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Map Exhibiting the Salt Marsh, Tide and Submerged Lands Disposed of by the State of California in and Adjacent to the Bays of San Francisco and San Pablo and now Subject to Reclamation Prepared from Maps of the U.S. Coast Survey & Official Records by Order of the Board of State Harbor Commissioners for the United States Commissioners on San Francisco Harbor...

Stock#: 66210
Map Maker: Britton & Rey / Arnold
Date: 1874
Place: San Francisco
Color: Color
Condition: Fair
Size: 67.5 x 24.5 inches
Price: SOLD



Description:

Scarce, Important Map of the San Francisco Bay Tidelands - the Subject of a Major Political Controversy Relating to the Power of the Railroads in California.

Large color-lithographed map of San Francisco and San Pablo Bays, unusually oriented with east at the top.

The map has extensive soundings noted throughout the Bays, the result of a major bathymetric survey. The areas colored in brown are "Lands Disposed of by the State of California to Private Parties and Corporations, the Aggregate Area being as follows. Tide & Submerged Lands 67,465 Acres | Salt Marsh Lands 125,564 ---". The thin brown line demarcating parts of the bay "... shows the encroachment upon the navigable waters of the Bays, in case the sale of submerged lands is continued to the three fathom line."

The map makes clear the extent to which public waterfront land, then the most valuable kind of land in the Bay Area, had been handed over to private parties (most importantly the railroads, such as the Central Pacific), and the serious diminution of the Bays that would occur if the process was continued. The reaction to this land transfer presaged that which would sweep the nation in the 1880s - in reaction to similar colossal land grants to the railroads throughout the West.

The Tidelands Controversy

The sale of California tidelands is now constitutionally prohibited, but it was not always so; in the 19th



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century, the State Legislature allowed the sale of tidelands, mostly in San Francisco Bay, a decision that unleashed hundreds of competing land claims and was fraught with politics.

The California State Lands Commission provides the following summary of the history of the tidelands:

In 1863, the Legislature enacted Chapter 306, Statutes of 1863, establishing the state Board of Harbor Commissioners. The Harbor Commissioners were authorized to take possession of and hold all that portion of the San Francisco Bay lying along the waterfront of San Francisco, and adjacent thereto, to the distance of six hundred feet into the waters of the bay, together with all the improvements, rights, privileges, franchises, easements and appurtenances connected therewith, excepting such portions of said waterfront as may be held by parties under valid lease.

In 1868, the Legislature broadened the development plan and extended it throughout the San Francisco Bay Area. This was done through the creation of the state Board of Tide Land Commissioners (BTLCL) was created pursuant to Chapter 543, Statutes of 1868. The Board was authorized to take possession of and to survey and subdivide all of the remaining tide and submerged lands still owned by the state out to a depth of 24 feet of water at low tide along the bay. By extending the pattern of the subdivision for the upland streets and blocks into the bay and creating channels and basins and by selling the lots and blocks, the state created a new waterfront.

In 1870, pursuant to Chapter 388, Statutes of 1870, the Board's authority was extended to salt marsh and tidelands in San Francisco Bay out to a depth of nine feet at low tide, and located within five statute miles of the exterior boundaries of the City and County of San Francisco, as fixed and established in Section one of Chapter 190, Statutes 1857.

During the 1879 Constitutional Convention, both access to and the sale of the tide and submerged lands in the San Francisco Bay Area was a source of major discussion. The debate over whether to create a constitutional prohibition on the sale of tide and submerged lands took place over two days. Of note is that at least one delegate was the owner of tidelands. By a narrow vote, the "ayes" prevailed and the 1879 Constitution included what became known as Article XV (Harbor Frontage, etc.), below.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all



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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.

The amendment adopted in 1879 is similar to what exists today. The key difference is that a street created by the Board of Tideland Commissioners may be sold if the Legislature makes specific findings.

Rarity

OCLC records only three copies, all in California institutions: UC Berkeley; Cal State Chico; and UCLA. To this list we can add Rumsey 4469.

Detailed Condition:

Two large vertical stains to the lefthand side of the image. Some marginal pinholes and small tears not affecting the image.