

CASE NO.

309

SOUTHERN DISTRICT

ROSA DE CASTILLA GRANT

ANACLETO LESTRADE

CLAIMANT

SD

ALSO AVAILABLE ON MICROFILM

MAR 21 1963

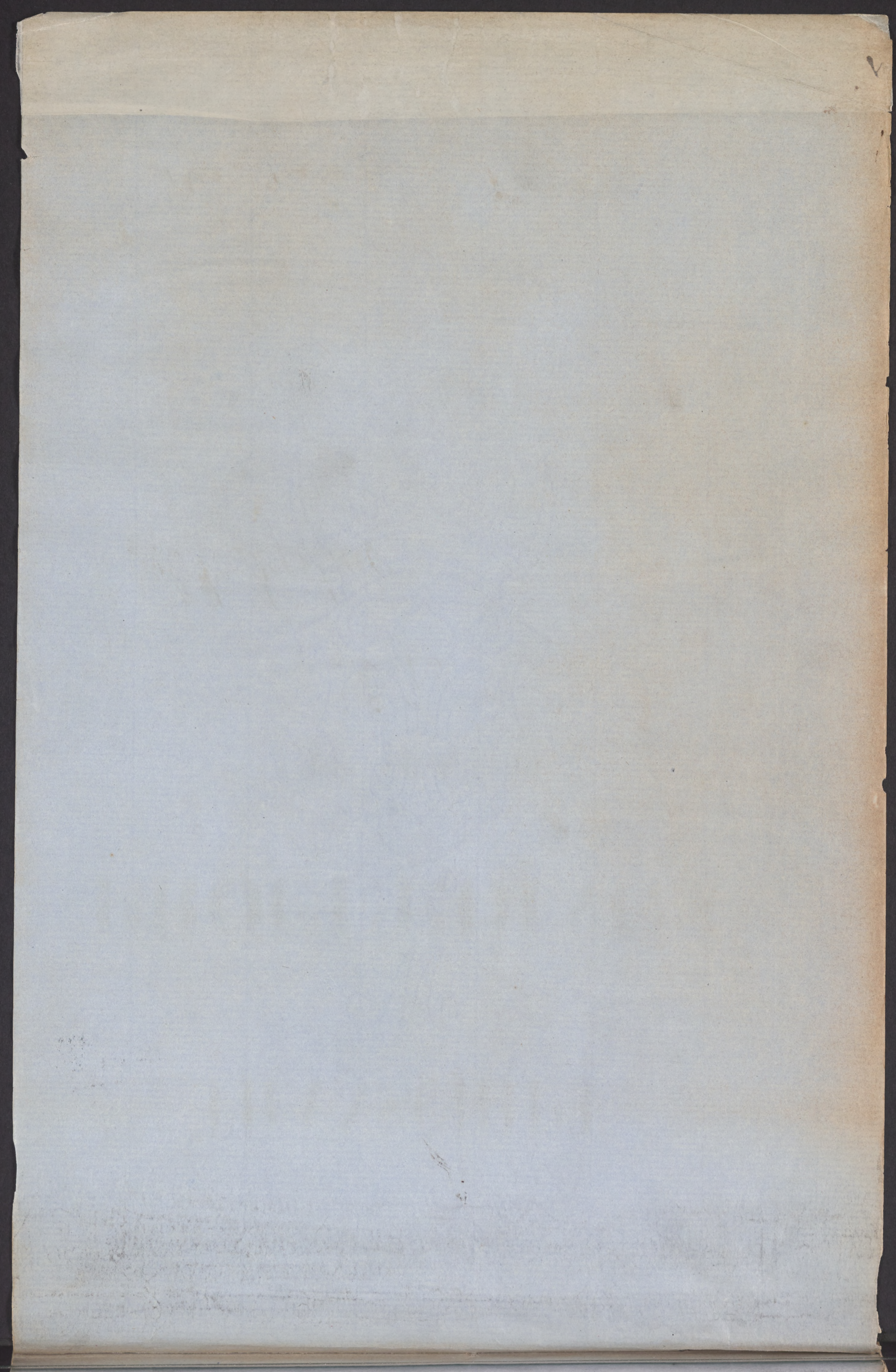
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LAND CASE 309 SD

41 pgs.

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371



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 371.

Anacleto Loestrade

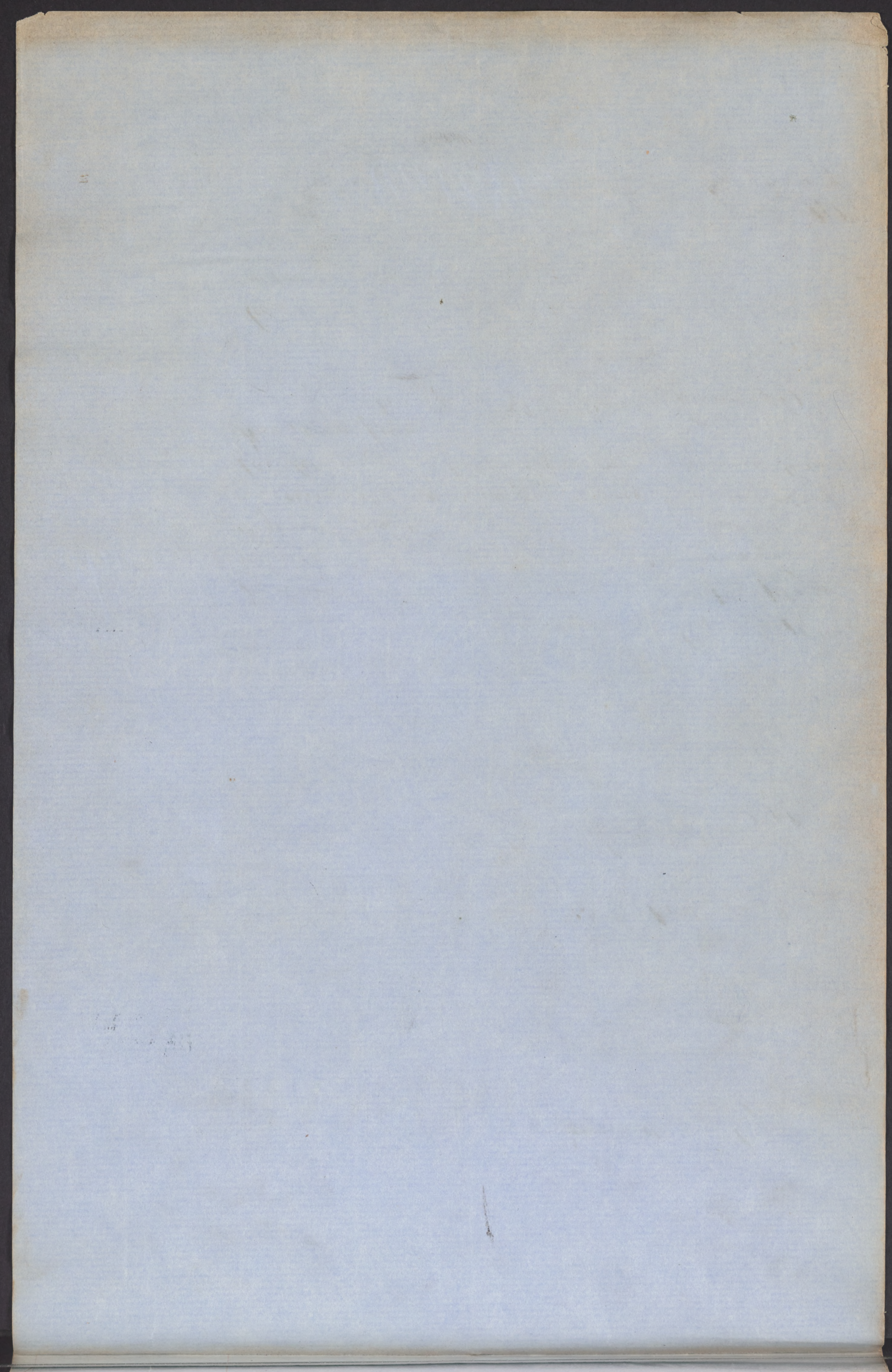
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Rosa de Castilla.



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *Second day of October*, 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;

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The Petition of *Anacleto Lestrade*,
for the Place named
"Rosa de Castilla,"
was presented, and ordered to be filed and docketed with No. *371* 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 December 13th 1852.

In Case no. *371*, Anacleto Lestrade for the place named *"Rosa de Castilla"*, the depositions of *Manuel Figueroa de Ballasteros*, *Bernardo Lopez*, *Juan Ramirez* and *Francisco Lopez*, witnesses in behalf of the claimant, taken before Commissioner *William Hall*, were filed;

(Vide pages *5, 8, 11, 14* of this Transcript.)

San Francisco Nov. 28th 1854.

Case no. *371* was ordered to be placed at the foot of the *3^d* class cases on the Trial Arcket.

San Francisco December 19th 1854.

Case no. *371* was submitted under the Rule of March *24th 1854.*

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San Francisco April 3rd 1855.

In the same case Commissioner S. B. Farnell
delivered the Opinion of the Board rejecting the
claim:

(Vide page 29 of this Transcript)

And the following order was made, to wit;

(Vide page 31 of this Transcript)

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To the Commissioners for ascertaining
and settling private land claims in the State
of California.

Juan Petimio Macete Lis-
trada humbly sheweth unto Your Honors
that he is a citizen of the State of California
that he claims title to the Rancho called
and known by the name of "Rosa de Las
Angelas Castillo" situated in the County of
Las Angeles that said Rancho was granted
to one Juan Ballastinos by Governor Victoria
he having full power and authority by the
Laws of Mexico to grant the same.

That said grant was
made on the 25 Aug of June 1831 to the
said Juan Ballastinos and purported to be
a grant of a sitio (or place) situated between
the Mission of San Gabriel and Town of
Las Angeles. the limits and boundaries of
which sitio (or place) known and called the
Rancho "Rosa de Castillo" are well known
and defined and are in accordance with a
sketch filed with the petition in this cause
and which will be abundantly proved by
the testimony introduced in this cause.

And Your petition further
sheweth that the said Rancho has been oc-
cupied ever since the same was granted to
the said Juan Ballastinos that the said
Juan Ballastinos occupied the same from
the date of said grant up to the time of his
death which took place on the day of
1839, or thereabouts, that from and after
said death of the said Ballastinos said
Rancho was occupied by the widow and
family of the said Ballastinos up to the 31st
day of May 1852 when the same was assigned
& sold to Your petitioner for a valuable

Petition

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Consideration by and duly Executed by said
Widow and her Children and the Children of
the said Ballastras, and your petitioners
showeth that the said Rancho is now in his
possession -

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And your petitioners further showeth
that there is no interfering Claim to his Knowledge
to the said Rancho, and your petitioners
further showeth that the amount of land
Claimed by him is the land now known as
situated within the limits of the said Rancho
known and called by the name of the Rancho
"Rosa de Castilla" as aforesaid, and your
petitioners further showeth that the conveyance
to him was duly Executed by the widow of
the said Ballastras, Maria Figueroa Ballas-
treras, Francisco Ballastras, Andrea Ballastras
Maria Ballastras, Gertrudis Ballastras, Josea
Ballastras, the Guardian of the said Juan
Ballastras & Maria Figueroa Ballastras his
wife, and your petitioners further showeth
unto your Honors that the evidence on which
he relies to establish his claim is the original
grant the transfer of the interest in said
grant by conveyance duly Executed to him
as aforesaid, and the proof of location and
quantity of land contained in the limits of the
Rancho known & called the "Rosa de Castilla"
and your petitioners further showeth unto
your Honor that at the time the title in this
cause was signed by the said Victoria the
said Juan Ballastras built a house and
corral upon said Rancho and the said
family of the said Juan Ballastras occu-
pied the same until it was destroyed by
the Americans during the war with Mexico
And your petitioners further shows that

after the death of said Juan Bullastro
his wife duly administered upon the Estate
and Juan petitioner shows
unto Juan Ramos that evidence of said
Administration has been lost or destroyed -
On the proof of all which facts
Juan petitioner prays that the land contained
in said Rancho may be confirmed to him

E. L. B. Brooks

Atty -

Filed in Office Oct 2 1852

(Signed)

Geo Fisher Secy

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Deposition
of
Juan Ramirez

Las Angeles Nov 14 1852.

On this day before Comm. Neiland Heald
Comm Juan Ramirez a Witness in behalf
of the Claimant Macabito Ledrudo petitioner
No 34 and was duly sworn his evidence being
interpreted by the Secretary.

The U. S. Associate Law Agent was
present -

In answer to questions by Counsel
for the Claimant the Witness testified as follows

My name is Juan Ramirez
My age is forty two Years & I reside in Las
Angeles.

I am acquainted with the Rancho
called Rosa de la Castilla & have known
it for about Eighteen Years.

It is situated between this
place & the Mission of San Gabriel. I was
there a few Months ago & the owner pointed
out the boundaries before that time -

The boundaries are a hill on

6
the side of left side of the road as you go from here to San Gabriel there are some hills & gum trees on the hills and on that side it is bounded on the land of the Neamas.

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The lands of the city of Los Angeles bounds the land on another side the Mission of San Gabriel on another & the fourth side is bound by land of my own called the Comuda de las Albas.

I was one of the witnesses to the agreement by which the land was transferred by Maria Pallastros and all her children her husband being dead to father, Anaetano Estrada. It was a few months ago.

In answer to questions by the Associate Law Agent the witness testified as follows -

The names of her children were Francisco who is twenty years old and upwards, Felipe who may be one or two years younger Jesus about fourteen years of age Andrea who is about thirty years old the wife of Vicente Lugo, Maria Murrud to Manuel Pizar about twenty years of age and two others whose names I do not know aged about ten and seven years.

I did not see all the children sign the deed and do not understand they were to sign it and whether their husbands signed or not I do not know. I only witnessed the signatures of the three sons -

Did you understand that the land had ever been given to the Church before it was sold to Father Anaetano, & if so whom was such donation made & by whom?
(Objected to by claimants counsel)

7
Answer.

I understood that the property was given to the Church some three or four years ago by Maria Ballastros.

When did her husband die?

Answer.

Sixteen or seventeen years ago - what was his name?

Answer.

Juan Ballastros.
Has she been married since?

Answer - No -

How much did Ancho pay for the party?

Answer.

I do not know
Is father Ancho a Jesuit?

Answer -

I do not know.

Questions by Counsel for the defendant.

Do you know whether the widow of Ballastros occupied this land after the death of her husband?

Answer.

She has occupied it.

Questions by Associate Law Agent

Is the widow the executor or administratrix of her husband or the tutor or guardian of the children?

Answer.

I do not know.
Have this family any other property?

Answer.

They had a house and garden in this town - She lived on the land transferred

to Unactito land within three or four years past. Bernardino Lopez has lived in the house and the land has been occupied with the cattle of the Priests of this Town -

Lopez was employed by the Priests to take charge of the cattle on the land -

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Questions by Counsel for the Claimants - Since the Widow left the land three or four years ago did she give permission to any one to occupy it?

Answer -

I do not know

Sworn & Subscribed
his
Juan & Ramoniz
Carras.

Sworn & Subscribed
Before me.

Heiland Heatt
Comm.

Filed in Office Dec 13. 1853

(Signed)
Geo Fisher Secy.

Deposition
of
Bernardino
Lopez

Las Angeles Nov 18. 1853.

On this day before Comm Heiland Heatt came Bernardino Lopez a witness in behalf of the Claimant's Unactito Estrado Petition No 341 and was duly sworn his Evidence being interpreted by the Secretary -

The W.S Associate Law Agent was present -

In answer to questions by the Associate Law Agent the witness testified as follows.

9
My name is Bernardino Lopez My age is
forty five years & I reside in Los Angeles.

I know the Rancho called Rosa
de Castillo & have known it ever since I was
fourteen years of age. It was then occupied by
the Mission of San Gabriel.

Afterwards it was occupied
by Juan Ballastros. He had sheep and a few
milk cows. The cattle of the inhabitants of the
Town of Los Angeles also ranged over the land.

The contents of the tract is
about one league square. It is a little more than a
league distance from this place.

There is one spring on
the land that does not furnish sufficient water
for a large stock. It is half a league from the
marist part of the land to a creek.

It is a good pasture land
I do not know how much it is worth.

I went to the place to take
charge of it for Padre Sanchez fifteen or twenty
months ago & left there two or three months
ago. Padre Sanchez had about two hundred
head of cattle there which I collected for him
after I went there -

I left the place because
I did not like to stay there any longer. I
understand the rancho to be now the individual
property of Padre Ametito.

I was present when the
contract for the sale was made between the
Ballastros family & Pedro Ametito -

The persons present at the
contract of sale were the widow Ballastros
& her two sons Francisco & Felipe Juan
Sanchez. Padre Ametito & Padre Jimenez
& myself. This was before & not at the time
of the signing of the deed.

10
Questions by Counsel for the Claimant's

Do you know the property that covers the rancho Rosa de Castillo?

Answer.

It is covered by the Rancho San Pascual the rancho of the Alamos & the rancho of Cañado de los Alisos -

The road from this place to the Mission of San Gabriel passes over the land near the middle of it. Burned Copy.

Sworn & Subscribed

Before me

Heiland Heath Commr.

Filed in Office Dec. 13. 1853

Signed!

Geo Fisher Secy

Los Angeles Nov 15. 1853

At this day before me Heiland Heath Commr. came Maria Figueroa a witness in behalf of the Claimant Anacleto Estrada Petitioner No 341 and was duly sworn his Evidence being given in Spanish and interpreted by the Secretary.

The U.S. Associate Law Agent was present -

In answer to questions by Counsel for the Claimant the witness testified as follows.

My name is Maria Figueroa de Ballistras My age is fifty Years & I reside in Angeles.

I am widow of the late Juan Ballistras - He died eleven years ago.

I know the rancho Rosa de

Deposition
of
Maria
Figueroa

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Castillo My husband was the owner of it -
 The land adjoins San Pascual & the rancho of Juan Ramirez called Las Albas & the rancho of the Neenas.

The land is between this place and the Mission of San Gabriel. The road to San Gabriel passes over the land My husband & myself lived on the place before he died. We occupied it by living there or having some one there for him -

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I cannot tell how long I occupied it after his death until between four & five years ago -

My husband died without a will and I was not authorized by the Court to settle the Estate.

My sons took charge of the property but we did not allow of an inventory to be taken. There were no debts against him.

I have seven children named Francisco about 30 years old, Felipe about 23 years, Jesus about 17, Andrea 25, Maria about 21, Cortados about 20, Teresa & about eleven years -

I sold my portion of the Rancho Rosa de Castillo to Pedro Amelito -

A deed of sale was given him & myself & all the children before named signed it -

I signed it with my own free will & the children did also -

The sale took place less than a year ago, before the fruit time of the present year -

Four hundred dollars was paid for the Rancho -

I never sold it to any one else - I probably granted permission to

to Pedro Sanchez to keep cattle there which he received in payment of tithes - I put no one in charge of the house when I left it four years ago or more - I left the place in consequence of sickness & discouragement from the loss of a son in the war.

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The animals by camping there injured - the place & house became ruins - It was the last year that I gave permission to Pedro Sanchez to keep cattle there - I gave no permission to any one else after I left the place - Neither myself or family have had cattle there since I left.

Instructions by the Associate Law Agent -

How long did your husband own this place before he died?

Answer -

He obtained the place after I was married to him but I cannot tell how long he had it before his death.

Did Pedro Anacleta pay you the four hundred dollars?

Answer -

He did -

Was the place occupied with cattle by any one from the time you left it until you granted the permission to Pedro Sanchez.

Answer -

There was no cattle there & the place was not occupied by any one -

Questions by Counsel for Claimant

Why did you remain in the place instead of returning to the rancho?

Answer -

By reason of the loss of my son by which I was disheartened & the rancho house going to ruin -

Question by the Associate Land Agent - Did you try to sell the land to any body else but the Padre Anacleto -

Answer -

Padre Sanchez spoke of buying but he went away & I think he spoke to Padre Anacleto about it -

I did not offer the place to any one else.

Was this sale made entirely to Padre Anacleto as his property or to the Church?

Answer -

I sold my right to keep cattle on the land - The Church & my husband had a right to keep their cattle together on the land & I sold my right to Padre Anacleto as his individual property.

Do you understand that your children have sold their right to Anacleto?

Answer - I do -

Mania ^{her} Figueroa & de Battistros.
Mark

Sworn & Subscribed
Before me

Richard Hall Comr.

Filed in Office Dec 13. 1852

(Signed)

Geo Fisher Secy

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Deposition of
Francisco Lopez

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Los Angeles Nov 14. 1852.
On this day before Comm. Neiland Keall
Comm. Francisco Lopez a Witness in behalf
of the Claimant Anaclita Estrada petition
No 341 and was duly sworn his Evidence being
given in Spanish and interpreted by the Secre-
tary - The W S Associate Law Agent was
present -

In answer to questions by Counsel
for the Claimant the Witness testified as follows.

My name is Francisco Lopez, my
age is thirty years & I reside in Los Angeles -

I know the Rancho called
Rosa de Castilla & have known it for eight years -
It is situated between this place & the
Mission of San Gabriel -

I went to the place to
take charge of the Rancho about seven or eight
months ago, & at that time the limits were
pointed out to me -

I succeeded Bernardino
Lopez in the charge of it - & I still have
charge of it for father Anaclita Estrada.

It is bounded on one side
by the Mission of San Gabriel - It also
adjoins the Rancho San Pascual on another
side on another the lands of the Town of Angeles
& on another the Rancho of Juan Ramirez
called Canada de las Alisos -

I knew Juan Ballastros who
is now dead. I knew him fifteen or sixteen
years ago & until the time of his death -

He died I think in the time
of Governor Figueroa. I know him about
a year before his death -

He occupied the land with

his family & until his death -
I know his Widow Maria
Ballistras. She & her children lived on the
place in a house they had and occupied
the land with cattle & horses until about
four years ago.

Justitia's Lay Associate Law Agent -

After the widow left the place I do not
know who occupied it until about two or
three years ago, when Bernardino Lopez had
charge of it & it was occupied by Padre Dom-
Chiz the Curate of this place with cattle belong-
ing to the Church obtained partly from tithes
& partly from donations to the Virgin Mary

Pedro Sanchez then occu-
pid until Padre Amelito came which was
about one year ago - & Bernardino Lopez had
charge of it under him until I took charge
of it as before stated -

By what authority did Padre Sanchez
occupy the land?

Answer - I do not know.

Do you know by what authority Amelito oc-
cupied the land?

Answer - He told me he purchased of the
Widow of Juan Ballistras -
Francisco Lopez
Black,

Sworn & Subscribed

Before me,

Richard Heat Comm.

Filed in Office Dec 13th 1853.

(Signed) Geo Fisher Secy.

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Petition & Grant.

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Ciudad de los Angeles Junio 17. 1831.

Titulo del Rancho llamado La
Prosa de Castilla perteneciente a la
viuda y familia del finado

Juan Ballesteros.

Sello 11º de oficio.

Habilitado provisionalmente por la Comandante
Gral. provisional de la Alta California para los
años de 1830 y 1831.

Escheandria. Bautilini.

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Señor Comandante General.

El C. Juan Ballastero, vecino del Pueblo de
nuestra Señora de los Angeles en este territorio
de las Californias con el debido respeto ante
V.S. por el curso mas favorable bajo las
protestas utiles legales y necesarias sabra siempre
las que competan puresco y con el debido respeto
que ha el espacio de tres meses que pedí un
sitio nombrado la Prosa de Castilla al C.
Alcalde Constitucional Vicente Sanchez; esta
autoridad hizo o firmo su cabildo (segun
me contesto) y este cabildo o Ayuntamiento
me cedio a mi peticion tan justa: pues hay
muchos individuos del otro pueblo que han
pedido sitio y ligo al momento se le ha dado
y yo el señor Jefe Politico, siendo uno del vesino
del Pueblo relacionado que no trata solo del
bien particular, sino tambien del bien general
pues este sitio que solicito es para poner y cuidar
una cantidad de ganado de la Virgen, incluso
con el uso. Por tanto A. V. S. pido y suplico
se digno mandar se lo tiene a bien se me de
el sitio q. solicito: entendiendo en la rectitud
de su justicia y persuadido de su benigna ino-
corazon.

Pueblo de los Angeles.

Junio 11. de 1831.

Juan Ballasteros.

Mision de San Gabriel, Junio 19. de 1831.

El Sr. P. P. S. José Sanchez se ha de servir
expresar si el Sr. y el interesado pudiese es
perteneciente a esta opinion esta es para que sea nuestra.

Victoria.

3. 19

San Gabriel. Junio 30 de 1831.

Por parte de esta Mision no hay embargo se le concede al ciudadano Juan Balletero la gracia que suplica obligandose a cumplir en lo posible lo ^{er} lo cual le ponga con poco distante de la baja que divide los terrenos de la Mision y Pueblo de los Angeles. que el ganado que le de la quencia por el pueblo y que cumpla con lo que dice en su memorial tocante al ganado de la Virgen y que tambien deve servir para sustento del ministero.

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Es lo que tengo que esponer y para que conste todo ^{yo}.

Fr. José Sanchez.

San Gabriel. Junio. 35. de 1831.

Provisionalmente permito al interesado la ocupacion del sitio que solicita, observandole en todo la restriccion y circunstancias que expresa en el precedente informe el M. R. P. Ministro de esta Mision. al efecto el interesado se presentara al Alcalde del pueblo de los Angeles para que tenga conocimiento de esta resolucio y se atienda particularmente al beneficio de los Ganados de la Iglesia.

Victoria.

Sello ^o de Oficio.

Habilitado provisionalmente por la ^o provincial de la Alta California para los años de 1830 y 1831.

Eschevarria.

Brandan.

Filed in Office. Oct 2nd 1853.

Geo. Fisher. Secy.

1820

1820

City of Los Angeles June 14, 1831.

Tito of the Rancho called Rosa de
Castillo belonging to the widow and
family of the deceased Juan Paltteras -

"C"

Immigration
of
Grant

At the Seal of Office -
Provisionally authorized by the Provisional
District General of Upper California for the
years 1831 and 1832 -
Becharria - Benavente -

To the Commanding General.

Citizen Juan Paltteras resident of the
Town of our Lady of Los Angeles in this
Territory of the Californias with due respect
before Your Excellency at the most favorable
occasion make declarations useful by at
and useful. Excepting always such as
are in competition I appear and with proper
respect declare that it is now three months
since I asked for a place called San Rosa
de Castilla of his Excellency the Constitu-
tional Alcalde Don Juan Sanchez the latter au-
thority summoned his Council as he stated
to me and this Council or Ayuntamiento
did not accede to my first petition. Now there
are many individuals of the said Town that have
asked for a place and very soon it has been
given them and I Señor Political Chief
being one of the Residents of the before men-
tioned Town that does not act solely from
private interest but also from the public good
as the place which I solicit is the place upon
and keep a quantity of cattle of the Virgin
together with my own.

Therefore I ask and sup-

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supplicate Your Excellency that you do
order if you so think proper that the place
which I solicit may be granted me, and admit
in the reticula of Your Justice and pursued
of the goodness of Your seat.

Town of Las Angles June 14. 1831.

Man Ballastro.

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Mission of San Gabriel June 14. 1831.

The Most Reverend Father Pres-
ident Jose Sanchez will be pleased to as-
ertain if the place petitioned for by the inter-
ested party belongs to the above Mission of which
he is Minister -

Vittoria -

Mission of San Gabriel June 20th 1831.

On the part of this Mission there
is no objection in conceding to Citizen Man
Ballastro the favor which he asks pleading
himself to comply promptly as follows.

The Corral he may place
at a short distance from the limits which divide
the lands of the Mission and the town of Las
Angles that the cattle of the pueblo may have
a rendezvous and that he comply with what he
has expressed in his Memorial in relation to the
cattle of the Virgin and also that he ought to
contribute to the support of the Ministry.

This is as much as I have to make
known and in order that it may appear at times -

Father Jose Sanchez.

San Gabriel June 25th 1831.

I provisionally allow to the interested party the occupation of the place which he solicits he observing fully the restrictions and circumstances that are expressed in the preceding report of the Most Reverend Father Minister of this Mission to which effect the interested party shall present himself to the Alcalde of the Town of Los Angeles in order that he may have knowledge of this resolution in what relates particularly to the benefit of the estate of the Church.

Vittoria —

H. Seat of Office.

Provisionally authorized by the Provisional District Council of Upper California for the years 1830 and 1831.

Pandino —
Echandra —

Filed in Office Oct 2. 1852.

(Signed) Geo Fisher
Secy

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DR. J. H. ...
... 1904

Por el presente documento aun cuando es Judicial pero le doy tanta fuerza como si fuera judicial: Digo Yo Maria Figueroa esposa legitima del finado Juan Balesteros que combeniendome a mis circunstancias el vender la propiedad que tengo en los terrenos del rancho nombrado La Rosa de Castilla como consta por el titulo legalizado que presento. Al efecto lo tengo tratado y vendido Sr. Anatto Lestrado en la cantidad de cuatrocientos pesos (400) los que he recibido en moneda corriente a mi entera satisfaccion. Y siendo de mi espontanea voluntad lo mismo que la de mis hijos sin violencia ni cosa alguna que pueda anular mi legal trato, desde ahora para siempre queda el expresado padre Anatto, unico y legitimo dueño de la propiedad que a mis hijos pertenecia por ello motivo le entrego el expresado titulo en prueba de mi escrito y lo otorgo este documento firmado a mi nombre por el Sr. D.^o Vicente Barron y con las firmas de sus hijos Francisco Felipe y Jesus e hijas: Andrea Maria Gertrudis y Teresa: para que en ningún tiempo apeticen reclamo alguno en mi repetida venta y para la mayor seguridad pongo por testigos a Don Juan Ramirez y D.^o Mariano Ruiz de esta vecindad hoy 31. de Mayo de 1852.

Aruego de D.^a Maria Figueroa.

P.^o no saber firmar.

Fco Balestero.

Vicente Barron.

Jesus Balestero.

Felipe Balestero.

Maria Balestero.

Gertrudis Balestero.

Teresa Balestero.

1.^o testigo. Juan Ramirez.

2.^o testigo por Suplico del Sr. Mariano Ruiz.

Fco Solano.

Filed in Office. Oct.^r 2. 1852.

Geo. Fisher. Secy.

D.
Transfer to.
Lestra de r x.

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[Faint, illegible handwriting covering the right side of the page]

[Faint handwriting at the bottom edge of the page]

27

By this document although Extra-judicial, but to which I give as much force as if it were Judicial, D. Maria Figuera legitimate wife of the deceased Juan Pallastros, do declare that it being suitable, with my circumstances to sell the possession, that I have in the lands of the Rancho called Rasa de Castilla as appears by the legal title that I present -

To which effect I have transferred and sold it to the Reverend Father Anacleto Estrada in the sum of four hundred dollars (\$400) which I have received in current money to my entire satisfaction.

The same being of my free will and that of my children without violence or anything that may be able to annul my legal act.

The aforesaid Father Anacleto to remain henceforth and forever sole and legitimate owner of the possession that belongs to him and my children to which end I deliver to him the aforesaid title in proof of my consent and I deliver to him this document signed with my name by Don Vicente Barron and with the signatures of my sons Francisco Felipe and Jesus and daughter Andrea Maria, Gertrudis and Juana in order that hereafter they may not set up any claim in my present sale and for his greater security I place as witnesses Don Juan Ramirez and Don Mariano Ruiz of this vicinity.
May 31st 1852.

At the request of Dama Maria Figuera as not knowing how to sign -
Vicente Barron

Francisco Pallastros

1 E
Translation
of
Palms for

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Filipo Ballastros +
 Jesus Ballastros Andrea Ballastros +
 Maria Ballastros Extrudis Ballastros +
 Inusa Ballastros +

1st Witness
 Juan Ramirez

2^d Witness -
 At the request of Mariano Ruiz -
 Francisco Solano.

Filed in Office Oct 2^o 1853

(Signed) Geo Fisher
 Secy

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Anacleto Loestrade }
 vs }
 The United States } claim for a place
 called Rosal de Castilla
 in the County of Los
 Angeles.

Opinion by
 Commissioner
 S. B. Darwell

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The claimant in this case holds
 by purchase from the heirs at Law of
 Juan Ballesteros, and has offered in
 evidence a deed of conveyance from the
 widow and children of the said Ballesteros,
 dated the 31st of May 1832,

And also the application of the said
 Ballesteros dated June 17th 1831 to
 Governor Vittora for a provisional grant
 to pasture cattle on the land with the
 cattle of the church upon which appli-
 cation the Governor referred the same to
 the Padre of the Mission and the Priest
 reported on the 20th of the same month
 that there was no objection on the part
 of the church to the issue of the grant

And on the 25th of the same month
 the Governor issued a provisional grant
 allowing him to occupy the land for
 the purposes mentioned in his appli-
 cation with the conditions that he pasture
 the cattle of the Mission and contribute
 to the support of the Ministry,

There is no description of the land
 in the Expediente nor grant only the
 name of the place.

Neither is there any amount specified
 and there is no evidence of any occu-
 pation or cultivation until about five
 years after the date of the grant at which
 time the place seems to have been
 occupied by the grantee and his family.

There was no map presented with the Expediente, nor none referred to in the grant.

The claimant has placed on file a map purporting to be a representation of the place, and has proved by one of the witnesses to represent the place, but that witness says also that he never knew the boundaries, only as told to him by the present claimant.

We think the proofs do not show any occupancy or cultivation within a reasonable time, nor any segregation of the land or sufficient discription to enable the Board to define its particular locality.

And a decree will be entered, adverse to the claim.

Rejected

Filed in Office April 3, 1855,
Ge. Fisher Sec.

Anacleto Estrada

vs

The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the Petitioner is not valid and it is therefore decreed that his claim Application for a confirmation thereof be denied.

Alphens Delch

R. Aug Thompson

A. B. Darwell, Comrs.

Filed in Office April 3, 1855,

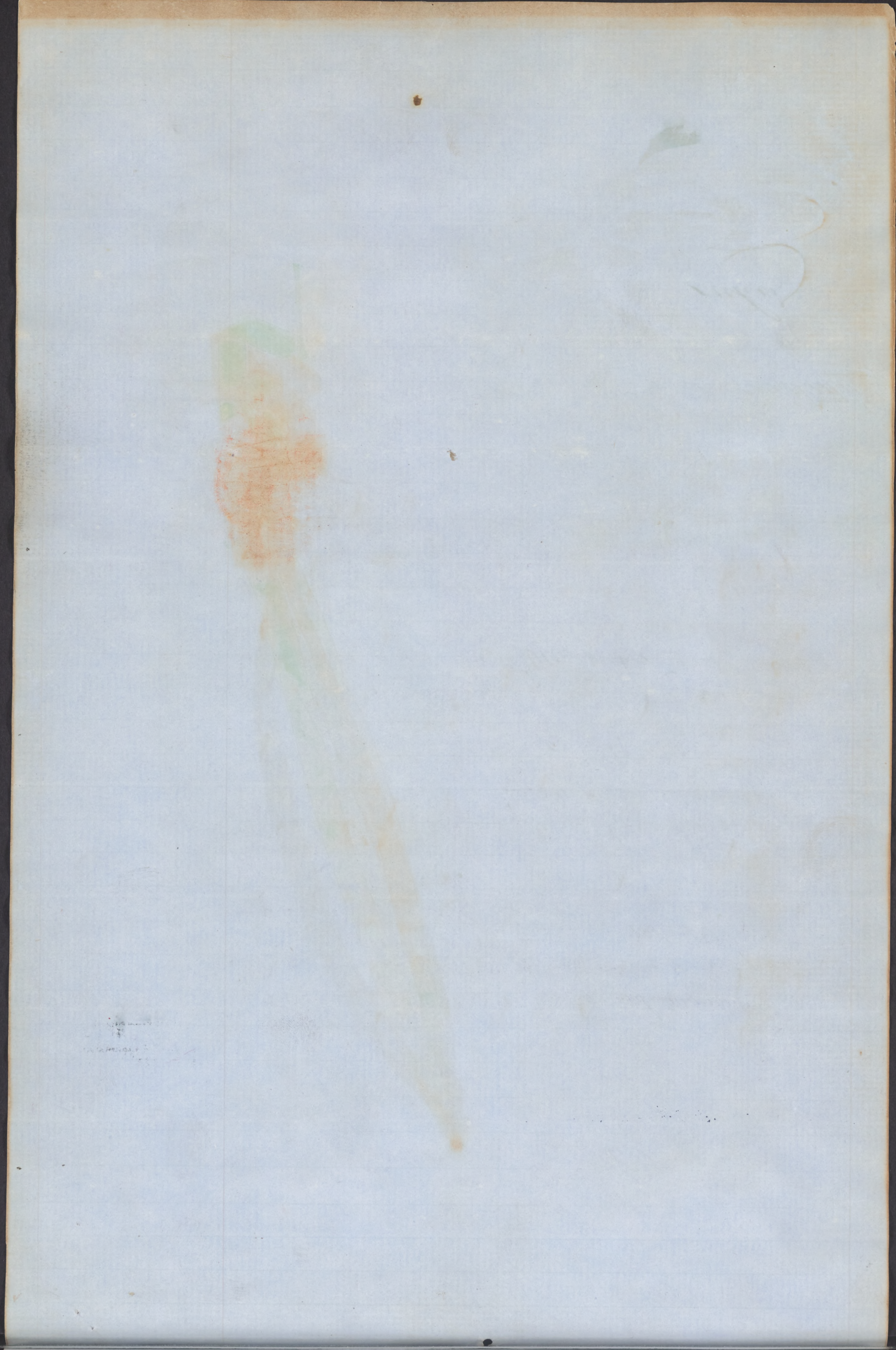
Ge. Fisher Sec

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

Ordered

That two transcripts of the proceedings and of the decisions in this case, and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, one of which transcripts shall be filed with the clerk of the United States District Court for the Southern District of California and the other be transmitted to the Attorney General of the United States.



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Office of the Board of Commissioners,

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

I, *George Fisher* — Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Thirty one* — pages, numbered from
1 to *31*, 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. *371* on the Docket of the said Board,
wherein

Anacleto Lestrade is —

the Claimant against the United States, for the place known by
the name of "*Rosa de Castilla*" —

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

Geo. Fisher



309

U. S. DISTRICT COURT,

Southern District of California.

No. 309.

THE UNITED STATES,

vs.

309

Anacleto Seestrade,

Rosa de Castilla.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *371*

Filed, *Oct 23^d* 1855

*J. E. Lawrence,
Clerk.*

309

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

vs.
Hon. J. S. K. Ogden Judge
Associate Justice

Appellant. } No. 309.

The United States. } Trans No. 371.
Appellee.

On Motion of P. M. United States Attorney
for the Southern District of California;
and on showing to the Court that the
appellant in the above entitled cause has
failed to file a notice with the Clerk ^{of this Court} of
his intention to prosecute the appeal in
said cause: ^{within the time allowed by law} It is Ordered by the Court
that the appeal in said cause be finally
dismissed.

P. M.

U. S. Atty.

Dec. 17. 1836.

Motion granted

No 309

W.P. Court

Quadrato Lestrade

W

W. Mitchell States

Motion to dismiss

Appeal

Filed Dec 18th 1834

C. J. Smith
Chk

transferred

309SD

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

Anastasio Anacleto
Appellant

Case No 309

"Rosa Castilla"

vs

The United States

Appellee

Case No

To the United States District Attorney
For the Southern District.

Sir!

I have notice that on the 4th day of January
A.D. 1858, at 11 o'clock A.M. of said day as at
early thereafter as the same can be heard the
claimant and appellant will move the Court
aforesaid, for cause, to vacate the order hereto-
fore made dismissing said cause for want of
notice of intention to appeal, and to return said
cause to the calendar for trial in this Court.
Los Angeles December 30. 1857.

Edwin A. Hartman

Of Counsel for Appellant

Case No 309

In U.S. District Court
Southern District

Amastacio Amelita

vs

The United States

Notice of ~~Discontinuation~~
Motion to restore cause

Filed this 30th Dec^r
1857
Leslie C. Coker
J. H. Coleman
Att^y

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Stam & Newman

of Counsel for Appell^t

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

Anacleto de Estrada

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The United States

Appellee

No. 309

Appellant

Rosa de Castilla

On appeal from the decision of the United States Board of Land Commissioners, to ascertain and settle the private land claims for California, by the filing with the Clerk of the above Court of a certified ^{transcript} copy of the proceedings of said Board of Commissioners, in this case, on October 23rd 1855.

Notice is hereby given that the above Appellant intends to prosecute the appeal aforesaid in this case, in the above entitled District Court.

Scott Chandler,
Atty for Appellant

Cause 309
U. S. Dist. Court, Southern
Dist. California

Answer to Petition
Appellant

By
The United States
Appellee

Notice of intention
to prosecute appeal

Filed 5th Day 1888

Spims
DR

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Scott & Chandler

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

Anacleto Lestrade

N^o 309

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Appellant

PAGE

36

By

The United States

Appellee.

Rosa de Castilla

And now come,

The appellant and moves the Court for an order vacating the former order of the Court, made December 18, 1856, dismissing the appeal in this case from the decision of the United States Board of Land Commissioners, and to re-instalate this cause on the docket of the Court, with leave for the appellant, to file his notice of intention to prosecute the appeal in this case, and relies on the affidavit of Blas Rubio, annexed hereto.

Scott Sander
Atty for Appellant.

Frid Jan'y 5th 1858
C. Sims clk
J. H. Coleman
Secy

United States of America
Southern District of California } 21

309 SD

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Plas Rano, being duly sworn,
deposes and says;

That he is the agent for the Claimant and appellant in this case, and has the sole direction and control of the same, and that he is well acquainted with Anacleto Restrade the Claimant named in this case.

That the appeal in this case was taken October 23^d 1855 by the filing with the Clerk of the District Court of the United States for the Southern District of California, of the Certified Transcript of the proceedings of the United States Board of Land Commissioners to ascertain and settle the private land claims in California.

That as applicant has been informed and believes, from information from the said Restrade, the said Restrade shortly thereafter, spoke concerning the prosecution of his claim herein to Pacificus Onda an attorney of this Court and who was at the time, the District Attorney of the United States for the Southern District of California and that from said conversation, the said Restrade by mistake supposed that the said Onda would undertake the prosecution of this case on his behalf.

And applicant says that the said Restrade was unfamiliar with the practice of this Court in cases on appeal from the said Board of Land Commissioners.

and with judicial proceedings generally, and applicant is informed and believes, that said Restrade was ignorant, at the time he spoke to said Ord concerning his case, that the said Ord was the attorney in the case on behalf of the Government; or, that if said Restrade was cognizant of that fact, his ignorance of the practice of the Court and of judicial proceedings generally, was such, that he did not know that the said District Attorney could not assume the prosecution of the appeal in this case on the part of the Claimant; and as applicant is informed and believes the said Ord never informed the said Restrade to the contrary.

Whereby a mistake occurred which was the reason why the Claimant failed to engage the services of another attorney of the Court on his behalf.

That thereafter on the 18th day of December A.D. 1836, the said Ord acting as District Attorney of the United States of said District, moved for and obtained an order of the Court dismissing the appeal in this case, no notice of the intention of the Appellant to prosecute the appeal having been filed within the term prescribed by statute.

But applicant says that the Claimant had no notice whatever of said motion, nor did any attorney on his behalf, but that the same was ex parte.

Whereby, applicant says, the Claimant in this case has been surprised and mistaken to his prejudice.

And applicant says that said Restrade

is not now a resident of the State of California, but that applicant is well acquainted with the matters in this case, and for those reasons this affidavit is made by applicant and not by the Claimant.

That applicant has fully and fairly stated the case of said Restrade herein to the Court who have been engaged on the part of the Claimant since the said dismissal of the appeal, and has thereupon by them been informed, and believes to be true, that the said Claimant has a good and just cause of action herein upon the merits, and that if the said order dismissing the appeal be vacated, and the Claimant be allowed to be heard that he will be able to substantiate his title to the land in this case.

And applicant further says, that upon his receiving information of the dismissal of the appeal in this case, having previously been informed by said Restrade that he had spoken regarding the case to said Ord, applicant made inquiries respecting the same of said Ord, and was by him informed that it was true he had been spoken to concerning the case by said Restrade, but inasmuch as he was District Attorney he could not act on behalf of the Claimant nor was he authorized to appoint a substitute

Sworn to & subscribed

Blas Rabo.

before me this 22nd January

AD 1858. A. Smith Clerk

J. H. Coleman
Depy

Case 309
U. S. Dist. Court South
West of Cal.

Anacleto Restrepo
Appellant

vs

The U. States
Appellee.

Filed by 2^d January
1858
J. M. Coleman
Dep

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Restrepo