

*Affidavit of Caleb A. Ensign regarding position of section lines with reference to lines of Manzanita Colony (M.R. 53-28, M.R. 53-44, L.S. 1-58)*

I, Caleb A. Ensign, hereby certify that I am a Licensed Land Surveyor, of the State of California (authorized Nov. 10, 1891), and that I have been a practicing surveyor and Civil Engineer in the County of Los Angeles, California, beginning Sept. 1887, (residing in the City of Los Angeles from said date to Jan. 1921)

And, that, in the year 1893, I was employed by the Manzanita Colony, a corporation, to make a survey and subdivision of lands of said colony in Sections Twenty-four (24) and Twenty-five (25) in Twsp. Eight (8) North, Range Sixteen (16) West, together with a portion of Section Thirty (30), of Township Eight (8) North, Range Fifteen (15) West, S. B. M., in the said County of Los Angeles;-

That as preliminary to establishing the Subdivision desired by said corporation, I led my party with certain representatives of the corporation, among whom I recollect were Elihu Smead, Pres., E. A. Silvey, and O. L. Livesy, as owners, or in possession of lands, and Rev. Mr. Haskins, their selling agent, to the original one-quarter ( $\frac{1}{4}$ ) Section corner between Sections Thirty (30), and Thirty-one (31), Township Eight (8), North, Range Fifteen (15) West, a short post or stake of Juniper marked one-quarter ( $\frac{1}{4}$ ) S. (Sec.) on a mound of earth, further described and referred to in the official field notes and plats of the U. S. Surveys, and by me in my official map filed as page 27 in Book 3, of Records of Surveys, (known as Licensed Surveyor's Maps) in the Records of the said County. That when the situation of the said quarter section corner was observed by said Smead as not agreeing with his tentative divisions of land and locations of streets, and that by references to it his home place and Block One (1) as already laid out and surveyed by J. C. McClure, C.E., for him, would be set further S. and on the more broken foot hills, differing considerably from the lines fixed by W. H. Norway, U. S. Deputy Surveyor for certain near by surveys, who had extended

For Q.T. Decree covering position of Sec. Corners in Sec. 16-T.8N.-R.16W. See E. 25-292. Jdgt. Bk. 1005-75.

his lines to cover said Section Twenty-five (25),- he, said Smead, turned to me and vehemently and hotly said, "I'll be damned if I'll pay for any such surveying as this." I quietly replied that "I presumed you would like to know where the original lines of the Norris Survey lay, but if you own or control all the lands included you can lay out your subdivisions, and place your streets as you like", or words to that effect;

That thereupon Mr. Haskins (who had brought me to the field to establish the subdivision), and I drew aside leaving Mr. Smead and his associates to discuss the matter; and I fully explained to Mr. Haskins my views ~~to him~~ that none of the lines of the contemplated Plat of the Colony lands necessarily must coincide with the original lines of the Government Subdivisions, if the Colony owned both sides of the first lines, and to the full extent included by the boundary of the total tract of their subdivisions; and that I must ever strenuously contend that the Norway lines were false, as I had fully proved at great loss to myself as the U. S. Deputy Surveyor of Township Seven (7) North, Range Fifteen (15) West; That I fully recognized the convenience of making the County road already laid out and partly improved on the Norway line, which he had so conspicuously marked, as the line between Sections Twenty-four (24) and Twenty-five (25), the main street; I explained this survey of Section Twenty-five (25) was not what he (Norway) was commissioned to do for the Government; that his work had already been rejected or suspended by the Commissioner of the U. S. General Land Office, Washington: We could use such road as the base line for the Tract, and subdivisions as planned by Mr. Smead, from which we could work each way and mark our lots and Blocks, regularly in even measurements regardless of the lines of the Sections as established by the surveys of Ralph W. Norris in 1855: I doubly charged Mr. Haskins it would eventually devolve upon the corporation owners to obtain additional titles to overlapping strips

land as the Department would insist upon the lines as established by said Norris as determining the rights of ownership and possession at the time of the issuance of the U. S. Patents; and that as to form and particulars of subdivision, I did not wish to dictate, but to caution the owners as to their responsibilities;

That Mr. Haskins alone returned to the Corporation owners and promoters to confer upon the matter, and he shortly reported to me that I could proceed with the Subdivision by making the County Road as laid on the Norway staked (marked for the Section line), to be the Main Street, and base line of the survey from which the Lots and Blocks should be laid off with even distances North and South, as suggested:

That, also subsequently, more than once when making the surveys, I cautioned Mr. E. A. Silvey (who was candid enough to hear my opinion) about the titles to the overlapping strips of the Lots that must result in a final adjustment of the lines run respectively by Norris (1855) for original Sections, and by Norway (1886) purporting to be true retracements, that he (Mr. Silvey) at the time, as I understood, only held a possessory right under a Timber Claim, and other filings in the Section Twenty-four (24), when he should obtain his patents would find it easy enough for him and Mr. Smead to cover the strip between Sections Twenty-four (24) and Twenty-five (25), allowing Mr. Smead to hold as part of Section Twenty-five (25) to the Road, but such concession by him would in no wise authorize him, said Silvey, to make a similar overlap on Section Thirteen (13) (on his north boundary): I reminded him that he could not acquire such addition to Section Twenty-four (24) by adverse possession of unpatented lands of the United States;- that the the Norway lines for Section Twenty-five (25) appeared to be run officially, they had not been directed or authorized under any of his contracts with the Government, which were given for specific

surveys under the official title of U. S. Deputy Surveyor, and the verified by his oath and approved by the Land Department, they could not avail as retracements of the Norris lines, if falsely and fraudulently run and sworn to, as I <sup>was</sup> ~~had~~ sure evidence could be shown referring to facts of the U. S. Survey of the Township Seven (7) North, Range Fifteen (15) West; and it would not add anything to his interest, that I would now establish the Manzana Subdivisions on the plan presented to me; but that for whatever overlaps the Manzana Tract should make in the original Sections, Thirteen (13) and Fourteen (14) he, Silvey, or the Corporation must acquire good right and title for the Colony people, to make good and sufficient deeds for their northern tier of lots;

That upon Mr. Haskins report, as stated in above paragraph, I proceeded to run and establish the lines of subdivisions of the Manzana Colony Lands as intended to be shown in the Book 53, on page 44, of Miscellaneous Records of said Los Angeles County, except Block One (1), which was subdivided by J. C. McClure, C. E., referring to said Norway's corners marked for the Co-boundary between Sections Twenty-four (24) and Twenty-five (25) as the initial or base line from which to project the Lots and Blocks in regular order and distances without regard to closing the corners of the Tract boundaries exactly on Norway's Corners common to Sections Twenty-five (25) and Thirteen (13)!

That Mr. O. L. Livesey representing interests in the S. W. one-quarter ( $\frac{1}{4}$ ) Section Thirty (30), Township Eight (8) North, Range Fifteen (15) West, however desired that such one-quarter ( $\frac{1}{4}$ ) Section be run conformably to the U. S. Subdivisions in that Township by R. W. Norris, which was done as said Record (M.R. Book 53, page 44) shows by accepting the corner for the N. E. corner said one-quarter ( $\frac{1}{4}$ ) Section, as planted by C. S. Compton, C.E.,

(Later City Engineer for Los Angeles), for a corner of Almendro Tract

That upon determining the field surveys and planting the corners described on said Record, I made a Map of the same for said Record and lest the figures placed on the Map for Sections Twenty-four (24) and Twenty-five (25) as prepared by me, should misrepresent the extent and <sup>lines</sup> of the true Section boundaries, I drew certain lines in red, to show the locus of the true lines as run by R. W. Norris, and placed a cautionary note on the Map, to call attention to, and explain the conflict which might arise in declaring title to certain Lots as delineated on said Map:

That I do not now recollect that I had any part in the preparation of the Map recorded at page 28, said Book 53, of Mis. Records where my name appears as one of the Surveyors; that I did not work conjointly with Mr. J. C. McClure, who ran the Lot divisions of Block Numbered I; that the Section Thirty (30), Township Eight (8) North, Range Fifteen (15) West is shown thereon according to Mr. Smead's preliminary plan of subdivisions, and was never so staked I believe:

That having on the map I returned to Mr. Smead for record inadvertently numbered Block XLV (14), to be XV, and omitted to place the number XV on the certain reserve or interest of Mrs. O. L. Livesey the South Block as run in Section Thirty (30), in Township Eight (8) North, Range Fifteen (15) West, aforesaid, I remade the Map as a Record of Survey, or Licensed Surveyor's Map, making due corrections on the face of the Map with explanatory Notes: (See L.S. Maps P. 58 B. One(1));

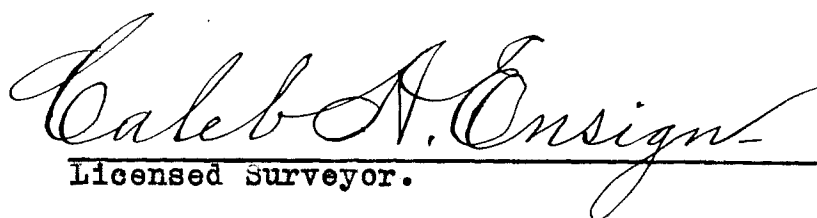
That the affidavit of Elihu Smead as later made on the foot-margin of said Map record, on said page 44 of the Book 53, Mis. Records

amend the Map and record, is true as to my errors in the Platting thereof, but is error as to its intent to eradicate my averments that the Norway survey and field marks did not correctly retrace the legal and patent lines of the U. S. Subdivisions, (Norris Survey), as is fully proved now by reference to the official restorations of the corners common to Sections Twenty-five (25) and Thirty-six (36), in said Township Eight (8) North, Range Sixteen (16) West, by Deputy Surveyor Pearson in his supplementary Surveys of said Township in 1901, duly accepted by the U. S. Surveyor General for the State of California, and by the Commissioner of the General Land Office at Washington, as shown by Maps on file in the U. S. Land Office in the City of Los Angeles:

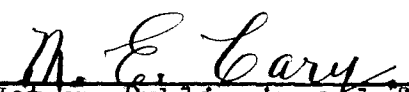
That to aid and caution settlers and surveyors and to substantiate certain restorations of corners and lines of resurvey made by myself, I made and filed my Licensed Surveyor's Map page (or sheet) 27, of Book 3, of Records of Survey in the office of the Recorder of said Los Angeles County, showing the corners of the original surveys of said U. S. Dep. Sur. R. W. Norris, found extant in said Township Eight (8) North, Range Fifteen (15) West, at the dates given; Said corners were discovered and identified by good evidences thereof of the material elements of the monuments, or of the official "Witnesses" of original survey; except as to the N. W. Corner post of the Township, which was adopted as a true corner, on the oral testimony of a settler that the County Surveyor of Kern County had officially restored the original corner (i.e. - had planted the post I found present in the place of the old one, - destroying its visible remains): In quite recent surveys by A. G. Johnson and myself, and V. J. Rowan, it is proved that the post I adopted then was not planted by identity of the corner constructed by Norris, but evidently had been located by reference to the said false corners of the Norway Survey (Cor. 13,

18, 24, 30) three (3) miles south. It is a matter of chagrin to me that I so readily accepted the testimony given me, and added marks to perpetuate it as such corner, without due proof by field work, which I could not make at the time. Fortunately, however, this false corner was not used as a connection for other surveys, the pasture fences were built according to it: -

And that restorations of certain Township and Rancho boundaries for Township Eight (8), of Ranges Sixteen (16) and Seventeen (17) West have been made jointly by myself and V. J. Rowan; and in accordance to the exterior surveys adopted by us, that I have restored a part of the Sections in said Townships, including the restoration of Sections Thirteen (13), Fourteen (14), and of Seventeen (17), Township Eight (8), North of Range Sixteen (16) West, and planted permanent corners therefor as shown and described on Licensed Surveyor's Maps, pages 5 and 6, in Book 9, of the said Records of Survey, said County: The original corner Sections Seventeen (17), Eighteen (18), Nineteen (19) and Twenty (20), Township Eight (8) North, Range Fifteen (15) West, as re-planted by me, (L.S. Map 27 B.3) was fully identified by the old and newer "witnesses" as an important controlling corner for my late restoration corners.

  
Caleb A. Onsign  
Licensed Surveyor.

Subscribed and Sworn to Before Me  
this 29th day of October 1921

  
N. E. Cary  
Notary Public in and for the  
County of Los Angeles, State of  
California.

It is suggested  
write directly to

Los Angeles Cal.

May 2 1896.

W. S. Gordon Esq.  
City

Dear Sir: There are three platy  
of Mangana, on the Books in the County Records  
office, Los Angeles, Cal.

1. The earliest of record is at page 28, in Book 53 of the  
Miscellaneous Records; the second at page 114 of the same  
Book; and the third is Map 58 of Leonard Jerney's  
Plat Book 1.

2. It was employed in the summer 1892, to make a  
survey and subdivision of these lands. A preliminary  
survey was made setting only temporary hubs along  
certain lines to check the previous into 10 acre lots; also  
some notes were taken of the "Bank Tract" in S. party  
Sec. 25. Then the more permanent field marks and



1/4. of Sec. 30, T. 8 N., R. 15 W.; also including Sec. 23  
said T. 8 N., R. 16 W., already planted to trees, and platted  
as the 'Fruit Growers Mutual Soc. Lands,'<sup>3</sup> together  
with the outlines of several claims in Sec. 26 &c. the  
whole map being entitled, 'MANZANA.' From such plat  
a lithograph map was published.

During the winter following my <sup>work</sup> initial J. C. McClure  
C. F. was employed to complete the survey of the Park Tract  
(Block I) and stake out the same into its final allot-  
ments, some sales of these parcels having been effected. A  
new Lithograph Map was printed comprising the same  
lands as before on which appeared the names of C. A.  
Eusign and J. C. McClure, as the surveyors and the  
date, April. 1893.

On May 6<sup>th</sup> following, a mutilated copy of this latter  
Map was filed for record by Mr. Smeal as at p. 28  
B. 50 aforesaid: I am told this was done without con-  
sulting with his associates in the "Colony scheme" and  
that it was precipitated to avoid the necessary action  
of the Company on the Act of March 9 which took effect  
2 days later. This may have only had foundation in  
some ones surmise. The "request" for record appears to  
be ~~that~~ only of Mr. Smeal personally, and not that of the  
Corporation, which I believe then existed.

A few weeks, I was asked to complete the survey and permanently mark certain lines of subdivision and reference, and make a plat for record which should define the situation of the lines adopted which were not changed as to the ~~boundaries~~ <sup>Subdivisions</sup> in the Range 16.

The reasons found for such proceeding, were:

1<sup>a</sup> Mr. Smead had not been authorized to file a map of such extent, by including as it did the 'Home place' of Mr. Silvey, which he positively withheld from sale, and subdivision; Mr. Silvey would not <sup>as dedicate</sup> a certain street therein; and <sup>2</sup> by including unpatented lands of the United States which appearing thus to be offered for sale by consent of claimant and preemptor might call his acts and rights in question.

2<sup>b</sup> The title of the Map now of record misnamed what it included because the former figures therein had not been changed to agree with the portions of the <sup>print</sup> ruled or cut off.

3<sup>c</sup> There were no points of beginning or lines of coincidence shown to define the subdivisions, the descriptions being but vaguely suggested by the section number set at the <sup>projects</sup> central, with the dimensions of two sides of ~~single~~ squares of 10 A. added, to scale of the map stated. The 1/4 Sec. in Range 15 W, had no Sec. Number, and was represented as a full 160 Acres.

4<sup>d</sup> The Alencandro Tract partly lying in Sec. 30 aforesaid had lately been surveyed and subdivided, according to

the U. S. Survey and plats, and again raised the questions involved in the false lines of the Norway Surveys.

3. I was again employed as already stated and carefully set the permanent monuments of the subdivisional lines of the Blocks, and <sup>center lines of</sup> Streets, in July 1893, with stones and by cement points run deeply into the ground. The post <sup>set in the Norway Suburbs</sup> standing in the Center of the County road and marked for Corner to Sections 23, 24, 25 and 26 in said T. 8 N., R. 16 W. was made the initial point, running thence N. to the similar N.W. Corner of Sec. 24 in the center line of a County road <sup>running E. & W.</sup> also, and prolonging this line also in the reversed course to the South was made a meridian from which the squares of 10 chs. each were laid off regularly and with good precision without regard to the inexact distances and courses to the <sup>other</sup> Norway Corners. The East line of the Subdivisions of the Section 25 (Norway) was the closing line of the exact 8<sup>th</sup> range of lots, which passed beyond to the E. of the true Range line.

The lines of the E. & W. Streets in Sect. 25 were produced E. to the N. boundary of the Alameda Tract and the intersections marked permanently therein with stones and mortar, which became points of reference but not corners <sup>subdivision</sup> of the lots in Sec. 30.

After some reflection, I was instructed to make the Subdivisional lines of the fractional  $\frac{1}{2}$  Sec. 30, T. 8 N. R. 15 W. conform to the Alameda Tract lines, and to agree to the U. S. survey in its boundaries: rather so much of the  $\frac{1}{2}$  of Sec. 30 as lay between the E. line of so called Sec. 25, as above described, and the W. line of the Alameda Tract was to <sup>be</sup> laid off on the latter line as its Meridian, in regular squares progressing West to close with the fractional lots to ~~adjoin~~ <sup>for</sup> the line assumed for the E. bdy. of Sec. 25; taking <sup>for</sup> the initial point, the U. S.  $\frac{1}{4}$  Sec. Cor. still extant between Secs. 30 & 31, and the <sup>true</sup> Sec. line <sup>for</sup> the base. This occasions double Corners along the so called E. line of Sec. 25, and an offset in the division lines and Streets to the South from those in Sec. 25.

4. My views of the error of the Norway survey and the confusion of title likely to result in attempting to hold to the same are well known. It really was no matter to me where the Lot lines of these Subdivisions be laid—whether coinciding with or conforming to and indicating the Government survey boundaries or not. But I am ~~not~~ unwilling knowingly to define any line falsely. While I am unable to precisely point <sup>out</sup> where the original Cor. to Secs. 23, 24, 25 & 26 was established

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