams.~~

Amendment.

NO. 178

INTRODUCED BY COMMITTEE ON HARBORS, TIDEWATERS, AND NAVIGABLE STREAMS

DECEMBER 20TH 1878

READ AND REFERRED TO COM OF WHOLE

ARTICLE
HARBOR FRONTAGES, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

Sec. 2. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable; and that the people shall not be shut out from the same.

Sec. 3. All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations; but sites for wharves, warehouses, or other necessary incidents to commerce, may, upon application to the Board of Supervisors of the counties in which such sites are situated, and after due public notice of such application, be leased by such Boards for a term of years to such persons, partnerships, or corporations; provided, that nothing in this section shall apply to the tide lands of the Bay of San Francisco.

Amendment to Sec 3

Insert in line six Sec 3 between
the words (~~of~~ years) Not exceeding
twenty ~~years~~ so that it shall
read for a term of not exceeding
twenty years

adopted

Mgalt

Insert, after the word "purpose" in the
line, as follows:

"...to destroy or obstruct the free
navigation of such waters."

written
amendment to Secr

Ayers

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Action of Committee

Dec. 20, 1878

Amendment No 178

Harbor Frontage

Reserve Harbor

ppppppp.

ppp

ppp

*Secretary's Copy
Return to Desk.*

Amendment.

No. 178.

INTRODUCED BY COMMITTEE ON HARBORS, TIDE-WATERS, AND NAVIGABLE STREAMS.

DECEMBER 20TH, 1878.

AS AMENDED IN COMMITTEE OF THE WHOLE.

ARTICLE -.

HARBOR FRONTAGES, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist
2 in the State to all frontages on the navigable waters of this State.

SEC. 2. No individual, partnership, or corporation, claiming or pos-
2 sessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other
3 navigable water in this State, shall be permitted to exclude the right of way
4 to such water whenever it is required for any public purpose; and the Legis-
5 lature shall enact such laws as will give the most liberal construction to this
6 provision, so that access to the navigable waters of this State shall be always
7 attainable, and that the people shall not be shut out from the same.

Section two, as amended by Mr. Ayers, and adopted:

[**SEC. 2.**] No individual, partnership, or corporation, claiming or pos-
2 sessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other
3 navigable water in this State, shall be permitted to exclude the right of way
4 to such water whenever it is required for any public purpose, nor to destroy
5 or obstruct the free navigation of such water; and the Legislature shall enact

[2]

such laws as will give the most liberal construction to this provision, so that
access to the navigable waters of this State shall be always attainable, and
that the people shall not be shut out from the same.]

SEC. 3. All tide lands within two miles of any incorporated city or
town in this State, and fronting on the waters of any harbor, estuary, bay, or
inlet used for the purposes of navigation, shall be withheld from grant or sale
to private persons, partnerships, or corporations; but sites for wharves, ware-
houses, or other necessary incidents to commerce, may, upon application to
the Board of Supervisors of the counties in which such sites are situated, and
after due public notice of such application, be leased by such Boards for a
term of years to such persons, partnerships, or corporations; *provided*, that
nothing in this section shall apply to the tide lands of the Bay of San Fran-
cisco.

Section three, as amended by Mr. Wyatt, and adopted:

[SEC. 3. All tide lands within two miles of any incorporated city or
town in this State, and fronting on the waters of any harbor, estuary, bay, or
inlet used for the purposes of navigation, shall be withheld from grant or sale
to private persons, partnerships, or corporations; but sites for wharves, ware-
houses, or other necessary incidents to commerce, may, upon application to
the Board of Supervisors of the counties in which such sites are situated, and
after due public notice of such application, be leased by such Boards for a
term of twenty years to such persons, partnerships, or corporations; *provided*,
that nothing in this section shall apply to the tide lands of the Bay of San
Francisco.]

SECTION 1. All water appropriated, or that may hereafter be appropriated,
2 for sale or rental, is hereby declared public and subject to the control
3 of the State.

The following is section one, as amended on motion of Mr. Hall, and
adopted:

[SEC. 1. The use of all water now appropriated, or that may here-
2 after be appropriated, for sale, rental, or distribution, is hereby declared to be
3 a public use, and subject to the regulation and control of the State, in the
4 manner to be prescribed by law.]

SEC. 2. The unappropriated waters of the lakes and rivers of this
2 State are declared to be public property, and may be appropriated by indi-
3 viduals, associations, or corporations, subject to such conditions and restric-
4 tions as the Legislature may impose.

The above section (two), on motion of Mr. Van Dyke, was stricken out.

~~Strike out all after the~~
word Corporations in line

H.

Beetechs

~~Harbor, front, etc.~~

HARBORS, TIDE-WATERS, AND NAVIGABLE STREAMS.

As Amended in Convention, and Ordered Engrossed for a Second
Reading, February 14th, 1879.

ARTICLE --.

HARBOR FRONTAGES, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable, and that the people shall not be shut out from the same.

SEC. 3. All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

~~513~~ - #
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Education
Harbor Tide waters & Navigable
Straines

Feby 21/79

Reported, Corrected
Engrossed

Edw Smith,

Ascty.

Feby 27 1879

Read a second time
adopted and referred to
Com on Revision and Adjust-
ment

Thornton

Asst Secy