

Copy of  
COURT ORDER AND DEPOSITION

in re

MEAN HIGH TIDE LINE AT LONG BEACH

from

SAN GABRIEL RIVER (Now LOS ANGELES RIVER)

to

RANCHO LOS ALAMITOS

((((( )))))

S.C.C. No. 48697 - C.F. No. 436

COCHRAN, WILLIAMS & PHILLIPS  
CONSERVATIVE LIFE BUILDING  
LOS ANGELES, CAL.

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
2 IN AND FOR THE COUNTY OF LOS ANGELES.  
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5 IN THE MATTER OF THE PETITION OF )  
6 THE SEASIDE WATER COMPANY, A CORPORA- )  
7 TION, AND THE LONG BEACH BATH HOUSE ) O R D E R.  
8 COMPANY, A CORPORATION, TO PERPETUATE )  
9 TESTIMONY. )  
10

11 Upon reading the Petition of the Seaside Water Com-  
12 pany, a corporation, and the Long Beach Bath House Company, a  
13 corporation, to perpetuate testimony duly verified by said  
14 petitioners and filed herein;

15 It is hereby ordered that the examination of Jotham  
16 Bixby, E. C. Denio, Tom Stovell, S. Townsend, P. E. Hatch, W.  
17 W. Lowe, W. L. Campbell <sup>(O.K. Parker)</sup> and J. W. Sedwick, or any of them  
18 or any other person produced by petitioners, be, and the same  
19 is hereby allowed and that the deposition of said witnesses  
20 be taken and the evidence of said witnesses perpetuated with  
21 reference to the matters alleged in said petition, reference  
22 to which is hereby made for full particulars.

23 That the said examination shall be had and the  
24 evidence of said witnesses taken in the manner provided by law  
25 and this order before Les Longley, a  
26 resident of the State of California, at the office of Cochran  
27 and Williams, Attorneys, Room 307 Conservative Life Building,  
28 in the City of Los Angeles, County of Los Angeles, State of  
29 California.

30 That notice of the said examination to the parties  
31 expectant must be given by serving the same upon the County  
32

1 Clerk of the County of Los Angeles, at least two months prior  
2 to the holding of said examination in which County of Los  
3 Angeles the property to be effected by such evidence is situate  
4 and the Judge making this order resides, and also by publication  
5 thereof in the Los Angeles Daily Journal, a newspaper of  
6 general circulation printed and published in the said County  
7 of Los Angeles, and that such publication be made at least  
8 once a week for two months.

9 That upon the completion of said examination, the  
10 said deposition shall be completed and certified as required  
11 by law and shall thereupon be returned to and filed with the  
12 Clerk of the County of Los Angeles, State of California.

13 Dated this 27 day of July, A.D. 1905.

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17 Judge.  
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THIS CERTIFICATION IS GIVEN FREE OF CHARGE  
SOLELY UPON THE CONDITION THAT IT IS TO BE  
USED FOR OFFICIAL BUSINESS UNDER THE PRO-  
VISIONS OF THE GOVERNMENT CODE OF THE  
STATE OF CALIFORNIA.

THE FOREGOING INSTRUMENT IS A CORRECT COPY  
OF THE ORIGINAL OF RECORD IN THIS OFFICE.

FILED

ATTEST

19

W. G. SHARP

CLERK OF THE SUPERIOR  
COURT OF THE STATE OF CALIFORNIA, IN AND  
FOR THE COUNTY OF LOS ANGELES.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
IN AND FOR THE COUNTY OF LOS ANGELES.

IN THE MATTER OF THE PETITION OF THE  
SEASIDE WATER COMPANY, a corporation,  
and the LONG BEACH BATH HOUSE COMPANY,  
a corporation, TO PERPETUATE TESTIMONY.

No. 48,697.

DEPOSITION.

I, Lee Longley, do hereby certify that I am a resident of the State of California;

That I did on the 31st day of October, 1906, receive a copy of the order duly entered and made herein on the 27th day of July, 1906, whereby I was ordered to take the testimony, for the purpose of perpetuating the same, of Jetham Binky, E. C. Davis, Tom Stevill, S. Townsend, P. E. Hatch, W. W. Lowe, W. L. Campbell, O. K. Parker and J. W. Sedwick, or any of them, or any other person produced by the petitioners herein;

That I did also on said 31st day of October, 1906, receive a copy of the notice of date July 29th, 1906, of the taking of the testimony of said witnesses before me on the 31st day of October, 1906, at the hour of 10 o'clock A. M., of said day, together with due and legal proofs of the service of said order and notice on the parties expectant, in the manner and for the period provided in said order, to-wit: on the 1st day of August, 1906, and more than two months prior to the time fixed for the taking of said testimony, together with due proofs of the publication of said order and notice in the manner and for the period provided in said order, to-wit: Of publication of said order and notice in The Los Angeles Daily Journal newspaper, once each week for the period of two months prior to

said 31st day of October, 1906.

That at the time and place fixed by said notice for the taking of said testimony, to-wit: At the office of Cashman & Williams, Room 307 Conservative Life Bldg., in the City of Los Angeles, County of Los Angeles, State of California,

I proceeded to take said testimony, W. J. Williams, Esq., appearing as counsel for the petitioners and the witnesses Jotham Bixby, E. C. Denis and J. W. Sedwick appearing for examination and no other person or counsel then appearing or attending as witness, counsel or contestant.

That J. W. Sedwick being then duly sworn by me herein was examined by W. J. Williams, Esq., as counsel for petitioners herein and testified as follows:

Q Your Name, Mr. Sedwick.

A John W. Sedwick.

Q J. W.?

A Yes sir.

Q And what is your business?

A Surveyor.

Q How long have you been engaged in that business?

A- Eighteen or twenty years.

Q I show you a map, Mr. Sedwick, marked "Exhibit A", attached to petition in a matter in the Superior Court of the county of Los Angeles, State of California, entitled, "In the Matter of the Petition of the Seaside Water Company, a corporation, and the Long Beach Bath House Company, a corporation, to perpetuate testimony", being Case No. 48697 of that court, and the petition being marked filed July 27th, 1906, and I ask you whether that map was prepared by you or by your direction?

A It is a blue print from a copy of a map I made under the direction of the Chief Engineer of the Seaside Water Com-



cate them.

Q Now, you speak of high tide. What do you mean by that?

A Why, high tide of the Pacific Ocean.

Q Does that line, then, define the line of ordinary high water mark of the Pacific Ocean as it existed in November of 1905?

A Yes sir.

Q And was that line run by an actual survey on the ground?

A Yes sir.

Q And by you?

A Yes sir.

Q Now, I show you another line, beginning near the west side of the map and marked "L.C.254", at one point, "L.C. 255" at another point, and continuing easterly marked, "L.C. 256", at another point; then, doubling back by various courses, to a point, "L.C. 261" and then again going eastward to a point marked "L.C. 262", and then by various courses and marked by different designations running through to the easterly side of the map to a point "L.C.271"; and ask you what that line is.

A That is the meander line originally run for the location of the Los Cerritos Ranch, the original survey line, meander line, along the coast.

Q In what document is that line described?

A It is in the field notes of the survey of the Los Cerritos Ranch. They are on record in the County Recorder's office, I believe, and also in the office of the Clerk of the Court.

Q Well, to what document are these field notes attached?

A Let's see. I don't remember exactly the designation.

It was some sort of a compromise between the two ranches, the San Pedro Ranch and the Los Corrites Ranch.

Q Now, ain't you wrong about that? Isn't it a fact that those field notes are attached to the patent of the Los Corrites Ranch which are of record in this county?

A Yes, that is right, too.

Q Is that right?

A That is right. It is the patent.

Q Then, this line shows the meander line along the southerly side of the Los Corrites Ranch as it is described in the field notes attached to the patent of the Corrites Ranch?

A Yes.

Q Now, did you run that line by actual measurements on the grounds?

A Only a portion of it.

Q What portion did you run by actual measurements?

A Along the San Gabriel river down to the ocean. When I reached that point I found that the sloughs or the water had gained ground so that it was impossible to get at the line for some distance without the use of boats, and we didn't run that part but located it by calculation. Then I went to the east side of the ranch and ran the east line down between Long Beach and Alhambra to the ocean and connected the two points by my meander line along high tide.

Q Well, now, this meander line along the south side have you located by calculation from other lines run by actual survey?

A Yes.

Q Is that correct?

A Yes.

Q Now, going back to this line of ordinary high water



mark, what is to the south of that line?

A Pacific Ocean.

Q And to the north of that line?

A Beach sand.

Q In other words, there is dry land north of that line, and to the south of that line the waters of the ocean?

A Yes sir.

Q Is that right?

A That is right.

Q Now, I show you an object marked "Bath house" on this map, and ask you what that is, what that refers to.

A That is the location of the bath house belonging to the Sea Side Water Company, I believe. It is the actual location of the building.

Q The building was located at that point at the time you made this survey, was it?

A It was there when I made the survey.

Q Now, to the south of that bath house is a long line running east and west and also running a little distance south, what is that?

A Board walk.

Q Was that laid on the ground at the time you made this survey?

A It was there when we made the survey.

Q I show you another object marked "Pavillion" at the south end of Pine Avenue, and ask you what that is.

A It is the pavillion that belongs to Long Beach, the pleasure pavillion attached to the wharf.

Q Immediately north of this line of ordinary high water mark is a long strip marked "Seaside Boulevard". What is that?

A That is a driveway or street located along the beach.

Q Is that shown on any recorded map or plat?

A I believe it is.

Q Well, do you know it is.

A Yes sir.

Q You do?

A Yes sir.

Q Now, does this map correctly show the relative locations of the meander lines in the Los Cerritos patent?

A Yes sir.

Q And the line of ordinary high water mark?

A Yes sir.

Q And their relative location to the subdivisions and streets shown thereon?

A Yes sir.

Q How long a time have you been acquainted or been accustomed to visit the city of Long Beach?

A Since 1908, at various times.

Q From that time down to the present, have you noticed generally the apparent location of the line of ordinary high water mark of the Pacific Ocean?

A Only casually.

Q From your observation at those times, what was the relative location of the line of ordinary high water mark when you first noticed that ground to the location of the line of ordinary high water mark as it existed at the time that you made this survey?

A My recollection is that it was not so far out from the edge of the bluff as it is now.

Q Now, what do you mean by that?

A I think there was not so wide a strip of sand between the bluff and the water as there is now.

Q Was the old line north of the present line or south of the present line?

A North of it.

Q What caused, if you know, the change in that line?

A Why, the change was caused by the action of the elements.

Q Do you know of any artificial cause?

A I do not.

Mr. Williams -- I think that is all.

That Jotham Bixby being then duly sworn by me herein, was examined by W. J. Williams, Esq., as counsel for petitioners herein, and testified as follows:

Q Your name, please?

A My name is Jotham Bixby.

Q And you reside where?

A At Long Beach.

Q You have resided there for a good many years, have you not?

A Yes, I have been there a number of years.

Q For how many?

A At Long Beach town, I think I moved there in 1886; but on the ranch from 1866.

Q You at one time owned the land that is now covered by the City of Long Beach, did you not?

A Yes sir.

Q How long have you been familiar with the location of the shore line of the Pacific Ocean along the front of Long Beach and extending from what is known as the Old San Gabriel river on the west to the Alamitos Rancho on the east.

A From 1886.

Q You know generally now the location of the line of ordinary high water mark, as it exists now, do you not?

A Yes sir.

Q And do you recall the general location of that line as it existed in 1886?

A Well, I can see there has been considerable of a change in portions of the shore line.

Q Are you able to say whether the shore line as it existed in 1886 was north or south of the present shore line?

A Well, I think it was north; quite sure it was north.

Q Would you give such a description as you can, Mr. Binby, of the shore line as it existed at that time?

A Well, take it at the point at the foot of Pine Street at that time we could not drive around at high tide. It would have to be a medium tide to get around that point at the foot of Pine Street.

Q Now, the point that you speak of is located about as far south as the north limits of the bath house now, is it not?

A Yes; the point right in between Pine Street, as it extends down to the ocean, and the bath house. That is the point I mean.

Q Yes. So that where the bath house stands today it was then under water?

A Where it stands at extreme high tide I think it was under water.

Q Well, taking the ordinary line of high tide?

A Well, I can't say just how far. Where the bath house stands, in going down around that point just to the east of the bath house, I know we could not always go with a buggy in driving past there on account of the water.

Q Well, then, going on further east, Mr. Bixby, from Pine Avenue to Alamosa -- how was it at that time?

A Well, that was considerably farther north. For instance, when we got to the east end of the Corrites Ranch onto the Alamosa, it was seldom when we went down we could drive on the beach from that bluff; we had to wait until low tide.

Q Are you familiar with the subdivisions of the land along that portion of the front of Long Beach? On the map east of Pine Avenue is shown a block numbered L.

A Is this Pine Avenue? (Witness here shown map attached to original petition on file in this matter.)

Q Ocean Park Avenue there; and there is Pine, yes.

A Yes.

Q Now, are you able to say from looking at this map about where that line would come at that time, that line of ordinary high water mark would come, in 1886, or about that time?

A Oh, well, I can't tell where it would come. It is much wider here now than it was then.

Q There is a much greater strip of sand between Ocean Park Avenue and the ocean now than there was at that time?

A Yes, than there was at that time. That is all I can say.

Q Now, going to the west of Pine Avenue, does that remark also hold good?

A I think it would; particularly at the extreme east edge.

Q Extreme west end, you mean.

A I mean the extreme west point on the ranch there has been a great change; more than any other place.

Q Do you know when this change occurred, Mr. Bixby?

A Oh, it was a gradual change, I think.

Q Has it been progressing right along? Has there been a gradual addition from year to year since that time?

A Well, that is my observation.

Q Do you know what caused this change?

A I do not.

Q Was it caused by any artificial means that you know of?

A I don't know of any. Except at the east end the flood the great floods we had, two or three of the large floods, made a great change at the mouth of the San Gabriel River.

Q That is the west end, is it not?

A That is the west end, at the mouth of the San Gabriel river. There there was a sudden change; that is the only point where I have observed any sudden change.

Q The rest appeared to be a gradual change?

A Appeared to be a gradual change.

Q From your observation recently, Mr. Bixby, are you able to say whether this line of ordinary high water mark identified by the last witness appears to be about the line of--

A Oh, I can't say; I can't say. If I could see a map that was made originally I might see the difference. But I know nothing about this map.

Q I think that is all, Mr. Bixby, unless you can think of something that would throw some light on the change in line there.

A I don't know anything. The people say since the San Pedro break-water was built there it has been building in to the west there a good deal, and perhaps it is so. I have heard a good many say it was growing fast since the break-water was built. That is all I know.



That E. C. Denio then being duly sworn by me herein was examined by W. J. Williams, Esq., of counsel for petitioners herein, and testified as follows:

Q Mr. Denio, how long have you known in a general way the location of the shore line of the Pacific Ocean along the front of Long Beach from the mouth of the Old San Gabriel river on the west to Alamitos on the east?

A I think since September of 1888, the year that the hotel was built. I came to the hotel at that time, that year.

Q And you have noticed casually the changes in that line, I presume, from that time down to the present?

A Yes sir.

Q You have been living in Long Beach more or less during all that time, have you not?

A From 1887 until 1901. 1901, I lived on the bluff on the beach there.

Q Now, what can you say, Mr. Denio, as to the relative location of the shore line or line of ordinary high water mark of the Pacific Ocean --

A Oh, it has been making beach.

Q Since that time?

A Since that time.

Q Has this change resulted suddenly, or has it progressed over a considerable period of time?

A It has been gradual.

Q Do you know what caused it?

A No, I do not. No, indeed.

Q Was it the result of any artificial means that you know of?

A Not that I know of.

Q Now, you say it has been making beach. Just what do

you mean by that, Mr. Denio:

A Why, that the beach has been extending south, widening.

Q That is, that the shore line today is further south than the shore line when you first noticed it?

A Yes.

Q In -- when was that? 1887?

A 1887. 1888. The year the hotel was built was 1888 or '9. I don't remember which year it was completed.

Q Now, does that statement apply to the beach throughout the entire length of that that I have mentioned?

A Yes, from the river on the west to the Alameda line on the east.

Q Has there been as much accretion in one part as in another?

A I would not want to say as to that. I could not say. I think that the most of the accretion has been from Pine Street west. Possibly that is because there are more fixed points there to locate it by.

Q Can you fix on some specific point and point out a considerable change in that respect within your recollection?

A The old piling of the old wharf at Magnolia Avenue is now covered up, and I think is under the subdivision -- they have subdivisions down there -- or, rather, in front of it, in the street. And when I first knew the wharf in 1887 the high tide would run around it. You could not get onto that wharf at the foot of Magnolia avenue at high tide, that is, if it was more than an ordinary tide.

Q You think that point now is part of what is shown in this map as dry land?

(Witness here shown map attached to original petition on

file in this matter.)

A I can't locate the exact point of the -- (examines map). Well, I could not tell from that very well. That don't mean very much to me. And then, again, right where your bath house or pavillion, or whatever you call it, is -- that is approximately at the old hotel site, and the old hotel overhung the bluff, I should say 25 feet, possibly. The veranda was all over, the bath house on the sand. There was a wooden walk that extended down from the hotel 50 feet possibly, and the water used to come up very close to the toe of the walk; at least, I have seen it there several times. And to the right of that was an awning and seats, that is, to the west of the walk, and a very little, a few feet, south; and the wash from a high tide would run in there. At the foot of Pine Avenue, approximately where the grade is now, the old city trustees were obliged to put in a redwood apron to keep the foot of the road from washing out, and that apron is still there, if a person wants to dig for it.

Q That is, the point you speak of is considerably north of the location of the pavillion, I presume.

A Oh, yes, yes. It is approximately at the present concrete bulkhead on the pier, that is, the end of the concrete where the piling commences, as I remember it.

Q Going further westward, do you recall any great changes there in the shore line?

A There is nothing down there to locate it north and south. East and west, of course, the river has been changing back and forth, and is now, I think, this way quite a long distance, that is, east.

Q I think that is all.

A Or would be if it was allowed to run there.

Mr. Williams -- I think that is all, Mr. Demio.

That thereupon the further taking of testimony herein, was continued to the 3rd day of November, 1906, at the hour of 10 o'clock A. M. at the same place.

That on the 3rd day of November, 1906, at the hour of 10 o'clock A. M. at the place fixed for the taking of such testimony, I continued the further taking of testimony herein to the 10th day of November, 1906, at the hour of 2:30 o'clock P. M., at the same place.

That pursuant to the adjournment, and on the 10th day of November, 1906, at the hour of 2:30 o'clock P. M., at the office of Cochran & Williams, room 307 Conservative Life Building, in the City of Los Angeles, County of Los Angeles, State of California, I resumed the taking of testimony herein.

That, Thomas Stovell being then duly sworn by me herein was examined by W. J. Williams, Esq., as counsel for petitioners herein, and testified as follows:

Q What is your name?

A Thomas Stovell.

Q Where do you reside?

A Long Beach.

Q How long have you resided there?

A It is either 19 or 20 years. I am not positive which.

Q Either 19 or 20 years?

A Yes, it is 20 years.

Q Now, during all that time, have you at frequent intervals noticed the beach which extends along the front of Long Beach?

A Why, yes, I used to go on it a great deal. Mrs. Stovell was very fond of shell-hunting, and we used to go

shell-hunting a great deal; got a fine collection of shells.

Q Does that apply to the entire beach from Alamites on the east, to the Old San Gabriel on the west?

A Yes, further than that. We used to go right to Terminal Island.

Q When you first saw that beach where was the line of ordinary high tide as compared with the present line of ordinary high tide of the Pacific Ocean?

A Well, I should think, Mr. Williams, that it used to come up considerably further than it does now.

Q I understand you to mean, then, that the line of high tide at that time was considerably northerly of the line of high tide as it now exists?

A No, I think it was higher. It used to come up on the beach more, I think, at that time. No. No, it didn't. There used to be sand dunes and that along there that was dry.

Q Well, just what do you mean by that? Isn't it a fact that at that time the water came much further north, much nearer the bluff, than it does at this time?

A That is what I say. That is what I am trying to say.

Q Well, my question was as to whether the line of high water as it existed in old days was north or south of the present line?

A Why, south of the present? No, north of the present line.

Q North of the present line.

A That is right; north of the present line.

Q Was it much north of the present line?

A Well, yes, considerably. It used to come right up close to the bluff there. Take, now, between Alamites and the bath house that is there now, I often got caught with

the buggy that we could not get along, hardly, up close to the bluff which used to come down there.

Q Now, does that statement apply to the entire beach along the front of Long Beach?

A To the best of my recollection it does.

Q When did this change in the beach line take place?

A Well, that I can't say to a date.

Q Well, was it a sudden change or was it --

A No.

Q -- a gradual change?

A I think it was a gradual change.

Q And is it not a fact that that change has been growing right along?

A I think it has, yes.

Q So that the line of high tide has been gradually receding?

A Receding, which has given more sand.

Q And that that is the case along the entire front there?

A Yes sir, to the best of my recollection.

Q Now, what caused this change in the line of beach?

A Why, of that I have no idea. I used to think, though, -- at one time I gave testimony over the harbor business, and I used to think that that new breakwater was the cause of it. You see they have put a breakwater both sides of the bay, you know, down there by Terminal Island. There is a breakwater that runs out at Dead Man's Island there, and I always thought that that had something to do with it, and I think that the new breakwater is having something to do with it now.

Q Outside of that, do you know of any special cause for it?

A I do not, sir.



Q I think you said this change was a gradual one.

A That is my recollection. I have no interest, you know, in looking after that.

Q And you have had opportunities for observing that from time to time?

A Oh, yes sir.

Q During all these years?

A All these years. I did so.

Mr. Williams -- I think that is all.

The Witness -- Thank you.

Thomas Stovell.

That Stephen Townsend then being duly sworn by me herein, was examined by W. J. Williams, Esq., of counsel for petitioners herein and testified as follows:

Q What is your name?

A Stephen Townsend. I generally sign it S. Townsend.

Q And your residence?

A Long Beach.

Q How long have you resided in Long Beach?

A A little over ten years.

Q Has that been continuous down to this time?

A The last ten years, continuous.

Q Prior to that time had you any knowledge of the condition of the beach along the front of Long Beach?

A Well, I spent two or three weeks there every summer ever since 1884, except one summer. I think I didn't get to the beach one summer. Twenty-one years. I had been there once or twice before that as long ago as twenty-six years.

Q Well, then, can you say that for the last twenty-four

years or twenty-six years you have, for at least once a year, seen the beach along the front of Long Beach?

A Well, the last twenty-one years I have.

Q Last twenty-one years?

A Yes sir.

Q Now, when you first noticed that beach extending from Alamitos on the east to the San Gabriel river on the west, was the line of tide water further south or further north than it is at this time?

A Further north.

Q Was it much further north?

A Why, I have no way of telling how much, but I think it was considerable.

Q Was it considerably further north along that entire stretch?

A Well, as far as I remember. I didn't make any marks. But I know in front of the town where I would see it the most, it was.

Q When did the line of tide change?

A Well, it was a gradual change.

Q Did it extend throughout that entire time?

A So far as I know, except by the time of storms; it cuts out for a while during storms and then fills in again. I have noticed that specially in the last two or three years, as I have been interested more in beach property. There comes a storm and it will cut out like everything for a day or two when the tide is running high.

Q But speaking generally, there has been a gradual --

A Been a gradual increase right along.

Q Now, what caused the making of the shore line there, making of land there?

That O. K. Parker being then duly sworn by me herein was examined by W. J. Williams, Esq., as counsel for petitioners herein, and testified as follows:

Q What is your name?

A O. K. Parker.

Q What is your business?

A Civil engineer.

Q How long have you been engaged in that business?

A I have not any way of knowing that.

Q Has it been caused by artificial means, so far as you know?

A Not to my knowledge. I have heard some express, just as I heard Mr. Stovell, that they thought the breakwater was making it fill in faster since they have building that than it did before. That is only theory.

Q That is the only artificial means that you can think of, that you know of?

A That is all I can think of, yes sir.

Q The beach you are speaking of now is the shore line of the Pacific Ocean lying along the front of the town of Long Beach, is it not?

A Yes sir.

Q I think that is all. Do you think of anything else, Mr. Townsend?

A I don't think of anything, Mr. Williams; no.

Mr. Williams -- That is all.

That thereupon the further taking of testimony herein was continued to 17th of November, 1906, at the hour of two o'clock P. M. at the same place.

A I presume so, though the information I obtained for this line was taken from a map sworn to and prepared in the Surveyor General's office.

Q Do you know whether or not that map was prepared from the field notes of the patent survey?

A I believe that it states so on that map. In prepar-

A By a blue line shown adjacent to what is noted on the map as Pacific Ocean, and by certain numbers indicating the points of intersection of the line which represents the ordinary high water mark. At these stations or points of intersection are certain numbers, as "2", "3", "4", "5", etc., commencing from the left-hand side of the map in front of the old San Gabriel river and proceeding easterly to a point on the ocean front at the southerly end of Alamitos avenue, city of Long Beach.

Q The line is also marked by numbered stations, is it not?

A Yes sir.

Q Namely, from 1 to 11, inclusive?

A Yes sir, I just noted that.

Q Now, I call your attention to a line starting at a point marked on the map as "L C 254", and running to another point on the map and marked on the map as "L.C.255", and thence by different courses in an easterly direction to a point in the extreme easterly side of the map marked "L C 271", and ask you what the line referred to is or what that delineates?

A It is the original line of the Rancho Los Cerritos between the stations noted, L C 254 to L C 271.

Q Where are the courses and distances and description of that line to be found?

A On the map of the Los Cerritos Rancho, filed in the Surveyor General's office at Sacramento.

Q Is it not the fact that that line is also delineated in the field notes attached to the patent of the Rancho Cerritos on file in the office of the County Recorder of the county of Los Angeles?

A In that portion east of Golden Avenue as shown on that map, it extends practically to the line of the Los Cerritos Rancho.

Q To the line of the Cerritos Rancho. What do you mean by the line of the Cerritos Rancho?

A As shown on that map, indicated from stations L C 264 to L C 271.

Q Then you mean that from the Pacific Ocean back to the meander line you have referred to before, it is sandy ground?

A Yes sir.

Q In the nature of beach ground?

A Yes sir.

Q Well, now, going further eastward and running back from the line of ordinary high water mark, does that description of ground extend any distance, or what is the character of that ground?

A It practically covers all of that territory between the meander line and the line of the ordinary high tide as shown on this map.

Q Well, from the point described as Golden Avenue on this map eastward, what is the character of the ground immediately north of the meander line or on the northerly side of the meander line?

A It is the same character of soil that obtains throughout the city of Long Beach and Alamitos on the east, and is in elevation from 10 to 20 feet higher than the beach lands which we have just been discussing as lying between the meander line and the high water mark line, rising from the beach in the nature of a bluff.

Q Generally speaking, is it not a fact that the face of the bluff is the line of the number line shown on this map?

A Yes sir.

Q Eastward from Golden Avenue?

A Yes sir.

Q Are you able to state whether or not the property shown upon this map is within the city of Long Beach?

A It is.

Q All of it?

A Yes sir.

Q Certain lands shown on this map are colored red and what is the purport of that coloring?

A As shown by the notation under the word "references", the land of the Long Beach Bath House Company.

Q And is it correctly portrayed?

A I believe that it is.

Q Now, referring to the lands colored green on this map, what is the meaning of that?

A It shows the lands formerly owned by the Seaside Water Company.

Q And are they correctly portrayed?

A I believe that they are, sir.

Q The lands shown yellow. What is the meaning of that?

A Those lands that are now owned by the Seaside Water Company or were owned at the time that map was made.

Q Does this map show the relative location of the line of ordinary high water mark as it existed November, 1908, to the lots, streets and subdivisions and other objects shown on the map?

A It does.



Q I point out an object at the foot of what is called Pine Avenue on the map marked "Pavilion" and ask you to state what that object is.

A It represented the location of the pavilion as it existed at the time that map was made. That pavilion has since been burned down and has been practically rebuilt in the same location.

Q Then I point out another object at the foot of Pine Avenue named the "Wharf", and ask you what that is?

A That represents the location of the wharf at that point, owned, I believe, by the city of Long Beach.

Q I point out another object situated immediately westward of Pine Avenue and near the water front, named on the map, "Bath House". I ask you to state what that is.

A That represents the location of the bath house belonging to the Long Beach Bath House Company.

Q I also point out other objects in front of and south of the object just referred to and ask you to state what they severally are.

A The object directly under the letter K represents the location of some brick buildings or stores. Directly south of those stores and extending westerly into Lot 3 there is a representation of the location of a board walk 12 feet in width at its westerly extension.

Q And is that a board walk that existed at that point at the time of this survey?

A It is.

Q Does that board walk still exist?

A I believe that it does.

Q Are the relative locations of these objects to the

meander line referred to before and the line of ordinary high water mark correctly portrayed on this map?

A They are.

Q How long have you been familiar with the general location of the line of ordinary high water mark along the front of the city of Long Beach?

A Since the year 1900.

Q Have you since that time seen the condition of the line at frequent intervals.

A Yes sir.

Q Was the line of ordinary high water mark in 1900 northerly of the present line or southerly of the present line?

A I believe, throughout its entire extent as shown on this map, at that time it was north of the present line.

Q Are you able to speak more positively? You say you "believe". You simply say you "believe". Now, don't you know whether or not it was north of the present line -- or the line as shown here?

A I have had no actual survey of that line prior to the survey as shown on this map, and my positive knowledge would be such as would be acquired by observation during the last four or five years -- observation consisting perhaps of a dozen or more trips along that general front. I cannot state positively -- or as positively as I could by a survey -- that it is to the north, but to the best of my belief, based upon those observations, it was considerably to the north of the present line.

Q Well, if the line of ordinary high water mark at that time was northerly of the present line, what was the cause of the making of additional shore line at those points? Was it the result of natural conditions or artificial means?

A I believe it to be the result of natural conditions.

Q Was it a sudden change?

A No sir, a very gradual one. It has been going on throughout the extent of the ocean front all the way from San Pedro easterly, to my knowledge, through such observations as I may have made along the coast, as far as Alamitos Bay. I might further add that unless there are some extraordinary currents prevailing that generally there is a make of the beach rather than a decrease in the shore line.

Q Since this map was made, since this survey was made, in November, 1903, have you observed this beach at any time?

A Yes sir.

Q Frequently?

A Yes sir.

Q Throughout the entire time?

A Yes sir.

Q What is the location of the line of ordinary high water mark today as compared with the line shown on this map?

A It is southerly of it, throughout, at least, that portion shown on the map from the wharf at the foot of Pine Avenue westerly. I know this to be so through the construction of a board walk a couple of years ago and the location of the high tide line with reference to that walk, which has remained in place since that.

Q Then as to the beach easterly of Pine Avenue, what have you to say in that respect?

A I don't think there has been as much accretion. Whether there has been any or not would be a matter to be determined by surveys. I could not state.

Q Your impression is what?

A That it has been.

Q You think there has been an accretion?

A I think there has been.

Q Has there been much of an accretion?

A That is the reason why I can't state it positively.

Q There is no great variation, however, from the line as it existed in November, 1905?

A No sir.

Q Mr. Parker, going back again to the data from which this meander line shown on the map was run, you say you get your data from a map in the office of the Surveyor General? Is that right?

A Yes sir. I might further add, Mr. Williams, that Mr. Sedwick, who made the field surveys under my direction, I believe referred to the county records. I do not, however, know that of my own personal knowledge.

Q Well, this map that you refer to was a map in the office of the Surveyor General. Is that right?

A Yes sir.

Q Do you know what was the title or name of that map?

A It is a map which shows the location of the boundary lines of the Rancho Los Corrites, and, as I stated before, is a copy sworn to in the Surveyor General's office.

Q By whom was that map prepared?

A By some assistant of the Surveyor General.

Q Does it or does it not purport to be a copy of the survey made at the time the patent was issued and upon which the patent of the Corrites ranch was based?

A Yes sir. It is a copy of the map which was prepared from the original field notes.

Q I think that is all. Do you think of anything else?

A No sir. It is covered very fully.

That thereupon the further taking of the testimony herein was continued to the 24th day of November, 1906, at the hour of 2 o'clock P. M. at the same place.

And I further certify that the foregoing sets forth correctly all the evidence taken under said order.

And I further certify that upon the completion of said respective depositions, the same were carefully read to the respective deponents and corrected by the respective deponents in all particulars desired by said deponents, and said depositions were thereupon respectively subscribed by said respective witnesses in my presence.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of January, 1906.

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Commissioner under order of date  
27th July, 1906, made in the above  
entitled matter.