Affidavit of Caleb A. Ensign regarding position of section lines with reference to lines of Manzana 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 Manzana 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 (1) 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 (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

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 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; 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 Twentyfour (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 I reminded him that Section Thirteen (13,) (on his north boundary): 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 eath 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 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 Tractit

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 times of the true Section boundaries, I drew certain lines in red, to show the locus of the true lines as run by R. W. Nerris, 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. 68) B. One(1);

That the affidavit of Elihu Smead as later made on the foot-margir 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 pages (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 survyes 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 thereat of the material elements of the monuments, or of the official "Witnesses" of original survey; 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 myst of, 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.

Licensed Surveyor.

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

Notary Public in and for the county of Los angeles, State of California.

Los Angeles Cal. May 2 1896. H.T. Gordon Esq. of Mangana, on the Books in the County Recorders office, Las Angeles, Cal. 1. The earliest of record is at page 18, in Book 53 of the Miscellaneous Records; the second at page 44 of the came Book; and the third is Map 58 of Licensed Surveyor's Plat Book 1. 2. Dwas suployed in the summer 1892, to make a Survey and Subdivision of theselands. Aprelininary Inviery was made setting only temporary hubs along Certain lines to check the premises into 10 acre lots, also donce notes were taken of the "Park Pract" in D. partof bee. 25. Then the more permanent field marks and Complete Survey was deferred till some results of attempts to sell these lands should be known. At the instance of Dr. Hastins, Colonizing agent, acting for the owners of made a plat, Thowing the scheme of the Subdivisions to be Known as Manzana Colony Lands, covering Sees. 24 and 25, in T. 8 N., R. 16 W., S.13. M. and the 5! W.

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Said T. SN., R. 16 N., already planted to trees, and platted as the Fruit Growers Mutual Doc. Lands, together with the outlines of several claims in Dec. 26 Vo. the whole map being entitled, Manzana. From such plat a litho graph map was published.

During the writer following my initial. C. MClure OE. 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 being greated. A new Lithograph Map was printed comprising the same lands as before on which appeared the names of C.A. Ensign and J. C. McClure, as the surveyors and the date, April 1893.

On May 6th following, a mutilated copy of this latter Map was filed for record by Mr. Smeak as at fr. 28 13.50 aforesaid: Daw told this was done without consulting 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 q which took effect 2 days later. This may have only had foundation in some ones survive. The request for record appears to be that only of Mr. Smead personally, and not that of the Corporation, which I believe their 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 lituation of the lines adopted which were not change as to the Amarks in the Range 16. The reasons found for such proceeding, were: "Mr. Druead had not been authorized to file a map of such

extent, by including as it did the Home place of Mr. Dilvey,

which he positively with held from sale, and subdivision; Mr. Sifvey would not estain Street therein; and by including un-

patented 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.

The title of the Map now of record misnamed what it inchedelecause the former figures therein had not been changed to agree with the portions of the rules or cut off. There were no points of beginning or lines of coincidence shown to define the Subdivisions, the descriptions being but vagnely origgested by the Section number set at the Central, with the dimensions of two sides of single squares of 10 A. added, to scale of the map stated. The 14 Sec. in Kange 15 W. had no Dec. Number, and was represented as a full 160 Acres. I the themendro tract partly lying in Dec. 30 aforesaid had tately been surveyed and subdivided, according to the U. Durvey and plats, and again raised the questions involved in the false lines of the Norway Surveys, Joseph as already states and Carefully 3. I set the permanent monuments of the Subdivise ional lines of the Blocks, and Streets, in July 1893, with Stones and by cement points run deeply into the ground. The post Standing in the Center of the Courty road and marked for Corner to Dections 2x3, 24, 25 and 26 in Said T. 8 N., R. 16 W. was made the initial point, running thence N. to the Similar M. W. Corner of Sec. 24 in the Center line of a County rodd also, and prolonging this line also in the reversed course to the South was made a meridian from which the Agnares of sochs, each were laid off regularly and with good precision without regard to the in anact distances and courses to the Morway Corners. The East live of the Subdivisions of the Section 25 (Morway) was the dosing line of the exact 8th range aflots, which passed buyond to the 8. of the true Hange line. The lines of the E. VN. Abreels in Sect. 25 were produced 8.

The lives of the E. T. Streets in Sect. 25 were produced 8. to the W. boundary of the Alemendro Tract and the intersections marked permanently therein with stones and mortar which became points of reference but not subdigious to Sec. 30.

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After some reflection, I was instructed to make the Subdivisional lines of the fractional W. In Dec. 30, T. 8 N. R. 15 W. Conform to the alemendra Fract lines, and to agree to the U.S. surveyin its boundaries. rather so much of the WhofSee. 30 as lay between the E. line of socalled Dec. 25, as above described, and the While of the Alemendro Tract was to laid off on the latter line as its Meridian, in regular Agnares mogressing West to close with the fractional lots to adjoin the line assumed for the E. bdy of See. 25; taking the initial point, the U.S. If Dec. Cor. Still En= tant letween Sees. 30 r31, and the see like the base. This occassions double Corners along the To called E line of Sec 25, and an offset in the division lines and Streets to the South from those in Dec. 25. 4. My views of the error of the Norway survey and the confusion of little likely to result in attempting to hold to the same are well known. It really was no mat ter to me where the Lat lines of these Subdivisions be laid - whether coinciding with or conforming to and indicating the Government Durvey boundaries or not. But Dan Dors unwilling Knowingly to define any line falsely. While dan anable to precisely point where the original Cor. to Jees. 23, 24, 25 + 26 was established

or as yet to locate that point which the courts would adopt for the restoration of the original Corner, which could be found only upon an extended and lections survey, Quelive I have no right to designate the Norway post Some chains distant from the authentic corner, as such corner to the nusleading of any one. The eventual acquisition of the land to that cornerby adverse possession will not make the post a Section Corner according to the U. D. Durveys: I take it that a boundary made is jumovable; that encroachments ripening into title demand new description aslong as the place of the old boundary can be distinguished from the new. If a misname a corner or line the alestract or and insurer of titles is misled. Thave no right to Call any monionent a Dect. Corner that differs locality from that fixed by the Survey of Dep. Morris 18532 If it be said that Sam paid doing the work by the owners and managers, and paid for making such Maps as they want, nation of boundaries, is to be willing to rob and defrant? I therefore could do no less than point to Norwaysposts as such, and for want of the exact location of the original lines, ley reason of the absence of all identifiable monuments on the area of this plat, give a close approximation to

the true live by some statement, or line or both conspicerously set forth. If new title boundaries have been aggrired let the rights be asserted upon the true facts and grounds thereof. There is no doubt as to the considerable error of the Norway lines, This was af = firmed by the Juruey of the alemendro Tract by C.D. Compton C.E., now City Engr. Los Augeles City: by the part = ial or proximate Survey of Daid Jee . 30, by Caster Surveyor at Lancaster; and by J. C. M. Chure, C.E. who heplanted the 14 Sec. Cor. between Decs. 30 431. Why Should true designations be called in question! The true facts should not be objected to. Of cam called in question as for such designations of the Section boundaries, then must the views of Mr. Dilvey of Mr. Livesey, XDr. Haskins having good inform= ation of the facts at the time be called in question and U. But asto defects in the Map at page 44 of Book 53 Mis. Rec. I confess to some very aggravating errors having been made in my office. I make no attempt to shirk responsibility for theme tho occurring at the hand of my assistant. Ot was intended Kelp the same Block numbers on the proprietors plat as on the first of record, or rather that they

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Should be identical with those in L. S. Plat 13oak. I was called away, before the completion of the Maps, the record copy of which Dr. Haskins was auxious to have at agiven date. Dexamined the copy critically and noted the amendments and additions to be made on a slip for myassistant's guidance, and gave my Signature to the map. It was however delivered to Mr. Haskins before the Block muleers were perfected. The number intended to be XIV was made tobe V and S. part of the S. H. 14 Dec. 30, intended to be XV was left without a No Ot would seem that my draughteman would have our these onissions, and likewise that Mr. Tilvey, Mr. Livesey or Dr. Haskins would have noticed the defective numbering and called attention to it: but I suppose it is evidence of their confidence in methat they were not Critical. Inotice also an omission in the memorandum signed by me-respecting the figures of dimensions. I intended to certify that the widths of Streets are given in feet, all other distances are given in chains but by the suppression of the words overlined it is made worse than the entire omission of the explanation of the figures not followed with the denomination of measure.

6. Now I come to your grestion offor shall

9 we recordy the error occassioned. To answer this well it will first be necessary to know what errors have followed the mistakes of the plato. To the correction of these should be added the proper provision for the prevention of further errors in deeds if that can be ascertained. But that being done the existence of the several plats on the record must be Kept before those writing up deeds. Osuggest a new plat of what was intended to be Block XIV and the fractional part of Sec. 30, to be filed amendatory to so much of the plat as it now Stands at page 44. It is probable that reference to the Map 58 L.S. Plat Book No. 1, is good description, lett as that copy is not acknowledged by the Manzana Co., Quill make a new Map with further explanations which may be executed also by the Company officers, and placed in the L.S. Plat Books. It is now conceded that such a proceeding makes a good record- and complies with Still another record can be made; a proper copy can be made and filed with the "unrecorded maps". Reference to these promiserous is not very pleasant however, and as the L. S. Plat Book is available when Licensed Surveyors

are employed it is innecessary in this case. e Copyrany Should have The Secretary of the original copies transcribed in the Recorders Books, to infegre identity of the parcels sold on the record referred to. out showing the true lines as near as may be, orly giving the name of true lines to those far out of place Thave already given my sense of duty. Ido not see how I can justly omit to mark a fact that so distinctly gralifies the descriptions of the late of the Gract. Very Respectfully E.A. Ensign, Licensed Surveyo

Memoranda: ()cl.31,1921-Since Subscribing to the foregoing affectavit, written from memory and reference to the Records of the Recorder's office, this letter composed, to be addressed to H. P. Gordon an attorney, about three years Subsequent to my Surveys of the Maugana Tract, has come to hand from among misdellaneous papers preserved in my office. Mr. Gordon was attorney for the Mangana Colony Corporation for for Mr. Swead, and at the beginning of my work for the Corporation Seemed to counsel adversely to any opinion that Deputy Morways Retroeement and corners of the South body, of S. S. N. R. 16 H. were not valid jour the ground as Quaderstood, that the return of the survey had beed accepted approved and paid for bef the U. S. Land Dept., and with the view that the Government was competent to make it suferced the former survey by R. N. Norris and to modify the Norris Section boundaries and areas. I contended that the How. Com? of the y. L. D. at Washington never intended to approve a lines valving from that rendby R. W. Norris in 1855, as did the one nowmen by Norway, and by him falsely sworn to, especially astel his corner set and marked for the S.W. Cor of the township as he ing identical with that of Norris for the S.W. Corrof T. 8 M. P. 15 W. which he described as relocated by reference to the Field noter of Norris Durwey when in fact the post so marked by Norway, was planted N. 38° 20 E. to the Chains from the Situs of the true Corner as established by Norris as showle by his witness tree: (See the final survey of T. 7 N. R. 15 W. S. 3M. filed in U. S. Land office, Las Angeles.)

V. Happears to me now that it was that Mr. Gordon was the represent ative of the Sucad Jamily - (including Mrs. Sucad's sister Miss Pierce) and perhaps some interest of the bother Mr. Peercex but that having met Mr. Gordon and Conferring with him personally, he desired one rather to address Mr. Smead directly - as is shown by the notation in percel on on the corner of the letter as know find it. The letter was not closed and never sent - Thave now signed it as making Statements in part supplementing my affectavit, perhaps slightly cornecting dates.

By some scraps of Composition offind with the Letter to Mr. ly. I conclude I addressed Mr. Esneal a day or two later. It does not appear by anything found of record, that the suggestions, Duppose coming from some of the people of the Corporation for a new plat for Correction of Records was made. at the time it was acceptable to use Ticensed Surveyors' Maps as Maps of Sufficions for deeds. The defect of mig Map, Book 1, p. 58, as to assent of the pro-prietors was largely helped by the facts of the Mis. Rec. p. 44,353. This is a matter long past - and belongs to the abstract Departments rather thanksplacestions proposed at this date ,-4. My affedavit - or rather my memory failed as to the earlier! preliminary work of setting some outlines by temporary hubs, at the outset in 189 2; and as to the earlier Map "Mangana". including the Edson Orchards Deparately Known as "Smuth Growlers' Mutual Soc. Lands, a Lithograph Copy of which Swas cut down as Istate at page 2 of the letter to Mr. Gordon to become the Mis. Rec. B.53-28. This item seems about only thing relevant or explanatory to add to my sworn Statements which I have not the't necessary to remake for the purposes intended in filing it for references 5. Of persons living who were familiar with my controversies in regard to variance of the Norris and Norway surveys in the Dutelope of Can name O. I. Livesey, for many years a Deputy Clerk of the Courts of Las Augeles County; and J. B. Lippincott, well known Civil Engineer & Chas F. Elson Tiensed Surveyor