

CASE NO.

344

SOUTHERN DISTRICT

SAN EMIDEON GRANT

FRANCISCO DOMINGUEZ, ET AL

CLAIMANT

LAND CASE 344 SD

67 pages

NOV 1 1962

MAR 23 1963

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TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *5-5-6.*

Francisco Dominguez, et al, CLAIMANT *S.*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Emideon"

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33 NY 23

PROCEEDINGS

1911

1911

1911

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 *fifth day of February*, Anno Domini One Thousand Eight Hundred and Fifty-*three*, 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 *Francisco Dominguez* *et al* for the Place named "*San Emidson*" was presented, and ordered to be filed and docketed with No. *556*, and is as follows, to wit;

(Vide page *5* of this Transcript.)

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

San Francisco Dec: 5 - 1854 -
Case No. *556*, *Francisco Dominguez et al*, for the place named "*San Emidson*", was ordered to be placed at the foot of the *3^d* Class cases on the Trial Docket.

San Francisco Dec: 19, 1854 -
Case No. *556*, was submitted under the Rule of March *2^d* 1854 -

San Francisco December 26, 1854
In the same case Commissioner *Alphus Allen* delivered the Opinion of the Board rejecting the claim. *57*

(Vide page *5* of this Transcript.)
And the following ~~was~~ was made to wit:

(Vide page *5* of this Transcript.)

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San Francisco Feb 20, 1855 -
In the same case the Counsel for the claim-
ants filed the following affidavit, to wit:
(Vide pag 47 of this Transcript.)
And the prayer of the petitioner therein was
taken under advisement.

San Francisco Feb 27, 1855 -
In the same case Commissioner ~~Albuer~~
Fisher delivered the decision of the Board up-
on the Counsel of the Claimants motion,
filed heretofore, to wit, on the 20th instant
granting the same.

Whereupon it is Ordered, That
the decree of rejection, entered heretofore, to
wit: on the 20th December last, be set
aside, and the Case be restored to the
trial Docket and placed at the foot
thereof.

San Francisco March 22, 1855 -
Case No. 556 was assigned for hearing on the
3rd day of April next.

San Francisco March 27, 1855 -
In the same case the depositions of Juan
B. Alvarado and Jose Maria Covarrubias,
witnesses in behalf of the Claimants, ta-
ken before Commissioner Peter Scott, the
last with document marked "Exhibit
A & B" annexed thereto, were filed.
(Vide pages 9 & 10 of this Transcript.)

San Francisco March 30, 1855 -
In the same case the deposition of Pablo
de la Guerra, a witness in behalf of the
Claimants, taken before Commissioner
Peter Scott, with document marked "Ex-
hibit A & B" annexed thereto was filed.
(Vide page 15 of this Transcript.)

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San Francisco April 3, 1855=
In the same case the Counsel for the Claimant filed the following motion, to wit:

(Vide page 48 of this Transcript.)
which motion was taken under advisement by the Board -

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San Francisco April 17, 1855=
In the same case Commissioner R. A. Thompson delivered the decision of the Board upon the motion heretofore filed to wit, the 3^d instant, overruling the same -

To which decision the Counsel for the claimants filed the following Exception, which was ordered to be made a part of the record herof, to wit:

(Vide page 49 of this Transcript.)

San Francisco May 8, 1855=
Case No. 556 was submitted without argument and taken under advisement.

San Francisco June 19, 1855=
In the same case Commissioner J. B. Hallwell delivered the Opinion of the Board confirming the claim -

(Vide page 52 of this Transcript.)
And the following order was made, to wit:
(Vide page 53 of this Transcript.)

S.

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Petition

To the Honorable the Commissioners of the United States for the adjudication of California Land Claims

The Petition and Notice of Francisco Dominguez, Isabel Dominguez, Jose Antonio Dominguez, Maria Ygnacia Dominguez de Alvarado and Jose Maria Gutierrez and Maria Antonia Dominguez de Calabazas and Francisco Gutierrez Gutierrez (which said Francisco Dominguez, Isabel Dominguez, Jose Antonio Dominguez, Maria Ygnacia Dominguez de Alvarado and Maria Antonia Dominguez de Calabazas and the children and heirs of Jose Antonio Dominguez, late of Santa Barbara in the State of California deceased and John Alvarado President of the Citizens of the United States respectfully shew unto your Honorable Board that

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on the 11th day of July 1842 at Monterey John B. Alvarado then Constitutional Governor of the Department of California by virtue of the powers vested in him as such Governor and in pursuance of the Laws and Regulations of the Mexican Government in that behalf made issued and returned unto the said Jose Antonio Dominguez deceased (then in full life) a certain decree manifest and in common of lands upon stamped paper (written signed and certified by Manuel Jimenez then Secretary of the said Department) in the words and figures following to wit
"Dello primero deis pesos: Hechita de provision almt.
por la Ciudadana Maritima de Monterey para los años de 1822 y 1823. Alvarado.

Antonio M^a Pico.

Don J. B. Alvarado Gobernador Constitucional del Departamento de California
Por cuanto el Ciudadano Jose Antonio Dominguez ha pretendido para su beneficio y el de su familia enaño sitos de ganado mayor en el paraje conocido con el nombre de San Emidio comenzando los linderos desde la Orilla de la Laguna por la parte del Oriente: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispone lo por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana

he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sujetandose a la aprobacion de la Excm^a Junta Departamental y bajo las condiciones siguientes.

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1^a Podrá cercarlo sin perjudicar las trancías caminos y servidumbres lo disputará libre y exclusivamente destinandolo al uso o cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada.

2^a Solicitara del juez respectivo que le dé la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites no haya a mas de las mencionadas algunos arboles frutales o silvestres de alguna utilidad.

3^a El terreno de que se hace donacion es de cultivo de ganado mayor segun explica el diseño que corre agregado en el Expediente respectivo. El juez que diere la posesion lo hará medir conforme a Ordenanza quedando el sobrante que resulte a la Excm^a para los usos convenientes.

4^a Si contuviere a estas condiciones por su derecho al terreno y sera denunciado por otro: En consecuencia mando que teniendo por firme y valiendo el presente titulo se tome razon de el en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a catorce de Julio de mil ochocientos cuarenta y dos.

Juan B. Alvarado # Mand. Jmno Srío
Queda tomada razon de este despacho en el libro de decretos sobre adjudicacion de terreno Valeros a pagas 14. Quelta. Jmno
El Excmo Gobernador ha dispuesto se tome razon de esta consecucion en la prefectura del segundo Distrito
Jmno

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and your said Petitioners account to this their Pe-
 - tition and notice a translation of the original
 of said decree and commission about said
 Petition and notice) marked Exhibit A and
 your Petitioners further shew that the Petition
 on which said Grant and decree were made
 and other papers pertaining thereto with note
 or entry thereof in the proper book as shown in
 the office of the Surveyor General of the United
 States for California were destroyed at the
 hearing of this cause and that the decree
 or Grant ~~and~~ the original Grant or
 commission accompanies the same and will
 also be produced at the hearing of this cause

Your
 Petitioners further shew that said tract of four
 leagues of land so as aforesaid granted to the
 said Jose Antonio Dominguez (since deceased)
 is situated in the County of Santa Barbara
 at the place indicated by said Grant and
 Decree that the same has never been regularly
 surveyed but that the said Jose Antonio Domi-
 - nguez in his life time and his children and
 heirs since his death and the said John
 Charles Fremont since the conveyance therein
 after mentioned have possessed and exercised
 acts of ownership over said four leagues of
 land so granted as aforesaid and that your
 said Petitioners are now possessing and
 exercising acts of ownership over the same
 and that the said tract of land is known and
 called by the name of the Rancho de San Cecilio

and
 your Petitioners further shew that sometime
 after the original Grant the said Jose Anto-
 - nio Dominguez departed this life leaving his
 widow Francisca Villada Dominguez and
 his said children (petitioners in this behalf)
 his heirs and that after the death of the said
 Jose Antonio Dominguez by a deed executed
 on the 27th day of November 1834 and acknowl-
 - edged and recorded in the County of Santa Bar-
 - bara between the said Francisca Villada de
 Dominguez of the one part and your petitioners the
 said John Charles Fremont of the other part

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The said Francisca Villa de Dominguez for
the consideration of Ten Thousand dollars
sold and conveyed to the said Fremont all
his interest and property in said tract of land
in full receipt and well fully appear
by reference to the said deed a translation
from the original which is annexed to this
petition and notice as part thereof and numbered
Exhibit B, and which original and will be
produced at the hearing of this cause

And that
by said hearing date the 18th day of March 1852
and duly acknowledged and recorded in said
County of Santa Barbara between your Petitioner
the said John Alonzo Fremont of the second
part and all your said other petitioners of the
first part the parties of the first part (Petitioners
in this behalf) confessed to the party of the
second part (the said Fremont) and con-
fessed to him in full receipt.

The one equal undivided
half part of the said tract of land being the same
half part thereof was as aforesaid sold and conveyed
to him by the said Francisca Villa de Dom-
inguez and well fully appear by reference to
the said deed a copy whereof is annexed to this
petition and notice as part thereof and numbered
Exhibit C, and the original of which will be
produced at the hearing of this cause

Your Petitioners are therefore the present claimants
of the said tract of four leagues of land and
owners of the same (the said children and heirs
of the said Jose Antonio Dominguez claiming and
owning the one undivided half part thereof and the
said John Alonzo Fremont claiming and owning
the other undivided half part thereof) and that there
are no human intruder or encroaching claimants to said
tract of land they therefore respectfully claim
to be in said land to be confirmed that no order be made
directing a partitioning survey of the same & that they
be allowed to make proofs in their claims and for
such further relief as by Law they are entitled to.

Lockwood & Hammond

Attorneys for Petitioners

Filed in Office Feb 5th 1853 Geo Foster Secy

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Depts of José
M. Covarrubias.

556
United States of America
State of California

San Francisco March 26, 1855.

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This day came before Peter Scott Com-
missioner for taking testimony to be used be-
fore the Board of U. S. Land Commissioners
in said State, José M. Covarrubias, a wit-
ness on behalf of the claimants, José An-
tonio Dominguez in Case No. 556 on the
Docket of said Board and said witness
being sworn deposed as follows.

The U. S. Law Agent is present.

Questions by Mr. Tyler for Claimant.

1st Question.

What is your name, age
and residence?

Answer.

My name is José Maria Co-
varrubias, my age 47 years, my resi-
dence Santa Barbara California.

2^d Question.

Look at the document now
shown you marked "A P L" as an Exhibit
herin, and state whether you are ac-
quainted with the hand writing of Juan
B. Alvarado and Manuel Jimeno, if yes,
state your means of knowledge, and also
whether their ~~has~~ respective Signatures
whenever they occur in said document are
genuine?

Answer.

I am acquainted with the
hand writing of both the persons named
and also with that of Antonio M. Oro,
whose name appears signed hereto the
authentication of this paper. I have seen
them all write, and I believe these all to
be their genuine signatures in this doc-
ument.

3^d Question.

State whether said document contains a grant by Alvarado, as Governor, in the form and with the conditions usual in making grants at the time when that purports to have been made and how you know?

Answer.

It does. I was Secretary of the Department of California under Pio Pico, and was familiar with the Archives and understood the usual forms of granting lands from my connection with the Government and my general knowledge of the business of Secretary.

J. M. Covarrubias.

Subscribed and
Sworn to before me
on this 26th day of
March, A.D., 1855.

Peter Gott, Commissioner

Filed in Office March 27, 1855.
Geo. Fisher,
Clerk.

United States of America
State of California

Depto of Juan
B. Alvarado

San Francisco, March 26, 1855.

This day came before Peter Gott, Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners in said State Juan B. Alvarado, a witness on behalf of the claimant José Antonio Dominguez, in Case No. 556, on the docket of said Board, and said witness being sworn deposed in Spanish which was interpreted by the Interpreter to said Board as follows:

The U. S. Law Agent is present.

Questions by Mr. Tyler for Claimant.

1st Question.

What is your name, age and place of residence?

Answer.

My name is Juan B. Alvarado my age 46 years and I reside in Contra Costa County California.

2^d Question.

~~What~~ My name is Juan B. Alvarado Look at the paper now shown you purporting to be an original grant marked "A.P.S." annexed to the deposition of José Maria Covarrubias and herein exhibited and state whether you are the grantor therein named and whether the same was made at the time it bears date?

Answer.

I have examined the said paper marked "A.P.S." and state that I am the person whose name is thereto affixed as grantor and I made the said grant at the time it bears date and my signature thereto is in my own hand writing.

3^d Question.

Are you acquainted with the handwriting of Manuel Jimeno whose name appears on the said document, if yes, state your means of knowledge and whether the signatures therein purporting to be his are genuine?

Answer.

I am acquainted with the handwriting of said Manuel Jimeno.

He was my Secretary and I have seen him write very often.

His signatures where they appear on the said document are genuine.

4th Question.

What office did you hold

if any at the date of the said document A.P.B. in California?

Answer.

At the time the said paper bears date, I was Constitutional Governor of the Californias.

5th Question.

State whether you as Governor of California made many grants of public lands and whether you were then well acquainted with the form and manner of granting public lands?

Answer.

As Governor, I made a great many grants of public lands and I was then well acquainted with the forms and rules usually observed in the making of such grants.

6th Question.

Is the document just shown to you and marked as aforesaid an original grant and was it made in accordance with the laws and usages at that time in force as to granting public lands in California?

Answer.

The said document is an original grant and was made in accordance with the laws and usages at that time in force as to granting public lands in California.

7th Question.

State whether the paper on which said original grant is written was or was not of the legal class of stamped paper at that time used for grants of that kind?

Answer.

The paper on which the grant referred to is made, is of one class of stamped paper that was used for making of such grants.

8th Question.

Look at the map on-

8th Question ob- ~~ject~~ referred annexed to the original grant
ject to by the referred to and state whether the same is or is
Law Agent, as not a map of the land, intended to be con-
veyed by said grant?
being an at-
tempt to prove
by parole.

Answer.
I have examined the said
map and I believe it to be the same
that I had before me at the time of ma-
king the said grant and is a map of
the land intended to be conveyed thereby.

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Cross-Examined by the United States
Law Agent.

1st Question -

Is the document marked
A.P.S. written upon stamped paper?

Answer.

It is written upon paper
legally habilitado and is equivalent to
stamped paper.

2^d Question.

Are you acquainted
with the laws of Mexico relating to papel
sellado as they were in 1841 and 1842, if
you, on what stamp were conveyances
of land allowed to be written?

Answer.

I do not remember to
have seen any thing in the laws of
Mexico of 1841 and 1842 upon the sub-
ject of papel sellado, which had spe-
cial reference to the class of papel se-
llado upon which conveyances of
land were to be made.

Figueroa was the first who estab-
lished the practice of making grants
or conveyances of land upon paper of
the first stamp worth \$6 - but I do
not know upon what authority he did
so. The custom or usage was afterwards
changed, and it became common to
make such documents on paper of

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almost any stamp, and even on common paper.

3^d Question. When did you last see the map which has been shown to you before seeing it this day?

Answer.

As well as I can remember this map is the same that accompanied the petition of Jose Antonio Dominguez and which was still in the Expediente when it was returned to me with the reports from the Southern District previous to making the grant. I have not seen it since then until to-day.

4th Question.

Did you ever see the land described in the map shown you?

Answer.

No, I have never seen it.

5th Question. Point out on the map the lines set down in this grant?

Answer.

On the East I find the point marked on said map "Laguna", the margin of which is a boundary called for in the grant.

6th Question.

There being no scale on the map, how could you ascertain the quantity of land embraced in the grant by the map?

Answer.

I understood that the land represented by the said map embraced four leagues, and thereupon the title was granted for the lands called for in the diseno. I believed there to be that quantity because the petitioner so represented it and nothing to the contrary was mentioned in the reports made upon his petition.

7th Question.

Why did you provide

15-

in the grant for an overplus?
Answer.

In order that if there should be more land than was granted, it might remain to the nation -

Juan B. Alvarado.

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Subscribed and sworn to before me on this 27th day of March A.D. 1855.

Peter Scott,
Commissioner.

Filed in Office, March 27th 1855.

Geo. Fisher,
Scrib.

United States of America 3
State of California 3 p.

Deposition
of
P. de la Guerra.

San Francisco March 30, 1855.

This day came before Peter Scott, Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State Don Pablo de la Guerra, a witness on behalf of the claimant, Jose Gut. Dominguez, in Case No. 556 on the docket of this Board, and said witness being sworn deposed as follows:

The U. S. Law Agent is present.

Questions by Mr. Lockwood for claimant -

1st Question.

What is your name, age and residence?

Answer.

My name is Pablo de la Guerra, my age 35 years, my residence

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in Santa Barbara California.

2^d Question -

How long have you resided in California?

Answer -

All my life -

3^d Question -

Are you acquainted with the laws and usages of the Mexican Government relative to the granting of public lands in California?

Answer -

I think I am -

4th Question -

Look at the document now shown to you marked "A.P.S." as an Exhibit to this deposition and state what you know of the genuineness of the signatures therein written, and also state what you know of the official position of the persons whose names are thereto subscribed at the time said instrument bears date, and what you know of the conformity of said document to the usual mode of granting lands at that period?

Answer -

The signatures of Juan B. Alvarado, Antonio Maria Osio and Manuel Jimeno, wherever they occur in said document, are genuine.

I know the signatures well. I have seen them all write. The Caption of this instrument, authenticating it as stamped paper in my own hand writing. I was then 2^d Officer in the Custom House, under said Osio. This document is in the usual form used at that time for making grants, and from its general appearance and my knowledge of the signatures, as well as the fact that Alvarado was Governor and said Jimeno Secretary at the date of this grant, I believe this to be a genuine document.

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5th Question.

Was you acquainted with Jose Antonio Dominguez, the original grantee in this case, if you, when and how long?

Answer.

I was acquainted with him from my childhood until the time of his death, which, I think, was in 1843 or 1844. He died of Small Pox, I think, at the Mission of Purisima.

6th Question.

Did he have a family, if you, who were they?

Answer.

He left a widow, named Francisca Villa, and some six or seven children, I believe, Maria Ignacia Dominguez, Jose Antonio Dominguez and some others, who died, or perhaps only one, a daughter. The widow and such as I have named, I think, are still living and the only ones who are.

Maria Ignacia is married to Francisco Caballero, and the others, I think, are all single.

7th Question.

Look at the document, now shown to you marked "B B." as an Exhibit hereto, and state what you know of the genuineness thereof, or of the signatures thereto.

Answer.

I am acquainted with the handwriting of John Charles Fremont, and I believe his signature to this document to be genuine; and I am also acquainted with the handwriting of Anastasio Carrillo and Nicolas A. Du, who are subscribing witnesses hereto, and these are their genuine signatures. I also know the handwriting of Raymundo Carrillo, and I know that he was acting as a Notary Public in Santa Barbara County.

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in 1851, and this certificate of acknowledgment here is in his own hand writing and signed by his genuine signature. I have seen him write and know his handwriting well.

8th Question.

Now look at the document, marked "C. S. P." as an Exhibit here in, and state what you know of the execution thereof?

Answer.

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I saw this deed executed. Francisco Caballero signed his name to it in my presence. I saw him do it, and I also saw Maria Ignacia Dominguez de Olivera, Jose Olivera, Isabel Dominguez, Francisco Dominguez and Jose Antonio Dominguez all make their marks respectively, when they appear as having executed said deed, and I also saw William A. Stretter, Victorino Charles and Edw. S. Hoar sign said paper as witnesses, and this is my own signature, made at the time as a witness to the execution of said paper. The first written certificate of acknowledgment is in the hand writing of Henry Barnes, District Judge, and signed by him. I have seen him write and know his hand well, and the other is in the hand writing and signature of Raymundo Carrillo, of whose hand I have already testified herein - this is his genuine signature.

9th Question.

State what you know of Jose Antonio Dominguez or his family having occupied the land claimed in this case?

Answer.

Of my own personal knowledge, I cannot state that said Dominguez occupied said Rancho of "San Emidio". I only know that his cattle were

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This answer brought by his widow to the Ranchos of "La-
is objected by "Gema" of Octaviano Gutierrez and kept
the Laws Agent there for 3 or 4 years.

as hearsay &
incompetent.

I made the settlement between her
and Gutierrez for the keeping of said stock,
and I was told both by said widow and
said Gutierrez that the cattle were brought there
from the rancho of "San Emidio", where
said Dominguez had kept them before his
death and that the widow brought them
away from there, because it was so far in
the interior and too much exposed to the
Indians, and it was the common under-
standing about Santa Barbara that said
Dominguez occupied said "San Emidio"
with his cattle.

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Cross Examined by the U.S. Laws Agent.

1st Question.

Where did said Jose Anto-
nio Dominguez reside when you knew him?

Answer.

He resided up to about 1840
on one of my father's farms, I think. I
about that time moved to Monterey and
do not know positively where he resided.

Pablo de la Guerra.

Subscribed and sworn
to before me on this 30th
day of March, A.D., 1855.

Peter Gott

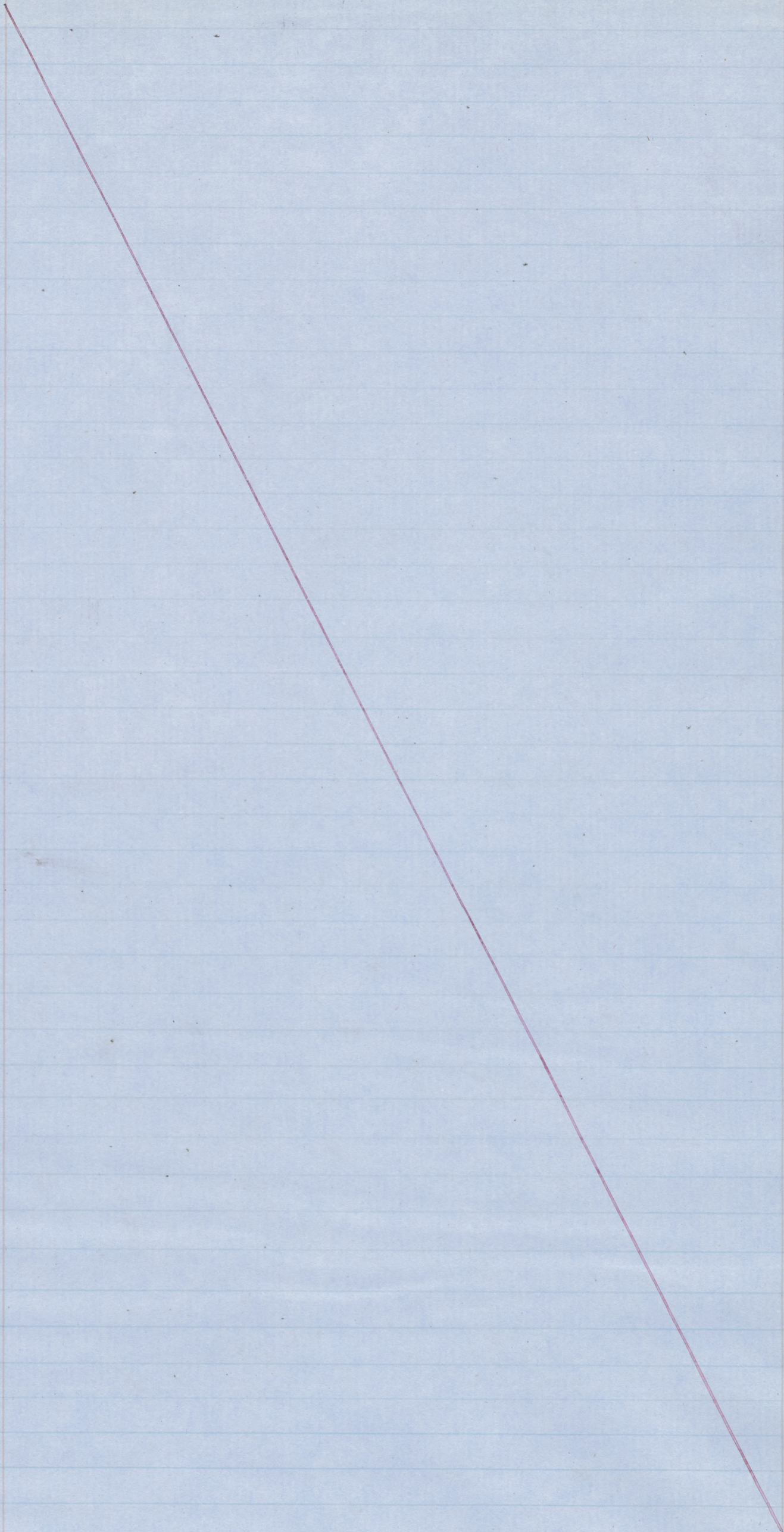
Commissioner

Filed in Office March 30th 1855.

Geo. Fisher

Secy

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21 1

Especto

Expediente

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Promovido por el Ciudadano

Jose Antonio Dominguez en Pretension

Del Paraje nombrado

San Emigdio

Año de 1842

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2. Año de 1842.

Especto promovido por el Decano
de Sta. Barbara Ciudadano Jose Antonio
Dominguez en Solicitud del Paraje

San Emigdio

3. *[Decorative flourish]*

Los: prefecto de Este Distrito

A. Juan Domingo 25 } José Antonio Dominguez
 de 1842. De con } Vecino del partido de Santa
 formidada con } Barbara ante V. D. con el
 las leyes y Regla } deido respecto y como mas
 mentos de la } haya lugar en derecho dijo
 materia informe } que V. D. mismo ha sido testigo
 el juez de paz de } de los graneros ha otros que
 Sr. Barba } he recibido por la cuestion
 parage q. se soli- } del parage que con consen-
 cita esta Valdi- } timiento del Gobno superi-
 si corresponde a } he ocupado llamado Dal
 alguna corporacion } de pueble que en atencion
 comunicada i par } a la ultima Resolucion
 ticula si el me- } del mismo Gobno he con-
 tendi- } tiene brevemente a de ocupar no
 ha cubrido y los } teniendo un sitio tan luego
 Requisitos neces } como me separa del refe-
 rios p. ser atendi } rido que debo de desp-
 do con todo lo de } seguridad de mis bienes
 mas q. parezca } de campo.

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4. combrit. a distan } Impuesto de q.
 la materia y hera } el conocido con el nombre
 guado este informe } de Sr. Emisario pertenece
 buelva el Expedite } a Santa Barbara a lo m-
 a esta prefectura } terior se encuentra absolu-
 p. los fines combri- } tamente Valdis hace bas-
 ntos y q. a que } tante tiempo de sus parage
 el int. el Diseno } presentare oportunitat.
 Respectivo. } el diseno respectivo, suplico
 a V. D. que practeada
 las diligencias que sean
 necesarias se sirva elevar todo Original
 a menos del C. D. Gobernador para q.
 S. C. haciendo el merito que crea justo
 de mis padecimientos tenga a bien conseder-
 melo. En Est hallare la gracia q. espero
 alcansar de su bondad por lo necesario
 q. Dirienlo de admitir la presente en
 papel comun por falta de sellado en el
 lugar.

Aquello }
 Pueblo de Sr. Juan Capistrano
 junio 25. de 1842. Antonio Dominguez

2. Pref^{to} del segundo distrito:

En cumplimiento del superior decreto de V. O. fha 25. del que finalizase informes que el paraje que se pretende esta Valdivia pues desde del año 24 lo abandonó la Misión de Sta. Barba que la persona que lo pretende tiene bienes p^o cubrirlos y los requisitos p^o ser atendidos es cuanto tengo que informar a V. O.

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Sta. Barba junio 30 / 1842
Joaq^ue Canillo

Exmo Señor.

Mandado practicar los inf^o de Costo p^o la solicitud q^u hace el Vecino de Sta. Barba Cuerno José Ant^o Dominguez al paraje de S. Emigdio se ve p^o el del juez de paz de aquel partido, es paraje Valdivia sin ocupacion ninguna, esta a la parte de la serrania de S. Buenavista pero mas inmediata a las Yermas de La Laguna de Buenavista en los Zuleos y p^o lo tanto no corresponde a particular ni corporacion ninguna y aun que el Diseño no esta correcto p^o abasar tenenos hasta el Cañon de las Uvas escusa de no haver inteligentes q^u los formen y en este caso se subzama este hevon en los sitios q^u he puesto una linea al Espreso de Diseño p^o correjirlo en parte.

En este consept^o el solicitante tiene suficientes bienes p^o cubrirlo es laborioso en circunstancias q^u lo hacen acreedor a ser atendido y p^o los trastornos q^u apadecido p^o no tener un sitio propio donde con toda seguridad puede fomentar sus bienes: lo q^u espone a V. O. p^o va de informe, pero en embargo de lo Espuesto. V. O. con mas acierto resuelva lo que fuere de su superior agrado.

pueblo de S. Juan Julio 5. de. 1842.
Monterey 14 de Julio de 1842

J. Canillo

y Vista la peticion con que da principio esta Exped^{te} con todo lo demas que se tubo preste y ver conrno de conformidad con las leyes

y Replamentos de la materia declaro al Ciudadano José Ant.º Dominguez dueño de una parte del paraje de Sr.º Emigdio comenzando sus linderos a la Orilla de la Laguna que esta por la parte del Oriente, siendo la Estension la de cuatro sitios de ganado mayor Libese el correspondiente despacho tomese razon en el Libro Respectivo y dirijase este Expediente a la Exma. Junta Departamental p^a su aprobacion.

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El Exmo. Sr. Gob.º asi lo mando decretar y firmo.

8. Exposicion q^d manifiesta la latitud y Longitud q^d tiene este terreno.

Del N^o de este q^d es el rumbo donde esta la piedra pintada hasta el cañon de las huabas o la Laguna q^d queda p^a el Oeste tiene por mas o menos siete leguas.

Del Sur a Norte que es decir de esta parte de la suria hacia las Lomas muerta tiene por mas o menos de cinco leguas.

{ Here follows }
{ Maps }

9. el conocimiento q^d debe tener de este terreno esta prefectura.

apud

10. Juan. B. Alvarado Gobernador Constitucional del Departamento de la California.

Por cuanto El Ciudadano José Antonio Dominguez ha pretendido cuatro sitios de Ganado mayor en el terreno conocido con el nombre de Sr.º Antonio Emigdio comenzando sus linderos desde la Orilla de la Laguna que se halla por la parte del Oriente; practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto

esth p^{ra} leyes y Reglamentos usando de las facultades que me son conferidos a nombre de la Nacion Mexicana, he venido en concederle el terreno mencionado declarandole la propiedad, de el p^{ra} las presentes letas sujetandose a la Aprobacion de la Exma Junta Departamental, y a las condiciones siguientes:

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1^{ra} podra cercarlo sin perjudicar las habecias caminos y sendas rumbos; lo disputara libre y Colectivamente destinandolo al uso y cultivo que mas le acomode, pero dentro de un año fabricara casa y Estera habitada de Solicitara del puez Respectivo que le de posesion juridica en virtud de este despacho por el cual se demarcaran los limites en unos limites pondran a mas de las mofoneras algunos arboles o frutales o silvestres de alguna utilidad

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11

3^o El terreno de que se hace donacion es de Cuatro sitios de ganado mayor por lo mas o menos segun explica el diceno que corre apegado en el expedite respectivo. El puez que daie la posesion lo hara medri conforme a Ordenanza quedando el sobrante que resulte a la Nacion para los usos que mas le convenga.

En consecuencia mando que teniendo p^{ra} firme y Valido este titulo se tome Razon de el en el libro respectivo y se entregue al interesado para su Resguardo y demas fines.

Dado en Monterrey a trece de julio de mil Ocho cientos Cuarenta y dos.

Office of the Surveyor General of the United States for California

J. John C. Hays Surveyor General of the United States for the State of California, once as such, having in my Office and in my charge and

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in custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the powers vested in me by Law, Do hereby certify that the Eleven preceding and hereinto annexed pages of tracing paper numbered from One to Eleven inclusive, exhibit a true and accurate copy of a certain document now on file and forming a part of the said Archives in this Office

(Seal) In Testimony Whereof I have hereunto signed my name officially and caused my seal of Office to be affixed at the City of San Francisco this thirty first day of March 1855.

John C. Hays

U. S. Surveyor Genl

for California

Filed in Office April 3rd 1855.

Geo. Fisher Secy

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Translation
of
Expediente.

Expediente instituted by citizen
Jose Antonio Dominguez in solicitation
of the place named "San Emigdio".

Year 1842.

289.

Year 1842.

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Expediente instituted by citizen
Jose Antonio Dominguez, citizen of
Santa Barbara, in solicitation of the
place, "San Emigdio".

Perfect's Seal Senor Perfecto of this
District

I, Jose Antonio Dominguez,
a resident of the Partido of Santa Bar-
bara, appear before your Excellency with
due respect, and in the best form of law
represent:

That Your Excellency has wit-
nessed the great downfall which I have
suffered in consequence of the suit rel-
ative to the place called "Sal-si-puedes"
which with the permission of the Super-
ior Government I have occupied, that
in attention to the late decision of the said
Government, I have agreed to abandon,
and not having a place for the security
of my stock immediately after relin-
quishing the said place which I have
to leave, having been informed that that
known by the name of "San Emigdio",
belonging to Santa Barbara to the inte-
rior for considerable time has been en-
tirely unoccupied, wherof in due time
I will present the respective claims, I
pray Your Excellency, after having taken
the necessary proceedings, will please
to forward the whole original to His
Excellency, the Governor, that, after due

consideration of my sufferings, His Excellency may be pleased to grant me whereby I shall find the favor I expect to receive from your kindness.

I swear the necessary &c.

Please admit the present on common paper for the want of sealed in this place.

Pueblo of San Juan Capistrano
June 25th 1842.

(Signed) Antonio Dominguez.

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(In the Margin)

San Juan, Junio 25 de 1842.

In conformity with the laws and regulations on the subject, the Juez de Paz of Santa Barbara will report whether the place petitioned for is vacant, whether it belongs to any corporation, community or individual, whether the petitioner has sufficient stock to occupy it, and the necessary requisites to be heard with every thing else that you may deem proper in explanation of the matter, and this report being concluded, return this Expediente to this Prefecture for convenient purposes, and that the interested party annex the respective diseno.

(Signed)

Arguello.

Prefect of the 2^a District,

In obedience to the Superior decree of Your Excellency of the 23th inst, I report that the place petitioned for is vacant, as it has been abandoned by the Mission of Santa Barbara ever since the year 1824, and that the petitioner has sufficient property to occupy it, and that he possesses the requisites necessary to be heard.

This is all I have to re-

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port to Your Excellency.

Santa Barbara, June 30th, 1842.

(Signed)

Joaquin Carrillo.

Most Excellent Sir,

The usual reports having been ordered to be made upon the petition of Citizen José Antonio Dominguez, resident of Santa Barbara, for the place called "San Emigdio," it appears from that of the juez of that Partido that it is vacant and entirely unoccupied; it is in the vicinity of the "Sierritas de San Buenaventura," but nearer to the plains of Buena Vista Lake in the Tulares, and therefore does not belong to any individual or corporation, and if the order is incorrect in embracing the lands to the "Cajon de las Ubas," in the consequence of there being no skillful (Surveyors) to form them, and in this case this error will be remedied by the sitios (square leagues) the Government may deem proper to grant; hence I have drawn a line across the aforesaid discos to correct it in part.

Taking this view of the matter, the petitioner has sufficient stock to occupy it and is an industrious man, wherefore he deserves to be heard, and for the downfall he has suffered for the want of a suitable place, where, with every security, he can protect his property; all of which I lay before Your Excellency, in the form of a report, but notwithstanding the foregoing, Your Excellency will determine with more prudence whatever may be your Superior pleasure.

Pueblo of San Juan July 5, 1842.

(Signed)

J. Arguello.

Monterey, July 14, 1842.

Having examined the petition at the head of this Expediente, the preceding reports and every thing else considered and necessary, to be examined in conformity with the laws and regulations upon the subject, I declare citizen Jose Antonio Dominguez to be the owner of a part of the place "San Emigdio", the boundaries thereof commencing at the margin of the Laguna which is on the Eastern side, being in extent four square leagues.

Let the corresponding Patent issue and be recorded in the proper Books, and let this Expediente be directed to the Most Excellent Departmental Assembly for its approval.

His Excellency, the Governor, there ordered decreed and signed it.

Explanation which shows the width and length of this district.

From the North West which is the corner in which the "Sierra Pintada" is to the "Laguna de las Uvas" or the "Laguna" which lies to the South West, it is seven leagues, a little more or less.

From South to North, that is from this part of the "Sierra" to the "Sierra Muertas," (barren hills) it is five leagues, a little more or less.

(Here follows the *diseño* which is a copy of the one in the original Spanish)

Note - It is considered that this line designates the extent of land embraced by this cession according to the knowledge of this Prefecture has of this land.

(Signed)
Arguillo.

Juan B. Alvarado Constitutional Governor of the Department of the Californias.

Whereas citizen José Antonio Dominguez has petitioned for four square leagues of land known by the name of "San Benigno", the boundaries thereof commencing from the margin of the Laguna situate on the Eastern Side, the necessary proceedings and investigations concerning the same having previously been had as provided by the laws and regulations, in the exercise of the powers with which I am invested, in the name of the Mexican Nation, I have concluded to grant to him the aforesaid tract of land, hereby declaring him the owner-ship thereof, subject to the approval of

The Most Excellent Departmental Assembly and the following conditions:

1st He may enclose it without prejudice to the crossings, roads and servitudes: he shall enjoy it freely and exclusively, appropriating it to such use or cultivation as he may deem best, but within one year he shall build a house and it shall be occupied.

2^d He shall request the proper Judge to give him judicial possession thereof by virtue of this Patent, by which the boundaries shall be designated at the limits of which he shall plant, besides Protoneros, some fruit trees or wild ones of some utility.

3^d The land of which grant is hereby made, contains four square leagues, a little more or less, according to the dimensions which forms a part of the respective Expediente.

The Judge who shall give the possession, will cause it to be measured according to ordinance, the surplus that may result remaining to the Nation for its convenient purposes.

4th If he contravene these conditions, he shall lose his right to the land, and it shall be denounceable by another person.

Therefore, the present title being held as firm and valid, I command an entry to be made thereof in the proper Book, and let it be delivered to the interested party for his security and other purposes.

Given at Monterey on the thirteenth day of July, one thousand

eight hundred and forty two.

I George Fisher, Secretary to the U.S. Land Commission to ascertain and settle private land claims in California, hereby certify the foregoing to be a true and correct translation of an Expediente (true copy) filed in Case No. 356 on the 3rd day of April A.D. 1855, and now on file in this office.

In testimony whereof I have hereunto signed my name at office, at the City of San Francisco Cal. this 6th April A.D. 1855.

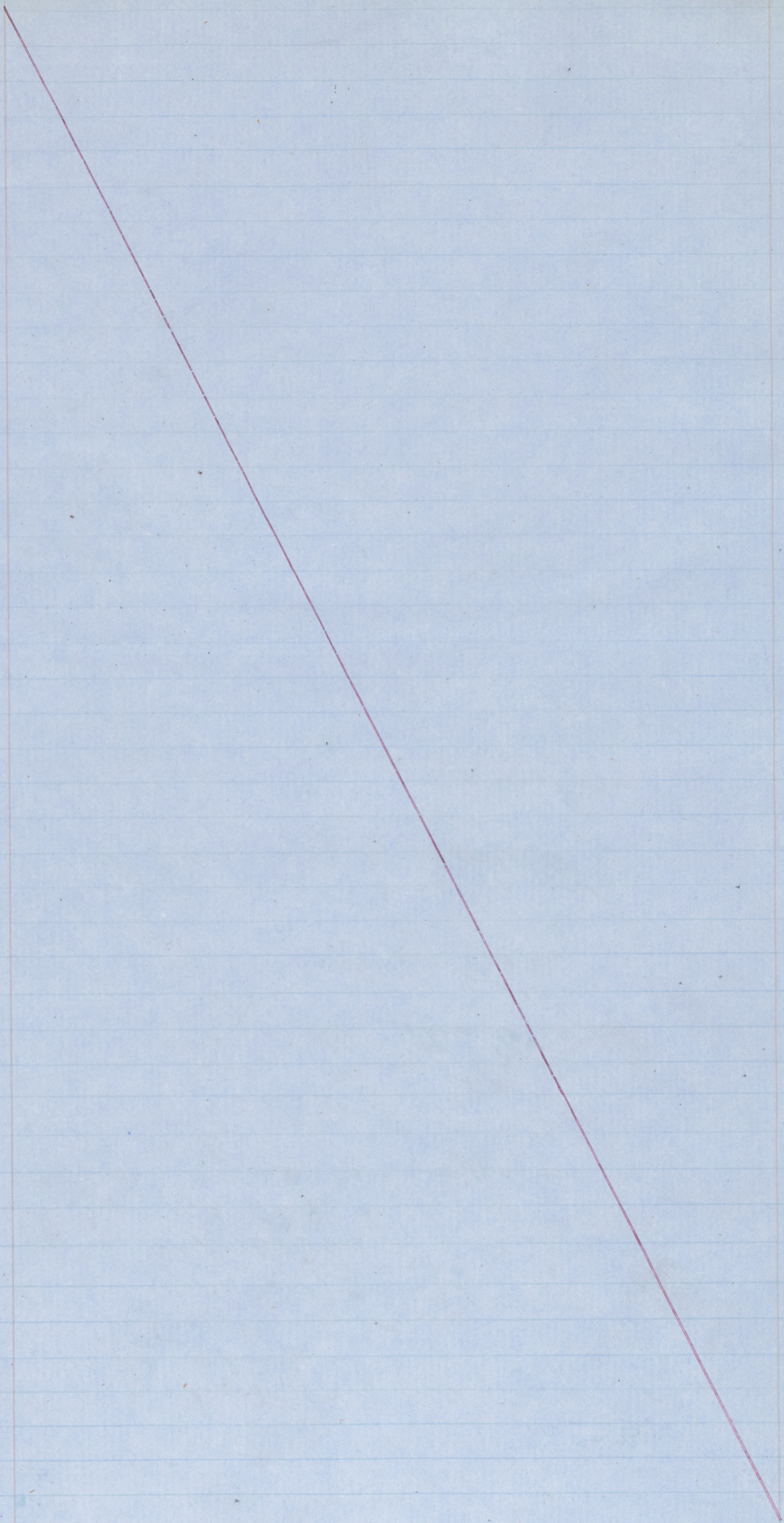
Geo. Fisher
Secy.

Filed in Office April 6, 1855.

(Signed)
Geo. Fisher
Secy.

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(51)

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35-

Sello primero seis pesos.
Habilitado poricionalm^{te} por la Aduana
maritima de Monterey para los años de
1842 y 1843.
Alvarado Antonio M^o Osio

A. P. L. Ex^{ta} Juan B. Alvarado Gobernador con
stitucional del departamento de las
Exhibido de California

pro. of Don
pablo de la
Quena. March
30. 1855

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Por cuanto el Ciudadano
Jose Antonio Dominguez ha pretendido
para su beneficio personal y el de su familia
cuatro sitios de ganado mayor en el paraje
conocido con el nombre de San Emidio comen-
zando los linderos desde la Olla de la
Laguna por la parte del Oriente: practica-
das previamente las diligencias y averigua-
ciones convenientes segun lo dispuesto por
las leyes y Reglamentos usando de las facultades
que me son conferidas a nombre de la na-
cion Mexicana he venido en concederle el
tenero mencionado declarandole la propie-
dad de el por las presentes letras sujetandose
a la aprobacion de la Exma Junta De-
partamental y bajo de las condiciones
sigtes.

A. P. L. Ex-
hibit to the
depo. of Jui
Maria Cora
rubias -

1^{ra} podra ser culta sin perjudicar las
travecias, caminos y servidumbres; los di-
putara libre y esclusivam^{te} destinandole
al uso o cultivo que mas le acomode;
por dentro de un año fabricara casa y
estara habitada.

2^a Solicitara del juez respectivo que le
de la posesion por juicio en virtud de este
despacho por el cual se demarcan los linderos
en cuyos limites podra a mas de las mofone-
ras algunos arboles frutales o silvestres de
utilidad.

3^a El tenero de que se hace donacion es de
cuatro sitios de ganado mayor segun esplica
el croquis que corre apegado en el Expedi^{to}
Respectivo. El juez que oiere la posesion
lo hara medi conforme a Ordenanza que
dando el sobr^{te} que resulte a la elcion para

los usos conveles

4^{ta} Si contermina a estas condiciones se
dera su derecho al tenenoy sera denunciable
por oho.

En consecuencia mando q.
teniendo se por firme y valedero el presente
titulo se tome Razon de el, en el Libro res-
pectivo y se entregue al interesado para su
resguardo y demas fines. Dado en Monterrey
a catorce de julio de mil ocho cientos
cuarenta y dos.

Mano. B. Alvarado

Mano. Jimeno Tito.

Queda tomada Razon de este Despacho
en el Libro de asientos sobre adjudicacion
de terrenos Baldios a paja 14. Que lta.

Jimeno

El Excmo. Sr. Gobernador ha dispuesto se
tome de esta consecucion en la prefectura
del segundo Distrito.

Jimeno

Filed in Office March 27th 1855

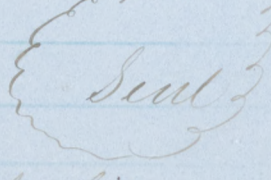
Geo. Fisher Secy

19007

37 6

Stamp First Six Dollars

Translation Provisionally authorized by the Mexican Custom House of Monterey for the years 1842 and 1843
Alcazar Antonio Maria Osid



Seal of Juan B. Alcazar Constitutional Governor of the Department of California

A.P.L. Exhibit to depo of D. Pablo de la Guerra March 26, 1855 and also A.P.L. Exhibit to depo of Jose Ma. Covarrubias March 30, 1855.

Whom citizen Jose Antonio Dominguez has solicited for his personal benefit and that of his family for sitios de Ganado Mayor for square leagues in the place known by the name of San Antonio the boundaries commencing from the margin of the Laguna on the west side

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The proper steps and investigations being promptly taken as directed by Laws and Regulations of the faculties which are conferred upon me in the name of the Mexican Nation I do grant him the said land, declining unto him the ownership thereof by these presents he submitting himself to the approbation of the most Excellent Junta Departamental and under the following conditions

1st He may enclose it without prejudice to the rays rents and Quintales he may enjoy it fully and exclusively destined it to the use mentioned which last Quintals he

But within a year he shall build a house and it shall be inhabited

2nd He shall solicit from the respective Magistrate to give him the judicial possession and in notice of this Patent also shall mark out the boundaries at the limits of which he shall cause to be placed besides the land marks some pointed nails or some other utility

3rd The Land, of which Grant is made is of four sitios de Ganado Mayor square leagues as is shown by the plan annexed, which follows annexed to the respective Asientos The Magistrate who shall give the possession shall cause it to be measured originally to determine leaving the surplus for waste which remains to the

ration for its eminent uses
If he continues to these conditions he
shall lose his right to the Land and it shall
be deemed null by Another

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Consequently under
that the present title being held as firm and
valid, note be made of it in the corresponding
book and it be deemed to be party interested
for his security and further ends

Given in Writing this 14th July 1842
(see below)

Signed Juan B. Alvarez

Signed Manuel Jimenez
Secretary

Note has been made of this deed in the book of
titles upon acquisitions of vacant Land at
page 1400

Signed

The most Excellent Sr. Dn. Jimenez has ordered that
note be made of this deed in the Prefecture
of the Second District

Signed Jimenez

Filed in Office February 14th 1853

George Fisher

Secretary

Convenio celebrado entre D^a Francisca
 Villa de Dominguez de una parte y D^o
 Juan Carlos Fremont de otra parte. Di-
 cha Señora ha vendido y por el presente
 vende y transfiere en enagenacion perpetua
 al dicho Sr. Fremont y sus herederos pa-
 ra la suma de Dos mil pesos a ella
 pagados a su satisfaccion todo el interes
 de Don Pablo de Arcecho y propiedad que a ella pertenece
 de la Luna en el terreno llamado Rancho de San
 Marek. 30. 1855. Cuidado, situado en el condao de Santa
 Barbara y lo mismo que fue concedido
 al Difunto Sr. Don Jose Antonio Dominguez
 dia 14 de Julio de 1842, bien entendido
 que la porcion que se vende es la mitad
 de todo el derecho y propiedad de dicho
 Rancho, quedando otra mitad del dicho
 Rancho a beneficio de los hijos de dicha
 Señora D^a Francisca Villa de Domini-
 quez juntamente con la mitad de los
 minerales que pudiesen descubrirse de hoy
 en adelante. Doy fe en estas formas y
 sellos en este dia Veinte y siete de Novem-
 bre de mil Ocho Cientos cincuenta y uno,
 bien entendido que si en la parte comprada
 por el Sr. Fremont resultare algun mineral
 tendran derecho a la mitad de el dicha
 D^a Francisca y sus herederos, y el mismo
 derecho tendra el Sr. Fremont en la
 otra parte. Doy fe en estas formas y sellos
 fecha ut supra.

B. P. L.
 Exhibits to the
 Deposition of
 Don Pablo de Arcecho
 Marek. 30. 1855.

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(S^o) Francisca ^{her} Villa ^{mark} Dominguez
 (S^o) John Charles Fremont
 Testigos de asistencia
 Amador Carrillo }
 Nicolas A. Deo } Estado de California
 Condao de Sta Barbara

Hoy dia Veinte y siete de
 Nove del año de mil Ocho Cientos cincuen-
 ta y uno comparecieron personalmente ante
 mi Notario publico de dicho condao D^a
 Francisca Villa y D. John Charles Fremont

à quienes doy fe enozer de las personas qui
enes otorgaron el antecedito instrumento y
se hallan descritas en el y me declaracion
haberlo ejecutado libre y voluntariamte. pa
los fines y usos q. en el, y mencionados siendo
testigos. D. Anastasio Canillo y D. Nicolas
Dew. Day fe.

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Sello

M. Canillo
Notario publico

Filed in Office March 30th
1855.

Geo. Fisher Secy

41 D
Translation
A
B.

Agreement made between Doña Francisca Villa de Dominguez of one part and Don Juan Carlos Ferrer of the other part

Said Doña has sold and by these presents does sell and make over in perpetual transfer to the said Don Ferrer and his heirs for the sum of two thousand dollars to her hands and to her satisfaction all the interest right and ownership which she has in the tract of lands called Rancho de San Encinio situated in the county of Santa Barbara and the same that was granted to the late Don Don Jose Antonio Dominguez the 14th of July 1842

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It being well understood that the portion sold is the half of all the right and estate of said Rancho leaving the other half of said Rancho to the benefit of the sons and daughters of said Doña Francisca Villa de Dominguez jointly with the half of the remains which might hereafter be discovered

We certify to this by our signatures and seals in this county on the day of November 1851 It being well understood that if in the part purchased by the said Don Ferrer there should turn out some mines the said Doña Francisca and her heirs shall have a right to the half of them

And the said Don Ferrer shall have the same right in the other part we certify to this by our signatures and seals date as above

signed Francisca ^{de} Villa Dominguez
mark

signed John Charles Ferrer
asst witness

anastasio Canillo Notary a Don
state of California County of Santa Barbara
this twenty ninth of November of the year 1851
appeared personally before me Notary Public
of said county Doña Francisca Villa and
Don John Charles Ferrer whom I certify are known
to the persons who made and agreed to the foregoing
instruments and are described therein and whose
claims to me to have made it freely & voluntarily

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for the purposes and uses therein mentioned
there being asentences in Anastasiou's
and Dr. Nicolas Adam's Certify

Signed M. Hamill
Notary Public

Senate Seal
{ seal }

Filed in Office February 10th 1853

George H. Fisher
Secy

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43 Decs

C. H. Exhibit to the Depo. of Pablo de la Guerra, March 30, 1853.

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This deed made this 10th day of March A.D. 1852 between Maria Ygnacia Dominguez de Aluna and Jose Aluna her husband Francisco Dominguez Ysabel Dominguez Maria Antonia Dominguez de Caballero and Francisco Cabal her husband and Jose Antonio Dominguez which said Maria Ygnacia Francisco Ysabel Maria Antonia and Jose Antonio and their children and heirs of Jose Antonio Dominguez late of Santa Barbara in the State of California deceased parties of the first part and John Charles Fremont of the said State of California party of the second part

Witnesseth that whereas by an act of the Legislature of the State of California made at Monterey on the 14th day of July in the year 1842 there was granted to the said deceased Jose Antonio Dominguez full and complete title to a certain tract of land situate in the place known by the name of San Luis in the county of Santa Barbara bounded on the north by the bank of the Lagoon (upon the point called Monte) which said tract and decree was made while the deceased was in full life and undivided to him the said Jose Antonio in full property and

Whereas since the decease of said Antonio Dominguez by deed made on the 27th day of November 1851 between Francisco Ysabel de Dominguez the widow of the deceased of the one part and the said John Charles Fremont of the other part the said Francisco Ysabel de Dominguez (for the consideration of ten thousand dollars paid to her satisfaction

Did sell and convey to the said Fremont and his heirs and assigns all her interest right and property in the said land called the Rancho de San Luis being the same land so as aforesaid granted to the said deceased Jose Antonio Dominguez it being understood and declared that the portion of said land thereby sold and conveyed was the half of the whole property of said Rancho leaving the other half thereof for the benefit of the children of the said Francisco

Villa de Sanguin (being the aforesaid children and heirs of the said deceased, together with the half of the animals which might be discovered in the said land it being understood and declared that if any animals should be discovered in the part of said Rancho so sold and conveyed to said Primit the said Francisca and her children should have the right to the one half of such animals and so also that the said Primit should have the like right to the one half of the animals that might be discovered in the other part of said Rancho.

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As will more fully appear by reference to the said deed recorded in Volume 2 pages 27 and 28 in the records of said County of Santa Barbara you therefore in confirmation of the premises and of one dollar to the said parties of the first part in hand paid by the party of the second part and for the purposes of confirming and making effectual the said sale and conveyance of the one half of said land, was aforesaid made by said Francisca Villa de Sanguin to the said Primit and his heirs forever. Thus the said parties of the first part do hereby warrant and grant abain quit claim release confirm and convey unto the said party of the second part the one equal undivided half part of the said Rancho de San Antonio being the same purbacons (sitios de Ganado Mayor) so aforesaid granted to the said deceased that is to say the same half part thereof so aforesaid sold and conveyed to the said Primit by the said Francisca Villa de Sanguin To Have and to hold the same with the appurtenances to the said Primit his heirs and assigns forever subject to the same conditions as to the animals aforesaid on said land as aforesaid in the herein before recited deed made by said Francisca Villa de Sanguin, and the remaining other undivided half part of said land to be in possession of parties of the second part to continue the property of the heirs of said deceased. In witness whereof the said parties of the first part have hereunto set their hands and seals this day and

45-

year past herein before written (The said Maria
 Antonia Dominguez being inserted in the
 fourth line of the first page before execution
 Maria Ygnacia Dominguez ^{her} ~~Almota~~ ^{mark}

Antresses	Jose Almona	Seal
wa deuter	Francisco Cambria	Seal
Victorio Almona	Marta Dominguez ^{her} de Caballero ^{Seal}	Seal
Ed Hoar	Ysabel ^{her} Dominguez ^{Seal}	Seal
	Francisco ^{mark} her ^{Dominguez} ^{Seal}	Seal
Marta de la Guina	Jose Antonio ^{her} her ^{Dominguez} ^{Seal}	Seal

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State of California
County of San Luis Obispo

On this the sixth day
of September A.D. 1852 in the county of San Luis
Obispo personally appeared before me District
Judge of the 2nd Judicial District of said State
Jose Almona and Maria Ygnacia Dominguez
children his wife known to me to be the persons
assented in and who executed the foregoing in-
strument who acknowledged to me that they executed
the same freely and voluntarily and for the uses and
purposes therein mentioned

and the said Maria
Ygnacia Dominguez did claim to have been made
acquainted with the contents of said conveyance
acknowledged in examination in person
and without the bearing of her husband that
she executed the same freely and voluntarily
without fear or constraint or undue influ-
ence of her husband and that she did not
wish to retract the same

Henry Harris,

District Judge 2nd Judicial District

Estado de California }
 Condado de Santa Barbara } Hoy dia 22 de Octubre
 del año de mil ocho cientos cincuenta y dos, compare-
 cieron personalmente ante mi Escribano público de dho
 Condado Fran. Caballero, Isabel Dominguez, Fran.
 Dominguez y Jose Antonio Dominguez a quienes otyaron
 el antecedente instrumento y se hallan descritos en él,
 y me declararon haberlo efectuado libre y voluntariamte
 para los usos y con los fines q. en él se mencionan.
 Doy fe. Raym. Carrillo, Escribano público

Particular Seal

Office of the County Recorder of County of Santa Barbara Filed for Record in this Office on the 23rd day of October 1852 at 3³⁰ minutes after 9 o'clock AM and Recorded in Liber 11 Page 65 66 67 + 68

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Witness my hand and official Seal on the day and year above written

Charles E. Hays

Seal

Co. Recorder

True \$720 Paid

Filed in Office March 30th 1855.

George Fisher
Sentry

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Comm^r of the U.S. for the
adjudication of Cal^a.
Land Claims.

Affidavit.

In the matter of the Claim
of Francisco Dominguez
& others for the Claim No. 556.
Rancho "San Ermitio"

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A Lockwood makes oath
that in the early part of the year 1853
he was employed as Counsel to present
and prosecute the Claim in this cause
and was entrusted with the title papers
pertaining thereto.

That in the month of Febru-
ary 1853, this deponent as such Coun-
sel filed the Claim in this cause
signing the same in the name of
himself and of one Hammond then
the law partner of this deponent.

That this deponent left
California for Australia in July 1853
leaving his business and papers (in-
cluding this cause) and the original
title papers therein in charge of said
Hammond and expecting said Ham-
mond would attend to the same.

That this deponent has been
absent from California ever since
said July 1853 until about two weeks
since. That on his return this de-
ponent learned to his surprise that
said Hammond left California
in a short time after said July 1853
and has ever since been absent, and
that the Claim in this Case had been
rejected by this Board.

No proofs having been ad-
duced therein, and no person here hav-
ing any knowledge of the original ti-
tle papers pertaining thereto, and which
papers this deponent last week discov-

ered among a mass of old papers left by him on his departure for Australia.

This deponent further says that he believes the claim in this cause a just and equitable one, and that justice will be promoted by vacating the order of dismissal and reinstating the cause.

R. A. Lockwood.

Sworn and Subscribed
before me July 20 55.

Peter Gott

Commissioner.

Filed in office July 20, 1855.

Geo. Fisher

Seig.

U. S. Land Commission.

No. 556.

"San Onofre".

Francisco Dominguez et al

vs.

The United States

Motion for
Order of
Survey.

The petitioners in the said cause pray the Board to make an order directing an initiatory Survey under the Superintendance of the United States Surveyor General of California to be made of the land described in the original grant and Expediente on file in this cause to the extent of four sitios de ganado mayor, within the limits described in said grant and Expediente locating the said quantity of four sitios according to the claim of the petitioners and having reference to the plan or designs accompanying said grant and Expediente but in such manner as to confirm such location within the said limits, and to include in the survey

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So as to be made the said quantity of
"four sitios."

R. A. Lockwood,
Atty for Claimants.

Filed in Office April 3, 1855.
(Signed)

Geo. Fisher
Secy.

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Francisco Dominguez et al
vs. } No. 556.
The United States } "San Emidio."

Bill of
Exceptions.

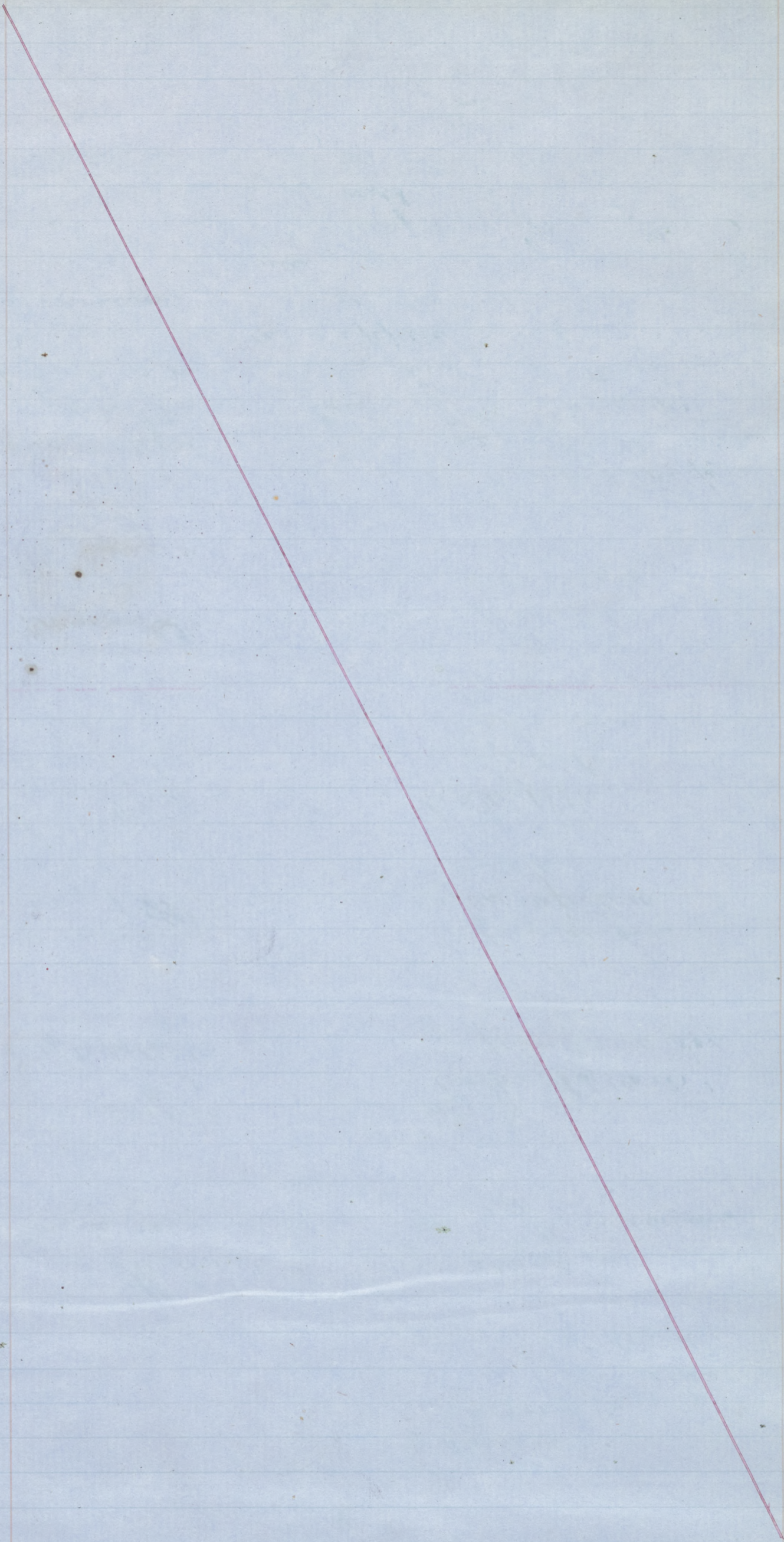
The Claimants in said cause
by their Counsel pray to be allowed to
except to the decision of the Board over-
ruling the Motion of the Claimants
for an order directing a preliminary
survey of the lands claimed, and
they do accordingly except to the said
decision and pray that their exception
may be entered in the record of this
Cause.

R. A. Lockwood,
Atty for Claimants.

Filed in Office Apr. 17, 1855.
(Signed)

Geo. Fisher
Secy.

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(67)

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Opinion.

Francisco Dominguez & al }
 vs. }
 The United States } For the place called San
 } Emidio in Santa
 } Barbara County con-
 } taining four square
 } leagues of land.

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The land claimed is alleged in the peti-
 tion to have been granted by the Mexican
 authorities to José Antonio Dominguez, now
 deceased, whose legal representatives the pe-
 titioners declare themselves to be.

No evidence is filed in the case tend-
 ing to establish either a grant to said José
 Antonio Dominguez by the government, or any
 deduction of title from him to the claimants
 now asking a decree of confirmation.

The claims must be rejected.
 Rejected.

Filed in office Dec. 26. 1854.
 Geo. Fisher,
 Secy.

Decree.

Francisco Dominguez & al }
 vs. }
 The United States }
 }

In this case on hearing the proofs
 and allegations, it is adjudged by the Com-
 mission that the claim of the said peti-
 tioners is not valid, and it is, therefore,
 decreed, that their application for a con-
 firmation thereof be denied.

Alphus Fitch }
 R. Aug. Thompson } Commissioners
 S. B. Farwell }
 }

Filed in office, Dec. 26. 1854,
 Geo. Fisher
 Secy.

Opinion.

Francisco Dominguez et al
vs.

The United States

For a place called Omidis
situate in Santa Bar-
bara County containing
four square leagues.

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The testimony in this case establishes the following facts: That on the 14th day of July, 1842, Governor Juan B. Alvarado issued a grant for the place in question to one José Antonio Dominguez, and some time in the year 1843 or 1844, the said José Antonio Dominguez departed this life leaving a wife and the children named in the Petition in this case, his heirs. A deed has also been offered in evidence from Doña Francisca Villa de Dominguez, the widow of the deceased grantee, to John C. Fremont, one of the claimants herein, dated the 27th day of November, 1851, conveying one undivided half of said Rancho, and also a release of the ballances of the heirs of the interest intended to be conveyed by said deed of the widow to the said Fremont, dated the 10th day of March, 1852.

The documents above named are clearly proven to be genuine, and we think, the claim a valid one, and a decree will be entered accordingly, confirming to each of the parties their respective rights.

Confirmed.

Filed in Office June 19, 1855.

Jno. Fisher

Clk.

Decree of
Confirmation

No. 556.

Francisco Dominguez
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 peti-

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tion is valid, and it is, therefore, decreed that their application for a confirmation thereof be allowed, one undivided half to the petitioner, John C. Fournont, and the other half to the heirs at law of the said José Antonio Dominguez, deceased.

The land of which confirmation is hereby made is situate in the county of Santa Barbara, containing four square leagues, and to be hereafter located agreeable to the calls of the grant and the map accompanying the Expedienta on file in this case, and the notes appended thereto.

R. Aug. Thompson, $\frac{2}{3}$
S. B. Farwell, $\frac{1}{3}$ Commissioners.

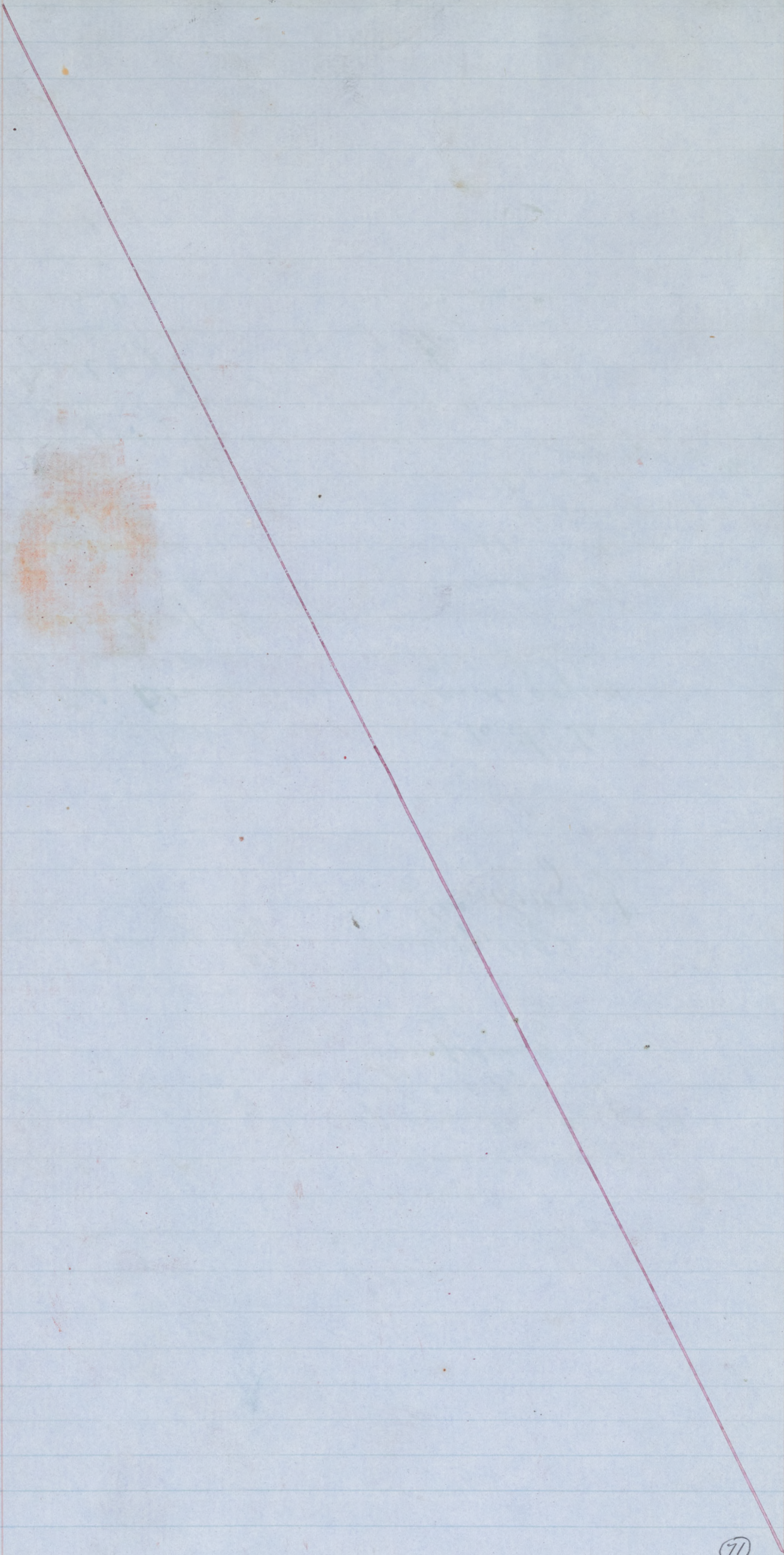
Filed in Office June 19, 1855.

Geo. Fisher,
Cly.

Order.

And it appearing to the satisfaction of this Board that the land adjudicated in this case is situate 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 witness 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.

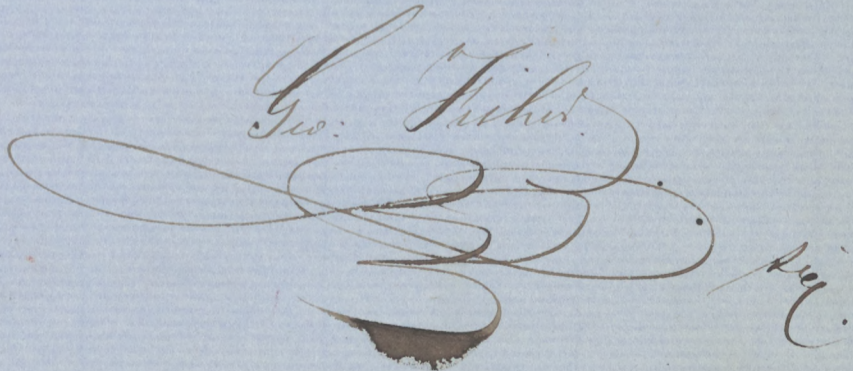
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J. George Fisher Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Fifty three* pages, numbered from
1 to *53*, both inclusive, to contain a true, correct and full Tran-
script 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. *556* on the Docket of the said Board,
wherein

Francisco Dominguez, et al, are
the Claimants against the United States, for the place known by
the name of "*San Emileon.*"

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 first day of *November*
A. D. *1853*, and of the Independence of the
United States of America the *seventy-eighth*

J. G. Fisher



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U. S. DISTRICT COURT,

Southern District of California.

No. 344

THE UNITED STATES,

vs.

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Francisco Dominguez et al.
San Emi Leon

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No.

556

Filed,

December 6

1855

H. E. Carr, Clerk

By Saml. A. Sumner

Depty.

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Office of the Attorney General of the United States,

Washington, 31. Dec. 1855.

556.) "San Emideo" —

Francis Dominguez et al
Claimants

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 1st day of December, 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.

No. 344.

W. S. Dub Court
South West California

Francisco Dominguez et al
appellans

vs
The United States
appellants

Notice of Appeal

Filed July 12, 1856

L. E. Van
C. Van

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

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



Francis Dominguez, et al.
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appellants.
The United States ^{vs} *Appellants.*
Docket No. 344.
Transcript No. 536.

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 5th day of February — A. D. 1853. *Francis Dominguez et al.*

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 *San Evidem*

in the County of *Santa Barbara* 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 19th day of June — A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 6th day of December — 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. 536; reference to which it is prayed may be had and made part of this petition. That on or about the 18th day of December 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: ^{namely} on the 12. day of February — A. D. 1856, 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 ^{have} 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 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 claimants, or ~~his~~ ^{their} attorneys 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~~ ^{said claim}, 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.

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N. 344.

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Filed this 5th January
A.D. 1857
Edwin Clark
J. H. Holman
Secy

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United States of America, } SS.
SOUTHERN DISTRICT OF CALIFORNIA.

THE PRESIDENT OF THE UNITED STATES,

TO

Francisco Dominguez et al

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GREETING :

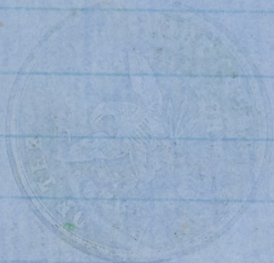
TAKE NOTICE, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *5th* day of *January* in the year of our Lord, one thousand eight hundred and fifty *seven*, at the City and County of Los Angeles, in said District, by

*P. Bro U.S. Atty praying
said court to review the decision of the
U.S. Law Comissioners of the 19th day
of June 1855 confirming your claim
to the Lands called
San Emidio*

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.

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this *20th* day of *January*, in the year of our Lord, one thousand eight hundred and fifty *seven*, at Los Angeles aforesaid.

le Sini
J. A. Coleman
Clerk.
sep



United States of America
Southern District of California

No. 344

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA,
U. S. DISTRICT COURT.

*Francisco Damunguey et al
vs
J. P. Miller*

*vs.
The United States
Filed this 20th Jan'y 1858
J. Collins clk
J. Holloman Dy*

SUMMONS.

*January 20th 1857
Edward Hunter*

*W. M.
Mr. W. L. Goodman*

*344-SD-Deputy
PAGE 59*

return
I served this Summons, along with the proper copy of the Petition, upon *upon* by order of
at *at* U. S. Dist Attorney as the case has been
dismissed
at *at*, in the Southern District of California, on
the *17th* day of *January*, A. D. 1857.
Sworn to and subscribed before me,

Clerk.

Marshal.

*James C. Fenn
U.S. Marshal for the
S. D. of California*

In the Dist. Court of the U. States for the Southern Dist. of Cal.
Monterey, June term 1857. Hon: J. S. K. Ogier Judge.

Francisco Deminguez & al
vs, appellans

The United States,

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appellants.

N^o. 344.

Trans. N^o. 556.

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On motion of P. Ord Att^y of the U. States for the said District &
on suggesting to the Court that it is not the intention of the U. States
to prosecute further the appeal in the above cause, it is ordered
by the Court that the appeal in said cause be dismissed, and
that the claimant have leave to proceed upon the decree of the
Commissioners heretofore rendered, as a final decree.

Charles K. Ogier
U S Dist Judge

No 344

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SD

Jco. Dominguez et al

v

The U States

Dismissal of Appeal

J. L. S. Sweeney

Atty Gen

Dist. Ct

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California Land Claims.
Attorney General's Office
2 March 1857.

Mr.
In the case of the claim of
Francisco Dominguez et al. con-
firmed to the claimants by the
Commissioners, case no. five hundred
and fifty-six, (556), appeal will
not be prosecuted by the United
States.

I am,
Respectfully,
C. Smith

Francis M. Ely
U. S. Attorney
Los Angeles

No 344

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Filed 4th March 1858
for 8th June 1857

C. Smith Clerk
of the Court
Dep

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N^o 344.

Francisco Dominguez et al
vs
The U. States.

Stipulation
Adm

Filed June 14th 1858
Clerk of the Court
J. M. Coleman
Del

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

Francisco Dominguez et al

N^o 344

ad^t

Tran. N^o 556

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The United States

Sau Evidio

The Atty Gen. of the U.S. having given notice that it is not
the intention of the U.S. to prosecute further the appeal in this cause.

Upon reading the stipulation of the parties in
the above entitled cause, this day filed in Court
that effect. It is ordered, adjudged & decreed by the
Court, that the decree of the United States said
Commissaries for California, confirming this claim,
to and the same is hereby made final; and
that the appeal be dismissed.

Wm. S. P. Green

U.S. Dist. Judge

N^o 344,
Francisco Dominguez de
Pue^{ro} de Plata

Order

Filed this 17th June 1838
at Seers City
J. H. Coleman
Dep