§ 28. Cession during use for purposes thereof, with reservation of right to serve process. Title and jurisdiction to the following tracts or parcels of land have been ceded to the United States by this state, on condition that the jurisdiction so ceded should not prevent the execution thereon of any process, civil or criminal, issued under the authority of the state, except as such process might affect the property of the United States therein, and that such jurisdiction shall continue in the United States so long only as the land shall be used and occupied for the purposes of cession, unless the consent of the state to a different use has been granted.

1. In the city of New York. A tract or tracts of land, and land under water in the city of New York, not exceeding two hundred and fifty feet, being a portion of the eastern end or extremity of the lands and lands under water, formerly known as the Battery extension, including the open slip or basin at the easterly end thereof, together with a right of way or passage not less than seventy-five feet in width, from such lands over and across the lands adjacent thereto, known as the Battery ground, which the mayor, aldermen and commonalty of the city of New York have been authorized to convey to the United States, acquired for the purpose of erecting and establishing a barge office and other suitable buildings and structures for the transaction of the public business connected with the United States revenue service, and for the landing of revenue and other government boats and barges, for the use, accommodation and convenience of the United States custom-house for the port of New York, the title of this state in which the commissioners of the land office have been directed to convey.

2. In Kings county. Two certain tracts of land in Kings county, described as follows: All that certain tract, piece or parcel of upland, salt meadow and marsh, bounded as follows: Beginning at the corner of the Wallabout bridge road, and the road leading to Williamsburgh, and running from thence westerly along the bridge road and land of John Ryerson, to a corner; thence westerly along the land of John Ryerson, to a corner; thence westerly along the same and a small creek in the meadow, to the Wallabout bay; thence northerly by the said Wallabout bay, to the Wallabout creek; thence easterly by the creek aforesaid to

the south corner of the dock; thence westerly by land of Ida Schenck and the dock, including the road sixty feet (the road to be for the use of the parties interested in the dock and landing); thence 140 feet to the road leading from Williamsburgh to a corner eighty-eight feet from the creek; thence along said road southerly to the place of beginning, excepting and reserving to Francis Skillman, his heirs and assigns, one undivided half of the dock, and a privilege of a landing at the dock for the owner or occupant of the farm adjoining the herein described premises, lately sold to Charles Bostwick, esquire. Also, all that certain piece of land and meadow on the easterly side of the road to Williamsburgh, beginning against the road at the bridge, and running from thence easterly and southerly by the Wallabout creek to a stake at the said creek; thence westerly to a notched post against the road; thence northerly along the road to the place of beginning, altogether in upland, salt meadow and marsh about thirty-three acres, according to a survey and map of the said lands, made by Jeremiah Lott, in the month of April, 1824. The tracts of land, the jurisdiction whereof is hereby ceded, being the same which were, by an indenture bearing the date the 1st day of July, 1824, conveyed by Sarah Schenck, widow of Martin Schenck, Jane Schenck, widow of Jeromus Schenck, Jacob Harris and Ida his wife, and Isaac Harris and Mary Ann his wife, all of the county of Kings, and state of New York, to the secretary of the navy, the secretary of the treasury, and the secretary of war, for the time being, commissioners of navy hospitals, and to their successors and assigns forever. These cessions were made for the purpose of erecting and maintaining a navy hospital and other necessary edifices and buildings.

3. At Prince's bay, Richmond county. A tract containing about eight acres and three-quarters of an acre of land, situated at Prince's bay, in the town of Westfield and county of Richmond, and bounded as follows: Easterly and southerly by the bay at high water mark, as patented to the original proprietors; westerly by Richard Lafourge's land; and northerly by land belonging to the estate of Israel R. Dissosway, deceased; being part of the estate whereof he died seized, acquired for the purpose of erecting a light-house thereon.

4. On Staten Island. A tract of land not exceeding one acre in extent,

on the lands belonging to the state, on and near the southeastern point or projection of Staten Island; to be laid out in such a manner as not to interfere with the appropriate uses of the military grounds of Fort Tompkins; acquired for the purpose of erecting a lighthouse thereon.

5. In Raritan bay. A tract of land under water in Raritan bay, described as follows: The site is on the edge, or southeastern extremity of the shoal known as the Great Beds, which makes out from the New Jersey shore at the intersection of the Raritan river and Perth Amboy channels, and is embraced within a circle seven hundred feet in diameter, the center point of which is distant three-fourths of a mile in a course south twenty-two degrees west from the southwest gable of the dwelling-house of B. C. Butler, at Ward's point, on the southerly shore of Staten Island, and contains 8.83 of an acre in area, as shown on a map and description which have been filed in the office of the secretary of state of this state, acquired for the purpose of erecting a light-house thereon.

6. In Fisher's Island sound. A tract of land under water in Fisher's Island sound, described as follows: The area embraced within a circle seven hundred feet in diameter, the center of which shall be the spindle that marked the site of "Latimer's reef" on January first, 1883, acquired for the purpose of erecting a light-house thereon.

7. At Gardiner's island, Suffolk county. A tract of land on Gardiner's island, Suffolk county, described as follows: All that part of the north point of Gardiner's island aforesaid, lying northwest of a line described, and running as follows, to wit: Starting from a stake on a sand ridge, and running thence N. 56Á E., and S. 56Á W., to the waters on each side of the said point or beach respectively, and bounded northerly, easterly and westerly by the waters of Gardiner's bay, and southeasterly by the beach at the aforesaid line, containing about fourteen acres more or less, acquired for the purpose of erecting and maintaining thereon a light-house and other necessary buildings.

8. At Rye, Westchester county. A tract of land in the town of Rye, Westchester county, on Captain's island, described as follows: Beginning

at a marked rock, near a rock called Lightning rock, and running on the southern and eastern shore N. 75Á 30' E., 63 links; thence N. 41Á E., 3 chains 40 links; thence N. 84Á 45' E., one chain 88 links; thence N. 89Á E., 3 chains 80 links; thence N. 27Á 45' E., 3 chains 53 links; thence N. 54Á W., 71 links to a stone bound by the bank at high water mark; thence west, crossing the island to the pond where a stone bound is erected at high water mark, thence running by the southeast side of the pond, S. 40Á W., 75 links; thence S. 52Á 15' W., one chain 92 links; thence N. 52Á 45' W., 74 links; thence S. 13Á 30' W., 2 chains 78 links; thence S. 49Á W., 80 links, to a pine stump by the side of the pond; thence S. 19Á W., one chain nine links, across a point of land to the place of beginning, but not to contain any part of the pond, acquired for the purpose of erecting and maintaining thereon a light-house and other necessary buildings.

9. At Watervliet, Albany county. A tract of land in the town of Watervliet, Albany county, described as follows: Beginning at an elm tree standing on the west bank of the Hudson river, in the village of Gibbonsville, thence running, by the magnetic meridian in 1828, N. 68Á W., 18 chains and seventeen links, to a stone in the ground marked U.S. No. 6; thence S. 22Á W., 10 chains and 76 links, to a stone in the ground, marked U.S. No. 7; thence N. 68Á W., 12 chains 81 links, to a stone in the ground, marked U.S. No. 2, at the south side of a new road called the Shaker road; thence along the said road S. 72Á W., 4 chains and twenty-nine links, to a stone in the ground, marked U.S. No. 3, also on the south side of said road; thence S. 22Á W., 6 chains and thirty-four links to a stone in the ground, marked U.S. No. 4; thence S. 68Á E., 35 chains and eighty links, to the west shore of the Hudson river at low water mark; thence up the said stream, along low water mark, till the place of beginning bears N. 68Á W., thence from the low water mark N. 68Á W., to the place of beginning, together with all the land under water lying opposite and easterly of the described premises, which has been heretofore granted by letters patent to James Gibbons, by the people of the state of New York; the evidences of the several purchases of the land which is hereby ceded, being recorded in the office of the clerk of the county of Albany; but always excepting and reserving out of the lands above described, the land occupied by the

Erie canal, one rod on each side thereof, and also the public highway, acquired for the purpose of erecting and maintaining thereon arsenals, magazines, dock yards and other necessary buildings.

10. In towns of Theresa and Antwerp, Jefferson county, for fish hatchery. Such lands and the rights of way thereto in the towns of Theresa and Antwerp, Jefferson county, as said United States may need, require and secure for the purposes of a United States fish hatchery, and the land under the waters of Moon lake in said towns and county, and of the creeks and their water running into and from said lake, and of the lands bordering on said lake and creeks one hundred feet back from high water mark on the shore of said lake, and one hundred feet each side of the said creeks from their center. And jurisdiction is also further ceded to said government of such lands in said towns as may contain springs which it may secure for the purposes of furnishing water for such hatchery; the total amount of land over which jurisdiction is hereby ceded shall not exceed one thousand acres, exclusive of the land under the waters of said lake, and such jurisdiction shall continue so long as said government shall operate and maintain a fish hatchery in the said towns and no longer; and provided at all times civil and criminal processes of the New York state courts may be served on said lands.