CASE NO.
113
SOUTHERN DISTRICT

ATASCADERO GRANT

HENRY HAIGHT
CLAIMANT

LAND CASE 113 SD 74 pgs.

Caroline Dexter

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 211

Henry Haight CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Vascadero,"

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* Third day of May, *Anno Domini One Thousand Eight Hundred and Fifty-*two, *before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;*

The Petition of Henry Haight, *for the Place named* "Atascadero,"

was presented, and ordered to be filed and docketed with No. 211 *and is as follows, to wit;*

(Vide page 3 *of this Transcript.)*

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco Jan. 22nd 1853.

In Case No. 211, Henry Haight for the place named "Atascadero", the deposition of Nicolas A. Den, a witness in behalf of the claimant, taken before Commissioner Harry I. Thornton, with document marked H. I. T. No. 1 annexed thereto, was filed;

(Vide page 5 of this Transcript)

San Francisco Feb. 10th 1853.

In the same Case the deposition of William Breck a witness in behalf of the claimant taken before Commissioner Hilard Hall was filed;

(Vide page 7 of this Transcript)

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San Francisco Sept. 5th 1853.
Case no. 211, Called. The Counsel for the claimants read the evidence, argued, submitted & taken under advisement by the Board.

San Francisco, December 30 1853.
In the same Case the deposition of J. J. Warner a witness in behalf of the claimant, taken before Commissioner Thompson Campbell was read.
(vide page 9 of this Transcript)

San Francisco March 14 1854.
In the same Case Commissioner R. Aug. Thompson delivered the Opinion of the Board confirming the claim.
(vide page 48 of this Transcript)

San Francisco Aug. 15 1854.
In the same Case on motion of the U. S. Law Agent, the following order was made, to wit:
(vide page 54 of this Transcript)

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Petition

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To the U S Land Commission for the settling of Private Land Claims in the State of California

The Petition of Jenny Haight a resident of the City and County of San Francisco respectfully sheweth that long before to wit in the month of April 1839 one Mariano Bonella and one Tifon Gonzea jointly made and presented their Petition in writing to Don Jose Castro then Prefect of the first District of California for themselves the grant of a tract of land, situate in the present County of San Luis Obispo and known as Rancho de Miscudes"

That said Castro referred said Petition to the administrator of the Mission of San Miguel on the 26th of April 1839, in order to obtain his report thereon, that said administrator having reported favorably thereon Jose Castro transmitted all the documents relating to said matter to Governor Alvarado who on the 21st of December 1839 gave said Gonzea and Bonella permission to occupy said Land provisionally

That said Bonella having relinquished his claim to said land said Gonzea remained in the sole & exclusive possession thereof and by a decree dated the 6th of May 1842, was declared the lawful owner of the same. That a formal grant issued on the same day to said Gonzea

That on the 30. of August 1843. said Tifon Gonzea obtained the formal possession of said land from the respective Alcalde

And your Petitioner further saith that the Petition of said Gonzea and Bonella the referee report the decree and a duly certified copy of the original grant and of the deeds of the Premises are on file in the Archives of California now in the possession of the Surveyor General of the U S of America for the State of California and that duly certified copies and translations of the same are herewith filed

and prayed to be made a part of this Petition
And your Petitioner further states that on the 9th of
March 1847 said Lee contracted and conveyed
all his right title and interest in and to said land
to one William Brock, who on the 9th of December 1847
added the same to one Samuel W. Haight and that the
latter by deed dated the 24th of Sept 1851 conveyed
the same to Henry Haight your Petitioner
That the original grant maps documents of Mexican
possession and all the following conveyances are in
the hands of your Petitioner and ready to be sub-
mitted to your Honors inspection whenever required
That said land is known under the name of
"Atascadero" is situated in the present county of Monterey
comprises one square league of territory and is bounded
as follows On the South by the lands of the Rancho
called Santa Margarita on the East by the Salinas
River including the Cienega Grande, on the North
and adjoining the land belonging to the Rancho cal-
led the "Asuncion which said Rancho was for-
merly a part of the possessions of the Mission
of San Miguel and on the West by the great
Mountain or Sierra Grande,
And your Petitioner further saith that he is in the quiet
possession of said land since the same was con-
veyed to him by S.W. Haight aforesaid and that
he is not aware of the existence of any title confli-
cting with or paramount to his own, He therefore
claims to be the owner of said land and prays
that your Honorable Body will confirm and
validate his claim and title thereto

Clark Dwyer & Beck
Attys

Filed in Office May 30 1852
Geo Fisher Secy

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Deposition of Nicolas Aden

San Francisco January 22/53

On this day before Geo. Henry I Thornton came Nicolas Aden a witness in behalf of the claimant Henry Haight Petition No 211 and was duly sworn his evidence being given in English

Questions by Claimant

Quest 1st What is your name age and place of residence

Answer My name is Nicholas Aden my age is forty years, my residence Santa Barbara

Quest 2. Look at the original documents now shown you attached together marked Ex hibit 1. and you attached to your deposition purporting to be a grant to Pedro Zoreda of the land now claimed by Juan B Alvarado" dated 6th of May 1842, a conveyance of the half of the same land from William Buck to Samuel N. Haight dated December 27th 1847 and a conveyance of the other half to the said Haight, dated December 27th 1847 the Petition for Juridical Possession of the said Zoreda and the record of said Juridical Possession and a certified copy of the act of sale from the said Pedro Zoreda to the said Buck dated 9th of March 1847 — State what you know of the genuineness of said documents and of the signatures thereto

Answer, I have examined the documents above exhibited marked No 1 and filed with this deposition I have no doubt of its genuineness, I am well acquainted with the hand writing of Juan B Alvarado Manuel Jimeni William Buck having often seen them write, I have also been

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business relations and written correspondence with J Mariano Bonilla and believe his signature to said document in the several places where it occurs is his genuine signature and I know those of Alexander Irwin and Buck to be true genuine signatures respectively

N. A. Dean

Sworn to and subscribed before me this 22 of January 1853

Harry I. Thornton
Com &c

Same acknowledged
Robert Greenhow
State Law Agent

Filed in Office January 22d 1853
Geo Fisher
Secy

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Deposition of
Wm Bucks

San Luis Obispo Feby 20th 1853

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On this day before Lorin H. Hale came Wm Buck a witness in behalf of the claimant Henry Haight and was duly sworn his evidence being in English

The U S Associate Law Agent was present

In answer to examines by Counsel for the claimant the witness testifies as follows

My name is William Buck my age is fifty three years and I reside in the County of San Luis Obispo and have resided there from the year 1843

I know the tract of land in that county called the Atascadero, Ranch and have known it ever since 1844 3, at the time I first knew it, Infore Lincoln was living on it. He claimed it under a Mexican title given by Gov Pico Alvarado Lincoln lived on the land about two years and was then driven away by the Indians, It was from that time vacant for two years or more when he sold it to me and I immediately occupied it and lived on it a little over a year and sold it to Samuel Haight

I was on the place for some time after the sale to Haight I know the boundaries they were shown me by Garcia at the time I bought, They were designated by crosses on trees and points of hills. I delivered the original paper to Haight when I sold to him, The boundaries have been generally recognized by the adjoining neighbours they were thus recognized by such neighbours before I purchased Lincoln had a house on the land, Reps

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cattle and horses on it and cultivated it, I made the same use on it.
I built another house on it had corrals and fenced in a nice Haight land a man on it for two or three months who fenced in a nice and sowed it to wheat and barley and when the gold fever broke out he went off to the mines and died,
I paid Seven Four hundred dollars for the Ranch, Three hundred dollars the fair year and two hundred the second and took receipts which I still have in my possession
I have no interest in this claim

Wm Beck

Sworn and subscribed
Before me
Roland Hale
Comr

Filed in Office February 10th 1853
Geo Fisher
Sec

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Deposition of J J Warner

No 211 Claim of Henry Haight to the Atascadero Rancho San Francisco Dec 29th 1853

Before Commissioner Hon Thompson Campbell appeared J J Warner a witness on behalf of Claimant who being sworn deposed as follows

1 Quest What is your name age and place of residence

Ans My name is J J Warner I am forty six years of age and I reside at San Diego

2 quest Are you acquainted with the Rancho called Atascadero and if so state all you know in reg and to its occupation and inheritance by the original grantee Enfon Garcia

Ans I know said Rancho and in February or April in the year 1843 I called at that place and remained there during the night Enfon Garcia with his family was residing there, they had stock consisting of horses and cattle upon the place, They had also some wheat and barley fields down below also a dwelling house on the place recently built and in which he resided with his family and had a corral on the premises, The Passes which lead into the Mear Valley in the vicinity of that Rancho, I know by general reputation was a dangerous locality as it was the principal thoroughfare through which the Indians made their incursions for the purpose of horse stealing

Associate Law Agent present

J. J. Warner

Sworn to and subscribed before me this 29 day of

P

December AD 1853

Thompson Compton
Comr

Filed in Office December 29th 1853
Geo Fisher
Clerk

L. S. D. K.

1839

Espediente promovido por los Ciudadanos Mariano Bonilla Trifon Garcia en pretencion del terreno nombrado,

Rancho de la Asuncion y Atacadero.

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Sor. Prefecto D. Jose Castro.

Pueblo de S.n Juan de Castro Abril 26 de 1839.

Pase al Administrador del Establecimiento de S. Miguel, q.n como encargado de sus interese informará sobre el particular, devolviendo el expediente á esta Prefectura.

Castro

El C. Mariano Donilla Mejicano p.r nacimiento, y radicado en la comision de S. Miguel, y Trifon Garcia natural de este Departamento ambos ante la notoria justificacion de V.S. con el debido respeto y como mas haya lugar decimos: q.e teniendo un corto numero de bieres en un lugar ó terreno en q.e como como propio los podamos poner, y al mismo tiempo deseando nuestro establecimiento fijandonos en un punto en el q.e sin excluir medios y arbitrios de coronar pueda uno dedicarse particularm.te á la de la Agricultura, solicitamos de V.S. se sirva concedernos, ó dar los informes necesarios favorables, p.a la concesion del Terreno nombrado Rancho de la Asuncion y Atascadero segun manifiesta el diceño q.e debidam.te acompañamos y q.e contiene en sus limites dos y medio sitios de Ganado mallor: dho terreno aunque en la parte llamada Atascadero, lo ocupa la mision de S. Miguel no es de absoluta necesidad á dha. finca, pues lo prueba el q.e jamas se ha ocupado si no hta el año p.o p.do y por tanto su carencia es insignificante,

la parte q. es el Rancho de la Asunción
esto es, la casa á finca material, no
tiene ni ha tenido mas objeto q. posada
de los Padres de S. Luis y S. Miguel
en sus visitas, por lo q. ni uno ni otro
punto hacen la mas leve falta al
Establecim.to de S. Miguel, y el Rancho
de la Asunción siempre sirvirá de
posada á los Padres siendo de nuestra
pertenencia, en cuyo concepto:

A V.S. suplicamos se sirva en lo q.
por su parte pertenezca, acceda á nuestra
solicitud en la inteligencia q. el valor
q. se de á la finca de la asunción
somos prontos á pagarlo previo el
avaluo pendente q. se haga y la jus=
tificación de V.S. se sirva admitir su
pago en partidas parciales, á q. el Sr.
Gobernador le haga precisos los informes
de V.S. en lo q. recibiremos gracia y
justicia &.

J. Mariano Donilla
Tripon Garcia

4. S. D. R.

Sor. Prefecto

Conforme al decreto marginal de
V.S. en cumplimiento de su contenido
digo en informe q. el terreno solicitado
en la parte llamado Atascadero ha
sido siempre baldio sin ninguna dedi=
cacion ni cultivo, y hta. el año pasado
y el presente he ocupado una pequeña
sembra de este Establecimiento; mas
dicha ocupacion no es necesaria, ni
por dejarla de hacer se sigue menos=
cabo alguno al Establecimiento.

Por lo que respecta á la Asunción
digo q. la casa que existe en dho.
punto á la presente no tiene mas objeto

que ser posada de los padres algunas ves que alli quieren vibitarse: las tierras que rodean á dha Casa no se cultivan por haberse cubierto de arena con los crecientes.

Es cuanto puedo decir en el particular en cumplimiento de mi deber.

S. Miguel Mayo 28 de 839
Inocente Garcia

5. S. D. K.

Pueblo de Sn Juan de Castro Julio 9 de 835.

Visto lo contenido en esta instancia y el informe del Administrador del Establecimiento de Sn Miguel, eleven al Excmo. Sor. Gobernador del Departamento ante quien por vía de informe digo: Que los interesados obtenga los requisitos legales para ser atendidos y que el terreno que pretenden puede serles concedido exceptuandose de esta gracia la Casa y Huerto de la Asuncion.

Jose Castro

Monterey Diciembre 21 de 1839.

Pueden los interesados en esta instancia ocupar provisionalmte el parage nombrado el Atascadero, y el Guiergero á excepcion del parage nombrado la asuncion y sus tierras anexas, vuelva esta instancia á los interesados para que les sirva de resguardo deviendo devolverla á su vez, con el Diceño correspondte al terreno que se les adjudica.

6. S. D. K.

Alvarado.

Map

Hoja follows a

Exmo. Sr. Gobernador

Mariano Bonilla y Tripon Garcia; con el debido respeto y como mas haya lugar, ante la justificacion de V. E. decimos: Q. habiendo recibido el Expediente Q. forma nuestra solicitud con el decreto de V. E. en Q. nos concede provisionalmte. la posesion del terreno Q. solicitamos, de conformidad con el mismo decreto devolvimos la sustancia con el Diseño q. ecsactamte. se ha sacado del terreno Q. se pretende en propiedad: el referido Diseño no es conforme con la estencion Q. se refiere en nuestra solicitud pr. Q. se omite en sus medidas el parage llamado la Asuncion y sus tierras anexas, agregando el llamado Huerhuero Q. comprehende en su estencion media legua poco mas ó menos, Q. el el Q. se omite, pues aunque como se ve en el Diseño Q. acompañamos Q. no es muy inmediata el punto fijo del Huerhuero á el Atascadero, la tierra Q. media es tan arida y absolutamte. inutil Q. nunca se pondrá tener como comprehendido en las medidas de la Q. se pretende: Portanto A. V. E. suplicamos se digne recivir el presente con el diseño Q. acompañamos debidamte. con cuyo conocimiento esperamos de V. E. Q. accedera al fin de nuestra solicitud, en lo Q. recibiremos gracia y justicia Q. juramos Q.

J. Marno. Bonilla
Tripon Garcia

Otro si, decimos: Q. V. E. se dignara

admitir esta en el papel q. va por no tener del Sello q. corresponde.

V.

Monterey 3 de Mayo de 1842.

Habiendose hecho instancia para separarse de la pretencion á que se contraen los interesados en esta instancia debe entenderse en lo sucesivo que el presente espediente pertenesca solo á la parte de Tripon Garcia, debiendo formar por separado el que corresponde Dn. Marino Donilea, por ser distinto el terreno que pretende.

10. S.D.K.

Monterey 6 de Mayo de 1842

Vista la peticion con que da principio este espediente y los informes que en el aparecen, con todo lo demas que se tuvo presente y ver convino de conformidad con las leyes y reglamentos de la materia declaro al Ciudadano Tripon Garcia, dueño en propiedad del terreno conocido con el nombre del Atascadero, en estension de un sitio de ganado mayor, colindante con el arroyo del mismo nombre con los linderos de Santa Margarita y con la Sierra del oriente, y con la del poniente, con inclusion de treinta varas de solar, donde esta construida una casa al otro lado del arroyo referido. Librese el correspondiente despacho tomese razon en el libro que corresponde y dirijase este espediente á la Exma. Junta Departamental para su aprobacion. El Emo. Sr.

11. S.D.K

Don Juan B. Alvarado Gobernador Constitucional del Departamto. de las Californias así lo mandó decretó y firmó de que doy fe.

12. S. D. K.

Juan B. Alvarado Gobernador Constitucional del Departamto. de las Californias.

Por cuanto el Ciudano Tifon Garcia ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre del Atascadero colindante con el Arroyo del mismo nombre con los linderos del Rancho de Sta. Margarita y con la Sierra del Oriente y con la del Poniente con inclusion de treinta varas de solar donde esta construida una Casa al otro lado del arroyo referido practicadas previamente las diligencias y averiguaciones consernientes segun lo dispuesto por leyes y reglamentos, usando de de las facultades que me son conferidas á nombre de la Nacion Mejicana he benido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sugetandose á la aprobacion de la Excma. Junta Departamental y á las condiciones siguientes.

1a. Podra cercarlo sin perjudicar las trabesias caminos y servidumbres lo disfrutara libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año fabricara Casa y estara habitada.

13. S. D. K.

2a. Solicitara del Juez respectivo que le de posesion jurada en virtud

de este Despacho por el se demarcaran los linderos en cuyos limites pondra á unas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

3ª El terreno de que se hace mencion es de un sitio de ganado mayor segun esplica el diseño respectivo. El Juez que diere la posesion lo hara medir conforme á ordenanza quedando el sobrante que resulte á la Nacion para los usos convenientes.

4ª Si contraviniere á estas condiciones perderá su derecho al terreno y sera denunciable por otro.

En consecuencia mando que teniendose por firme y valedero el presente titulo se tome razon de el en el libro á que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey á seis de Mayo de mil ochocientos cuarenta y dos.

Office of the Surveyor General of the United States for California

I Samuel D. King, Surveyor General of the U. States for the State of California and as such now having in my office and under my charge and control a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the thirteen preceding and hereunto annexed pages of tracing paper numbered from one to thirteen inclusive and each of which is verified by my initial (S. D. K.) exhibit

true and accurate copies of certain documents on file and forming part of the said archives in this Office.

In testimony whereof I have hereunto signed my name officially and affixed my private Seal (not having a Seal of Office) at the City of San Francisco, Cal. this 24th. day of April 1852

E. D. King

Sam: D. King
Surv: Genl. Cal

Filed in Office May 3d. 1852
Geo: Fisher.

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Transcription of Expediente C

1839

Record of Proceedings: at the instance of the citizens Maximo Bonilla and Tafoya Garcia soliciting the land called

Rancho de la Asuncion and Atascadero

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Sir Prefect Don Jose Castro

Citizen Maximo Bonilla Mexican by birth and resident of the Ex Mission de San Miguel and Tafoya Garcia a native of this Department both before your Honor's well known justice with due respect and as best may lend to the purpose say that having a small number of cattle without a place or land of our own in which we may put them and at the same time wishing to settle ourselves on our establishment in a point in which without excluding honorable means and reasonable may be enabled to devote himself particularly to agriculture, we solicit of your Honor to be pleased to grant us or give the necessary informations favorable to a grant of the land called Rancho de la Asuncion and Atascadero, as by hereto in the State we only carry out which in its limits contains two and a half square leagues (Sitios de Ganado Mayor), though the Mission of San Miguel occupies and lived in a point called Atascadero it is not of absolute necessity to the temporalities since the truth is, that it now has been occupied since last year and therefore its want is insignificant; The point which the point which is the Rancho de la Asuncion this is the House or mansion temporarily has not nor has had any other object than an Inn of the Paths of San Luis and San Miguel in the visits: Wherefore in all respects it is quite useless to the establishment since it is not necessary to occupy the Atascadero with complete for the

for the establishment of San Miguel: and the Ranchos de la Asuncion always might serve as an Inn for the Fathers being of our property under such consideration we pray your Honor to be pleased to attend to our solicitation in the understanding that its value to the temporalities of the Asuncion we are willing to pay as its property estimated price and your Honor will admit the proper measures in particular terms which the Governor may do provided to your Honors report which we shall receive favor and Justice &c

J Mariano Bonilla Interior Secretary

Pueblo de San Juan de Castro
26th April 1839

Let it pass to the administrator of the establishment of S Miguel, who having in charge its interests will report upon the subject of turning the Establishment to this purpose

Castro

Sir Prefect

In forwarding to your Marquisal Office an com
communication with its contents, I say in reporting that
the land solicited in the part called Atascadero
has always been vacant without any appropri
ation of culture and in the last and the present
year there occupied a small part as a compadre for the
Establishment, but said occupation is not necessary
nor would its loss be any injury to the Establish
ment

As regards the Asuncion I say that the house
existing at said point has no other object than
to be an inn for the Fathers when sometimes
they wish to pay each other a visit there,
The land which surrounds said house is not
cultivated because the ground is covered with
sand by the swells of water,

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This is all I can say on the subject in fulfilment of my duty,

San Mateo May 28th 1839
Fernando Garcia

Pablo de San Juan de Castro 9th July 1839
Having seen what is contained in this instance and the reports of the commissionator of the Estado Distrito of San Mateo let it go to the Governor of the department to whom I say by way of report that the interested parties have the legal requisites proper to be attended to and that the land they solicit can be granted to them excepting from this floor the house and kitchen garden of the Asistencia,

Jose Castro

Monterey December 21. 1839
The parties interested in this instance can enjoy provisionally the piece called the Atascadero and the Sanjon, excepting the piece called the Asistencia and its adjacent lands returning this instance to the interested parties that it may serve them as a security which they should return again with the sketch corresponding to the land which is assigned to them

Alvarado

Excellent Sir Governor
Maximo Bonilla and Tufoy Garcia with due respect and address say that to the purpose before your Excellency's equity say that having secured the Expediente which form our petition with your Excellency's decree in which you grant us provisionally the possession of the land we solicit in conformity with the same decree we return the instance with the sketch which

they have ex officio drawn of the land solicited for property; the said sketch is not conformable to the extension that is named in our Petition because there is omitted in its measurement the place called the Asunsion and its annexed lands as also that called Stanhuen which comprises in its extension half a league a little more or less than that which is omitted although as is seen in the sketch we enclose the point fixed of the Stanhuen is not very contiguous to the Atascadero yet the intermediate land is so dry and absolutely useless that we never could hold it as comprised in the measurement of that which we solicit,

Therefore we pray your Excy to be pleased to receive the present with the sketch we only accompany with which knowledge we expect of your Ex excusing to attend to the purport of our Petition whereby we shall receive favor and Justice which we swear to &c

J Marcian Bonilla Infon Garcia

Further we say that Y.E. will please admit this on the paper it is made one on for not having the corresponding stamped one

Monterey Nov 3. 1842

They having made application in order to separate themselves from the solicitation to which the Parties in this instance are joined, it ought to be understood henceforward that the present expediente only belongs to the Party Infon Garcia it being necessary to form separately that which corresponds to Don Marcian Bonilla as the land he solicits is distinct

Monterey Nov 6th 1842

Having seen the Petition with which this second

of proceedings commences and the reports which appear in it together with whatever else has been borne in mind when was convenient to look into in conformity with the laws and regulations upon the matter I declare Citizen Tufon Garcia owner in fee of the land known by the name of Atascadero in extent one square league, situate on Santa Margarita bordering upon the creek of the same name, on the borders of Santa Margarita and on the Sierra del Oriente (the eastern mountain range) and on that of the west including 30 varas of ground where on is constructed a house on the other side of the said creek.

Let the corresponding patent be issued entered in the proper book and transmit this expediente to the Most Excellent Department Ministry for its approbation. The Excellent Sr. Don Juan B Alvarado Constitutional Governor of the Dept of both Californias thus ordered decreed and signed which I certify

Juan B Alvarado Constitutional Governor of both Californias.

Whereas Citizen Tufon Garcia has solicited for his personal and his family benefit the land known by the name of Atascadero bordering upon the creek of the same name, on the boundaries of the Rancho de Santa Margarita and on the Sierra del Oriente (the eastern mountain range) and on that of the west including 30 varas of ground whereon is constructed a house on the other side of the said creek; after having previously taken the necessary steps and made the necessary investigations according to the requirements of laws and regulations in exercise of the powers vested in me in the name of the

Mercein Nation Shall conclude to grant him the Mentioned land adjacent in his property by the Mesne Letters Patent, subject to the approbation of the Executive Department the Assembly and to the following conditions

1, He may place it without prejudice to the cross roads and footpaths he will enjoy it freely and exclusively, appropriating it to the use or culture that may best suit him, but within one year he shall build a house to be inhabited

2, He shall solicit of the Respective Judge to give him Provisoire possession in virtue of this Patent by whom the boundaries are to be fixed, on whose estimates he will pay besides the land marks some fruit trees or wild ones of some usefulness

3, The mentioned land is one square league (sixty arpents length major) as is shown in the Executive sketch The Judge who shall give possession will cause it measured conformable to ordonnance leaving the pathways that may result to the Nation for common purposes

4, If he shouldn't obtain these conditions he shall lose his right to the land and may be claimed by any other party

Consequently I order that this title deed being drawn as form and sealed it be entered in the corresponding book and delivered to the interested party for his security and other purposes

Given in Monteny on the 6th of May 1842

E G

R P

Filed in Office May 3d 1852

Geo Fisher

Secy

Sello cuarto Dos reales

Habilitado provisionalmente por la Aduana Marítima del puerto de Monterey en el Departamento de las Californias para el año de mil ochocientos cuarenta y tres.

Michelorena Manuel Castañares

ADUANA MARITMA DE MONTY
Place of the Eagle

Sr. Juez de Paz de
Sn. Luis Obispo

Fripon Garcia natural de este Departamto. ante V. como mas haya lugar y como mejor proceda digo: Que en virtud de aberme concedido el terreno llamado el Atascadero como lo acredita el titulo que acompaño pido á V. se sirva darme posesion juridica del dho. terreno determinando el dia en q. se verefique la medidas:

Por tanto.

A V. suplico se sirva proveer como pido que en ello recibire gracia y justicia que juro &

S. Luis Obispo Agto. 27 de 1843

Fripon Garcia

San Luis Obpo
Agto. 28 de 1843.

Por presentado y admitido, como lo pide, p.a mañana 29 se le dara al interesado la posesion juridica q. pide y se verificara las medidas del terreno: yo el Juez de Paz de este Pueblo asi lo decreto y firme.

Bonila.

En el Pueblo de S. Luis Obispo á los veinte ocho dias del mes de Agosto del año de mil ocho ciento cuarenta y tres siendo presente D. Frijon Garcia se hizo saber el auto anterior y dijo: lo oye y firma de lo que yo con los de asistencia doy fé.

J. Marno Bonilla

Frijon Garcia

de asista
Vicente Bonilla

de asista
Mercurial Garcia

En el Rancho del Atascadero á los veintinueve dias del mes de Agto. del año de mil ochocientos cuarenta y tres habiendo llegado á dho. Junto yo el Juez de Paz de S. Luis Obpo. acompañado de los testigos de asistencia con quienes actuo por falta de escribano, con objeto de verificarse las medidas de dhos. terrenos y siendo presente D. Frijon Garcia á las nueve de la mañana dispuse que se midiese un cordel, y se midió uno de cerda de cincuenta vs. y mande que en sus estremos se amarraran unas estacas, lo que se verificó y lo asente por diligencia que firmé con los de asistencia.

J. Marno Bonilla

de asista
Vicente Bonilla

de asista
Mercurial Garcia

En seguida, en el mismo parage dia mes y año, yo el Juez de Paz de S. Luis Obpo. con los de asistencia y siendo presente D. Frijon Garcia, por no haber un perito Agrimensor dispone nombrar y nombre de los concurrentes dos medidores cordeleros que fueron

los C.C. Manuel Garcia y Sebastian Villa á quienes habiendo aceptado el nombramto. se les tomó juramto. q. hicieran segun d.to. de desempeñar d.ho. encargo fiel y legalmte. y lo asente p.r diligencia q.e firme con los de asistencia y los nombrados

J. Mar.no Bonilla

de asista
Vicente Bonilla
Manuel Garcia

de asista
Marcurial Garcia
Sebastian Villa

A continuacion en el mismo paraje dia mes y año á las diez de la mañana yo el Juez de Paz de S. Luis Obp.o con los de asistencia y medidores y con presencia de D. Tripon Garcia y teniendo tambien presente el titulo de concesion del terreno y el dicho p.r el q.e se demarcan los terminos y lindes, pasamos á un punto de dho terreno llamado voca de la Cañada grande y linda con tierras del Rancho de la asencion y de allí despues de señalar dho. punto con una cruz q.e se fijo se comenzó á medir p.r la referida Cañada grande al S.E. y hta. otro punto de la misma q.e se señaló p.r lindero con tierras de Sta. Margarita se midieron cien cordeles se continuo de allí al O. E. p.r el Pinal y Canadas midas hta. la Sierra y se contaran ochenta y cinco cordeles señalando tambien aquel lugar desde donde se continuo la medida al N. O. y p.r toda la falda de la Sierra se midieron ciento y veinte cordeles hta. el arroyo del Atascadero p.r el cual se siguió

la medida y hta el primer punto q.
se señaló se contaron medidos ciento
y dos cordeles, con lo cual fueron
concluidas las medidas y quedaron
señalados los terminos y lindes del
terreno, cuya estencion fue comprendida
bajo la circunferencia de cuatro
cientos siete cordeles de cincuenta vs.
y p.a perfeccionar el acto, en presencia
de los concurrentes tome de la mano
á D. Tiburcio Garcia y=

[Sello cuarto dos reales
Habilitado provisionalmente por la
Aduana Maritima del puerto de
Monterey, en el Departamento de
las California, para el año de mil
ochocientos cuarenta y tres.
Micheltorena Manuel Castañeda

] en voz clara le dije:
en nombre de la Nacion
Mejicana doy á V. posesion del terreno
q. se ha medido y q. es el mismo
q. el Gobierno de este Departam.to
ha concedido á V. y le mande q.
hiciera alguna demostracion de ser
el dueño y S.r absoluto de dho.
terreno pues por aquel acto adquiria
el dominio util y directo y con
ello la propiedad y el en mani=
festacion de Señorio arranco yerbas
tiró piedras y cavó la tierra con
la q. se concluyó el acto
pidiendo el interesado q. se le
devolviesen originales estas dili=
gencias p.a su resguardo, y lo

asente por diligencia q. firme con los de asistencia.

J. Marno Bonilla

de asista
Vicente Bonilla

de asista
Mercurio Garcia.

Gn. Luis Agto 29 de 843.

Devuelvanse estas diligencias originales al interesado p.a testimonio de adquisicion de propiedad y el no q. le convenga y tomese razon en el libro correspondiente.

Bonilla.

S. Luis Obpo. Agto. 30 de 843.

Atendido el auto anterior con esta fha. devolvio á D. Fripon Garcia este espediente en 5 p.s utiles y lo asente y rubrique.

(a flourish)

Queda tomada razon en el libro de Posesiones á fs. 22. 23 y 24.

Bonilla.

Sello segundo — Doce reales

Para los años de mil ocho y ochocientos treinta y ocho y ochocientos treinta y nueve.

Place of a Seal

VALGA PARA los años de
Place of the Eagle.
1840 y 1841

Valga para el año de mil ochocientos cuarenta y dos.

Alvarado — Antonio Mª Pico

Juan B. Alvarado Gobernador Constitucional del Departamento de las California.

Por cuanto el Ciudadano

Tifon Garcia ha pretendido para su beneficio personal y el de su familia, el terreno conocido con el nombre del Atascadero, colindante con el arroyo de del mismo nombre, con los linderos del Rancho de Sta. Margarita, y con la Sierra del Oriente y con la del Poniente, con inclusion de treinta varas de solar donde esta construida una casa al otro lado del arroyo referido: practicadas previamente las diligencias y averiguaciones consabientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas á nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras, sugetandose á la aprobacion de la Exma. Junta Departamental y a las condiciones siguientes.

1ª Podrá cercarlo sin perjuicio de las trabesias caminos y servidumbres: lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año fabricará Casa y estara habitada.

2ª Solicitara del Juez respectivo que le dé posesion jurídica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites pondrá á mas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

3ª El terreno de que se hace donacion es de un sitio de ganado mayor segun explica el diseño respectivo. El Juez que diere la posesion lo hara medir conforme

a ordenanza, quedando el sobrante que resulte á la Nacion para los usos convenientes.

4ª Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniendose por firme y valedero el presente titulo se tome razon de el en el libro á que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey á seis de Mayo de mil ochocientos cuarenta y dos.

Juan B. Alvarado.
Manl. Jimeno
Srio.

Queda tomada razon de este Despacho en el libro de acuerdo sobre adjudicacion de terrenos baldios á fs. 92.

Jimeno.

El Exmo. Sr. Gobernador dispone que se tome razon de esta concesion en la Prefectura del 1er. Distrito.

Jimeno.

Tomese razon
Estrada

Queda tomada razon de este Supo. titulo en la Sria de mi cargo á fs. 6 buelta del cuaderno respectivo
Monterey Junio 4 de 1842
Jose Ma.
Castañares
Srio Pto.

I William Dreck having purchased of Tripon Garcia the tract of land specified

in the foregoing document, have transferred by a bona fide sale one undivided half of the same to Samuel W. Haight as will be seen by reference to an instrument of writing given by me to said S. W. Haight dated at Monterey the 23d. day of Decr. 1847

Witness. Monterey Decr. 27th. 1847

William R. Garner
Clerk of the Alcaldes Court.

Wm. Breck

On the twenty ninth day of December I the undersigned William Breck sold to Samuel W. Haight the remaining half of the Farm specified in the foregoing document.

Monterey Wm. Breck
Decr. 29th 1847
Witness
William R. Garner

En el Pueblo de S. Luis Obispo de la Alta California á los nueve dias del mes de Marzo del año de mil y ochocientos cuarenta y siete por ante mi Jose Mariano Bonilla Juez Principal de este Pueblo y su demarcacion y los testigos de asistencia con quienes actuo por receptoria en la forma establecida por falta de Escribano publico, fueron presentes D. Tripon Garcia y D. Guillermo Breck vecinos de este lugar y dijo el primero: q. por si y á nombre de sus herederos y sucesores y de quien de ellos hubiere titulo, voz y fama en cualquiera manner da al segundo en venta legal y enagenacion perpetua, un terreno en estencion de un sitio de ganado

mayor y se conoce con el nombre del
Atascadero colindando por el N.
con las tierras del Rancho de la Asuncion
por el S. con las de Sta. Margarita por
el E. con la tierra inclusa en el terreno.
la Cañada grande y por el O.E.
con la Sierra grande, segun consta por
los documentos q.e presenté y doy fé
haber visto y se agregan a esta escri=
tura, declarando D. Tripon Garcia
q.e esta libre de todo gravamen publico
perpetuo, temporal, especial, general
tacito y expreso, y como tal se lo
da por q.e lo disfrute, goze, cambie
enajene y disponga de el como
de cosa suya adquirida con
legitima y justo titulo, recibiendo
por precio y valor de dho. terreno la
cantidad de quinientos pesos en
plata acuñada y sellada en moneda
corriente, y sobre no parecer de
presente la entrega renuncia las
leyes de ella, las de su prueba y
pago del recibo como en ella se
contiene, y desde hoy en adelante
se desapodera, desiste, quita y
aparta de dominio y posesion,
señorio, titulo, recurso ó otro cualquiera
derecho q.e le compete al enunciado
terreno y lo renuncia y traspasa á
D. Guillermo Prat p.a q.e disponga
de el como de cosa propia y le
confiere poder irrevocable con libre
franca y general administracion, obli=
gandose el Otorgante á q.e esta
cesion le sea cierta segura y
efectiva y nadie le inquietara ni
mobera pleito alguno sobre su pro=
piedad y posesion, ni contra el

terreno aparecera grabamen alguno.
Y á la validacion y firmeza de todo lo referido obliga el otorgante sus bienes presentes y futuros. Doy con ellos se somete al fuero y jurisdiccion de los Señores Jueces q.e de sus causas deban conocer como p.r sentencia definitiva concentida y pasada en autoridad de cosa juzgada y p.r tal la reciba.
En cuyo testimonio así lo otorga y firmó conmigo y los de asistencia siendo testigos instrumentales D. Victor Linares y D. Nicolas Carpio, presentes y vecinos de q.e yo el referido Juez doy fe = No hay papel sellado = Tripon Garcia = J. Mar.no Bonilla = de asist.a = Mercurial Garcia = de asist.a = Henrique Thonen ,,
Es Copia de su original q.e existe en el archivo de este juzgado q.e está á mi cargo y se sacó hoy dia de la fha. en papel comun p.r no haber de ningun sello.
S. Luis Obp.o Mz.o 11 de 1847.
J. Mar.no Bonilla

Filed in Office Jany 22.d 1853
Geo: Fisher
Secy.

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Translation of Juan Pozo

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Translation
Second Stamp [25] twelve Reales
For the years 1838 & 1839
Good for the year 1842

Segundo Alvarado (signed) Juan Bautista Alvarado Constitutional Governor of the Department of the California

Whereas Citizen Juan Pozo has solicited for his personal benefit and that of his family the land known by the name of Atascadero situated by the creek (Arroyo) of the same name, by the boundaries of the Rancho of Santa Margarita and the range of mountains on the East (Sierra del Diente) and by that on the West including therein thirty varas of a building lot (Solar) where there is a house built upon the other side of the said creek having previously taken the legal steps and consulting investigations in conformity with the provisions of the laws and regulations by virtue of the powers conferred on me in the name of the Mexican Nation, I have thought proper to grant him the above mentioned land, declaring it to be his own property by these presents, subject to the approval of the Most Excellent the Departmental Junta and to the following conditions

1st, He may fence it without detriment to the crossings roads and avenues he shall enjoy it freely and exclusively appropriating the same to the use or cultivation which may best suit him but within a year he shall build a house there and it shall be inhabited,

2, He shall petition the respective Judge to give him juridical possession by virtue of this patent by whom the boundaries shall be marked out or which limits he shall put besides the land marks some fruit trees or wild ones of some usefulness

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3. The land of which donation is made consists of one square league (one sitio de ganado mayor) as exhibited by the respective sketch, The Judge who should give the possession shall have it measured and conformably to ordinance the surplus which may result remaining to the nation for the convenient purposes,

4, If he should contravene these conditions he shall lose his right to the land and it shall be denounceable by any other person

Consequently I order that this title being held as firm and valid, be entered in the corresponding book and delivered to the party for his security and other ends

Given in Monterey 6th May 1842
(signed) Manuel Jimeno (Sgd) Juan B Alvarado
Sec

This title has been entered in the book of entries on application of record lands folio 12
(Signed) Jimeno

His Ex. the Governor admits this grant to be entered in the first District Prefecture's Office
(Signed) Jimeno

Let it be entered
(Signed) Estrada

This superior title has been entered in the Secretary's office under my charge folio 6 over of the respective copy book

Monterey June 4th 1842
(Signed) Jose Ma Castanares
Secretary ad interim

Fourth Stamp Two Reals

Provisionally authorized by the Maritime Custom house of the Port of Monterey in the Department of the Californias for the year 1843
(Signed) Rachel Ovens, Manuel Customaros

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For Justice of the Peace of San Luis Obispo

San Luis Obispo Aug 28th 1843,
Has been presented and admitted as petitioned for, Tomorrow 29th the provisional possession shall be given to the Petitioner over and the limits mentioned, I the Justice of the Peace of this Pueblo thus did decree and sign
(Signed) Bonilla

Infon Garcia a native of this department before you in the best legal form represents and says, That having obtained the grant of the land called Atascadero as shown in the accompanying title, he asks that you may be pleased to give him the provisional possession of said land appointing the day in which the measurement thereof shall take place, Therefore he begs that you will provide as he petitions for by which he shall receive mercy and justice &c makes oath &c

San Luis Obispo Aug 27, 1843
(Signed) Infon Garcia

In the Pueblo of San Luis Obispo on the 28 of August 1843 Don Infon Garcia being present I notified him the foregoing decree and he said he understood and signed it with me and the assisting witnesses to which I certify
(Signed) Infon Garcia (Sgd) J. Maximo Bonilla
Assisting witnesses
Vicente Bonilla
Narciso Garcia

At the Ranch of the Atascadero on the 29th of August 1843 the Justice of the Peace of San Luis Obispo having arrived at the said place accompanied by the witnesses of assistance with whom I act in lieu of Notary Public there not being any one for the purpose of measuring the said land Don Infon Garcia being present or called at 9 o'clock

in the morning to measure the Rope was anchored
rope of 50 varas was accordingly measured off after
which that a stake should be fastened to each end
This being done I noted it down as proceeding which
sign with the assisting witnesses
assisting witnesses (signed) J Maximo Bonilla
Vicente Bonilla
Macario Garcia
Immediately at the same place & on the same day
month & year I the Justice of the Peace of San Luis
Obispo with the assisting witnesses & Don Tiburcio
Garcia being present there not being a surveyor
surveyor or one to be appointed caused appoint
among the attendants, two measurers & rope
bearers who are citizens Manuel Garcia and
Sebastian Vella to whom after having accepted
the commission the oath was administered
which they made according to law and promised
to discharge faithfully and honestly the duty
and I noted it down as proceeding which I
sign with the assisting witnesses and the above
mentioned measurers
assisting witnesses (sgd) J Maximo Bonilla
(sgd) Vicente Bonilla / / Manuel Garcia
/ / Macario Garcia Sebastian Vella
Immediately after at the same place and on the same
day month and year at 10 o'clock of the morning
I the Justice of the Peace of San Luis Obispo with
the assisting witnesses & measurers & Don Tiburcio
Garcia being present and having also at hand
the title of concession of the land & the sketch
by which the boundaries and limits thereof are marked
out we proceeded to a tract of said land called
Boca de la Cañada Grande, bounded by lands of the
Rancho de la Asuncion & thence after having marked out
the said place with across bared trees they began to measure

through the said Lomada Grande in a south east direction to another Peñe of the said Lomada marked on as a boundary by means of Santa Bonifacio one hundred cordels thence they measured from the last Peñe in a west direction through the Peñe and Lomadas to the Sierra eighty five cordels which Peñe was also marked out, thence they measured from thence in a North west direction due through all the slope of the Sierra to the creek (arroyo) of the descendor one hundred and twenty cordels and thence they measured following the same (arroyo) to the Peñe of the beginning one hundred and two cordels,

Thus the measurement was concluded and fixed the metes and bounds of the land which extent was comprised within the circumference of four hundred and seven cordels of fifty varas each In order to Refer this act in presence of the attendants I took Don Juan Gracia by his hand and in a loud voice said to him, in the name of the Mexican Nation I give you possession of the land which has been measured and which is the same that the Government of this Department has granted you, and I ordered him to perform some acts or demonstrations of being the Proprietor & absolute owner of the said land; since by such acts he should acquire the required civil dominion & ownership thereof & he in manifestation of ownership pulled up grass threw away pebbles dug out earth by which the act concluded, The interested party requested me to return him these original proceedings for his security and I noted it down as an act which I signed with the assisting witnesses

Assisting witnesses (Signed) Marcario Bonilla
Vicente Bonilla
Marcario Garcia

San Luis Obispo August 29. 1843

Return these original proceedings to the interested party in testimony of the possession of the property and the convenient uses

Let them be entered in the corresponding book

(Signed) Bonilla

San Luis Obispo August 30 1843

In virtue of the foregoing act on this day I returned to Don Rufon Garcia this Expediente in 5 written folios and I note it down with my Rubric

No entry thereof has been made in the book of possessions folios 22. 23. & 24

Bonilla

In the Pueblo of San Luis Obispo upper California on the 9th of March 1847 before me Jose Rosario Bonilla Principal Justice of this Pueblo were its precincts and the assisting witnesses with whom I act in the established form in lieu of a notary Public there not being any here, appeared Don Rufon Garcia and Don Guillermo Buck residents of this place and the former said that for himself and in the name of his brother executors and of those who may derive title or cause from them he gives to the latter in every manner and in legal sale & perpetual alienation a tract of land of one square league (en redondo Grande Mayor) known by the name of the Atascadero bounded on the North by lands of the Ranche de la Asuncion on the South by those of Santa Margarita, on the East by the Sierra comprising within the said land la Cañada Grande and on the West by the Sierra Grande as it is stated in the documents which he (Garcia) presented and I certify to have seen the same

being annexed to this indenture, Don Tafon declares that said property is free from any Mortgage, tacit and express incumbrance and that as such he gives it to him (Buck) that he may use enjoy change and alienate it, and dispose of it as a thing acquired by himself with legitimate and just title, Don Tafon receives for price and value of the said land the sum of Four hundred Dollars in lawful current and coined silver and as the delivery has not been made as prescribed by the laws on the matter those on the proof and payment of the same as it is specified therein From to any hereafter he dispossesses himself and desists of separates himself from quits the dominion possession ownership title appeal or any other right he may have to the aforesaid land which he resigns and transfers to Don Guillermo Buck that he may dispose of the same as his own property and he confers upon him irrevocable power, with the full and general administration

The grantor binds himself to warrant him (Buck) that this power shall be certain sure and effective and that no person shall molest him nor legally claim its property and possession neither shall any incumbrance appear against the said land

For the security and firmness of all that which has been said the grantor binds his present and future property and submits himself to the power and jurisdiction of the Judges who shall try his cases as by adjudicative sentence consented to and passed in authority of res judicata which he receives as such. In witness thereof this act he (the grantor) covers and signs with the and

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those of assistance, The instrumental witnesses were Don Victor Linares and Don Nicholas Lopez who were present and received the, which the said Judge certify

There is no stamped Paper

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Juan Garcia = S Maximo Bonilla = assisting witness Macario Garcia = assisting witness Enrique Thomen

It is a true copy of the original filed in the archives of this Court made my change and made out on this date on common Paper there not being any stamped

San Luis Obispo March 11th 1847
Signed S Maximo Bonilla

Filed in Office May 3d 1852.
Geo Fisher
Secretary

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Conveyance from Wm Buck to Samuel W Haight

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Know all men by these presents that I William Buck of the Mission Viejo San Luis Obispo for and in consideration of Fourteen hundred and twenty five dollars to me in hand paid by Samuel W Haight of Monterey the receipt whereof is hereby acknowledged have this twenty ninth day of December A D 1847 men do by these presents grant bargain sell and convey unto the said Samuel W. Haight certain tract piece or parcel of land to me belonging by right of legal purchase from Juan Gaviln a native of Mexican birth tract piece or parcel of land is situated as follows to wit Being a tract of land known by the name of the "Atascadero" lying to the northward and adjoining the "the" land belonging to the farm called the "Asuncion" which farm was formerly part of the possessions of the Mission of San Miguel bounded on the South by and adjoining the lands of the farm called "Santa Margarita" on the East by a mountain including the lower adobe Grande, and on the West by the great mountain or Sierra Grande all of which will be more fully seen by a reference to the original documents concerning the grant of said tract of land called the "Atascadero" as aforesaid more particularly in the original title dated May the 6th one thousand eight hundred and forty two signed Juan B Alvarado and Manuel Jimeno Now therefore I the said William Buck do hereby further covenant and agree with the said Samuel W Haight to warrant and defend and secure the aforesaid tract piece or parcel of land called the Atascadero as aforesaid with all the privileges and appurtenances thereunto in any wise belonging or appertaining unto the said Samuel W Haight his heirs

and assigns against the legal claims or demands of any person whatever,
In testimony whereof I have hereunto set my hand and affixed my seal this twenty ninth day of December in the year of our Lord one thousand eight hundred and forty seven

Wm Beck {Seal

Witness
Wm H McKee
William R Garner

This instrument of writing was signed sealed and delivered in my office and in my presence and a record of the same is reported in the Archives of this Court this 29th day of December A D 1847

Walter Cotton
Clerk of the Circuit Court

William R Garner

Filed in office Jany 30 1853
Geo Fisher
Clerk

12,211

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Deed to Henry Haight

This Indenture made this twenty fourth day of Sept: in the year of our Lord one thousand eight hundred and fifty one Between Jeanne W. Haight of the City and County of San Francisco State of California of the first part and Henry Haight of the same place of the second part,

Witnesseth, That the said party of the first part in consideration of the sum of Five Thousand Five hundred Dollars to him in hand paid by the said party of the second part the receipt whereof is hereby confessed and acknowledged has bargained sold released and quit claimed and by these presents do bargain sell release and quit claim unto the said Party of the second part and to his heirs and assigns forever all that certain tract or Parcel of land lying and being situated in the County of San Luis Obispo State of California and known as the "Atascadero Rancho" and bounded on the South by and adjoining the Land of the Farm called Santa Margarita, on the East by a mountain intervening the Cuesta Grande, on the North and adjoining the Land belonging to the Farm called the "Asuncion" which said Farm was formerly a Part of the Possessions of the Mission of San Miguel, and on the West by the great Mountain or Sierra Grande being meant for the same lands conveyed to the Party of the first Part by William Buck by deed bearing date the 29 day of December One thousand Eight hundred Forty seven and recorded in the Records of Deeds &c. of said County of San Luis Obispo State of California and more particular reference for description reference is to be had to the original grant dated May sixth one thousand Eight hundred forty two

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signed by James B Norman and Mr. Irving
together with all and singular the tenements
and appurtenances thereunto belonging or in any
wise appertaining and the reversion and reversions
remainder and remainders, rents issues and
profits thereof and all the estate, right title interest
claim and demand whatsoever of the said party
of the first part either in law or equity of in and to
the above bargained premises with the said tenem
ments and appurtenances,
To Have and To Hold the said above described
premises to the said party of the second part
his heirs and assigns to the sole and only proper
benefit and behoof of the said party of the sec
ond part his heirs and assigns forever,
In witness whereof The party of the first part
has hereunto set his hand and seal the day
and year first above written

Samuel W. Haight (Seal)

Signed and delivered
In presence of
H H Haight
State of California
County of San Francisco } ss On this 25th day
of September AD 1851 before me a Notary Public
in and for said County personally appeared
Samuel W Haight to me known to be the person
described in and who executed the within in
strument and acknowledged to me that he
executed the same freely and voluntarily
for the use and purposes therein mentioned

(Seal) Witness my hand and official
seal Henry H. Haight
Notary Public San Francisco Cal

Recd in Offi Jany 3 1853
Geo Fisher Recr

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Opinion

Case No 211
Henry Vaught
vs
The United States } Claim to land for one square league of land in the County of San Luis Obispo

It appears from the Expediente in the archives a true copy of which is filed in the case that a tract of land containing two and a half square leagues embracing the land now claimed was petitioned for in April 1839 by J Marcus Boullen and Juan Jose Garcia which resulted in a provisional right of occupation conceded to them on the 21 of December 1839 by Governor Juan B Alvarado who directing them to return it with a sketch or map of the land application to them

This was subsequently done and a map returned accompanied by a petition for a smaller quantity than that originally asked for

It appears by an entry in the Expediente dated May 30 1842 that Boullen withdrew or seperated his application from that of Garcia and the proceedings were continued in the name of the latter alone and on the 6th of May 1842 a decree of concession and formal grant was made to Juan Garcia of one square league of land according to the boundaries given in the grant and represented on the map or diseño

On the 29th day of August 1843 formal possession of the land was duly given to the grantee by the Proper Officer and the boundaries marked and measured with sufficient certainty to prevent any difficulty in locating the

land granted, The original grant and record of Mexican possession are not in evidence and their genuineness proven by the deposition of Moses A, Dow,

In relation to the occupation and cultivation of the land claimed it is proven by the deposition of J. J. Warner that in Feby or March 1843, he called at the place and remained there all night, That Tufon Garcia with his family were then residing there, they had on the land at that time stocks of horses and cattle and a corral, also a dwelling house recently built in which they lived and some fields in cultivation with wheat and Barley He also testifies that the country was always considered a dangerous one in consequence of its vicinity to the pass leading to the San Pedro through which the Indians usually made their marauding excursions

William Buckelew testifies that Garcia was living there in 1843, and continued to reside there for about two years afterwards when he was driven off by the Indians, That from that time the premises were occupied until Garcia sold it to witness in March 1847 about two years after he left it, witness occupied the land from that time until he sold it to Samuel Haight on the 29th of December of the same year during which time he built another house and two corrals on it and enclosed a part of the land, On the 21st of September 1851 Samuel W Haight sold to Henry Haight the present claimant, all the mesne conveyances appear to be duly executed & authenticated, The grant does not appear to have been approved by the Departmental Assembly and consequently

the claim of the Petitioner must rest in equity
The evidence shows a full and complete compli-
ance with the terms of the grant and the conditions
imposed by the Law and the only question presented
is whether the equities which had attached to the
grant by the performance of the conditions could
subsequently arrested and forfeited by the Le-
gislature in consequence of his forcible eviction
from the premises by the Indians
There is no doubt that under the Mexican Law
the voluntary abandonment of the land when
under an imperfect or inchoate grant like
the one now under consideration, was a suffi-
cient ground for the forfeiture of the rights of the
grantee to the land, But the law also pro-
vided a mode by which that forfeiture could
be enforced which was by denouncement
until a decree of forfeiture the regular
mode of proceeding has been in this the
rights of the original grantee it may be
presumed would remain unimpaired
It may well be doubted whether this Commission
can decree a forfeiture of any right which was
vested and subsisting at the time the change
of Governments occurred,
Its duties are simply confined to a decision
upon the validity of the claim, But how-
ever they may have affirmed as to the nature
and character of the conditions imposed
by the Mexican Law and the time of their
performance, they have invariably held
that in all cases of inchoate or incomplete
grants a substantial compliance with them
was essential to give such validity,
How far a subsequent voluntary abandon-
ment of the land would of itself operate as a forfeiture

under the Mexican law so as to invalidate the grant is a question of more doubt and difficulty It is however not necessary to consider it here,
The abandonment in the present case is clearly shown to have been compulsory and the equitable rights of the grantee having fully attached prior to that act, would be a harsh measure of justice to deem them forfeited by an act resulting from circumstances entirely beyond his control,
The evidence proves to that the abandonment was not intended to be permanent but merely temporary until the condition of the country would allow him to resume his occupation This is shown by his so acting within two years the highest act of ownership by alienating the land,
Those holding under him have continued to occupy and improve the land ever since
The evidence in the case clearly establishes such an equitable right in the present claimant as entitles him in the opinion of the Board to a confirmation of his claim

Filed in Office March 14th 1854
Geo Foster
Secy

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Decree

113 SD
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No 211

Henry Haight
vs
The United States

} For the place called Atascadero Claim for one square League of land in the County of San Luis Obispo

In this case on hearing the proofs and allegations it is adjudged by the Commission that the Claim of the Petitioner is valid and it is therefore decreed that the same be confirmed

The land of which confirmation is made is situated in the County of San Luis Obispo and is known by the name of Atascadero being the same which was granted to Tiburcio Garcia by Governor Alvarado on the 6th day of May 1842 and now held by the Claimant and is bounded as follows

Beginning at a point marked by a cross at or near the place called "Boca de la Cañada Grande", bounded by the lands of the Rancho de la Asuncion and running thence in a South East direction through said Cañada on hills and bordes of fifty varas each to another point in said Cañada marked out as a boundary of the lands of Santa Margarita thence in a West direction through the Pueblo Cañadas Nuevas to the Lower ridge five bracas of fifty varas each thence in a North West direction along the slope of the Sierra ore hundred and twenty cordels to the creek (arroyo) of the Atascadero thence along said creek (arroyo) on hundred and two cordels to the place of beginning so as

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to include a solar or building lot of thirty rods on the other side of the creek on which there is a house and containing one square league.

For a more particular description reference to be had to the original grant and map together with the record of historical possession all of which are on file in the case

Alphens Fitch

Thompson Campbell

Ray Thompson

Commissioners

Filed in Office March 14, 1854
Jas Fisher
Secy

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And it appearing to the satisfaction of this Board, that the land hereby adjudicated, is situated in the Southern District of California it is hereby

Ordered, that two Transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same are founded, be made out, and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims in the State of California.

I, Geo. Fisher, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing fifty four — pages, numbered from 1 to 54, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 211 on the Docket of the said Board, wherein Henry Haight is the Claimant against the United States, for the place known by the name of "Arascadero" —

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this thirtieth day of October A. D. 185 , and of the Independence of the United States of America the seventy-ninth.

Geo. Fisher.

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U. S. DISTRICT COURT,

Southern District of California.

No. 113. Docket

THE UNITED STATES,

vs.

113.

Henry Haight.

"Atascadero."

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 211.

Filed, November 8th 1854.

C. E. Ian.
Clerk

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No. 113

Office of the Attorney General of the United States,

Washington, 17th January 1855.

Henry Haight
vs.
The United States } 211.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 12th day of October 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 113.

U. S. District Court
Southern District -

United States
vs -
Henry Haight -

Notice of appeal from Atty. Gen.

Filed Feby 27th. 1855.
C. E. Favr.
Clk.

In the District Court of the United States for the Southern District of California.

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.

Henry Haight, appt.
vs.
The United States, appt.

Docket No. 113.

Transcript No. 211.

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of **Pacificus Ord**, *a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the* 3rd *day of* May *A. D.* 1852, Henry Haight

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called Atascadero, situate in the County of Monterey State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 14th day of March A. D 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 8th day of November A. D. 1854, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 211; reference to which it is prayed may be had and made part of this petition. That on or about the 12th day of October A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit: on or about the 27th day of February A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said **Pacificus Ord,** Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land "Claims in the State of California;" approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the same, and decree the alleged title to be invalid: with costs and general relief.

P. Ord

Attorney of the United States for the Southern District of California.

No 113.

U. S. Dist. Court.
South. Dist. of Cal.

Henry Haight
appee

vs.

The United States
appelt.

Petition of Review.

Filed Nov 8th 1855.
C. E. Lan
Clk.

P. O'H. Watts.

United States of America,
Southern District of California. } SS.

TO **The President of the United States,**

Henry Haight

113 SD
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GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the 8th day of November in the year of our Lord one thousand eight hundred and fifty-five at the City and County of Los Angeles, in said District, by

P. Ord, U.S. Atty, praying the Court to review the decision of the U.S. Land Commissioners confirming your claim to the Rancho Called "Atascadero" on or about the 14th of March 1854 and which was appealed to this Court by the U.S. Atty Genl. on or about the 27 day of July 1855.

and that you, ~~and each of you~~, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or ~~that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.~~ the plaintiff will apply to the Court for the relief demanded therein.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this Ninth day of November in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. Carr
Clerk.

No 113.

Marshals Cost

Copying Summons — 00.

Mileage to Monterey 400 Miles each for Summons and Petition 72.—

$ 72.00.

United States of America,

Southern District of California,

U. S. District Court.

Benj Wright, appee,

vs.

The United States, appee.

SUMMONS.

Received Nov. 9th 1855

Edward Hunter
U S Marshal

113 SD

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I served this summons along with the proper copy of the petition upon the within named Party in such form as to be found, in this District

at _____ in the Southern District of California on the _____ day of November, A. D. 185 5.

Sworn to and subscribed before me, this 31st day of December A.D. 1855

E. C. Kew Clerk.

Edward Hunter U.S. Marshal.

By Ormsby Deputy

Fee Retainer

Fees

In the District Court of the United States within and for the Southern District of California.

The United States
Appellant,
vs
Henry Haight
Appellee

No. 113

Transcript from the Board of Land Commissioners No. 211.

Henry Haight appears by his attorneys and for answer to the petition for review of the United States filed herein says:

That his title to the tract of land called "Atascadero" as set forth and described in his petition to the Board of Land Commissioners and in the documentary and other evidence filed in this case is a good and valid title. The land claimed is situate in the Southern District of California.

And he prays this Honorable Court to affirm the decision of the Board of Land Commissioners and to decree his title to be valid.

By his Attorneys
Hallick Peachy & Billings

No. 113.

The United States
appellants
v.
Henry Haight
Appellee
&
Amicus of Appellee.
&

Filed this 19th January
A.D. 1857 C Sims clk
J. D. Coleman
Clk

Hallick Peck & Pelling
Attorneys.

In the District Court of the United States within and for the Southern District of California

Hon. Isaac S. K. Ogier Judge

December Term A. D. 1856
In open Court Jany 19th 1857

The United States
appellants
vs.
Henry Haight
appellee

No. 113.

Transcript from the Board of Land Commissioners No. 211.

The Attorney General of the United States having given notice that the appeal in said case from the decision of the Board of Land Commissioners, confirming the claim of the appellee will not be prosecuted by the United States, and a stipulation having been entered into by the District Attorney with the counsel for said appellee, and filed, that no further proceedings shall be taken on the said appeal and that the said appeal

be dismissed, and that the said appellee may proceed under the decree of the Board of Land Commissioners heretofore rendered in his favor as under a final decree. Now

On motion of P. Ord, the District Attorney of the United States for the Southern District of California it is

Ordered, Adjudged and Decreed: ~~that the said appeal be and the~~ same is hereby dismissed and that said appellee, Henry Haight, have leave to proceed under the Decree of the Land Commissioners heretofore rendered in his favor as under a final decree.

Isaac S. K. Ogier
U S Dist Judge
for the S Dist of Cal

No. 113.

The United States
appellants
vs.
Henry Haight
appellee

Motion &
Order dismissing
Appeal.

Filed Dec 19th 1853
Geo Pinkney
Clerk

California Land Claims.

Attorney General's Office

29 Nov. 1856.

Sir:

In the case of the claim of Henry Haight, confirmed to the claimant by the Commissioners, case no. two hundred and eleven, (211), appeal will not be prosecuted by the United States.

I am Respectfully

Cushing

Pacificus Ord Esq.
U. S. Attorney,
Los Angeles.

No. 113.

Henry Haight
vs
The U S Cases.

216.

In the United States District Court within and for the Southern District of California

The United States
Appellants

vs.

Henry Haight
Appellee

No. 113

Transl No. 211.

"Atascadero"

In pursuance of a notice from the Attorney General of the United States hereto annexed it is hereby stipulated and agreed that no further proceedings on the appeal shall be taken on the part of the United States or the appellee, and that the appeal be dismissed, and that the claimant have leave to proceed under the decree of the Land Commissioners heretofore rendered in his favor as under a final decree

[signature]
Dist Atty.

Hallock Pratt & Billings
Attorneys of Appellee.

No. 113

The United States
appellants

vs.

Henry Haight
appellee

Stipulation to dismiss
appeal.

Filed Dec 19th 1859
Ogilvie
Clk

Henry Van Ness.
appellee.

vs.

The United States.
applt.

Atascadero.