

Law Students Claim Court Erred in Tidelands Case

A senior at the Pacific Coast University School of Law has presented a thesis on the Tidelands Titles and Trusts which claim that the court was in error recently when it ruled Long Beach had no jurisdiction over a portion of its Tidelands funds.

R. M. Altman, who prepared the thesis with Torrance City Councilman Willys G. Blount, cited the history of the Long Beach Tidelands and concluded that the opinion rendered in the Mallon-Swartz case, which deprived Long Beach of tidelands funds, was in error.

Challenged by the two law students was the opinion of the court that the City of Long Beach would properly be released from its trust concerning the tidelands but that the state had a paramount trust on the income from those same tidelands.

On the basis of the finding in the Mallon-Swartz case, the students suggested that it is proper for action to be brought against the City and County of San Diego to determine the status of an 18-acre parcel acquired by San Diego in the same manner Long Beach acquired its tidelands.

"Under the present trend of decision," Altman's thesis contends, "vested rights seem to have a definite tendency toward divestment, and the only ingredient lacking, if the majority opinion in the Mallon-Swartz vs. City of Long Beach case, supra, be followed to its logical conclusion, it is for an action to be brought against the City and County of San Diego for a determination by the Court to the effect that the release of the eighteen acres was a partial revocation of the trust and results in a reversion thereof to the State upon a resulting

trust to the State of California. "It would indeed be shocking to the man in the street to discover that the center of the City, including municipal buildings, had been the property of the State for the last twenty years and his traditional distrust of 'legal technicalities' not unfounded.

"Had the Court, in the case of Mallon-Swartz vs. City of Long Beach, been writing upon a clean slate the theory advanced by the majority would appear logically and legally well reasoned if the trust were private in nature. But the state was not clean. The prior decisions of the court, consistently applied over a long period of years, logically required a contrary conclusion or that the prior cases be overruled."

Background Explored
Explored by the students in preparation of the thesis was the background for tidelands

ownership including new lands formed by washing up of sands and earth to bring areas above mean high tide levels, and common law decisions dating back more than a century stating that ownership of lands which touched the sea carried with it ownership of new land resulting from the accretion process. These laws, the thesis points out, were so defined to make any new land immediately productive.

At the same time, the thesis contends, the owner of land adjacent to a sea is subjected to the risk that instead of gaining land, he might lose land to the sea.

These findings have a parallel in the Long Beach case which can not be overlooked, the students said.

DOUBLE FIGURE
America's truck fleet has doubled in size since 1940.

Marines Tell New Program For Aviation

In a re-emphasis of its traditional air-ground relationship, the Marine Corps last week announced a new training program for prospective Marine aviators.

The first program for Marine officers since World War II. It has been called the Aviation Officer Candidate Course. It will result in earlier commissions as second lieutenants for men who desire to become pilots, it was announced.

Previously all Marine Corps aviators were drawn from the Naval Aviation Cadet program (NavCad) or from the ranks of Marine Officers on active duty. This new program is intended to supplement the present ones.

The ACCC will be offered to college graduates who will attend a 10-week basic indoctrination course at Marine Corps Schools, Quantico, Va. Successful graduates of this orientation course will receive reserve

Marine Corps commissions and be ordered to active duty as student aviators.

Candidates must be more than 20 years of age and less than 27 years of age on July 1 of the year in which commissioned, be a U.S. citizen, a graduate from an accredited college, and be able to meet the physical requirements for aviation.

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