

49. (CRESCENT CITY HARBOR DISTRICT SUIT AGAINST THE STATE, CASE NO. 4716, SUPERIOR COURT, DEL NORTE COUNTY - P.R.C. 502.) The Commission was informed that this case involves a prayer for declaratory relief under P.R.C. 502 whereunder permission must be obtained from the upland owners for structures to be built on the leased area under a sublease.

The Attorney General has advised that in making an appearance in this case, a motion to dismiss is being filed, on the basis that there is no authority to sue the State. Should this motion be denied, a request will be made for a change in venue from Crescent City to either San Francisco or Sacramento.

50. (TIDE AND SUBMERGED LANDS CONTROVERSY, UNITED STATES V. CALIFORNIA - W.C. 721.) Everett W. Mattoon, Assistant Attorney General, appeared before the Commission to bring it up to date on the tideland litigation as well as on the tideland legislation.

Mr. Mattoon reported that the language of S.J. Res. 20 is being changed, and that it now appears that there is a chance of getting the additional votes necessary in Congress to pass this quitclaim bill that will return the tidelands to the states. There has not been any definite indication that President Truman will veto the bill. Obtaining enough votes to override a Presidential veto would be difficult, but there is a possibility that this could be done.

Any legislation that might be passed in Congress apparently will not affect the hearings which are being held before the Special Master appointed by the Supreme Court, as the question of which bays and harbors constitute inland waters would still have to be settled. These hearings are to be concluded in Washington, D.C., the week of April 21, 1952, after which the United States is to file a brief, following which the State of California will have an opportunity to file its brief, and then the Federal Government will be allowed to file a rebuttal. The Special Master will then make his report to the Supreme Court, based on the testimony given at the hearings, plus that in the various briefs to be filed.

There being no further business to come before the Commission, the meeting was adjourned.