

CASE No.

226

SOUTHERN DISTRICT

---

OTAY GRANT

---

VICTORIA DOMINGUEZ, ET AL

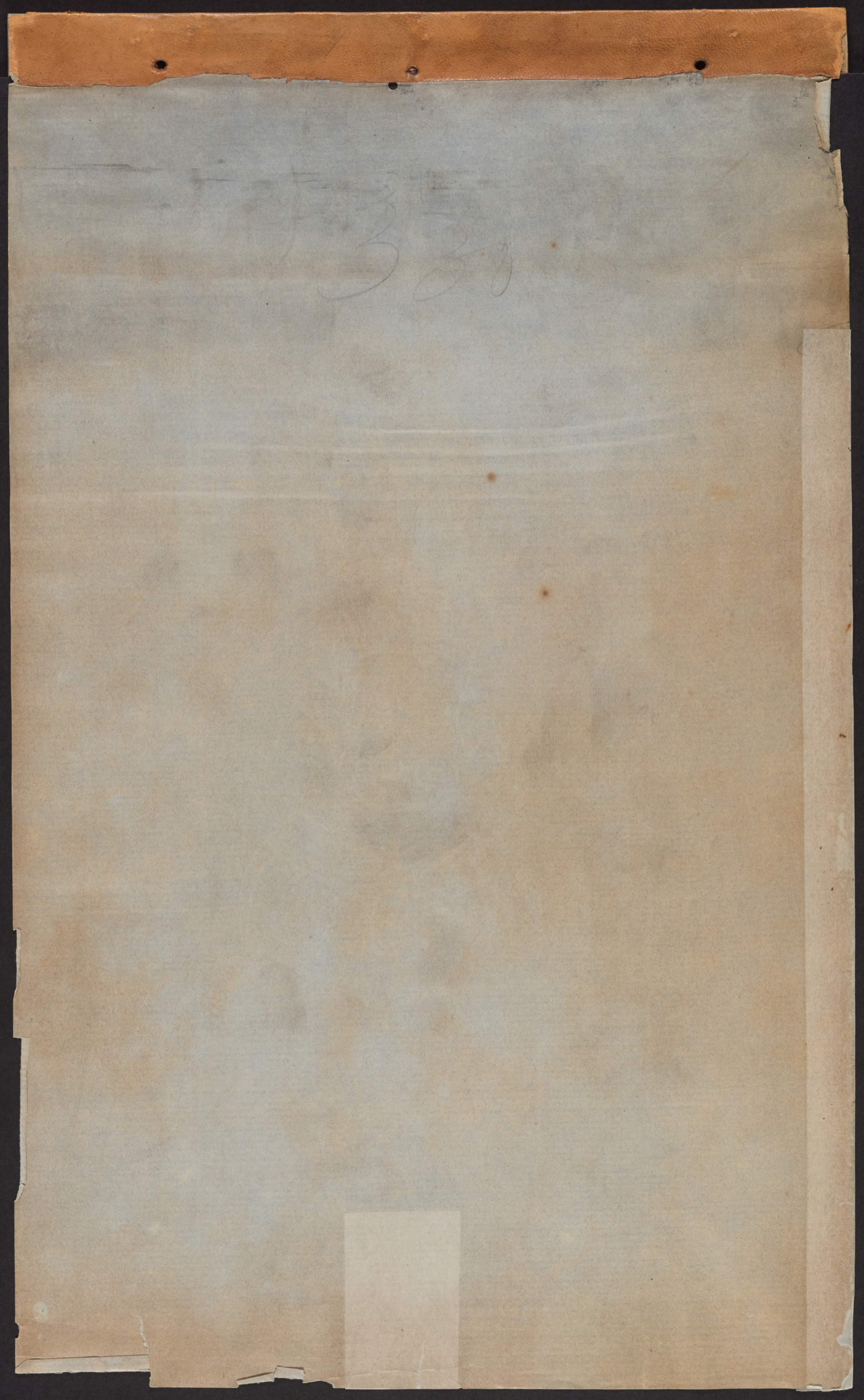
CLAIMANT



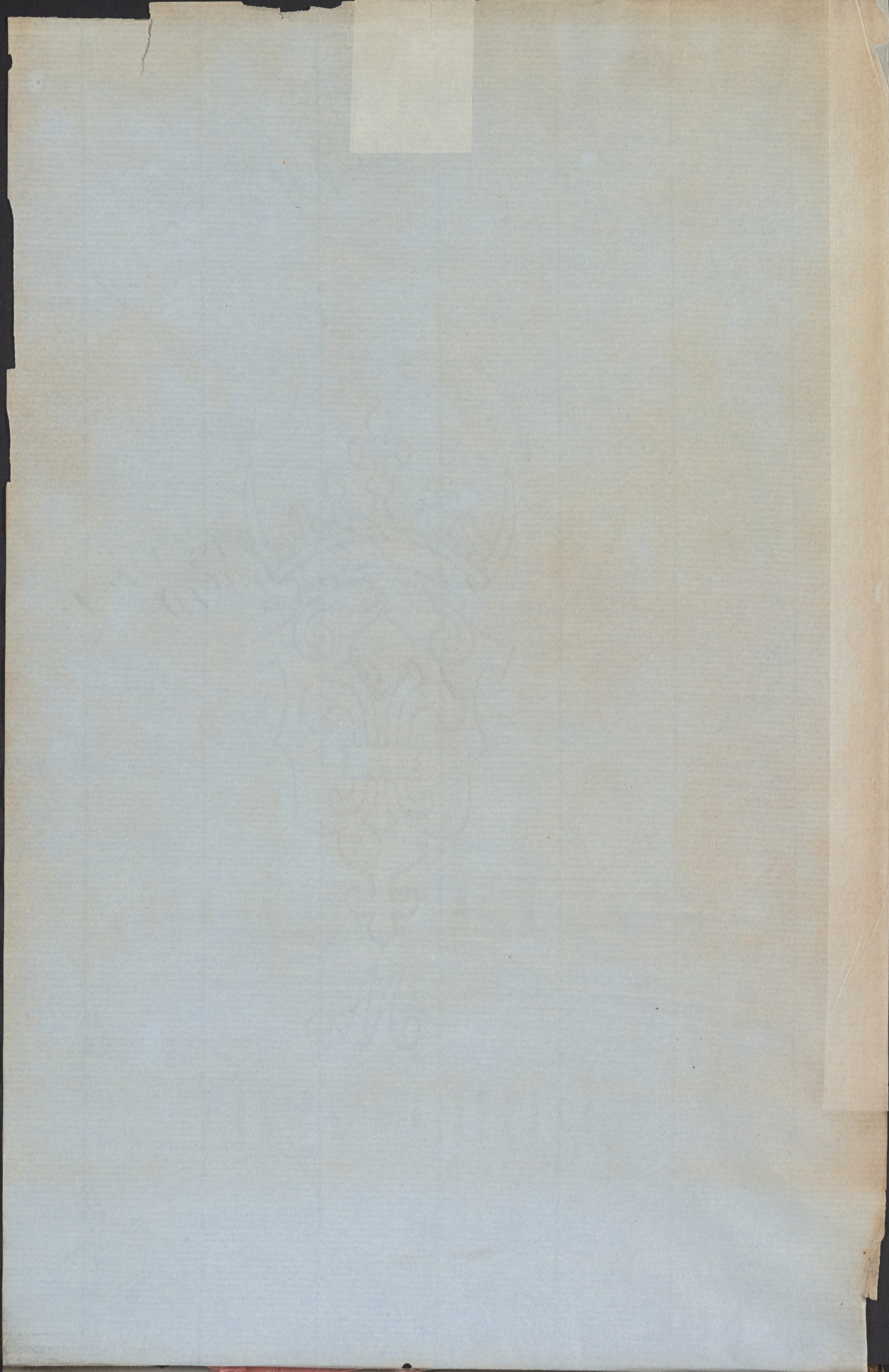
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# TRANSCRIPT

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PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 330.

*Victoria Dominguez, et al,*  
*Heirs of Jose Antonio Estudillo* CLAIMANT &

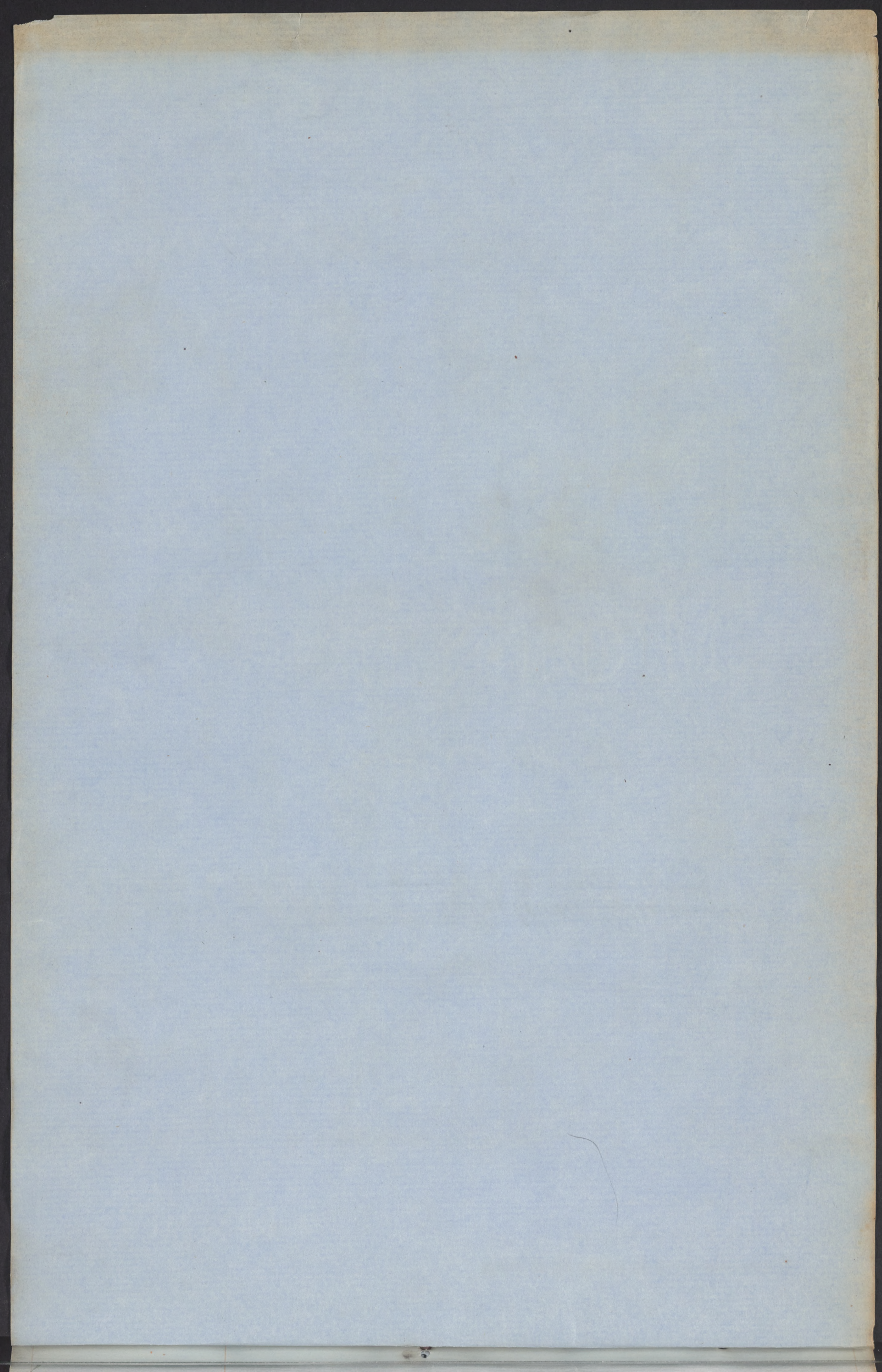
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Otay* "







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this ninth day of September, 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 Victoria Dominguez et al, (heirs of Jose Antonio Estudillo,) for the Place named "Atay," was presented, and ordered to be filed and docketed with No. 330 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;

Los Angeles, October 14<sup>th</sup> 1852.

In case no. 330, Victoria Dominguez for the place named "Atay", the deposition of Santiago Argüelles, a witness in behalf of the claimants, taken before Commissioner Nelson Hall, with document marked A, annexed thereto, was filed:

(Vide page 4 of this Transcript.)

San Francisco September 19<sup>th</sup> 1853.

Case no. 330, on Motion of the Counsel for the claimants was ordered to the foot of the Docket.

San Francisco September 5<sup>th</sup> 1854.

Case no. 330 was ordered to be placed at the foot of the 2<sup>d</sup> class cases on the Trial Docket.

San Francisco October 14<sup>th</sup> 1854.

Case no. 330 on motion of the Counsel for the claimants



with the consent of the U. S. Law Agent, was ordered to be placed at the foot of the 3<sup>d</sup> case on the Trial Docket.

In the same case the counsel for the claimants filed the following Affidavit, to wit:

(Vide page 13 of this Transcript)

whereupon, on motion, it was ordered, that the case be continued,

San Francisco December 4<sup>th</sup> 1854.

In the same case the deposition of Santiago E. Argüelles, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed:

(Vide page 6 of this Transcript.)

San Francisco December 12<sup>th</sup> 1854.

Case no. 330 was submitted without argument and taken under advisement by the Board.

December 13<sup>th</sup> 1854.

In the same case the counsel for the claimants filed an authenticated copy of the deposition of J. J. Warner, a witness in behalf of the claimant in case No. 115, taken on the 13<sup>th</sup> September 1853 before Commissioner Thompson Campbell, as evidence in conformity to the Stipulation annexed thereto;

(Vide page 7 of this Transcript)

San Francisco December 19<sup>th</sup> 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim,

(Vide page 15 of this Transcript)

and the following order was made, to wit:

(Vide page 16 of this Transcript.)

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3 Petition

To the Board of Commissioners for ascertaining and settling Private Land Claims in the State of California

Your Petitioners Victoria Dominguez widow of Don Jose Antonio Estudillo and the children of the said Jose Antonio Estudillo late of the County of San Diego in the State of California deceased, respectfully represent to your Honorable Board that they claim a certain tract of land called El Ray containing one square league more or less situated in the county of San Diego in said state of California and that they claim the same in fee by virtue of a grant made to Jose Antonio Estudillo under the authority of the Mexican Government by the Viceroy de Colombia Comandante General and Governor of California bearing date the twenty fourth day of March A.D. 1829

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Your Petitioners would further represent that accidental possession of said tract of land was given to the said Grantee the \_\_\_\_\_ day of \_\_\_\_\_ and the boundaries thereof designated and defined and that he and those claiming under him have been in the peaceful possession thereof ever since and that they have no knowledge of any other person claiming

Your Petitioners herewith present the original grant of said land in the Spanish Language together with a translation of the same and will make further proof of title if required by the Board. Your Petitioners pray your Honorable Board to take into consideration their claim to said tract of Land and to decree their title to be valid and confirm the same and your Petitioners will ever pray.

Southernland & Co  
Attorneys for Claimants.

Filed in Office September 9th 1852

George Fisher  
Secretary

Recorded in Record of Petitions Vol 1st Pages 228 + 229

George Fisher  
Secretary



4 Deposition  
of  
Santiago  
Arguella

Los Angeles October 14th 1852

On this day before the Honorable Hall one of the  
Commissioners for settling and settling  
private Land claims in California personally  
appeared Don Santiago Arguella a witness  
produced in behalf of Victoria Dominguez  
widow of Don Jose Antonio Estudillo,

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and the  
children of the said Estudillo the claimants  
of the Rancho of Atay which is Number 330 on  
the Doctos of said Commissioners who being duly  
sworn testified as follows

The associate Law Agent being notified and  
"and attended

By answer, by claimants

Question What is your name and  
place of residence

Answer My name is Santiago  
Arguella am sixty years of age and reside near  
the line between the state of California and  
Lower California in Mexico the Rancho of Ti-  
gran upon which reside being divided by said  
boundary line

Question Do you know the hands  
writing and signatures of Jose Maria Echandia  
and Augustin N. Zamarran

Answer I know them very well

Question Look at the papers marked  
A and filed herewith as part of this Deposition  
and say whether said Grant purporting to be  
signed by Jose Maria de Echandia and Au-  
gustin N. Zamarran appears to be genuine and  
their signatures to be genuine

Answer The Grant is genuine  
in the year eighteen hundred and twenty  
nine when said Grant was made I was Military  
Commandant of San Diego and was in fre-  
quent intercourse with Echandia and Zamarran  
and know that the Grant was made by  
Echandia to Jose Antonio Estudillo

Question What do you know  
of possession having been given to Jose Antonio  
Estudillo of the Rancho of Atay the land men-  
tioned in the Grant marked A

Answer I was present in 1827 or



5- 1828 when Captain Don Pablo de la Portilla the former Commandant of San Diego gave possession of said Land to Don Jose Antonio Estorillo having been called upon as a witness by said Portilla but Estorillo did not receive a title until 1829

Question when was the information received in California of the adoption of the Regulations of November 21st 1828

Answer It was received in California sometime during the month of November 1829

Question Was it customary when Grants were made upon common paper because of having no seals, for the authorities to make another Grant of the same Land upon sealed paper after wards

Answer There were many of such Instances

Question Was there any sealed paper in San Diego in the year 1829 eight ten hundred and twenty four

Answer There was not

Question Who was Commandant General in the years 1830 and 1831

Answer Don Jose Maria de Echandia was during 1830 and part of 1831 when paper was stamped either in small or other size it was usual for the authority to date the date of the stamped paper one year in advance as well as for the year in which it was stamped so that it might answer for two years

Question by Law Agent

Question Have you known Grants to be made by Mexican Generals of California after the passage of the General Colonization Law of August 18th 1824 and before the publication of the Mexican Regulations of 1828 and if so in such Grants considered valid

Answer In November 1829 I was Military Commandant of the Presidio of San Diego and received as such officially from the Government of Mexico a copy of the Colonization Law of August 18th 1824 and the Regulations of November 21st 1828



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With intentions to publish the same which I caused to be done with due solemnity

And that

that the colonization Law was unknown in that part of California I recollect the Law and Regulations were published in the latter part of the year 1829 because there was a Revolution in California that time

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S. Aguilar  
Sumner, Subscribed, By name  
Holland Hall

Commissioner

Filed in Office October 14th 1852

George Fisher

Secretary

Records in Census B. Volume 2 Page 70

George Fisher

Secretary

Department of  
Santiago &  
Aguilar

United States of America  
State of California 388

San Francisco December 6th 1854

This day came before Peter Lott Commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State Santiago & Aguilar

Witnesses on behalf of the claimants

Victor Dominguez and other heirs of Jose Antonio Estudillo in case Number 330 on the Petition of said Board and said witnesses being sworn deposed in Spanish which is interpreted by the interpreter to said Board as follows

The United States Associate Law Agent is present

Questions by Judge Southland

for Warrant

Question: What is your name

aguard. residence

Answer: My name is Santiago

& Aguilar my age fifty years my residence San Diego California

Question: Do you know the

names of any of the claimants have you known or and state what you know about the true existence of



7

ansur Hum said Rancho have been for about twenty five years

It is bounded by the hills called Las Lomas altas on the south by the Aguaji de las Lomas on the north by the Patiguale on the east and by the road from Alay to the Rancho Nacional on the west

Hum also furnished some bearing and then points to me by the various and rough bones and have seen the title

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I am not sure the boundaries as described as there describe them in said title from the Rancho on the west of this

and the dividing line between me and this Rancho is a little west of said Road this Rancho in question is in the portion of the country called Alay and contains about one league or a square league

I must state what you know of the occupation of said Rancho

ansur In 1827 or 1828 Jose Antonio Estudillo played some cattle and ansur said Rancho and kept them there about five or six years I saw a small garden there

Santiago Aguilla

Subscribed and sworn to before me on this 6th day of December A.D. 1834

Peter Lott  
Commissioner &c

Filed in Office December 7th 1834  
George Fisher  
Secretary

Deposition Number 330  
of J. G. Warner Officer of Commissioners of Lands Claims in California

This day before Commissioner Thompson came before me J. G. Warner agent in behalf of claimant Jose Antonio Estudillo Number 115 who after being duly sworn deposed as follows

What is your name age and place of residence



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My name is J. J. Warren I am forty  
five years of age and reside at San Diego

Do you know whether Jose Antonio Estu-  
dillo is dead and if so when and by whom

He is dead He died in the sum-  
mer of 1832 I think in the month of July he  
left a widow and children.

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Victoria Dominguez  
is the widow's name Jose Maria Estudillo  
Rosena Estudillo, the wife of Aguirre Maria  
Antonia de los Reyes Estudillo, Salvador Estu-  
dillo Jose Antonio Estudillo Guadalupe Estu-  
dillo Concepcion Estudillo and Francis Estu-  
dillo are the names of the children.

Another son of  
Juan Antonio, widow of Miguel Pedraza  
their names are Miguel, Victoria, Isabel and  
Alina

The widow Antonio is dead, Maria Antonio  
was the daughter of Jose Antonio Estudillo  
associate San Agent present

J. J. Warren  
Suzanna Subscribed this 13th day of September  
AD 1853 Thompson Campbell  
Commissioner

It is hereby stipulated that this Deputation may  
be used in evidence in case number 330 Olay  
of general as entered upon the trial docket of the  
Board of Land Commissioners  
San Francisco California September 13th  
1853

Wm W. Lunttun's preliminary  
Robert Gumborn  
associate San Agent  
George Foster Secretary to the Board of All San  
missions to ascertain and settle the Private  
Land Claims in the State of California whereby  
certify that the foregoing is a true and correct copy  
of the Deputation of J. J. Warren taken before Com-  
missioner Thompson Campbell in San Diego 15th  
November in this Office and in my own and custody  
as such Secretary given under my hand this 12th  
day of Dec AD 1854 Geo Foster Secretary  
Filed in Office December 13th 1854 Geo Foster Secy



Sello 3. Dos reales.

Habilitado provisionalmente por la Comisaria Subalt.<sup>a</sup>  
Int<sup>a</sup> del puerto de Monterrey de la Alta California  
para los años de 1830 y 1831.

5. Escheanotia Lusarín.

El ciudadano José María de Escheanotia Teniente  
Coronel de Ingenieros, Comandante General Inspector  
de la Alta California y Jefe Superior Político de ambas.

Respecto a que el sitio de Otay aparece  
efectivamente vacio sin ocupacion alguna, segun el  
informe que con relacion a él me pasó el comandante  
de Sr Diego Capitán Sr Pablo de la Portilla y Señal  
arriente que a poco mas o menos efectúo posteriormente  
considerando que por tales ranchos se proporcionaria  
a los estrangeros la extraccion de cueros, ceros y sem  
Mas cuyo giro hace el fomento del pais no aparece  
en esta opinion o reclamo de parte estiendo este  
para que sirva de titulo provisional a D. José Cruz  
Estudillo a quien le concedo parte del parage  
denominado Otay comprendido, asi tierra dentro  
con direccion a Yumal y a Yumal desde la lumbre o  
linas de la homeria a cuyo pie esta la zona llamada  
tinaja que es de la pertenencia del sitio de Sr Magd  
alena Estudillo desmulo que el abito y superficie que  
concedo a dicho Sr Antonio es de una legua cuadrada  
o proximas contenida entre las limites que espere y  
los que demarcan el capitán Portilla siendo advert  
encia que la ocupacion del relacionado sitio  
será provisionalmente hasta la aprobacion del  
Supremo Gobierno y salvas las disposiciones que se  
formaren para prescribir las condiciones y obliga  
ciones a que se sujete el repartimiento de tierras  
obligandose desde luego por su puerto al pago de  
diez mos y reglamentos de Policia dadas para los  
ranchos o que en adelante se abren. Puerto de  
Sr Diego veinte y cuatro de Marzo de mil ochocientos  
veinte y nueve.

José María de Escheanotia.

Queda tomada razon de este titulo provisional  
a folios setenta y seis del cuaderno de registros  
de sitios fierras y solares respectivos que existe en  
la Secretaria de mi cargo. Puerto de San  
Diego Marzo veinte y seis de mil ochocientos

Doc. A  
amend to Deposition  
of Santiago Argüelles

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veinte y nueve.

Agustin S. Romano.

Sello 3<sup>o</sup> dos reales.

Habilitado provisionalmente por la Comandancia  
Subalt<sup>a</sup> del puerto de Monterrey de la Alta Calif<sup>a</sup>  
para los años de 1830 y 1831.

Sehemuchá.

Casavín.

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Pileos in office. Oct. 14<sup>th</sup> 1852.

Gen. Fisher. Secny.



Seal the Ends of Two Heads

Translation Legation  
of Title

Respectfully by the Subaltern Com-  
missioner for the Part of Territory  
of Upper California for the years 1830 and 1831  
Signed Echandi Siquis Casarin  
The latter in your name Echandi Siquis  
Colonel of Engineers Comandante General in  
charge of Upper California and Superior Political  
Chief of both

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Considering that the site of Atay  
is really appears unoccupied without settlement  
according to information relative to the same  
with the title Comandante of San Diego for  
Pablo de la Portella and by a simple designation  
of the same afterwards

Considering that by  
Ranchos such as this facilities could begin to  
frequent for the cultivation of fields cotton and  
grain which business gives prospect to the con-  
-tinuation of appearing in proportion or claim  
from other parties

I extend therefore that they may  
be as a principal title to Don Juan Antonio Estudillo  
to whom I grant a part of the place known  
as Atay comprised in land in the direction  
of Juan and Juan from the summit top  
of the hills at the foot of which is the well  
or spring called Tinaja

Which belongs to the  
site of Dona Magdalena Estudillo in such  
a manner that the extent and surface that  
I grant to the said Don Antonio is one square  
league or a little more comprised between the  
limits which I express and there designated  
by Captain Parilla

It being understood that  
the occupation of the above site is principal until  
the appointment of the Superior Government and pending  
the dispositions that may be made to prescribe  
the conditions and obligations to which the distri-  
-bution of lands may be subjected

The grant being  
- duly binding henceforth of course to the payment  
of taxes and police regulations applicable to  
Ranchos which may be applied to the same



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Part of San Diego County, fourth and fifth of March  
one thousand eight hundred and twenty nine  
Squire Jose Maria Belandier

This mineral title is registered at folio  
46 of the proper book of Registry of titles from  
and from and marks existing in the Secretary's  
Office in any change

Part of San Diego March 20th one thousand  
eight hundred and twenty nine  
Squire Augustus Zamora

Filed in Office September 9th 1852

George Weston

Secretary

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affidavit  
for  
Continuance

Number 339  
The Heirs of Jose Antonio  
Estudillo vs  
The United States

Before the Board of  
Land Commissioners  
for settling Private  
Land Claims in  
California

Thomas W. Southland of counsel with and  
entitled cause being duly sworn and says

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That the Rancho in question containing  
one square league is situated near the Southern  
boundary of the State of California and from  
the great distance of the residence of the witness  
this affiant has been unable to procure the  
attendance of any witnesses specially to give  
testimony in this case

This affiant further says  
that the Rancho is but comparatively little value  
and the claimants cannot afford to send out  
messengers at a distance to procure said claim

This  
Defendant further says that he addressed  
a letter some time since to the witness of the said  
Estudillo requesting her to furnish testimony  
and in consequence thereof Mr. Jesus Munoz  
presumably a co-claimant of San Diego came here  
to give testimony in this and other cases

Where  
the Land are located in San Diego County  
but upon the arrival of the said witness  
this affiant learns that the said witness  
is not acquainted with the ~~said~~ boundaries  
of the Rancho so as to particularly define its  
limits

Although he is cognizant of the fact of  
its occupancy by the original grantee for  
nearly twenty years as this affair is admis-  
ed and not by claims and that this affidavit  
is not made for the purpose of delay &c

Thos W Southland  
Subscribed and sworn to before me this 7th  
day of October A.D. 1854. N. Aug Thompson  
Commissioner  
Filed in Office Oct 17th 1854 Geo Fisher Secretary



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Recorded in journal Volume 111 Page 70  
George Fisher  
Secretary

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Opinion of  
the Board

Victoria Dominguez & al  
vs  
The United States

} For the place  
} called Elay in  
} San Diego County  
} containing one  
} square league of Land

This claim is filed by the widow and children  
the heirs at Law of Jose Antonio Estudillo who  
died in the summer of 1832

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A Grant of the  
Land claimed made to him by Jose Maria  
de Bolandria Superior Political Chief of the  
San California on the 24th day of March  
1819 is presented and proved

The testimony shows  
that the grantee had possession of the place  
before the grant was made and continued, not  
squitly to occupy it with his cattle and that  
he cultivated some of the land in a garden

The description  
of the premises contained in the Grant and  
the testimony of the witnesses in California  
present when possession was given to Estudillo  
before the grant was made would seem to  
be sufficient to identify and designate the  
square league of land intended to be gr  
anted

The testimony in this case is not so  
definite and explicit as could be desired  
yet we think on the whole case that an equ  
ity is established which entitles the claimants  
to a favorable consideration and decree in their  
favor will accordingly be entered

Comprising  
Filed in Office December 19th 1854  
George Perkins  
Secretary

Decree of  
Confirmation

Victoria Dominguez & al  
vs  
The United States

} In this case on  
} hearing the proofs  
} and allegations  
} it is adjudged  
} by the Commission that the claim of the said



Victoria is valid, and it is therefore assumed that the same be confirmed to said Victoria Dominguez the widow and the children and heirs at Law of Jose Antonio Estudillo deceased

To Have and to hold the Land hereby comprised to them in the several transcripts, purporting to show they are legally entitled as such widow and heirs at Law

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The Land of which Confirmation is hereby made is that known by the name of being situated in San Diego County being the same formerly occupied by said Jose Antonio Estudillo

and bounded and described as follows to wit Bounded on the west by the line of the piece known as the Rancho of Santiago & Aguillo which line is at the west of the road from along to the Rancho Nacional

On the south by the hills called Las Lomas Altas with the line East by the Partida de Juncal and on the north by the Aguaje de las Cuercas containing one square league of land and being in a square form

Alphonse Felch

A. Aug. Thompson

S. B. Fennell

Commissioner

Filed in Office December 19th 1834

George Fisher, Secretary

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 District Court for the Southern District of California and the other be transmitted to the Atty General of the U.S.



Office of the Board of Commissioners,

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

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I, *George 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 *Eighteen* pages, numbered from 1 to 18, 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. 339 on the Docket of the said Board, wherein *Victoria Dominguez, et al, (Heirs of Don Antonio Estudillo)* are the Claimants against the United States, for the place known by the name of "Otay".

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *Twenty fifth* day of *May* A. D. 1855, and of the Independence of the United States of America the seventy-ninth.



*G. Fisher.*  
*G. Fisher*



U. S. DISTRICT COURT,  
*Southern* District of California.

No. *226* *Doc R*  
**226**  
THE UNITED STATES,

vs.

*Victoria Dominguez*  
*et al. / Heirs of Don An-*  
*tonio Estrella / "Tray"*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *338*

Filed, *June 6<sup>th</sup>* 185*5*

*J. E. Carr.*  
*clerk.*

**226**

*330*



Office of the Attorney General of the United States,

Washington, 29 June 1855.

330. "Stay" —

Victoria Dominguez et al Heirs  
of Jose Antonio Estudillo.

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 14<sup>th</sup> day of June 1855, 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.



C.S.

No. 226.

W. S. District Court  
Southern Dist. Cal.<sup>a</sup>

United States

vs

Victoria Dominguez et al;

Notice of Appeal in  
Case no. 330.

Filed Oct 4<sup>th</sup> 1885.

J. E. Jan.  
CER

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*Victoria Dominguez, et al., - app<sup>ts</sup>*  
*vs*  
*The United States, app<sup>t</sup>*

Docket No. 226.

Transcript No. 330.

**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 9<sup>th</sup> day of December A. D. 1854, *Victoria Dominguez* alleged Widow, and the alleged children of *José Antonio Estrella*,

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 *Olaj*, situated in the County of *San Diego* 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 19<sup>th</sup> day of December A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioners. That thereafter, to wit: on or about the 6<sup>th</sup> day of *June* A. D. 1855, 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. 330; reference to which it is prayed may be had and made part of this petition. That on or about the 14<sup>th</sup> day of *June* A. D. 1855, 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 <sup>about</sup> the 4<sup>th</sup> day of October 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 claimants  
presented as aforesaid to said Commissioners. And your petitioner further  
denies that the said claimants ~~has~~ <sup>have</sup> any valid right or title to said land claimed  
as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said pe-  
tition to said Commissioners, or in support of the said claim, no decision con-  
firming the same should have been made by said Commissioners; but the



said claim should have been rejected by them. And the said claimants 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 claimants or <sup>their</sup> ~~his~~ attorneys may be served with <sup>copies</sup> ~~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.

226 SD  
PAGE 23

*P. Ord*  
Attorney of the United States for  
the Southern District of California.







UNITED STATES OF AMERICA, }  
Southern District of California, } SS.

The President of the United States,

TO  
226 SD  
PAGE 25

*Victoria Dominguez, alleged widow & the  
alleged children of San Antonio Estudillo*

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 *30<sup>th</sup>* 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. Oro U.S. Dist atty for the  
South Dist of California, praying the Court to review  
the decision of the U.S. Land Commission, confirming  
your claim to a tract of land called  
"Otay"*

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 the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *12<sup>th</sup>* day of *December* A. D. 1855.

*J. E. Fern*

CLERK.



Marshals cost  
 Copying summons, 80  
 serving " 3,00  
 " Petition 3,00  
 \$6,80

No. 206

UNITED STATES OF AMERICA,  
 Southern District of California,  
 U. S. District Court.

*Victoria Dominguez et al*  
*vs.*  
*The United States.*  
*Appellant.*

SUMMONS.

Received Dec 13<sup>th</sup> 1855

*Edward Hunter*

226 SD U. S. MARSHAL.  
 PAGE 26

I served this Summons, together with a certified copy of the Petition, upon *Jose Maria Estudillo* one of the alleged children of *Antonio Estudillo* by delivering to him personally a copy of the same at *Los Angeles* in the Southern District of California, on the *14<sup>th</sup>* day of *December* A. D. 1855.

Sworn to and subscribed before me,

CLERK.

*Edward Hunter*

U. S. MARSHAL.



In the District Court of the United States  
in and for the Southern District of Cal-  
ifornia.

226 SD

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Victoria Dominguez et al } Case No 226.  
Appellees }  
ad } Transcript 330  
The United States, Appellants } "Otay".

And now come the Appellees, by  
Scott & Brewster their Attorney and  
for answer to the Petition for Review fi-  
led in this case by the Appellants, say, that  
their title to the lands called "Otay", claimed  
in this case, is good and valid.

Wherefore they pray the Judgment  
of this Honorable Court, that the decision  
of the United States Board of Land Com-  
missioners may be affirmed, and the title  
of the Appellees to said lands may be de-  
creed to be valid, and for their costs herein  
expended, and for such other or further and  
general relief as to Equity and good conscience  
belong, and the nature of their case may  
require

Scott & Brewster  
Attorney for Appellees.



Marshall Court

Arguing Answer # 3.

Case 226.  
U. S. Dist. Court. Southern  
Dist. of California

Victoria Dominguez  
et al.  
Appellees.

vs  
The United States  
Appellants.

Answers

Filed Dec 22<sup>d</sup> 1855  
226 SD  
PAGE 28  
W. S. Jones  
clerk

147E

Debra A Brent

I have served this Answer on P. O. or  
M. S. Atty by delivering to him personally  
a true Copy of the same at Los Angeles  
Dec 28<sup>th</sup> 1855

Edward Hunter  
U. S. Marshal  
Per W. S. Jones  
Deputy



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PAGE 29

California Land Claim.  
Attorney General's Office  
3 Feby 1857.

Sr:  
In the case of the claim of  
Victoria Dominguez et al: confirm-  
ed to the claimants by the Com-  
missioners, case no. three hundred  
and thirty, (330), appeal will not  
be prosecuted by the United States.  
I am,

Respectfully,  
Cushing

Charles A. D. Ely  
U. S. Attorney,  
Los Angeles.



N<sup>o</sup>. 226

Filed this 4<sup>th</sup> March 1858  
for 8<sup>th</sup> June 1857  
L. Sims clk  
J. M. Coleman  
Dep

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PAGE 30



In the District Court of the United States for the  
Southern Dist. of Cal. - Monterey June Term  
1857. Hon J. S. K. Ogden Judge -

Victoria Dominguez et al  
Appellants

N<sup>o</sup>. 226.

vs.  
The United States,  
Appellants.

Trans N<sup>o</sup>. 330.

On Motion of P. Ord Atty of the United States  
for the Southern Dist of Cal. & on suggestions  
to the Court that it is not the intention  
of the United States to prosecute further the appeal  
in the above cause, it is ordered by the  
Court that the appeal in said cause  
be dismissed, & that the Claimants  
have leave to proceed upon the decree  
of the Commissioners heretofore rendered,  
as a final decree -

James S. K. Ogden  
N & His Judge



No 226

Victoria Dominguez

vs.

The U States

Defendant of Appeal

Filed & June 15/57

A. Taylor

Att. Gen.

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