

CASE No.

313

SOUTHERN DISTRICT

**SAN PEDRO IN THE SOUTHERN DISTRICT
OF CALIFORNIA GRANT**

**NASARIO DOMINGUEZ
CLAIMANT**

LAND CASE 313 SD pgs. 16

MAR 21 1963

REMANAGED
PROVER BOND
S&S COTTON FIBER



460

Sup

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TRANSCRIPT

313 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 480.

Nasario Dominguez CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

San Pedro.

In the Southern District of California.

THE CITY OF NEW YORK

THE BOARD OF ALDERMEN

AND

COMMISSIONERS

OF

THE CITY

PROCEEDINGS

1875

NEW YORK: PUBLISHED BY THE CITY OF NEW YORK, 1875.

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 *twelfth day of November*, 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 *Nasario Dominguez*,
for the Place named
"San Pedro"
was presented, and ordered to be filed and docketed with No. *480* 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, November 28, 1854,
Case no. 480, on motion of counsel for claimant, with the consent of the U. S. Law Agent, was ordered to be placed at the foot of the 3^d class cases on the Trial Docket.

San Francisco December 19, 1854,
Case no. 480 was submitted under the Rule of 21st March 1854 and taken under advisement.

San Francisco January 2, 1855,
In the same case Commissioner *Alpheus Felch* delivered the opinion of the Board rejecting the claim:

(Vide page *15* of this Transcript.)

And the following order was made to wit
(Vide page *15* of this Transcript.)

To the Honorable

The United States Commis-
sioners for ascertaining and settling private
Land Claims in California

Your petitioner Narciso
Dominguez a resident of the County of Los
Angeles and State of California by Scott &
Granger, his Attorneys, would respectfully
represent

That he claims to be joint owner in
fee simple of the Rancho Situate in Los
Angeles County, Called "San Pedro" and
containing ten square leagues, more or less;
That he claims the one undivided sixth part
of said Rancho as heir of the Cristobal
Dominguez;

That about the year 1823 the
said Cristobal Dominguez died seized in
fee of said Rancho; at the time of his death
he left six children, to wit, Victoria, Manuel,
Marcelina, Helena, Narciso and Pedro, who
were by his will made to inherit equally the
said Estate and all the property of the said
deceased.

That the said Cristobal became
owner of said Rancho by the will of his
uncle Juan Jose Dominguez who died
seized thereof about the year 1809-10.
That the said Juan Jose Dominguez never
to his decease received a perfect grant of
said Rancho: but as the title papers were
lost or burnt by accident, it is not known
precisely in what year or by what Governor
said Concession was made; it is supposed
been made by Jose Dario Arguello, Governor
of the Californias, and as such vested with
ample powers in the premises

That said Concession
was notorious at the time, and has ever
been respected by succeeding Authorities.
That in the year 1823 Pablo Ponce Solo

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4 Then Governor of California, Ordered the said
Cristobal Dominguez to be put into complete
and uncontested possession and control of
of the said Rancho, in answer to the prayer
of the said Cristobal, "That in all time the
Rancho of San Pedro shall appear to have
but one Owner" and this decree of the Gover-
nor was made against the conflicting
pretensions of other parties, and to prevent
thereafter Misunderstanding, the said Govern-
or decreed all other pretensions to said Rancho
decreed by the said Cristobal or his heirs
should remain in absolute dominion thereof.
That said Cristobal occupied said Rancho
from a short time subsequent to the death
of the said Juan Jose until his own decease
as aforesaid; and since that time the
heirs of the said Cristobal have continued
in occupation, up to the present date, among
whom your petitioner has been considered
possession.

That said Rancho of San Pedro
is bounded as follows: Beginning at a
large Alder tree, which stands as a land
mark between said Rancho and the lands
of Antonio Maria Sego, running East
to the river San Gabriel; Thence Southward
along said river to the sea; Thence Westward
along the coast to a point opposite the
Salt pits ("La Salina") Thence Northward
along where the rocks are placed at inter-
vals as land marks to the place of begin-
ning; all of which tract has been for a
great many years and still is possessed
by the aforesaid heirs (or their legal represen-
tatives) of said Cristobal Dominguez.

That said Manuel Dominguez
one of the heirs aforesaid of said Cristobal
Dominguez, has presented a joint petition
with the other aforesaid heirs or their legal
representatives, to the Excelsior of your petitioner

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in which they claim to themselves the confirmation of possession and property, said petition having been filed in the Secretary's Office of your Hon. Board Oct 19. 1852. No. 398 in which petition the said Maneez claims to have purchased in the year 1835 all the rights of your petitioner in and to said Rancho of San Pedro.

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Your petitioner has, since the filing of said petition commenced action against the said Maneez in the District of the 1st Judicial District for the County of Los Angeles, praying the said Court to set aside any claim, pretension, or title paper of the said Maneez in and to the right of your petitioner to the Rancho of San Pedro, for the reasons set forth in said prayer to said Court;

And your petitioner denies that he ever sold or conveyed to the said Maneez or to any other person his said right and interest in the said Rancho. And he asks to intervene as against the said claim of the said Maneez Dominguez, so far as the one undivided sixth part of the said Rancho belonging to your petitioner is concerned, and he prays for suspension of the confirmation of said claim of the said Maneez as against your petitioner until the said action pending in said District Court is there decided.

Said Rancho has not been surveyed by the United States Surveyor General for California. Your petitioner relies in support of his claim upon the following Documentary Evidence hereunto.

1st. Copy of Petition & Decree marked A
2^d. Translation thereof marked B

He will rely upon such other Documentary Evidence, and such Oral Testimony as the Nature of his Case may demand.

And he prays for the

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Confirmation of his aforesaid claim
And as in duty bound to

Scott & Granger
Atty. for Petitioners

Nov. 9th. 1852

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Filed in Office Nov. 12th. 1852

Geo. Fisher Secy

Recorded in Record of Petitions Vol 1
pages 440. 441. 442 & 443

Geo. Fisher Secy

EXRE

7
Nazaros Do
mmiguez

Dr. Gobernador. Cristoval Dominguez
Sargento de la Compañia de Caballeria
presencial de S. Diego del Rancho de V.
D. en el Censo Respecto y sumision de
deve, ante V. D. con que se y dice; que
haviendose presentado el duplicante hace
cinco años a V. D. por otro memorial a
fin de qd. se cumpliera el Testamento
de su tío Juan Jose Dominguez (ya difun-
to) como en Efecto se cumplió teniendolo
a bien la superioridad de V. D. queda
se el duplicante por un ei heredero del
Rancho de S. Pedro segun el Testamento
del Difunto Juan Jose Dominguez, pero
D. y Lefemio como al Difunto se le que-
maron y perdieron los papeles autorizados
por el Gobernador de la península con
tesoros de V. D. pide el duplicante se
sura por un Efecto de su benignidad
darle un papel autorizado de V. D.
para que en todo tiempo conste el of.
el Rancho de S. Pedro no tiene, mas bien
que el of. duplica. Asi mismo hace sa-
ver a V. D. que al Repellido sitio se le ha
acotado sus linderos, a pedimiento
de los Vecinos del pueblo como con-
sta por Orden superior de V. D. p. culto
motivo pide el duplicante saque
Dolores de pulveda el Ganado que
tiene en el Rancho de S. Pedro pues
este por sinpura de las manadas tiene
de echo a tener manada en el Rancho
pues hoy, para pasen de echo ciento
Reses las que tiene dicho Dolores de
pulveda siendo asi que lo mandado
por V. D. es que no deben hallaren echo
sitio mas que dos perris de herar y
dos señales uno del heredero y su se-
ñal y otro de D. Mant. Gutierrez y
su señal. suplico Respetuosamente
se el pno (si lo halla p. conveniente)
darle al duplicante dicho Documento

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autorizado de V. O. para que en todo tiempo conste ser el of. suplico Dueño del sitio de Dⁿ Pedro y en sus fallecim^{to}. su mujer e hijos y que durante la vida de Dⁿ Manuel Gutierrez subsistan sus bienes en el sitio pero muerto esto no solo los de los herederos; es preciso que espere al cargo de V. O. por un efecto de su criacion como celo y Recta justificacion.

A Diep 3 de Diciembre de 1822
Christoval Dominguez

Decreto del
Gobierno. 3 Diep 31 de Diciembre
de 1822.

Como al individuo contenido en Estam^{ta} stancia le pertenecen por herencia el Rancho nombrado Dⁿ Pedro que le dejó el finado su tío Juan José Dominguez en el cual tiene Dⁿ Manuel Gutierrez demarcados de su pertenencia de p^{ra} y conforme lo dispuso en Agosto de 1814 por convenio que ante mí hicieron Gutierrez y Dominguez pero con la circunstancia de q^{ue} cuando fallezca Dⁿ Manuel Gutierrez deberan sacar sus herederos del expresado Rancho los ganados y demas bienes de su pertenencia p^{ra} q^{ue} quede en absoluta dominio de el Sargento Dominguez o sus herederos y p^{ra} evitar en lo sucesivo discordias en Dolores depulpeda cerca del número llamado q^{ue} dice lo tiene introducido en el Repetido Rancho (si esto fuese cierto) ocurria con este Documento a los Acs del Distrito Ayuntamiento del pueblo de nuestro O. de los Angeles esentuanelo en este caso a su Alcalde con estuacion oral p^{ra} sa el mismo Sr Gutierrez y para que se estraygan del Repetido Rancho el mucho número de Cabezas de 66

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Ganado Mariposa que Depu lve da ha
introducido en el; dan dole por ello el
pudiente tiempo necesario para qd no
le Resulte perjuicio = Asi lo decreti mon
do y firmo el Sr Gobernador y Jefe politico
de Esta provincia presentandolo al Sen
gento Domingo de presidente ante el
Repetido Dicho el Ayuntamiento con este
documentu para qd sacando copia de el
por su secretario quedase archivado para
la devota constancia y fines con Dn
Pablo Vicente de Solis. A. U. O Hoy
dia 1 de Febrero de 1823. de Ejecuto
lo Ordenado por el Sr Gobernador y
Jefe politico de Esta provincia Dn
Pablo Vicente sola de quedas archiva
do en Este pueblo de St. J. de los Ange
les, el memorial y Decreto que antes
de el mismo Sr. Senente Cristoval
Dominguez y por consta la firmacion
dichos Dros con el Sr secretario de dicho
Sr. St. en dicho dia, mes y año.

Juan Ballestaro.

Juan Estephan como Alvarado
Francisco Morales (secretario)
Es copia de su Original puesto de
Sr Diego, el onemhe 25 de 1829.

Agustin V. Zambrano

I Certify the foregoing to be a true & correct
copy from the Spanish Original on
file in this Office in Case No 398.

Office of the Board of
Land Commissioners for
California

Los Angeles Oct 25th 1852

Geo. Fisher Secy

Filed in Office
Nov. 12th 1852

Geo. Fisher Secy

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[Faint, illegible handwriting covering the majority of the page]

1848
 1848

Translation of
Petition and
Decree.

To His Excellency the Governor
Cristobal Dominguez,
Sargent of the Cavalry Company at San Diego
under Command of your Honor, with all
due respect and veneration appear before
you and say, that having presented to you
a paper five years since by another
Memorial to the end that the will of my
uncle Jose Dominguez (now deceased) might
be complied with, as in effect the petition
desires, and that your Honor might direct
me in all things, and that it might be
commanded by your Honor, that the will
should be complied with, as in effect
it was complied with, as in effect it was
complied with owing to the superior good-
ness of your Honor,

That the petition should
remain sole heir of the Rancho of San Pedro
according to the deceased Jose Dominguez,
but my Lord and Chief as the papers
authorized by the San Governor of the Penin-
sula your Honor's precepts were burned
and lost to the deceased, the petitioner
asks as a consequence of your benignity
that it would please you to give him a
paper authorized by your Honor, that in
all time it shall appear that the Rancho
of the San Pedro has but one owner to wit
the Petitioner.

Likewise that your Honor may
cause to be made known that the bound-
aries to the aforesaid have been
reopened by request of residents of the
Pueblo, as appears by Spanish Order of
your Honor; for which reason the petitioner
asks that Dolores Sepulveda withdraw
the stock which he has in the Rancho of
San Pedro, for he has by no reason a right
to have contract in the Rancho, and because
at this date the cattle which the said

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Colores Sepulveda has is more than Eight
 hundred head, there it may be three or four
 by your Honor, that there begette not to
 be in said trace more than two branding
 Irons and two Ear Marks, One of the head
 with its Ear Mark and the other of Don
 Manuella Giteñez with its Ear mark.

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He humbly asks ^{that} your Honor may accept
 of he deemed it convenient to give to the
 petitioner said Documente Authorize by
 the Govern that in all time it may app
 ear that the petitioner is Owner of the
 trace of San Pedro, and at his decease
 his wife and Sons, and that during the
 life of Don Manuella Giteñez, his stock
 may be kept on the trace, but at his death
 this property may not belong to his heirs
 this is the favor that the petitioner hopes
 to meet from your Honor, as the result of
 your most Christian zeal and unceasing
 sense of Justice.

San Diego. December 3rd 1833
 Cristobal Dominguez

Decree of the Governmēt
 San Diego December 31st 1833

As to the
 incidental mentioned in this petition
 belongs by legacy the ranch called San Pedro
 which his late uncle Juan Jose Dominguez
 left him, on which Don Manuella Giteñez
 has Cattle of his own property, according to
 and in Conformity with the disposition in
 August 1817 made by agreement before
 me, between Giteñez and Dominguez,
 but with the understanding that when
 Don Manuella Giteñez dies, his heirs
 should receive from the aforesaid
 Ranch the Cattle and the other stock
 of his property, so that the Sargant Dominguez
 or his heirs should remain in absolute

dominion thereof, and to prevent hereafter
 Misunderstanding with Dolores Sepulveda
 Concerning her Numerous Cattle, which he
 is said to have introduced into the afore
 said Ranch (if it should be cut off) he
 (the petitioner) shall go with this Docum
 ent to the Maps of the Illustrations Town
 Council of San Jacinto of Los Angeles;
 provided that the same Gentlemen shall
 not act as Constitutional Alcaldes in this
 Case, in Order that the great Number of
 Sixty Six head of large Cattle which
 Sepulveda has introduced thereon may
 be removed from the aforesaid Ranch
 giving him Sufficient time for that object
 that no prejudice may result to him.

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Thus the Sr Govern our
 political Chief decreed it, Ordered and
 signed it, arranging it before hand that
 Sergeant Dominguez present himself before
 the aforesaid Town Council with this Docum
 ent, that its Secretary taking a Copy thereof
 it may remain in the Archives for due
 preservation and other purposes.

Pablo Vicente Gola N. G. H. et this date
 February 8th. 1823. The Order made by the
 Sr Govern our political Chief of this
 Province. Don Pablo Vicente Gola to keep
 in the Archives in the Town of the City
 of Los Angeles, the Memorial and the decree
 that precede, of the said Sergeant Cristobal
 Dominguez, is executed, and that it thus
 appears, the said Maps signed it with
 the Secretary of said Illustrations Town Council
 On the said day Month and year
 Francisco Morales. Juan Ballisteras

Secretary Juan Nepomuceno Alvarado
 This is a Copy from its Original. Put up
 San Diego. November 20th. 1829
 Augustin de Samorano
 Filed in Office Nov. 12. 1852
 Geo. Fisher Secy

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15-
Opener of
Board

Nasario Dominguez }
vs
The United States }

For an undivided
Sixth part of the place
Called San Pedro in
Los Angeles County contain
ing about 10 square leagues of land

This claim has no evidence in its support
and must consequently be rejected

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Rejected
Filed in Office Jan. 3, 1855
Geo. Fisher Secy
Reference in Review of Decisions
Vol 2 pag 441
Geo. Fisher Secy

Decree

Nasario Dominguez }
vs
The United States }

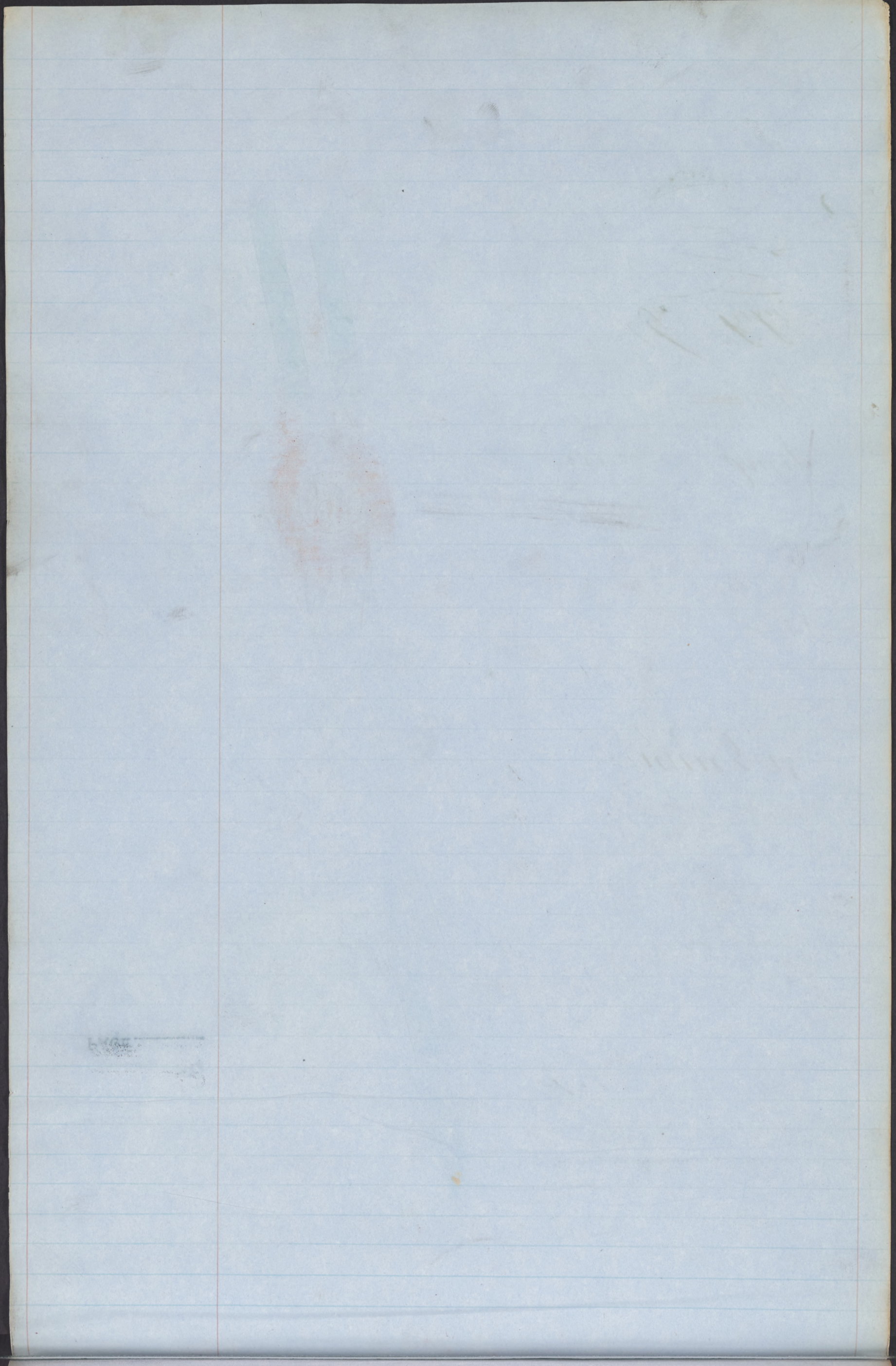
In this case on hearing
the proofs and allegations it is adjudged
that the claim of the petitioner is not valid
and it is therefore decreed that his applica-
tion for a Confirmation thereof be
denied

Filed in Office
Jan. 2, 1855
Geo. Fisher
Secy

Alpheus Felch }
A. C. Thompson }
S. B. Lawrence }

Commissioners

And it appearing to the satisfaction of this
Board, that the same hereby adjudged is
situated in the Southern District of California
It is ordered that two transcripts of the proce-
dings, ^{and decision} in this case and of the papers and docu-
ments which the same are founded be made
out and certified by the Secretary of this Board
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
Secretary General of the United States.



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Office of the Board of Commissioners,

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

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 *Fifteen* — pages, numbered from
1 to 15, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
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. 48 on the Docket of the said Board,

and in
Vasario Dominguez is —
the Claimant against the United States, for the place known by
the name of "San Pedro."

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
thirty first — day of *July*
A. D. 1855, and of the Independence of the
United States of America the *seventy-eight*th.

G. Fisher
G. Fisher



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U. S. DISTRICT COURT,
Santhum District of California.

No. 313.

THE UNITED STATES,

vs.

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Nasano Dominguez
San Pedro.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *480*

Filed, *Oct 23* - 1855

J. C. Jan.
A. K.

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"San Pedro"

118-4-11

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U. S. DISTRICT COURT,
San Pedro District of California.

No. 313.

THE UNITED STATES,

v.s.

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Nasano Dominguez
San Pedro.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *480*

Filed, *Oct 23* 185*5*

J. C. Jan.
A. K.

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"San Pedro"

1871

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

Nasario Dominguez } Case No 313
Appellant }
by } Transcript No 480
The United States }
Attorneys. } "San Pedro"

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Appeal taken from the final decision
of the Board of Commissioners to ascertain &
settle the private land claims in the State of
California on the 23^d day of October, 1853,
by the said Board having filed with the Clerk
of the above Court a certified transcript of
their proceedings and decision in the said
case and of the papers and evidence upon
which the same are founded, being No 480,
on the Docket of said Board.

Notice is hereby given that Nasario
Dominguez, Appellant in the above entitled
cause and Claimant before the aforesaid
Board in a claim for a tract of land called
San Pedro situate in the Southern District
of California, will prosecute the appeal
herein from the final decision of said
Board rejecting the claim of said Claim-
ant and Appellant.

J R Frost

Attorney for Appellant

Case No 313.
U.S. Dist. Court, Southern
District of California

Nasario Dominguez
Appellant

vs

The United States
Appellees

Notice of Appeal

Filed Dec 21st 1857

J. E. Lang,
Clerk.

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J. R. Scott.