

CASE NO.

319

SOUTHERN DISTRICT

ARROYA DE LOS CALSONCILLOS GRANT

JOSE MARIA CASTANARES

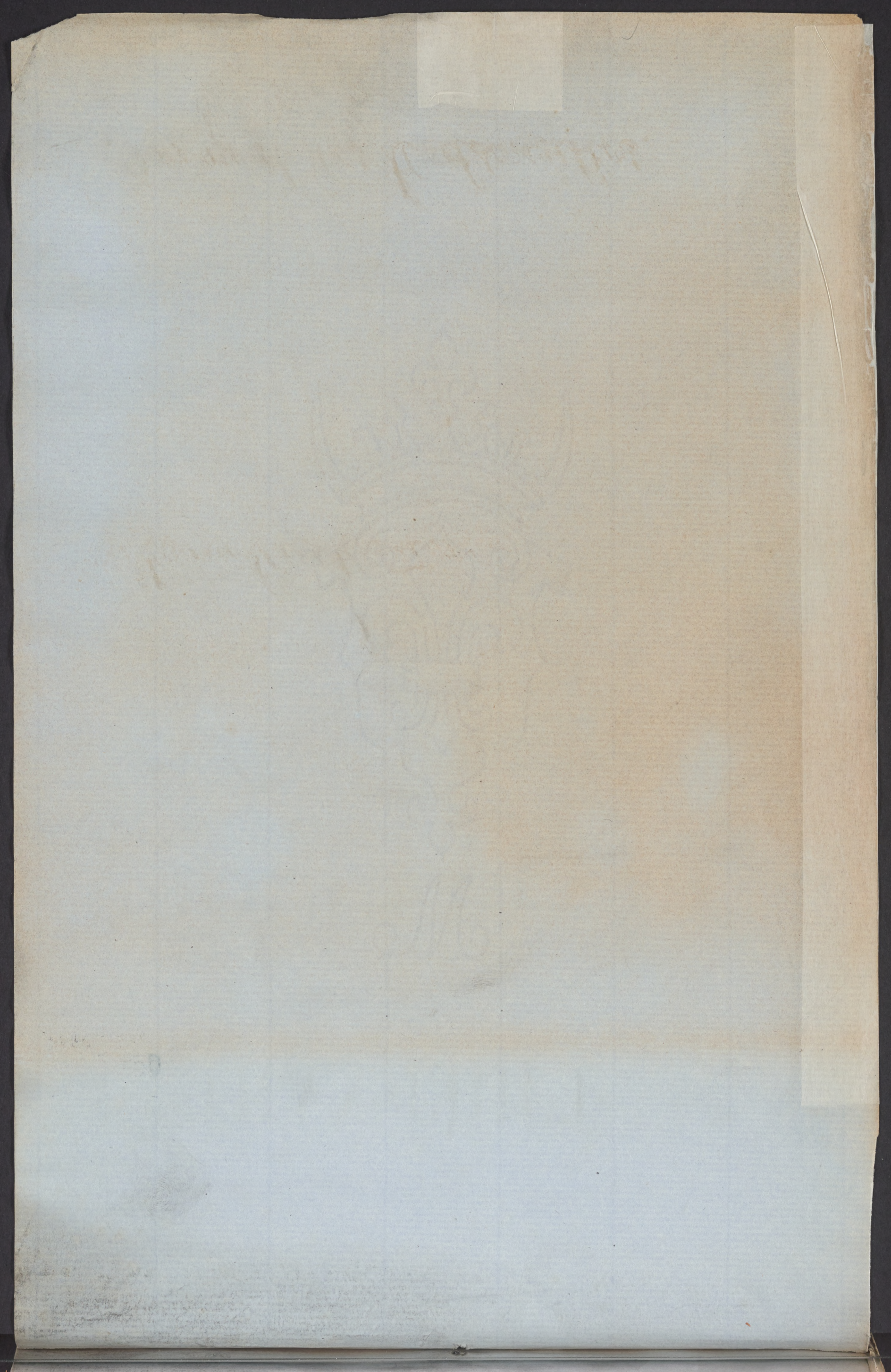
CLAIMANT

MAR 21 1963

RECOMMENDED
BY THE BOARD
OF COTTON FIBER
U.S.A.

785

Dup.



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 785

Jose Maria Castanares CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Arroyo de las Calsoncillos.

100

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 second day of March, 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 José Maria Castañares,

for the Place named

"Arroyo de los Calzoncillos,"

was presented, and ordered to be filed and docketed with No. 785 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 January 9th 1855.
Case no. 785 José Maria Castañares for the place named "Arroyo de los Calzoncillos," was ordered to be placed at the foot of the 4th class cases on the trial docket.

San Francisco March 26th 1855.
In the same Case the Counsel for the Claimant filed the following Affidavit, to wit:

(Vide page 5 of this Transcript.)

And the prayer of the petitioner therein was taken under advisement by the Board.

San Francisco March 27th 1855.
Case no. 785 was assigned for hearing on the 3rd day of April next.

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San Francisco April 10' 1855.
Case no. 785 was submitted without argument
and taken under advisement by the Board.

San Francisco April 24' 1855.
In the same case Commissioner S. Aug. Thompson
delivered the Opinion of the Board respecting the
claim:

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S

(Vide page 11 of this Transcript)
and the following order was made, to wit:

(Vide page 12 of this Transcript)

of the Honorable Board of Commissioners

3
To the Honorable Board of Commissioners
for settling private land claims in California.

Your petitioner, Don M. Castaneda
of the City of Mexico, respectfully shows to
your Honorable Board, that a certain tract
of land was granted to him, in the State
of California by Don Manuel Michelena
the twenty eighth / 28th / day of Decem-
ber one thousand eight hundred &
forty three / 1843 / as will more fully appear
by reference to the grant thereof, a copy and
translation of which are herewith presented
marked respectively, B and C.

That the said Don Manuel Mich-
elena was, at the time of making such
grant, acting Governor of said California
under the Government of Mexico, with full
and extraordinary powers to make the grant
aforesaid.

That the quantity of land claimed
by your petitioner herein is Eleven square
leagues (once sitas de ganado mayor) —

That the description, bounds and
locality of the said tract of land are as fol-
lows: to wit: The land known by the name
of Arroyo del los Calancillos, situated in
the mountain and road of Santa Cruz or
elevation looking towards Santa Clara, bound-
ed on the North by the Rancho of Tita, on
the South by that of Don Luis Hernandez
and Blue mountains, on the East by the
same places, and on the West by the San
Agustin and Saryanta.

That the said tract of land has
not been surveyed by the Surveyor General
of the United States.

That your petitioner is not aware

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PAGE 4

Petition

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of any conflicting claim to the said tract of land known as Arroyo de los Calsoncillos.

That the said grant of land was made to your petitioner as aforesaid, not solely as a matter of grace and favor, but in remuneration of his services and of loans of money made by him to the Government of Mexico in said California.

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PAGE 5

Wherefore your petitioner presents his said claim to this Hon. Board, and prays that said Board will pronounce in favor of the same, and will confirm the validity thereof and of his right and title to said described land and premises.

Dated San Francisco, March 1st 1853.

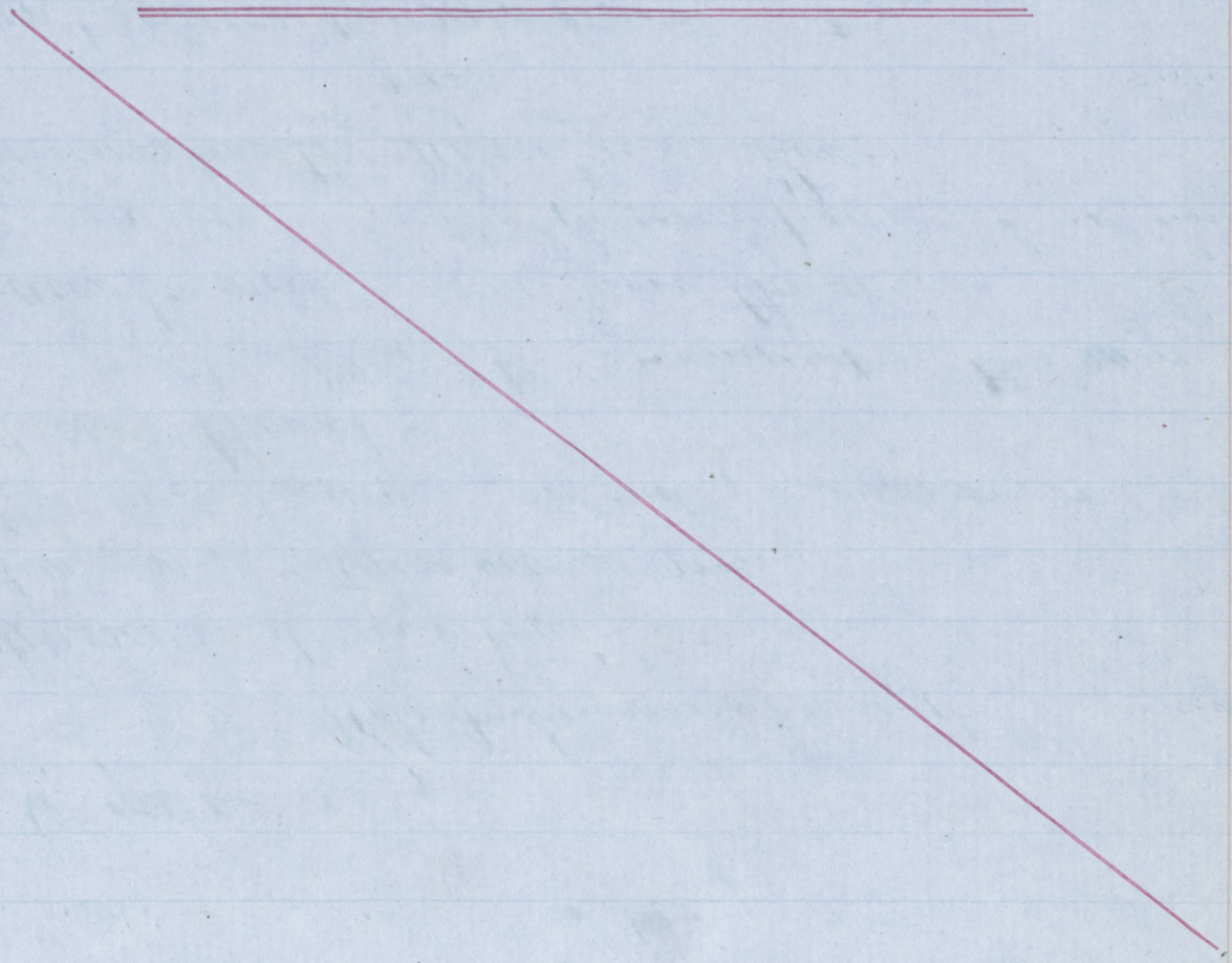
N. W. Chittenden.

Robert Erinson.

Atty General for claimant.

Filed in Office March 2nd 1853.

Geo: Fisher
Secy



5-
W. S. Board of Land Commissioners for settling private land claims in California.

No 785.

Robert Swinson being duly sworn deposes and says that he is claimant's Attorney in a certain cause now pending before the said Board numbered 785 upon the docket thereof.

That the claimant in the said cause is now absent from the State of California, being as the deponent is informed and believes in the Republic of Mexico.

That as the deponent is informed and believes the said claimant has been, and now is detained in said Mexico by reason of the revolutionary disturbances now prevailing in that country; and that said claimant is a Military officer in active service in behalf of the Government thereof; and that when said claimant left California he intended to be only temporarily absent therefrom.

That the deponent cannot prepare the said cause for submission to this Board without the presence of the said claimant therein or without said claimant's written directions in answer to letters long since sent to him in respect to the conduct of the said cause - which answers and also the said presence of said claimant the deponent believes to have been delayed and prevented by the said revolutionary disturbances.

That the deponent is desirous to postpone the submission of the said cases for at least three months in order to give further time for the return of said claimant or for the receipt of communications

Affidavit

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from him respecting the said claim and the
conduct of the said case.

Robert Simson.

Subscribed and sworn to
before me on this 20th day
of March A. D. 1855-

S. B. Furrall.

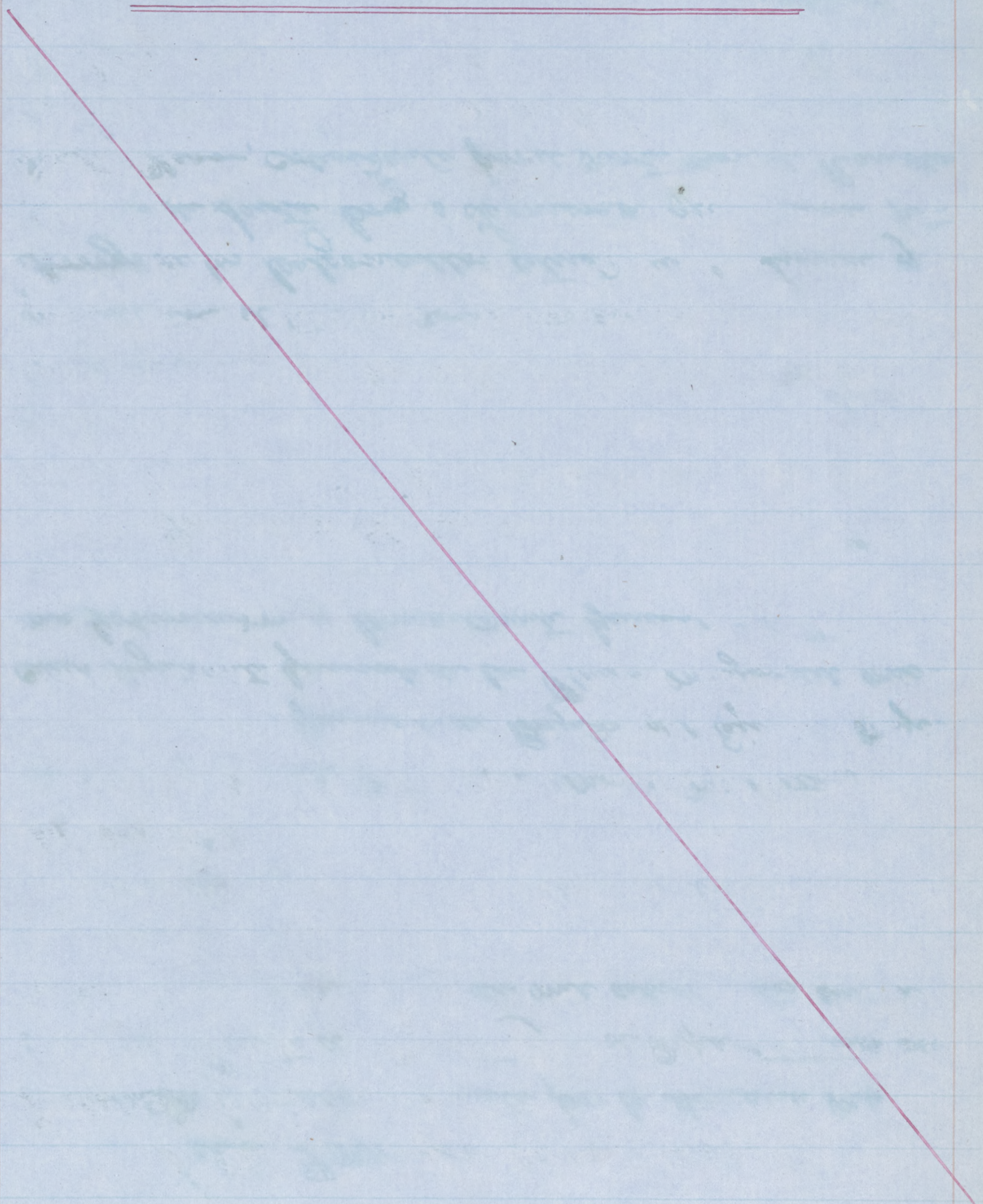
Comr.

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Filed in Office March 20th 1855.

Geo: Fisher.

Deey



7
Sello Primero Ocho Pasos.

B
Grant -

Habilidad provisionalmente por la Aduana Mari-
tima del Puerto de Montevideo en el Departamento de
las Californias para el año de mil ochocientos cuarenta
y tres -

Micheltonna -

Manuel Castañeras.

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Ad.^a Marit.^a 2
de Montev. 3

El Ciudadano Manuel Micheltonna
General de Brigada del Ejército Napi-
euno Ayudante General de la Plana Mayor del mis-
mo Gobernador y Comandante General del Departam-
ento de Californias -

Por cuanto D. Jose Maria Castañeras Capi-
tan de Milicia Activa ha pretendido para su benefi-
cio personal un remuneracion de sus servicios y pres-
tamos de dinero que ha hecho para socorros de la
guarnicion el terreno conocido con el nombre de
Arroyo de los Balconcillos situado en la Sierra y
Camino de Santa Cruz ó Lomeria que mira p.^a
Santa Clara, colindante por el Norte con el Rancho
de Tito, por el Sur con el de D. Jose Hernandez y
la Sierra Azul, por Este con los mismos para-
ques y por el Oeste con los de San Agustin y Sa-
yanta segun esplica el diseño respectivo: prac-
ticase por lo tanto las diligencias y averiguaciones
concernientes segun lo dispuesto por las leyes y regla-
mentos de la materia usando de las facultades con
que me hallo investido á nombre de la Nacion Cri-
ficana he venido en concederle al expresado Sr.
Castañeras el terreno referido declarandole la
propiedad de él por las presuntas letras.

El terreno de que se hace donacion es de
cuatro sitios de ganado mayor los mismos que po-
drá ocupar el interesado cuando mejor le conven-
ga, destinandolos al uso ó cultivo que mas le aco-

8
Mode sin perjuicio de los Troncos Caminos y
Servidumbres -

En consecuencia mando que Termino
por firme y validos el presente titulo se tome ra-
zon de él por la Secretaria del Despacho y se entru-
que al interesado para su resguardo y demas fines -

Dado en Monterrey Capital del D. p. de Tamaulipas
a veinte y ocho del mes de Diciembre de mil ochos-
cientos cuarenta y tres -

(Firmado) Manuel Michelt.

(Firmado) Manuel Jimeno.

foio.

Queda tomada razon en el libro respectivo
que obra en la Ofi. de mi cargo -

Jimeno.

Filed in Office March 2, 1853 -

Geo. Fisher,

Scrij -

9
First Seal, Eight Dollars.

Qualified provisionally for the Maritime
Custom House of the Port of Monterey, in
the Department of the California for the
year one thousand eight hundred and forty
three.

6. Translation. Micheltona. Manuel Castanares.

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Ad. Marit^o 3
de Monty. 43

The citizen Manuel Micheltona, Brigadier General of the Mexican Army, Adjutant General of the grand staff of the same, Governor and Commander General of the Department of California. Whereas Don Jose M. Castanares, captain of the active Militia, has asked for his funeral benefit, in remuneration of his services, and loans of money that he has made for the success of the Gamson, the land known by the name of Arroyo de los Culoncillos, situated in the mountain and road of Santa Cruz, or elevation looking towards Santa Clara, bounded on the North by the Rancho of Tita, on the South by that of Don Jose Hernandez and Blue Mountains on the East by the same places, and on the West by the San Agustin and Sayanta, as described and set forth in the map thereof, the necessary steps and proofs concerning the same having been previously taken & made as the laws and regulations prescribe in the matter, & making use of the power with which I am invested, in the name of the Mexican Nation, have and do concede to him, the said Castanares, the said land declaring the fee thereof to be in him by these presents.

The land of which grant is made consists of Eleven square leagues, which same the grantee may occupy when best suits him, destining the same to the use or cultivation that may best suit him, without prejudice to the crossways, roads and commons.

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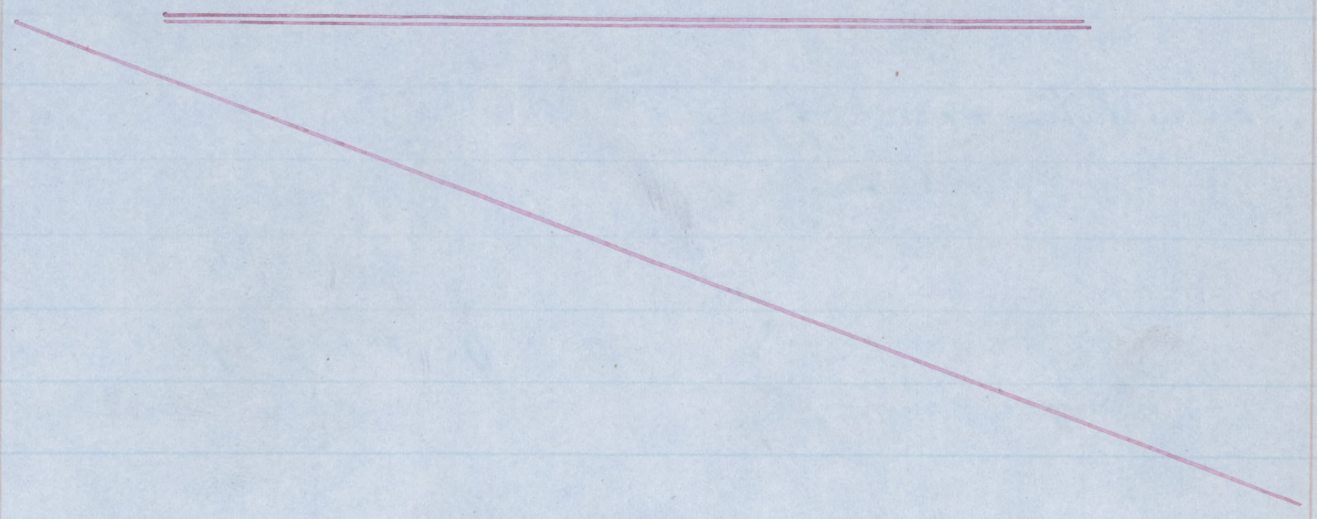
In consequence I order that the present title shall be held good and valid, and the same be registered in the office of the Government Secretary and be delivered to the grantee for his security and other purposes.

Given in Monterey, Capital of the Department this twenty eighth of the month of December one thousand eight hundred and forty three.

(Signed) Man. Michelt.
(Signed) Man. Jimeno.
Jvio

Register made of this grant in the proper book in my charge in the office of Secretary.
Jimeno.

Filed in Office March 2 1853.
Geo. Fisher.
Diaz



Opinion of the Board of Com Thompson }
Jose M Leistanues }
vs } Arroyo de los
The United States } Realzoncellos

The claimant having failed to sustain his claim by any proofs, his application for a Confirmation is denied

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Filed in Office April 24-1855
Geo. Fisher Secy
Recorded in Record of decisions
Vol two pag 640
Geo. Fisher Secy

Decree Jose M Leistanues }
vs }
The United States }

In this case on hearing the proofs and allegations it is accepted by the Commis in that the claim of the petitioner is not valid, and it is therefore decreed that his application for a Confirmation thereof be, and the same is hereby denied

R. A. Thompson

S. B. Luce

Commis

Filed in Office April 24th. 1855
Geo. Fisher Secy
Recorded in Record of decisions
Vol 2 pag 640
Geo. Fisher Secy

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And it appearing to the satisfaction of
the Board that the same party or
parties is interested in the Southern
District of California it is hereby ordered
that two transcripts of the proceedings
and decision in this case and of the
papers and evidence upon which the
same are founded be made out and
duly certified by the Secretary one
of which transcripts shall be filed
with the Clerk of the United States
District Court for the Southern
District of California and the
other be transmitted to the Attorney
General of the United States

Office of the Board of Commissioners,

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

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I, *George Fisher* — Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twelve* — pages, numbered from
1 to 12; 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. 785 on the Docket of the said Board,
wherein

José Maria Castañares is —

the Claimant against the United States, for the place known by
the name of "*Arroyo de los Balsancillos*" —

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

G. Fisher.
Geo: Fisher.

319
U. S. DISTRICT COURT,
Southern District of California.

No. 319.

THE UNITED STATES,

vs.

José Maria Castanares
Arroyo de los Coneillos
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TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. 785

Filed, *Oct 23^d* 1855.

J. E. Jones
clerk.

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United States District Court
Southern District of California }

No.

José M^a Castañares

vs

319 SD The United States of America

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The United States Land Commission to ascertain and settle private land claims in the State of California having rendered its decision in the ^{above} case designated on the Docket of said Commission as No. 785 against the claim and title of the said claimant to the place or land called "Arroyo de los Calsoncillos", situated in said District. Notice is hereby given that it is the intention of the said claimant to prosecute his appeal from the said decision.

April 15th 1836.

Robert Finson
Claimant's Attorney
112 Montgomery St.
San Francisco

To Charles E. Carr Esq
Clerk of U. S. District Court of the
Southern District of California
Los Angeles
California

No. 319
United States District Court
District of California

José M^a Castañares
vs
The United States of America

Demands notes of indictment
to prosecute appeal

785
Aguayo de los Caboncillos

Wm. O. Whitley Esq
J. J. Foster
W. J. Morgan Esq

United States District Court
Southern District of California }

No

José M^a Castañares

319 SD

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The United States of America }

The United States Land Commission to ascertain and settle private land claims in the State of California, having rendered its decision in the above case designated on the Report of said Commission as No. 785 against the claim and title of the said claimant to the place or land called "Arroyo de los Calencillos" situated in said District Notice is hereby given that it is the intention of the said Claimant to prosecute his appeal from the said decision.

April 15th 1856

Robert Finson

Claimant's Attorney

112 Montgomery St.

San Francisco

No 319.

United States District Court
Southern Dist. of California

José María Castañares

M

The United States of America

Mrogo de los Calancillos

Claimants notice of intention
to prosecute appeal.

Filed April 30th 1856

C. E. Carr
Clerk

By *Collingman*

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Charles E Carr Esqr
Clerk of U.S. District Court of the
Southern District of California

Los Angeles
California

In the District Court of the U.S. for the
Southern Dist of Cal:

Hon Isaac S. K. Ogden Judge

I M. Castanans } N. 319.

vs. Appellant.

The United States. Appellee. } Term N. 785.

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On Motion of P. Ord Atty of the United
States, for the Southern Dist of California,
and in showing to the Court, that the
appellant in the above entitled Cause,
failed to file with the Clerk of this
Court a notice of intention to prosecute
the appeal in said Cause, within the
time allowed by law, it is ordered
^{by the Court}
that the said appeal to this Court, from
the decision of the Land Commissioners, be
and ~~is~~ the same is hereby ^{finally} dismissed.

P. Ord

Attest.

Feb 12. '57

No 319

U.S. Dist Court

Southern Dist of Cal

Ex m Castellanos
vs
appell

U States

Motion to dismiss
appeal —

Filed Feb 15th 1857

Clifford
clerk

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

Jose M. Castanera

Case 319.

Appellant

vs

"Anexo de los Calzoncillos"

The United States

Appellee

Case 485.

Motion.

Now comes the said Appellant and moves the Court to recall the order heretofore made dismissing this cause on the ground that the notice of intention to appeal was not filed in time, and to restore said cause to the calendar for trial.

1st Because it always has been known filed the intention of said Appellant to present said appeal.

2nd Because said order dismissing said cause was improperly made.

3rd Because said Appellant had no notice of said motion and order.

And the Appellant prays leave hereafter to file in support of this motion such affidavits, depositions, exhibits and original documents as may be deemed necessary and proper.

Edwin S. Hartman

of Counsel for Appellant.

No 319

in U.S. District Court
Southern District

Jose M. Castaneda
Appellant

vs
The United States
Appellee

Motion

Filed in open Court this
8th February AD 1858
Witness my
Hand & Seal
J. H. Coleman
Clerk

319 SD

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Jose M. Castaneda

of Counsel for Appellee

Jose Maria Castaneras
Appellant
vs
The United States
Appellee

Case in District 6 319
"Anexo de los balconillos"
Manuscript No 785.

319 SD
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On motion of J Castaneras App for the appellant, it is ordered that the appellant have leave to withdraw the motion heretofore filed in this cause to reinstate said cause, and for leave to file notice of intention to appeal, without prejudice.

Jose M Simancas
Appel
vs
The United States
Appellee

Case in District Court No 311
"Cajuna de Saca"
Manuscript No 781.

Same order as above

No 319

Rosa Maria Castaneras

Filed 7th Dec 1854
Cfms
CR