

OFFICE OF
COUNTY SURVEYOR
AND
COUNTY ENGINEER

May 7, 1946

Index #30

Mr. Alfred Jones
County Surveyor
Los Angeles County
Los Angeles, Calif.

Subject: Southerly Boundary of
Rancho Los Cerritos
Your File: "Tide Line at Long Beach"

Dear Sir:

On May 3, 1944 you requested that I make a study of the above subject with a view to assisting the County Counsel in the matter of determining the status of lands lying between the Los Cerritos meander line and the mean high tide line of the Pacific Ocean.

Since we have not received further word from the County Counsel concerning this matter I presume the case has been disposed of.

As you recall, the case involved the contemplated purchase by private interests of upland lying between the mean high tide line and the meander line, using Valentine Scrip as a medium of exchange in the transaction. It was further contemplated to convey in fee the lands so acquired to the County of Los Angeles in exchange for an oil drilling lease.

My investigation of the matter disclosed a number of items of interest, particularly should a similar case arise at some future time.

My conclusions to the effect that no un-surveyed public land remains between the mean high tide line of the Pacific Ocean and the Rancho Los Cerritos meander line are supported by the following memoranda and references which I collected during my investigation, and which I am transmitting to you for the general file:

DECISIONS OF THE DEPARTMENT OF INTERIOR:

"102. In the survey of land bordering upon a body of water the meander line is not run as a boundary, but for the purpose of ascertaining the quantity of land in the subdivisions rendered fractional by reason of their bordering upon the water."

"112. Meander lines of land that borders upon

2.

To: Mr. Alfred Jones, County Surveyor
Subject: Southerly Boundary of Rancho Los Cerritos
Your File: "Tide Line at Long Beach"

permanent bodies of water determine the quantity of land for sale, but the water line forms the true boundary."

"113. Lines of (survey) run along permanent bodies of water are run as meander lines, the water itself being the true boundary line of the land to be sold, and all accretions after survey and prior to patent pass under the patent when issued, and the Government thereafter is not entitled to subsequent accretions." (Page 801, Vol. to 40 incl., Part 1).

"VALENTINE SCRIP

"An Act for the relief of Thomas B. Valentine

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ninth circuit court of the United States, of California, be, and hereby is, authorized and required to hear and decide upon the merits, the claim of Thomas B. Valentine, claiming title, under a Mexican grant to Juan Miranda, to a place called the Rancho Arroyo de San Antonio, situate in the county of Sonoma, and State of California, in the same manner, and with the same jurisdiction, as if the claim to the said tract of land had been duly presented to the board of land commissioners under the provisions of the Act entitled "An Act to ascertain and settle the private land claims in the State of California," approved March third, eighteen hundred and fifty-one, and an appeal had been duly taken from their decision to the district court of California by the said Thomas B. Valentine.

* * * * *

"Sec. 3. That an appeal shall be taken from the final decision and decree of the said circuit court to the Supreme Court of the United States, by either party, in accordance with the provisions of the tenth section of said Act of March third, eighteen hundred and fifty-one, within six months after the rendition of such final decision; and a decree under the provisions of this Act, in favor of said claim, shall not affect any adverse right or title to the lands described in said decree; but in lieu thereof, the claimant, or his legal representatives, and shall be allowed, patents for an equal quantity of the unoccupied and unappropriated public lands of the United States, not mineral, and in tracts not less than the subdivisions provided for in the United States land laws, and, if unsurveyed when taken, to conform, when surveyed, to the general system of United States land surveys; and the Commissioner of the General Land office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the

3.

To: Mr. Alfred Jones, County Surveyor
Subject: Southerly Boundary of Rancho Los Cerritos
Your File: "Tide Line at Long Beach"

said Valentine, or his legal representatives, in accordance with the provisions of this Act: Provided, that no decree in favor of said Valentine shall be executed nor be of any force or effect against any person or persons; nor shall land scrip or patents issue as hereinbefore provided, unless the said Valentine shall first execute and deliver to the Commissioner of the General Land Office a deed conveying to the United States all his right, title, and interest to the lands covered by said Miranda grant.

"Approved, April 5, 1872 (17 Stat. 649)" (Pages 638-639, Public Land Statutes of the United States, 1931, United States Department of the Interior).

MEMO'S. RE SOUTHERLY BOUNDARY OF RANCHO LOS CERRITOS

May 3, 1944

Contacted Mr. Rea of the Title Insurance & Trust Co. relative to their policy toward title to lands lying between the Los Cerritos meander line and the ordinary high water mark of the Pacific Ocean.

From my conversation with him it appears that their presumption is that the original title to the Grant went to the mean high tide line, and that no undisposed-of public land exists seaward of the meander line.

He pointed out, however, that in his opinion the deeds to Seaside Blvd. conveyed in fee to the City of Long Beach most of the upland lying between Seaside Blvd. and the Ordinary High Water Mark as it existed at the time of the conveyances.

The title company's contention that the Rancho Los Cerritos extends to the ordinary high water mark is based particularly on a decision by Judge Jenney in the case of the City of Long Beach vs. Southern California Edison Co. and the Salt Lake R.R. in which the court held that the Mean High Tide Line is the grant boundary. According to Mr. Rea this litigation involved tide lands at the mouth of the old San Gabriel River at the southwest corner of the Rancho Los Cerritos. Mr. Rea further stated that Mr. W.D. Reyborn, one of their staff, prepared certain exhibit maps for the above action which may be examined at the title company offices, upon appointment with Mr. Reyborn.

4.

To: Mr. Alfred Jones, County Surveyor
Subject: Southerly Boundary of Rancho Los Cerritos
Your File: "Tide Line at Long Beach"

May 3, 1944

Contacted the U.S. Public Survey Office in Glendale relative to their interpretation of the southerly boundary of the Los Cerritos Rancho as shown on the official plat of the Hancock survey. The party with whom I talked was non-committal about the title to lands lying between the meander line and the Pacific Ocean, stating that the determination of title to government lands shown on their plats is a function of the District Land Office. He did, however, inform me that no surveys had been authorized in fractional sections 1, 2 or 3 T. 5S. R.13 W. which embrace the strip in question.

May 3, 1944

Contacted Francis Bates regarding certain research he made several years ago on the boundaries of the Los Cerritos Rancho in connection with certain litigation in the Terminal Island area.

He stated that during the course of his investigation his investigator, John Seimers, recovered a plat and field notes of a survey by Abel Stearns, executed about the year 1837, embracing the boundaries of the Rancho, together with a Decree of the Mexican court describing the grant by metes and bounds.

It was his recollection that the Stearns and Hancock surveys were in close agreement excepting that the former survey was based on magnetic instead of true meridian.

He further stated that the Mexican Decree definitely placed all of the beach land within the grant.

All of this information was turned over to the law firm of O'Melvery and Myers, who are holding it for future reference, although I understand the case for which it was secured has been settled out of court.

May 8, 1944

Contacted the local district land office relative to the title to lands lying southerly of the meander line- Rancho Los Cerritos. Was informed that several applications had been filed for purchase of a portion of these lands by use of Valentine Scrip and

5.

To: Mr. Alfred Jones, County Surveyor
Subject: Southerly Boundary of Rancho Los Cerritos
Your File: "Tide Line at Long Beach"

that to date no land classification had been made.

It appears that if the lands are classified as unsurveyed public lands the next step would be the granting of authorization for an official survey by the U.S. General Land Office in order to properly identify and describe the parcels embraced by the applications.

Was informed that in view of the present oil development in the area, lands therein would probably be classified as mineral, in which case the use of Valentine Scrip for their purchase would be void.

May 8, 1944

Contacted the State Lands Commission relative to ancient records embracing the Rancho Los Cerritos.

Examined a Diseno prepared by Abel Stearns May 12, 1834 showing the Santa Gertrudes, Bolsas, Alamitos and Serritos Ranchos. This record contained no courses or distances, but definitely shows the Cerritos Rancho extending to the shoreline of the ocean. (File 290 S.D. State Lands Commission).

In connection with the present case my attention was called to a similar proceeding involving the Rancho Guadaluasca in Ventura County. I was informed that in the Guadaluasca case the meander line was considerably further from the shore line than in our present case and that the Department of Interior decision ruled that no unsurveyed land existed between the meander line and the ordinary high water mark of the Pacific Ocean. I understand that the area involved was several hundred acres.

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At a later date I secured from the Public Survey Office at Glendale certain official correspondence and reports relating to the Guadaluasca case. A copy of this information is appended hereto. It appears from the patent map of the Rancho Guadaluasca that the meander line at places was some 40 or 50 chains landward from the mean high tide line.

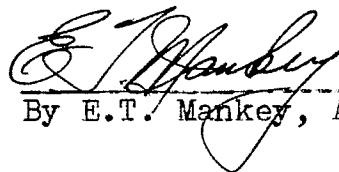
The application of certain private interests to have the strip lying between the meander line and the mean high tide line

6.

To: Mr. Alfred Jones, County Surveyor
Subject: Southerly Boundary of Rancho Los Cerritos
Your File: "Tide Line at Long Beach"

declared unsurveyed public land was finally appealed to the Secretary of the Interior, resulting in final rejection thereof under the date of August 29, 1930.

Yours truly,
H.I. Comly, Locating Engr.



By E.T. Mankey, Asst. Locating Engr.

ETM:w
Encl.

Official Correspondence and Data
relating to the application of certain private
interests for right to homestead alleged omitted
public lands lying between the meander line and
the mean high tide line of the Pacific Ocean

RANCHO GUADALASCA
(Ventura County)

RECEIVED
MAY 23 1946

Alfred Jones
County Surveyor & County Engineer

Referred to _____

For _____

Copied from original carbon copies on file
in the Survey Division as furnished by the
U. S. Public Survey Office, Glendale,
California.

May, 1946.

C O P Y

Address only the Commissioner of the General Land Office

3 x

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

In reply please
refer to 1315613
"E" WTP.

Washington

Jun. 17, 1929.

: Application for survey of
: alleged omitted lands: Rejected.

District Cadastral Engineer,
Public Survey Office
417 Market Street
San Francisco, California.

Sir:

There have been received by this office through various sources, including the papers transmitted with the letter dated May 1, 1929, from the Office Cadastral Engineer, a series of applications for the survey of alleged unsurveyed public lands described as lying between the south boundary of the patented Guadalupe Rancho and the shore of the Pacific Ocean, in T. 1S., Rs. 20 and 21 W., S.B.M., California.

It appears that a number of applications for the survey of the alleged omitted lands were filed in your office through James Kordina with his letter dated October 15, 1928, upon consideration of which the Office Cadastral Engineer, in a letter dated December 15, 1928, addressed to Mr. Kordina,

2
1315613 "E" WTP

held certain of these applications for rejection and "accepted" certain others, subject to examination as to the bona fides of the applicants.

Without any indication of the fact that these applications were about to be filed in your office a series were filed in this office on October 2, 1928, which were held for rejection subject to the right of appeal by letters to the individual applicants - by letter "E" dated October 23, 1928, addressed to Winifred M. La Fougé and by letters dated October 31, 1928, addressed to the others, it being held that the applicants had failed to present any facts with reference to the alleged omitted lands which had not already been considered by the Department in its adverse decisions dated Jan. 17, 1927 and May 16, 1927, in the cases of Sylvester G. Creutz et al., Los Angeles 041660 et al., involving the same lands.

About the time for the expiration of the period within which appeals should be filed, Messrs. Stivers and Peabody, 409-410 Lincoln Building, Los Angeles, California, by letter dated November 22, 1928, represented to this office that they had just been retained by some of the applicants and requested an extension of time within which to cure certain defects of service of notice upon the State

1315613 "E" WTP

authorities of the pendency of the applications and within which to present certain facts not before this office which were deemed material to the interests of their clients.

By letter dated December 11, 1928, to Messrs. Stivers and Peabody, an extension of time for thirty days was granted within which to cure the defects and to appeal to the Secretary of the Interior from the decisions of this office rejecting the applications.

By letter dated January 10, 1929, Messrs. Stivers and Peabody reported that they had served notice on the State authorities and had procured affidavits from old settlers as to the conditions existing at the time of the original surveys as compared with those of today, which they transmitted; they also stated that they had served notice on your office of the applications and intimated that they were expecting your office to transmit here the result of your consideration of the matters before you, and asked that action be deferred pending the receipt of such report.

Such report not having been received, you were called upon by letter dated February 16, 1929, as to your intentions in the matter.

By letter dated February 23, 1929, you transmitted copy of your office letter dated December 15, 1928, to

1315613 "E" WTP

James Kordina, one of the applicants and indicated that you would await full consideration of the matter by this office before proceeding further in the matter.

This office then proceeded with consideration of the papers and by letter dated March 25, 1929, addressed to Messrs. Stivers and Peabody, it was held that there had been no evidence presented warranting an investigation or survey by this office of the alleged omitted lands and the applications were accordingly held for rejection, subject to the right of appeal to the Secretary of the Interior.

By letter dated April 24, 1929, Messrs. Stivers and Peabody called attention to the fact that there were still on file in your office the applications for survey, together with certain maps, affidavits, etc., which had not yet been considered by this office and in view thereof requested that said decision dated March 25, 1929, be reconsidered and that all data in your office be called for with a view to a full consideration of all papers filed in the case.

Upon this showing, this office by letter "E" dated April 26, 1929, addressed to Messrs. Stivers and Peabody vacated its decision dated March 25, 1929, and stated that

1315631 "E" WTP

further action with reference thereto ~~would~~ be held in abeyance, pending consideration of all questions arising out of the applications for survey.

By letter "E" dated April 26, 1929, you were requested to transmit to this office your entire record in the case for its consideration.

With your letter dated May 1, 1929, your record was transmitted and the various papers in the case have now received full and careful consideration.

The area in question had already been the subject of departmental decisions dated January 17, 1927, affirming the action of this office in rejecting the applications of Sylvester G. Creutz et al., Los Angeles 041660 et al., to enter portions of the same area, on which a motion for rehearing was denied May 16, 1927 (A. 9743 et al.); copies of these decisions are transmitted herewith under separate cover.

The material facts in the case may be summarized as follows:

The Guadaluasca Rancho, confirmed to Ysabel Yorba, was founded on two Mexican grants, the first made May 6, 1836 and the second April 6, 1837, based upon which a survey of the boundaries of the rancho was made by Jas.E.Terrell,

1315631 "E" WTP

D.S., under his instructions dated August 1, 1860 which survey was approved March 25, 1861, on which patent was issued September 1, 1873.

Terrell began his survey at a post "Q 1" at the point of the Sierrita de la Laguna, whence he ran in a direct line S $44-1/4^{\circ}$ W 413.20 chs. to a rock mound on the shore of the Pacific Ocean, station "Q 2", thence along the sea shore through low sand banks, S $54-3/4^{\circ}$ E, 193.00 chs., where he set a large post "Q 3" on the right bank of a slough; thence S 74° E., crossing the mouth of the slough 5 chs.wide and at 25.00 chs. on this course, "leave sand beach and ascend along the southern edge of high chemical hills, the shore of the Pacific Ocean 30 chs. south of line"; from a point on this line, at 280 chs., Point Mugu extended into the sea, and at 364.30 chs. post "Q 4" was established on top of ridge near the shore of the Pacific Ocean for the southeast corner of the rancho; thence along said ridge on the east boundary N $38-3/4^{\circ}$ E, 265 chs. to "Q 5", a rock mound, &c. to place of beginning.

In his survey of the boundaries of the R^o Rio de Santa Clara, the east boundary of which was coincident for a part of its way with the west boundary of the R^o Guadalupe, deputy Geo. H. Thompson in 1867, reported that corner No.1 of the Santa Clara Grant was coincident with corner No.1 of the

1315631 "E" WTP

Guadaluasca Grant, at the point of the Sierreta de la Laguna, whence he ran on Terrell's line S $44-1/4^{\circ}$ W., with fairly close observance of the intermediate items of topography, but he makes no mention of Q 2 at 413.20 chs.

Terrell had mentioned entering sand hills at 398.50 chs. while Thompson mentions the same item at 475. chs., the latter continuing to 476.30 chs., where he established witness point for his southeast corner, continuing to 480 chs. to true point for corner on the shore of Pacific Ocean, thence westward along the sand beach of the sea shore with its meanders.

It is to be remarked that Thompson makes no mention of having intersected or crossed any body of water such as is represented to exist today in the nature of a laguna, known as Mugu Laguna, making in from the ocean and extending to the westward so as to cover a considerable area, with an arm to the eastward also, thus forming two peninsulas now in evidence, one on either side of the opening from the ocean, which are represented as sand dunes actually bordering the shore of the ocean.

These sand dunes and the area lying between the line of Terrell's survey from Q 3 to Q 4 and the ocean are now being claimed to be public land omitted from the survey of the Guadaluasca R^o and the patent based thereon.

1315631 "E" WTP

Settlement has been made on these lands with a view to entering the same after survey, and a number of applications have been filed by parties claiming settlement rights.

The conditions in the locality of Q 4 have been the subject of investigation, conducted by W.J.Lightfoot, Examiner of Surveys, in 1910, in consequence of which it appeared that Q 4, identified by Jas. R. Glover in 1896, in connection with his survey of public lands in T. 1 S., R. 20 W. was found to be 21.36 chs. from the ocean. Glover extended the boundary to the ocean and meandered the shore. Lightfoot identified Glover's corners, Q 4 and his meander corner, from the former of which he ran N 74° W 81.19 chs. on course 3 of Terrell to an intersection with the ocean and surveyed fractional Sec.18 and 19, containing 108.35 acres as public lands, the east boundary of which was Glover's extension, the north boundary, the south boundary of the rancho, and the south and west boundaries the meanders of the ocean. This area has been disposed of by patent, Lot 2 Sec. 18 to the Santa Fe Pacific R.R.Co. as lieu land under the act of June 4, 1907 and Lot 4 Sec.19 as part of Albert W. Marsh's commuted cash entry amended to include said lot.

1315631 "E" WTP

The area for which applicants are contending is public land may be described as beginning at Q 2, the southwest corner of R⁰ Guadaluasca, thence following the terms of the patent, S 54-3/4⁰ E., 193 chains to Q 3, thence S 74⁰ E., 364.30 chains to Q 4, wherever it may be determined that these lines are on the earth's surface; thence S 38-3/4⁰ W., in continuation of the east boundary of the grant to high-water mark on the Pacific Ocean, thence westerly following high-water mark to the southeast corner of the R⁰ Rio de Santa Clara, thence northeasterly along the east boundary line of the Santa Clara to Q 2, the place of beginning.

This involves the whole question of what lands are properly to be considered as included in the R⁰ Guadaluasca, and this in turn involves a determination of the true termini of the east and west boundaries thereof and of the true south boundary between these termini.

It may be said that the records develop no intention of the granting authorities to omit any of the lands from the grant bordering on the ocean; on the other hand, all indications point to the conclusion that the ocean was the true south boundary of the grant, and that however crudely the surveyor may have run his lines of such south

1315631 "E" WTP

boundary in order to determine the area of the grant, his corners were said to be on or near the ocean, this being his objective as a limiting boundary.

It has been represented on a map filed in connection with the pending applications that through a survey made in July, 1928, by W.E. Sierks, Licensed surveyor and F.W. Chapin, C.E., from Q 4, by a series of traverses reaching to and along the coast highway to the intersection of the latter with the west boundary of the R^o Guadaluasca as a line of control, there have been developed certain features tending to confirm the suggestion that the record of the survey by Terrell, if attempt be made to reproduce it on the earth's surface, could not be made conformable to conditions now in existence, it being indicated thereon, for instance, that Q 2, the southwest corner of the rancho, would be located in Mugu Laguna, and that the record relation of Q 3, if established by course and distance from Q 2, would place Q 3 out in the waters of the Pacific Ocean; likewise by reversal from Q 4, Q 3 would be found in nearly the same position; an attempt to recover the position of Q 3 according to the topography of Terrell's Survey (on the right bank of a slough) would swing the course from Q 2 to Q 3 through an angle of about 19^o to the northward from the record, while

1315631 "E" WTP

a further indication is represented of a position for Q 3 "as found by Chapin from affidavits of old settlers", which would swing the course from Q 2 to Q 3 through an angle of about 20° to the northward from the record, with a shortening of the length of line of about one-third of its record.

These developments throw some additional light upon present day conditions, such as the existence of the inlet from the ocean forming Mugu Laguna extending inland about two and a quarter miles, as far west as the approximate position of the west boundary of the grant, and about a mile east of the opening, south of which on either side of the inlet are shown peninsulas bordering on the south shore of the laguna on one side and on the ocean on the other. So far as these present day conditions are concerned, they cannot be said to justify the assumption that the same conditions prevailed at the time when the original surveys of the two adjoining grants were made. Terrell's southwest corner of the R^o Guadalupe was reported as having been established on the shore of the ocean at a certain distance from the Sierrita de la Laguna; Thompson's southeast corner of the R^o Rio de Santa Clara was reported as having been established on the shore of the ocean on the same course but at a greater distance from the same starting point;

1315631 "E" WTP

Thompson reports no obstacle encountered on his line such as exists today in the waters of Mugu Laguna; neither surveyor mentions such a body of water and no tenable theory has been advanced which would support the assumption that Q 2 when established by Terrell in 1861 was not in fact on the shore of the ocean. Whatever changes have taken place since then could not affect the validity of the limiting boundary of the grant, viz: the ocean.

There is nothing therefore to justify a different conclusion from that heretofore reached in the other cases presenting the same question, viz: that the south boundary of the rancho is the ocean extending eastward from its west boundary to its east boundary, these latter boundaries being as defined by Terrell, their true termini being the ocean, and that there are no public lands subject to survey and disposal, as indicated in the applications.

The pending applications for survey of these alleged public lands are therefore hereby rejected, subject to the right of appeal to the Secretary of the Interior, and if no further action is taken by the applicants, within thirty days from receipt of notice hereof, the case will be closed without further notice.

1315631 "E" WTP

The pending application appear to be those filed by Geo. H. Mezzo, Jas. Kordina, Hubert de Hainaut, Winifred M. La Fousse, Arsene J. La Fousse, Wm. Sidney Herndon, Cleve Wilfong, A. Byron Davis, John S. Wilfong, Jas. S. Martin, Leo Stephan, Florence F. Vining, Albert Bucher, and C.I. Shimeall, in whose behalf Messrs. Stivers and Peabody, present address 509-10 Lincoln Building, Los Angeles, Calif., have appeared as attorneys for applicants, and upon whom notice hereof by registered mail should be served.

Messrs. Blackstone and Rogers, Witman Bldg., Oxnard, California, have appeared as attorneys for Thornbill Broome et al., owners of most of the Guadalupe Rancho and have protested against the applications for survey and Mr. Geo. R. Wickham, 302 Lane Mortgage Building, Los Angeles, California has appeared for Long Bay Corporation, as owners in part of the rancho and has likewise protested against the applications.

These attorneys should be notified of this decision, copies being inclosed.

Very respectfully,

JOHN McPHAUL
Acting Assistant Commissioner.

6-15-1m

1x B. & R. 1x G.R.W. 1x D.C.F.

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

March 25, 1929

1315613 "E" CGP

: Application for survey
: held for rejection.

Stivers & Peabody,
Attorneys at law,
408-10 Lincoln Building,
Los Angeles, California.

Gentlemen:

On October 2, 1928, this office received applications by Winifred M. LaFouge, A.J. LaFouge, George Mezzo, James Kordina, H.S. Stilwell, Hubert DeHainout, Alfred C. Helvey and W.S. Herndon for the survey of about 2,000 acres of alleged unsurveyed lands in T. 1 S., Rs. 20 and 21 W., S.B.M., California.

The applications were defective in several respects. They were held for rejection by this office and in the decisions holding them for rejection it was stated:

"The question as to whether there is any Government land between the southern boundary of said Rancho Guadalupe on the Pacific Ocean was fully considered by the department in connection with rejected homestead application. Los Angeles 041660 filed by Sylvester G. Creutz."

1315613 "E" CGP

In departmental decision of January 17, 1927 in said case, it was stated,

"With regard to the proposition that the south line of the Guadalupe Rancho does not follow the shore and that there is public land subject to survey and disposal between the southern boundary of the grant and the Pacific Ocean, the record shows that the Commissioner, some years ago, caused an investigation to be made of conditions along the said boundary by W.J. Lightfoot, United States surveyor, and concluded upon the basis of his report and in the light of all the facts and surrounding circumstances, that the purpose of the original survey was to define the ocean as the true boundary of the grant and that there is no public land subject to survey and disposal south of the lines purporting to show said southern boundary. On the record presented, the Department finds no reason to reach a different conclusion."

"Upon a motion for rehearing in said case, it was stated:

"The case has had careful consideration and in the judgment of the Department the existing facts and available evidence do not warrant further resurvey or reestablishing of the south line of the rancho, and do not justify the belief that there is a strip of vacant Government land subject to survey and disposal between said boundary and the Pacific Ocean.***

"The grant, survey, and patent call for the shore of the ocean as the termination of the northwestern line or side of the ranch. This call for a well known perpetual and easily identified natural object is conclusive. The surveyor may have been deficient in geographical information, the survey may not have been accompanied with the nicest discrimination or the highest wisdom, and it is possible that he did not actually reach the designated object,

1315613 "E" CGP

but he unquestionably intended to run the line to the shore of the ocean, his report shows that he did and the southwestern corner of the grant must be regarded as established where Terrell supposed that he fixed it- on the beach of the Pacific. Hence the boundary line of the ranch between Q-2 and Q-3 is in fact the shore line."

"In said decision the Department called attention to an examination of the conditions of the southwestern boundary of the Rancho made in 1910 by an examiner of surveys and pointed out that the examiner established the correct position of Q-4, the southeast corner of the rancho, and found that most of the line 364.30 chs. in length on the course reported in the grant survey between Q-3 and Q-4, instead of extending along the southern edge of high chemical hills or rock cliffs about 30 chs. from the water, falls in the ocean, which negatives the idea that there is a body of unsurveyed land south of said line, and that it is reasonably clear that the shore was in fact fixed as the boundary."

On January 10, 1929, you transmitted supplemental applications by Winifred M. LeFouge, A.J. LeFouge, W.S. Herndon, Hubert DeHainout, James Kordina and George Mezzo, and new applications by A. Byron Davis, Florence F. Vining, Leo. Stephen, Cleve Wiltfong, John S. Wiltfong, James S. Martin, Albert Bucher and C.I. Shimeall for the survey of alleged unsurveyed lands in T. 1 S., Rs. 20 and 21 W., S.B. M., California.

No evidence has been presented warranting an investigation or survey by this office of the lands which it is alleged were omitted from the original survey of the

1315613 "E" CGP

Rancho Guadalasea. The applications are accordingly hereby held for rejection, subject to the usual right of appeal to the Secretary of the Interior. Should no appeal be filed within 30 days from date you receive this letter, the applications will be finally rejected.

Very respectfully,
Thomas C. Havell
Assistant Commissioner

3-15-lm

A 9743

DEPARTMENT OF THE INTERIOR
WASHINGTON

May 16, 1927

Sylvester G. Creutz

"K"
: Los Angeles 041660
:
: Homestead application
: rejected.
: Rehearing denied.

MOTION FOR REHEARING

.....

By decision dated January 17, 1927, the Department affirmed the action of the Commissioner of the General Land Office rejecting the homestead application of Sylvester G. Creutz for an unsurveyed tract of alleged public land situated along the shore between the south line of Guadaluca Rancho and the Pacific Ocean in T.1 S., R.21 W., S.B.M., Los Angeles land district, California.

Motion for rehearing has been filed contending there was an error in holding that there is no vacant Government land between the southern boundary of the Rancho Guadaluca and the Pacific Ocean. Furthermore, while conceding that the application can not be allowed because the land has not been surveyed, it is urged that

the circumstances justify its acceptance and suspension until a survey of the lands applied for has been made, and that claimant then be allowed to adjust his application to such survey.

Counsel representing Creutz and other homestead applicants, and opposing counsel, representing the Long Bay Corporation, owner of a portion of the patented rancho, appeared before the Department and have been heard orally in the matter.

The case has had careful consideration and in the judgement of the Department the existing facts and available evidence do not warrant further resurvey or reestablishing of the south line of the rancho, and do not justify the belief that there is a strip of vacant Government land subject to survey and disposal between said boundary and the Pacific Ocean.

The ranch was granted and confirmed in accordance with the disenos or maps which form a part of the Espediente or title papers. The grant was by metes and bounds, the quantity not being mentioned. The southern or southeastern side shown upon the map is described as running along the coast three leagues in extent from

Punta de Muju or Point Magu. The decree of confirmation by the United States District Court for the Southern District of California at the December term, 1855, reads as follows:

The lands of which confirmation is hereby made are situated in the County of Santa Barbara, and are first, the tract of land, called 'Guadaldasca' granted to the said Ysabel Yorba on the sixth day of May 1836 by Governor Mariano Chico, and, second, the addition to said tract granted to the said Ysabel Yorba on the sixth day of April 1837 by Governor Juan B. Alvarado: the said lands have the boundaries shown by the respective grants and maps, to which reference is had for a more particular description. If the lands within said boundaries exceed in quantity eleven square leagues the confirmation hereby made is made to eleven square leagues and no more; but if the quantity within said boundaries is less than eleven square leagues the confirmation hereby made is made to such less quantity.

The grant was surveyed by deputy surveyor J.E. Terrell in 1861. He commenced his survey at a post Q-1 at the point of the Sierrita de la Laguna on the Northwestern side. This first line or course extends southwesterly a distance of 413.20 chains to a station designated Q-2. The location of Q-2, the southwest corner of the rancho, - the beginning of the southern or southeastern boundary, cannot be seriously disputed. Reference to the field notes, plat, and patent shows this to be "a rock mound on the shore of the Pacific Ocean." From this

point the line extends "along the seashore of the Pacific Ocean, and crossing low sand banks, south 54 degrees, 45 minutes east, 193 chains to a post marked Q-3 on the right bank of a slough." At 5 chains the mouth of the slough was crossed, and at 25 chains the surveyor left the sand beach and ascended along the southern edge of High Chemisal Hills 364.30 chains to a post marked Q-4 " on the top of ridge near the shore of the Pacific Ocean!" This completes the ocean frontage or south boundary of the grant.

Counsel for Creutz contends that in running the first line between Q-1 and Q-2 the surveyor did not go to the ocean but stopped on the north bank of a slough running parallel to the coast, which he assumed was the ocean, and where he mistakenly established Q-2; that the line between Q-2 and Q-3 follows the bank of the slough instead of the shore of the Pacific and that a body of land comprising several hundred acres along the shore of the ocean south of the slough or lagoon was not included or embraced in the exterior boundaries of the ranch and is subject to survey as public land of the United States. It is also contended

that there is a strip of vacant public land along the shore between the south line of the grant and the ocean beginning at the point Q-3 where the surveyor left the sand beach and followed the southern edge of High Chemical Hills to Q-4.

The Department can not acquiesce in this contention. The grant, survey and patent call for the shore of the ocean as the termination of the northwestern line or side of the ranch. This call for a well known, perpetual and easily identified natural object is conclusive. The surveyor may have been deficient in geographical information, the survey may not have been accompanied with the nicest discrimination or the highest wisdom, and it is possible that he did not actually reach the designated object, but he unquestionably intended to run the line to the shore of the ocean, his report shows that he did and the southwestern corner of the grant must be regarded as established where Terrell supposed that he fixed it - on the beach of the Pacific. Hence, the boundary line of the ranch between Q-2 and Q-3 is in fact the shore line. It is quite probable that the shore at this point is much altered since Terrell made his survey. It is a matter of universal

knowledge that sand beaches and tide openings or sloughs in them are subject to change in long periods of time from the action of the waves. It appears in fact that all of the line between Q-2 and Q-3 for more than a mile on either side is subject to overflow, and that ocean storms may change the sand beach more than one mile either way. But a boundary designated as the shore of the ocean is not capable of more than one construction and can be relied upon with great confidence as a means of ascertaining what is intended to be conveyed.

As pointed out in the prior decision thorough examination of the conditions on the southeastern boundary of this grant was made by an examiner of surveys in 1910, Lightfoot applied all necessary tests and located the line conforming to the original field notes. Some discrepancy in the original survey was developed. He established the correct position of Q-4, the southeast corner of the rancho, and found that most of the line 364.30 chains in length on the course reported in the grant survey between stations Q-3 and Q-4, instead of extending along the southern edge of High Chemisal Hills or rock cliffs about 30 chains from the water, falls in

(7)

A.9743

the ocean. This completely negatives the idea that there is a body of unsurveyed public land south of this line, and it is reasonably clear that the shore was in fact fixed as the boundary; that the rock ledges and cliffs along this stretch which appears to be exposed to the direct break of the ocean, obliged the surveyor to leave the beach at the point indicated; that he followed the shore as near as he could conveniently travel, and that the line Q-3 to Q-4 was reported to have been run along the edge of these cliffs bordering the shore as an approximation of the true boundary between these points.

No reason is found for entertaining an opinion different from that heretofore expressed, and the prior decision is adhered to.

(Signed) E.C. Finney,
First Assistant Secretary.

(COPY)

DEPARTMENT OF THE INTERIOR

A.9743

WASHINGTON

January 17, 1927

Sylvester G.Creutz

: "K"
:
: Los Angeles 041660
: Homestead application re-
: jected.
: Affirmed

APPEAL FROM THE GENERAL LAND OFFICE

This is an appeal by Sylvester G.Creutz from decision of the Commissioner of the General Land Office dated June 1, 1926, affirming the action of the register rejecting his homestead application for a tract of alleged public land described as what would be, if surveyed, the westerly 160 acres, Sec.7, T. 1 S., R. 21 W., S.B. M., Los Angeles land district, California.

The application was rejected for the reason that there is no such tract known or shown on the plats of the public land surveys, the area in question either being covered by the waters of the Pacific Ocean or embraced within the boundaries of the Rancho Guadalupe, which was duly surveyed by Deputy Surveyor J.E. Terrell in 1861 and patented to Ysabel Yorba, September 1, 1873.

(3)

A.9743

facts surrounding circumstances, that the purpose of the original survey was to define the ocean as the true boundary of the grant and that there is no public land subject to survey and disposal south of the lines purporting to show said southern boundary. On the record presented the Department finds no reason to reach a different conclusion.

The decision appealed from is affirmed.

(Signed) E.C.Finney

First Assistant Secretary.

NOTE APPENDED TO PATENT MAP IN PUBLIC SURVEY OFFICE

Re- Rancho Guadālasca

See letter 1315631 "E" W.T.P. dated Aug.29, 1930
as to final rejection by the Asst. Secy. of Interior of applica-
tions of Geo. H. Mezzo, et al. for the survey of alleged omitted
lands in front of the lands included in the patented Rancho
Guadaldasca. The conclusion of the Department is that the lands
are a part of the Guadaldasca Rancho. See Asst. Secretary's
decision dated July 11, 1930 and August 23, 1930 (F.E.B.)

9/3/30

OFFICIAL FIELD NOTES

RANCHO GUADALASCA

Q8-5

At the point of the Sierrita de La Laguna set post
marked Q 1 and run thru level plain

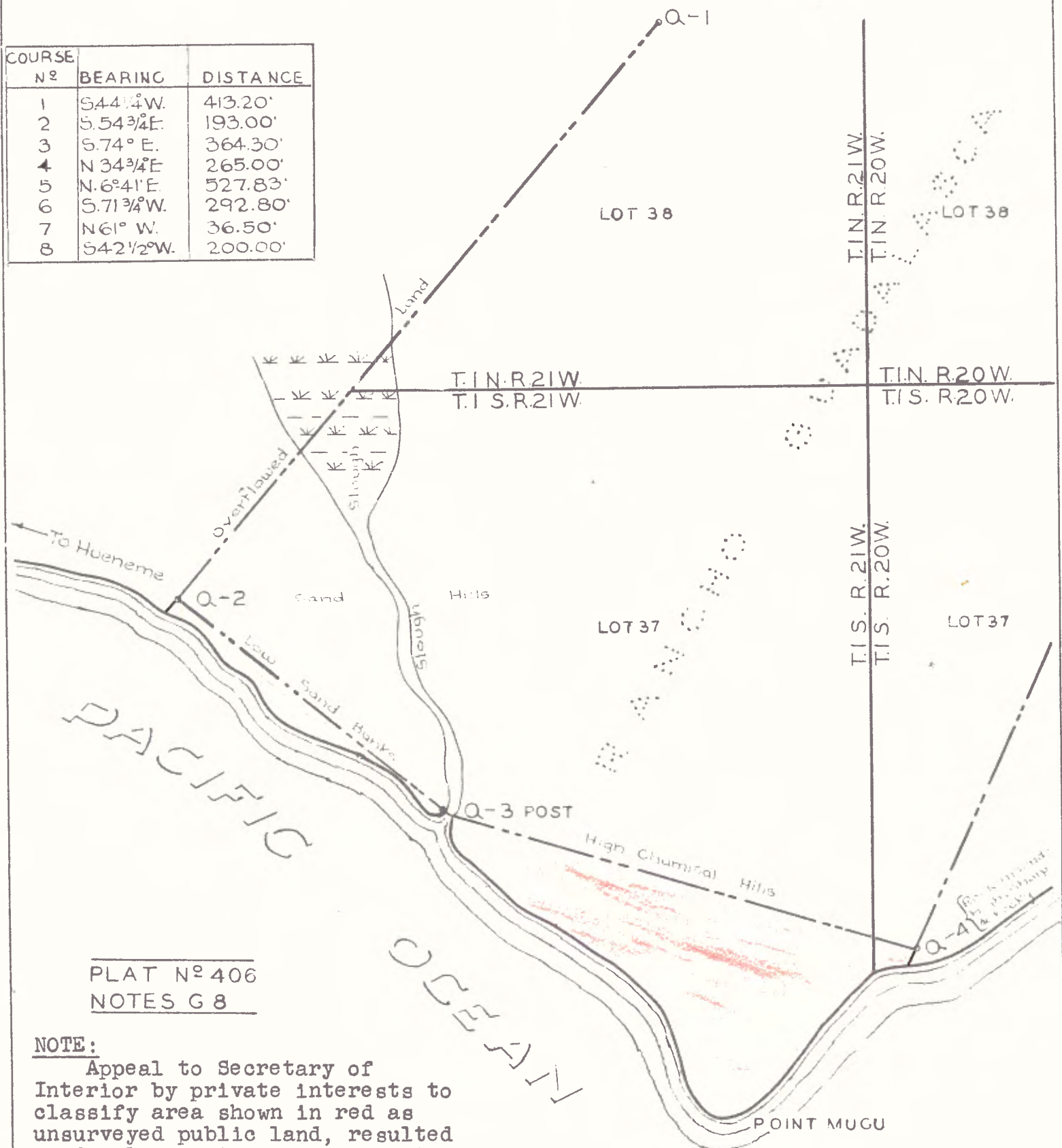
Variation 13°30'E

1- South 44-1/2°W	20.00	Enter overflowed ground
	172.00	To slough 50 links wide, bears South
	340.00	To large slough 2.00 chains wide, bears Southeast
	366.20	Intersect San Bernardino base line in Range 21 West
		8.15 chains West of corner to Sections 5,6,31 & 32
	398.50	Enter sand hills
	413.20	Made mound of rocks, on seashore for corner No. 2
		of this Rancho, Thence along seashore through low
		sand banks
2- South 54 3/4°E	193.00	Set large post marked Q-3 on right bank of slough,
		thence
3- South 74°E	5.00	Cross mouth of slough
	25.00	Leave land beach, and ascend, Thence along
		Southern edge of high chamisal hills, about
		30.00 chains from water edge
	280.00	Point Mugie, extends into the sea. Thence
		descend towards the Canada de Los Alisos
	328.00	Enter Canada de Los Alisos comes from North
	336.00	Leave same and ascend
	364.30	Set post marked Q 4 on top of ridge close to
		seashore, Thence along said ridge

4- North 38 3/4°E	265.00	To high and sharp rocky peak made mound of rocks, Thence descending toward the Canada de Los Alisos
5- North 6°41'E	88.00	Enter Canada, bears Southwest near
	96.00	Leave same and ascend
	140.00	Top of high spur, course from Southeast, descend
	165.00	Foot of same, enter valley, bears Southwest and Northeast
	200.00	Leave valley, Thence along Eastern Edge of hills
	507.50	Cross road, through Conejo Pass Northwest and Southeast
	527.83	To the place called La Majonesa where there is a large stone mound one of the old land marks, near trail in Conejo Pass, I set stake Q 6, Thence descending

J.E. Terril
 March 2, 1861
 30,593 85/100 Acres

COURSE Nº	BEARING	DISTANCE
1	S 44 1/4° W.	413.20'
2	S 54 3/4° E.	193.00'
3	S 74° E.	364.30'
4	N 34 3/4° E.	265.00'
5	N 6° 41' E.	527.83'
6	S 71 3/4° W.	292.80'
7	N 61° W.	36.50'
8	S 42 1/2° W.	200.00'



PLAT Nº 406
NOTES G 8

NOTE:

Appeal to Secretary of Interior by private interests to classify area shown in red as unsurveyed public land, resulted in final rejection under the date of August 29, 1930.