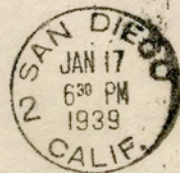


NOON & NOON
ATTORNEYS AT LAW
825 FIRST NATIONAL BANK BLDG.
SAN DIEGO, CALIFORNIA



Mr. George Castellanos
1212 Upas Street
San Diego, California

the 3 towns were taken -

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

95021

No. _____

TITA L. ACUNA, by ANDREW L.
ACUNA, as her GUARDIAN AD LITEM,

Plaintiff,

-VS-

MANUEL ELIAS CALLES,
GEORGE CASTELLANOS, also known
as JORGE CASTELLANOS, JOHN DOE
and JANE DOE,

Defendants.

COMPLAINT FOR MONEY JUDGMENT

Comes now the plaintiff and for cause of action against the
defendants herein alleges:

I.

That ANDREW L. ACUNA is a duly appointed and acting Guardian ad
litem of the plaintiff, TITA L. ACUNA; that plaintiff TITA L. ACUNA
is a minor child of the age of SIXTEEN (16) years and at the time
of the commission of the grievances hereinafter mentioned, she was
of the age of FIFTEEN (15) years, and was and still is unmarried, and
at all times prior thereto had been chaste and virtuous.

II.

That for four months prior to the 25th day of November, 1937,
the defendant, MANUEL ELIAS CALLES, pressed ardent suit for the hand
of the plaintiff TITA L. ACUNA and showered her with expensive gifts;
that on many occasions prior to said date the said defendant attempted
to carnally know the plaintiff, but plaintiff refused defendant her
person until such time as they would marry.

III.

That on or about the 25th day of November, 1937, the defendants
planned, connived and conspired together to cause the down-fall of
plaintiff's virtue; that pursuant to said plan, connivance and con-
spiracy, and on said day the defendant MANUEL ELIAS CALLES, proposed

BEN B. RUBIN
ATTORNEY AT LAW
1210 SAN DIEGO TRUST & SAVINGS BUILDING
SAN DIEGO, CALIFORNIA
MAIN 9158

1 marriage to the plaintiff and induced her to go to Tijuana, Baja
2 California, Mexico, to be married; that the plaintiff TITA L. ACUNA
3 placed her trust and confidence in the defendant and accompanied him
4 to said Tijuana for the purpose of marrying said defendant; that at
5 said time and place said TITA L. ACUNA and MANUEL ELIAS CALLES
6 entered into a purported marriage ceremony which plaintiff truly
7 believed to be valid and binding, whereas, in reality the performance
8 of said ceremony had been pre-arranged by the defendants, conceived
9 in fraud with the intent to deceive and trick the plaintiff into
10 believing herself married to said MANUEL ELIAS CALLES; that plaintiff
11 was deceived and tricked into becoming a party to said marriage cere-
12 mony and at all times thereafter believed herself to be validly and
13 lawfully bound to the defendant MANUEL ELIAS CALLES in the bonds of
14 holy wedlock.

15 IV.

16 That pursuant to said plan, connivance and conspiracy, the
17 defendant MANUEL ELIAS CALLES, on said 25th day of November, 1937,
18 took the plaintiff to the home of the defendant GEORGE CASTELLANOS,
19 also known as JORGE CASTELLANOS, where said defendant GEORGE
20 CASTELLANOS, also known as JORGE CASTELLANOS, served the plaintiff
21 with intoxicating liquors and suggested that one of the rooms in his
22 house serve as the nuptial bower of the plaintiff and the defendant
23 MANUEL ELIAS CALLES; whereupon the plaintiff was induced by the de-
24 fendants to stay at said home and was seduced by and had sexual
25 intercourse with the defendant MANUEL ELIAS CALLES; that said acts
26 of seduction and sexual intercourse were the direct and proximate
27 result and design of the plan, connivance and conspiracy of the
28 defendants MANUEL ELIAS CALLES, GEORGE CASTELLANOS, also known as
29 JORGE CASTELLANOS, JOHN DOE and JANE DOE.

30 V.

31 That subsequent to the 25th day of November, 1937, plaintiff
32 TITA L. ACUNA was informed by the defendant MANUEL ELIAS CALLES that
33

BEN B. RUBIN
ATTORNEY AT LAW
1210 SAN DIEGO TRUST & SAVINGS BUILDING
SAN DIEGO, CALIFORNIA
MAIN 9158

4

1 the said purported marriage was invalid and void and of no force and
2 effect and that the said defendant and plaintiff were not husband
3 and wife; that although said defendant MANUEL ELIAS CALLES on many
4 occasions since said day promised to enter into a legal and valid
5 marriage with the plaintiff, said defendant has not done so, and in
6 fact now refuses to have anything to do with the plaintiff TITA L.
7 ACUNA.

8
9 VI.

10 That as a direct and proximate result, and by reason of the
11 promises, and in consequence of the seduction as aforesaid, the
12 plaintiff has suffered greatly in her health and reputation and body
13 and of mind, all to her damage in the sum of ONE HUNDRED AND FIFTY
14 THOUSAND DOLLARS (\$150,000.00).

15 WHEREFORE, PLAINTIFF PRAYS judgment as follows:

- 16 1. For the sum of ONE HUNDRED AND FIFTY THOUSAND DOLLARS
17 (\$150,000.00) general damages, and TWENTY-FIVE THOUSAND
18 DOLLARS (\$25,000.00) punitive damages.
19 2. For her costs of suit herein.
20 3. For such and other further relief as to the Court may
21 seem just.

22 BEN B. RUBIN

23 EDWARD E. RUBIN

24 Attorneys for Plaintiff.
25
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1 STATE OF CALIFORNIA, }
2 COUNTY OF SAN DIEGO, } SS

5

3 ANDREW L. ACUNA, being duly sworn, deposes and says: That he
4 is the Guardian ^{ad litem} in the within and above entitled action; that he
5 has read the within and foregoing COMPLAINT and knows the contents
6 thereof; that the same is true of his own knowledge, except as to the
7 matters which are therein stated on his information and belief, and
8 as to those matters that he believes it to be true.
9

10
11 ANDREW L. ACUNA

12
13 SUBSCRIBED AND SWORN to before me
14 this 29th day of December, 1938.

15 (SEAL) LUCY A. AUST
16 NOTARY PUBLIC in and for the County
17 of San Diego, State of California.
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BEN B. RUBIN
ATTORNEY AT LAW
1210 SAN DIEGO TRUST & SAVINGS BUILDING
SAN DIEGO, CALIFORNIA
MAIN 9158

No. 95021

IN THE SUPERIOR COURT OF THE COUNTY OF SAN DIEGO
STATE OF CALIFORNIA

TITA L. ACUNA, by ANDREW L.
ACUNA, AS her Guardian ad litem

Plaintiff
vs.
MANUEL ELIAS CALLES, GEORGE
CASTELLANOS, also known as JORGE
CASTELLANOS, JOHN DOE and JANE
DOE

Defendant. S

SUMMONS

STATE OF CALIFORNIA, }
County of San Diego, } ss.

-----being duly sworn, deposes and says:
That he is, and was at the time of service of the papers herein referred to, a citizen of the United States, over the age of eighteen years, and not a party to the within entitled action; that he personally served the within Summons on the hereinafter named defendants, by delivering to and leaving with each of said defendants personally, in the County of San Diego, State of California, at the times set opposite their respective names, a copy of said summons attached to a copy of the complaint referred to in said summons.

Names of Defendants Served:

Time of Service:

Fees for Service, \$-----; Mileage, \$-----; Total, \$-----

Subscribed and sworn to before me

-----day of-----, 193-----

In the Superior Court of the State of California

IN AND FOR THE COUNTY OF SAN DIEGO

No.

FOR FILE STAMP

TITA L. ACUNA, by ANDREW L.
ACUNA, as her GUARDIAN AD
LITEM

Plaintiff

vs.

MANUEL ELIAS CALLES, GEORGE
CASTELLANOS, also known as JORGE
CASTELLANOS, JOHN DOE and JANE
DOE

Defendant. S.

SUMMONS

Action brought in the Superior Court of the State of California in and for the County of San Diego, and the Complaint
filed in said County of San Diego, in the office of the Clerk of the Superior Court.

The People of the State of California Send Greeting: To

MANUEL ELIAS CALLES, GEORGE CASTELLANOS, also known as
JORGE CASTELLANOS, JOHN DOE and JANE DOE

Defendant. S.

You Are Hereby Directed to Appear and answer to a Complaint in an action entitled as above,
brought against you in the Superior Court of the State of California, in and for the County of San
Diego, within ten days after the service on you of this summons—if served within this County; or
within thirty days if served elsewhere.

And you are hereby notified that unless you appear and answer as above required, the said
Plaintiff will take judgment for any money or damages demanded in the Complaint, as arising
upon contract or PLAINTIFF

will apply to the Court for any other relief demanded in the Complaint.

Given under my hand and seal of the Superior Court of the

SEAL OF

County of San Diego, State of California, this

SUPERIOR COURT

29th day of December, 1938

BEN B. RUBIN AND
EDWARD E. RUBIN,
1210 San Diego Trust & Savings Bldg.,
San Diego, California

J. B. McLEES, Clerk.

By

Attorney. S.

Deputy.

APPEARANCE: A defendant appears in an action when he answers, demurs, or gives the
plaintiff written notice of appearance. The appearance must be in writing, accompanied by the neces-
sary fee and filed with the Clerk.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

No. 95021.

TITA L. ACUNA, by ANDREW L. ACUNA,
as her GUARDIAN AD LITEM,

Plaintiff,

vs.

MANUEL ELIAS CALLES, GEORGE
CASTELLANOS, also known as JORGE
CASTELLANOS, JOHN DOE and JANE DOE,

Defendants.

ANSWER OF DEFENDANT GEORGE CASTELLANOS

Comes now the defendant George Castellanos and, severing himself from the other defendant herein, for answer to plaintiff's complaint, respectfully admits, denies and alleges as follows:

I.

Answering Paragraph I of plaintiff's complaint, this defendant admits that Andrew L. Acuna is the duly appointed and acting guardian ad litem of the plaintiff Tita L. Acuna; but denies that Tita L. Acuna is a minor of the age of sixteen years, and denies that at the times mentioned in plaintiff's complaint she was of the age of fifteen years; and this defendant has no knowledge, information or belief sufficient to enable him to answer the allegations that the said Tita L. Acuna is unmarried, therefore, denies that she is unmarried; and this defendant further denies that at the times mentioned in plaintiff's complaint, and prior thereto, the said Tita L. Acuna was chaste and virtuous.

II.

Answering Paragraph II, this defendant has no knowledge, information or belief sufficient to enable him to answer the allegations therein contained, and therefore denies the same.

III.

1
2 Answering Paragraph III, this defendant denies that on or
3 about November 25, 1937, or at any time, he planned, connived and
4 conspired with the defendant Manuel Elias Calles, or with any person
5 whomsoever, to cause the downfall of plaintiff's virtue; this defen-
6 dant denies that he at any time connived and/or conspired with the
7 defendant Manuel Elias Calles to in any manner encourage the defen-
8 dant Manuel Elias Calles to propose marriage to the plaintiff and/or
9 to induce her to go to Tijuana, Baja California, Mexico, to be
10 married, or for any other purpose whatsoever. This defendant denies
11 that plaintiff placed any trust or confidence in him, and alleges that
12 he at no time in any manner whatsoever, either by acts or words,
13 encouraged the plaintiff or the defendant Manuel Elias Calles to
14 enter into any purported marriage ceremony. This defendant denies
15 each and every allegation contained in said paragraph.

IV.

16
17 Answering Paragraph IV of plaintiff's complaint, this
18 defendant denies that pursuant to any plan, connivance or any
19 conspiracy the defendant Manuel Elias Calles on November 25, 1937,
20 or at any time took the plaintiff to the home of this defendant;
21 and denies that this defendant at any time served the plaintiff with
22 intoxicating liquor; and denies that he suggested at any time, or
23 at all, that one of the rooms in his house serve as a nuptial bower
24 for the plaintiff and defendant Manuel Elias Calles, or that any
25 room in defendant's house be used by the plaintiff and Manuel Elias
26 Calles for any purpose whatsoever. This defendant denies that he,
27 in any manner whatsoever, induced the plaintiff to stay at his home,
28 or any other place, for the purpose of her association in any manner
29 whatsoever with the defendant Manuel Elias Calles; and this defendant
30 denies each and every allegation contained in said paragraph.
31

V.

Answering Paragraph V of plaintiff's complaint, this defendant has no knowledge, information or belief sufficient to enable to answer the allegations contained in said paragraph; but denies all of the allegations thereof.

VI.

Answering Paragraph VI of plaintiff's complaint, this defendant denies that the plaintiff has suffered in health, reputation, body or mind in any sum whatsoever as the result of any act on the part of this defendant.

VII.

This defendant denies each and every material allegation contained in plaintiff's complaint not admitted in this answer, and especially denies that the plaintiff has suffered any damage whatsoever as a result of the allegations contained in her complaint.

WHEREFORE, this defendant prays that plaintiff take nothing by her action, and that he recover his costs.

NOON & NOON

By _____
Attorneys for Plaintiff.

NOON & NOON
ATTORNEYS AT LAW
825 FIRST NATIONAL BANK BUILDING
SAN DIEGO, CALIFORNIA

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN DIEGO) ss.

10

3 GEORGE CASTELLANOS, being first duly sworn, deposes and
4 says:

5 That he is one of the defendants in the above-entitled
6 action; that he has read the foregoing answer herein and knows the
7 contents thereof; that the same is true of his own knowledge, except
8 the matters therein stated on information and belief and as to those
9 matters he believes it to be true.

10
11 GEORGE CASTELLANOS

12
13 Subscribed and sworn to before me
14 this 25th day of January, 1939.

15 FRED NOON

16 Notary Public in and for the County
17 of San Diego, State of California.

18 (NOTARIAL SEAL)
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MEMORANDUM RE: TITA L. ACUNA VS. MANUEL ELIAS CALLES, ET AL.

Tita L. Acuna, by Andrew L. Acuna as her guardian ad litem, filed suit in the Superior Court of the State of California, in and for the County of San Diego, on December 29, 1938, action number 95021, against Manuel Elias Calles, George Castellanos, also known as Jorge Castellanos, John Doe and Jane Doe. John Doe and Jane Doe are fictitious names and when made parties to a suit permit the plaintiff to serve any person who had anything to do with the transaction and later amend the suit to set forth their true name.

The complaint alleges that the plaintiff is now sixteen years of age and at the time of the matters complained of was fifteen years of age, that she was then and is now unmarried, and at all times prior to the matters complained of had been chaste and virtuous.

It is alleged that for four months prior to November 25, 1937, Manuel Elias Calles pressed ardent suit for the hand of plaintiff and showered her with expensive gifts, and on many occasions prior to November 25, 1937, attempted to carnally know the plaintiff, but that plaintiff refused said Manuel Elias Calles her person until such time as they should be married.

It is further alleged that on or about November 25, 1937, all of the defendants, including Mr. Castellanos and the persons sued by fictitious names devised a plan and conspired to cause the downfall of plaintiff's virtue, and in pursuance of such conspiracy the said Manuel Elias Calles proposed marriage and induced the plaintiff to go to Tijuana to be married. That plaintiff went to Tijuana and entered into a purported marriage ceremony which plaintiff believed to be valid and binding; that as a matter of fact the marriage ceremony had been prearranged by the defendants for the purpose of tricking the plaintiff into believing herself married to Manuel Elias Calles; that plaintiff was thereby deceived and thereafter actually believed herself validly and lawfully married.

It is further alleged that in the carrying out of such conspiracy, and on November 25, 1937, Manuel Elias Calles took plaintiff to the home of Mr. Castellanos where Mr. Castellanos served plaintiff with intoxicating liquors and suggested that one of the rooms of his house would serve as a nuptial bower. Plaintiff was induced by Manuel Elias Calles and Mr. Castellanos to stay at the latter's house, and was there seduced by and had sexual intercourse with Manuel Elias Calles. It is further alleged that such acts were the direct and proximate result of the conspiracy of Manuel Elias Calles, Mr. Castellanos and the defendants John Doe and Jane Doe.

It is further alleged that subsequent to November 25, 1937, plaintiff was informed by Manuel Elias Calles that the purported marriage was invalid and void, and that the parties were not married; that thereafter Manuel Elias Calles on many occasions promised to enter into a legal and valid marriage with plaintiff but has not done so, and now refuses to have anything to do with plaintiff.

It is alleged that as a result of the foregoing and

in consequence of the seduction, plaintiff has suffered in health, reputation, body and mind, and is damaged in the sum of \$150,000. Request is also made for punitive damages by way of punishment of the defendants for an additional \$25,000.

The complaint is verified by the plaintiff's father as her guardian ad litem, and the suit was filed by Ben B. Rubin and Edward E. Rubin, two young Jewish lawyers.

I, of course, am not familiar with the actual facts and will therefore comment upon the complaint and the facts therein alleged and advise as to the law applicable thereto.

While it is not alleged that Manuel Elias Calles is a minor, I assume that such is the case. A minor is not liable for breach of promise to marry but this complaint is upon the theory of seduction of the person of the plaintiff under a promise to marry. Under our law, a female may sue a male for damages if he seduces her person and the fact that the seduction was the result of a promise to marry is merely one element. There may be seduction without a promise to marry. A seduced female is entitled to recover such damages as will compensate her for the injury suffered, as well as additional damages by way of punishment of the guilty parties.

The father of Manuel Elias Calles, in my opinion, is not in any way responsible for the acts of his son. Under our law a parent is not responsible for the wrongful act of the child except in special circumstances where the parent might have participated in the wrong, authorized the perpetration of the wrong, or negligently permitted the wrong to be perpetrated or furnished the instrumentality by virtue of which it was perpetrated.

Assuming that Manuel Elias Calles did wrongfully seduce the plaintiff but that his father had nothing whatsoever to do with the transaction, the father is not liable. The plaintiff could, of course, allege that the father had encouraged, aided or abetted the seduction, in which case he could be made a party to the suit and served with summons as John Doe. There is nothing to indicate any such intention on the part of the plaintiff, but neither is there anything to indicate who the plaintiff meant by the fictitious names. I feel, however, that there is absolutely no chance of the General being held responsible.

Mr. Castellanos is in a different situation. The complaint alleges that he conspired with young Calles to bring about the plaintiff's seduction. If it be the fact that she were seduced, and if it be the fact that Mr. Castellanos aided, encouraged or abetted the seduction, he would be equally responsible and liable for damages along with Manuel Elias Calles. I, of course, know nothing of the facts and naturally assume that Mr. Castellanos had nothing to do with the matter. However, he is named as a defendant in the suit, and if the complaint and summons should be served upon him, he will have to appear and defend the action, as otherwise a default judgment could be taken against him. The same thing would be true of any other persons who might be served as John Doe or Jane Doe.

I understand that Manuel Elias Calles is now in Mexico, and has not been served with any papers. He cannot be served unless he is found in California, and any judgment that might be obtained against him in the absence of service of papers in California could only be good as against any property which he might own in California and which had previously been attached.

While the pending suit is civil in nature, I feel I should call your attention to the fact that the things alleged in this suit, if true, would also constitute certain crimes. Under our law an act of sexual intercourse accomplished with a female not the wife of the perpetrator is rape where the female is under the age of eighteen years. Her consent when she is under such age is immaterial. It is also a felony under our criminal code for a person to entice an unmarried female of previous chaste character under the age of eighteen years to have illicit carnal connection with any man, and every person who procures any female to have such connection is likewise guilty. If it be the fact that Manuel Elias Calles did have intercourse with the plaintiff, and that she was under eighteen years of age, he is guilty of rape, and if Mr. Castellanos had anything to do in the way of inducing her to have such intercourse, he would be guilty of criminal seduction. Likewise, if Mr. Castellanos served plaintiff intoxicating liquor, or in any way assisted Manuel Elias Calles in having intercourse with the plaintiff, he would be guilty of violating the juvenile court law in contributing to the delinquency of a minor. Please understand I am not commenting on what the facts are, but merely commenting on the law as it might be applied to the facts alleged by the plaintiff.

It would be possible for the plaintiff to have the District Attorney swear out a complaint and issue a warrant against any person guilty of any crime, and such warrant would doubtless be honored in Mexico with the result that the person could be extradited to San Diego for trial on a criminal charge. Whether or not the plaintiff has contacted the District Attorney or contemplates doing so I am not advised, but I would suggest for your consideration the advisability of someone connected with the family seeing the District Attorney and explaining their version of the facts with the view of attempting to forestall any criminal action.

If I can be of any further assistance, please advise.

FRED NOON
BONSALL NOON

NOON & NOON
ATTORNEYS AT LAW
825 FIRST NATIONAL BANK BLDG.
SAN DIEGO, CALIFORNIA

January 16, 1939.

Mr. George Castellanos
3977 Louisiana Street
San Diego, California

Dear Mr. Castellanos:

Confirming our recent conversation regarding the securing of our services in the defense of yourself and Manuel Elias Calles in the damage suit instituted in the Superior Court of San Diego County by Tita L. Acuna, in which she claims a damage of \$175,000.00 as a result of a conspiracy which resulted in her seduction; we agree to represent you and Manuel in the defense of this action, and also in any criminal prosecution which might be instituted in this connection, for a retainer of \$500.00.

We further agree that we will render all necessary legal services should any appeal be taken to the Appellate or Supreme Court by Miss Acuna or should it become necessary for us to appeal in your behalf.

When the case is finally disposed of, if favorable to you and Manuel, we are to receive an additional fee of \$500.00.

It is to be understood that all necessary costs incident to the preparation and trial of the case, such as Court costs, the taking of depositions, witness or jury fees, and such expense as may be mutually agreed upon in securing evidence through the assistance of detective services are to be borne by you, in addition to our fee.

Ordinarily the costs in a case of this nature, including the taking of depositions, if the case is tried without a jury, would not exceed \$100.00, if tried by a jury, a charge of about \$30.00 per day is made for jury service, and the trial would require about four or five days.

In case of an appeal by the plaintiff, the printing of our briefs would incur an expense of approximately \$75.00 to \$100.00, and if the appeal is prosecuted by us the expense would be at least twice as much because of the necessity of having to print the abstract of record on appeal.

We shall be pleased to defend you and Manuel in this action and in any criminal prosecution that might result

-2-

Mr. George Castellanos

January 16, 1939.

therefrom, and from what we have learned, we feel that we should be successful in defeating the plaintiff's claim and in establishing the fact that her charges are without foundation, and we assure you that we will give your interests our very best attention.

Yours truly,

Fred Noon

NOON & NOON

FN/b

January 25, 1939.

Dear Mr. Castellanos:

Since, at this time, we are not to represent Manuel Elias Calles in the above referred to matter, but are representing you alone, we agree to perform all of the legal services which may be necessary in your defense, as outlined in for foregoing letter, for a fee of one-half of the amounts therein stated. The costs will run about the same.

We acknowledge receipt from you of the agreed retainer fee of Two Hundred Fifty Dollars, for which we thank you, and place ourselves at your service at any time, day or night, when we can be legal assistance to you in this matter.

Yours truly,

Fred Noon

NOON & NOON

FRED NOON
BONSALL NOON

NOON & NOON
ATTORNEYS AT LAW
825 FIRST NATIONAL BANK BLDG.
SAN DIEGO, CALIFORNIA

January 16, 1939.

Mr. George Castellanos
3977 Louisiana Street
San Diego, California

Dear Mr. Castellanos:

Confirming our recent conversation regarding the securing of our services in the defense of yourself and Manuel Elias Calles in the damage suit instituted in the Superior Court of San Diego County by Tita L. Acuna, in which she claims a damage of \$175,000.00 as a result of a conspiracy which resulted in her seduction; we agree to represent you and Manuel in the defense of this action, and also in any criminal prosecution which might be instituted in this connection, for a retainer of \$500.00.

We further agree that we will render all necessary legal services should any appeal be taken to the Appellate or Supreme Court by Miss Acuna or should it become necessary for us to appeal in your behalf.

When the case is finally disposed of, if favorable to you and Manuel, we are to receive an additional fee of \$500.00.

It is to be understood that all necessary costs incident to the preparation and trial of the case, such as Court costs, the taking of depositions, witness or jury fees, and such expense as may be mutually agreed upon in securing evidence through the assistance of detective services are to be borne by you, in addition to our fee.

Ordinarily the costs in a case of this nature, including the taking of depositions, if the case is tried without a jury, would not exceed \$100.00, if tried by a jury, a charge of about \$30.00 per day is made for jury service, and the trial would require about four or five days.

In case of an appeal by the plaintiff, the printing of our briefs would incur an expense of approximately \$75.00 to \$100.00, and if the appeal is prosecuted by us the expense would be at least twice as much because of the necessity of having to print the abstract of record on appeal.

We shall be pleased to defend you and Manuel in this action and in any criminal prosecution that might result

-2-

Mr. George Castellanos

January 16, 1939.

therefrom, and from what we have learned, we feel that we should be successful in defeating the plaintiff's claim and in establishing the fact that her charges are without foundation, and we assure you that we will give your interests our very best attention.

Yours truly,

FRED NOON

NOON & NOON

FN/b

January 26, 1939.

Dear Mr. Castellanos:

Since, at this time, we are not to represent Manuel Elias Calles in the above referred to matter, but are representing you alone, we agree to perform all of the legal services which may be necessary in your defense, as outlined in for foregoing letter, for a fee of one-half of the amounts therein stated. The costs will run about the same.

We acknowledge receipt from you of the agreed retainer fee of Two Hundred Fifty Dollars, for which we thank you, and place ourselves at your service at any time, day or night, when we can be legal assistance to you in this matter.

Yours truly,

Fred Noon

NOON & NOON

FIDEICOMISO ARCHIVOS PLUTARCO ELÍAS CALLES Y FERNANDO TORREBLANCA

**ARCHIVO FERNANDO TORREBLANCA
FONDO PLUTARCO ELÍAS CALLES**

CONSTANCIA DE RETIRO DE DOCUMENTOS

HEMEROTECA (X)

MAPOTECA ()

PLANOTECA ()

MUSEO ()

**SOPORTE
BIBLIOGRÁFICO ()**

FONDO: 12

SECCIÓN/SERIE/SUBSERIE: 011000

GAVETA:

EXPEDIENTE: 143

LEGAJO: 1

INVENTARIO: 1343

NOMBRE DEL EXPEDIENTE: NOON, Fred (Licenciado)

NÚMERO DE FOJAS: 2

**MEDIDAS: 58 cm x 44 cm
38 cm x 11 cm**

LUGAR: San Diego, Cal., E.U.A.

FECHA: Viernes 30 de diciembre de 1938

PLANERO: 2

CAJÓN: 2

FÓLDER: 37

DESCRIPCIÓN: Recorte del periódico San Diego Union con la noticia de la demanda que la joven Tita L. Acuña entabla contra Manuel Elías Calles, hijo del Gral. Plutarco por incumplimiento de promesa de matrimonio y contra Jorge Castellanos por cómplice. Exige el pago de 175 000 dólares como indemnización. Página completa del periódico y pase, (en inglés). El artículo se titula "Heart Balm asked of mexican scion S.D. Girl Sues son of Calles".

SHELLS DEMOLISH BRITISH HOUSES IN NAVAL BATTLE OFF GIBRALTAR

\$500,000 Shipbuilding Plant Proposed on Lower Bay

SHE'S ONE IN THREE MILLION NOW



... Sonja Henie, skating actress who gained stardom in the film "One in a Million," yesterday was named co-defendant in a \$3,000,000 damage suit in Chicago alleging Twentieth Century Film Corp. and four subsidiaries had pirated a movie plot, the Associated Press reported.

Probe of Relief Urged by Solon

WASHINGTON, Dec. 29 (A.P.)—As congress squared away today for a tussle over relief early in the new session, Sen. McCarran (D-Nev.) called for an investigation of past relief outlays "before another appropriation is made."

At the same time, Sen. Barkley (D-Ky.), commenting on a proposal that non-partisan county boards be appointed to keep politics out of relief, suggested that if the idea is adopted, such boards should be appointed by WPA itself.

Asserting new legislation would be unnecessary to put the board proposal—reported under consideration at the White House—into effect, Barkley said full responsibility for the selection of relief eligibles should lie with WPA.

Steel Investigation Preparations Under Way

WASHINGTON, Dec. 29 (A.P.)—The monopoly committee started laying the groundwork today for a major investigation of practices in the steel industry.

Questionnaires were sent out to 60 steel companies asking for information on their price and distribution policies.

2 BOYS CRASH 'IMPREGNABLE' MINT; 'SIMPLY CLIMBED THROUGH WINDOW'

SAN FRANCISCO, Dec. 29 (A.P.)—Embarrassed treasury representatives and justice department officers were figuring out tonight what to do with two 15-year-old boys who invaded the supposedly inviolable, bomb-proof, earthquake-proof, fireproof San Francisco mint.

The boys, Paul Francis and William Gallagher, who reside at an orphanage in near-by San Rafael, said it was "simple" to get into the \$1,000,000 stone building, which sits deep in a gigantic rock and is protected by so many anti-robbery gadgets that no well-trained thief would attempt to approach it.

Paul and William said they saw a second-story window partly open and just climbed up a drain pipe and went in "to see if we could do it."

A guard discovered them in the copper room where the pennies are made.

'Bookie School' Bared in Murder

LOS ANGELES, Dec. 29 (A.P.)—John Klein, district attorney's investigator, said this evening he had been informed by a former woman secretary of Weldon L. Irvin that the 49-year-old wealthy Arizona left her half an hour before he was slain in an automobile near Hollywood blvd. yesterday, saying he had an appointment to meet two "big shots."

Klein said the woman told him Irvin said he expected to arrange to buy "protection" from the two men so he could reopen his bookmaking establishments here and in Palm Springs.

Police detectives said tonight they had discovered Irvin operated a school for bookmakers and that in three years he realized a \$600,000 net profit from his share in 30 bookie establishments here.

Officer's Rites Held

WASHINGTON, Dec. 29 (A.P.)—Funeral services were held in Ft. Myer chapel today for Maj. James G. Hall, medical corps, U.S.A. ret., who died Dec. 17 at March Field, Riverside, Calif. Maj. Hall was born in Atlanta, Ga., Sept. 1, 1872. He is survived by his wife, Mrs. Cora Maud Hall, San Clemente, Calif.

Tidelands Lease Asked; 2 Cruiser Contracts Sought

Plans for a \$500,090 shipbuilding plant at the foot of Twenty-eighth st., were outlined to the harbor commission yesterday by David H. Ryan, local contractor.

Ryan seeks to lease 20 acres of tidelands extending along Belt and Twenty-eighth sts., and 900 feet northeast from the northwest line of the Recreation pier, exempting the 17 acres under lease in this area to Warren Boat Co.

Ryan disclosed that a syndicate of San Francisco, Los Angeles and San Diego shipbuilders and contractors is planning to submit bids for two of the new 6500-ton cruisers. Bids will be opened by the navy department Feb. 15.

Two other cruisers of the same type are to be laid down before mid-summer. They are to be named the San Diego, Atlanta, Juneau and San Juan.

"We are planning to begin construction of the shipbuilding plant soon after the new year," Ryan said. "We have had these plans under consideration several months and I expect to have more definite news following a conference in San Francisco Saturday. No name has been selected for the company as the shipbuilding corporation is just being organized."

Shipping men assert it is possible to operate a shipbuilding plant here successfully, especially on navy contracts, because of the 6-percent differential in raw materials from the east.

TO BE NAMED SAN DIEGO

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NO ARMAMENT HERE

In naval circles the opinion was expressed it was feasible to construct the hulls of warships up to 7000-ton displacement at the proposed Twenty-eighth st. plant, but that the vessels then would have to be towed to Mare Island or Puget Sound navy yard for armament installation.

R. H. Van Deman and Emil Klicka, harbor commissioners, said they would take no action on the lease until after conferences with Ryan and his associates.

Receivership Asked For Transamerica

LOS ANGELES, Dec. 29 (A.P.)—Illegal, fraudulent withdrawal of large sums and market manipulation were laid to Amadeo P. Giannini and other directors of Transamerica Corp. in a superior court suit filed today by Rose Breakstone on behalf of herself and other stockholders.

The court was asked to place the corporation in receivership pending a complete accounting from the defendants.

The complaint charged that Giannini, with the consent of other directors, took sums totaling nearly \$1,000,000 from the corporation from 1932-36, inclusive, and engaged in stock market operations which have been held fraudulent, and are under investigation by the securities exchange commission.

Tuna Pact Approval Seen in 48 Hours

San Diego and San Pedro tuna cannerymen are expected to complete negotiations within 48 hours with masters of tunaboats relative to resuming fishing operations on the lower coast banks.

Virtually all masters of local tunaboats have signed the 1939 agreement and are only waiting word from the canneries when to proceed to sea.

Elation was apparent along the entire waterfront yesterday over the prospect of resuming activities after a lull which has been in effect since October.

Hope Lost for Miners

KIRKLAND LAKE, Ont., Dec. 29 (Canadian Press)—Rescue workers tonight abandoned virtually all hope for two miners entombed since Tuesday behind a rock wall a half-mile underground in the Lake Shore gold mine here.

Elevated to Bench



EDWARD J. KELLY
"good morning, judge"

Kelly Named Superior Judge

Lifelong Democrat Picked by Merriam

Edward J. Kelly this morning will miss the long-familiar title of "captain" when his friends greet him with "good morning, judge."

The veteran attorney and lifelong Democrat yesterday was appointed superior court judge by Gov. Frank E. Merriam to fill the vacancy created by elevation of Judge Lloyd E. Griffin to the appellate bench.

A native of Watsonville, Kelly has been a resident of San Diego for 20 years, remaining here after his World war service discharge from the army at Camp Kearney. He is a graduate of Santa Clara and Columbia universities and has practiced law in New York and California for 36 years.

COMMENDED POST 6

He served in the army as a combat officer and in the capacity of judge advocate. He is a charter member of Post 6, American Legion, which he served as first commander.

Kelly first attracted state-wide attention when, as a special appointee of Attorney General U. S. Webb in 1926, he served with the late Judge W. A. Sloane as an assistant in the state's investigation of the local district attorney's office.

Kelly's courage and initiative in rallying his party's conservative forces under the banner of Flag Democrats to oppose radical elements.

Man, 33, Slays Bride, 15, Girl's Father, Self

TERRE HAUTE, Ind., Dec. 29 (A.P.)—Police Capt. Clint Seward said William Query, 33, of Cloverdale shot and killed his bride, Betty, 15, and her father, Ralph D. Kendall, 39, and then committed suicide at the Kendall home here tonight.

LATE NEWS BRIEFS

MATTSON KIDNAPING SUSPECT GRILLED
SPOKANE, Wash., Dec. 29 (A.P.)—Leslie Carroll, deputy prosecuting attorney, tonight said that James Leo Smith, 40-year-old Minnesota laborer and confessed slayer of Laura Kruse in Minneapolis, had been questioned in connection with the Mattson kidnaping case in Tacoma two years ago.

ITINERANT SOUGHT IN MURDER MYSTERY
AUBURN, Wash., Dec. 29 (A.P.)—Authorities tonight sought a middle-aged itinerant to question him about recent movements of Daisy Mae Tillotson Moore, 58, whose body was found in a shallow grave in railroad yards near here two weeks after she disappeared from a cabin camp.

MURDER HINTED IN BATHTUB DEATH
SAN BERNARDINO, Dec. 29 (A.P.)—C. O. Thompson, deputy district attorney, tonight said he had evidence that Mrs. Katherine M. Davidson, whose fully clothed body was found in a bathtub in her East Highlands home last Friday, may have been slain.

TWO NABBED IN CHURCH LOOTING

SAN JOSE, Dec. 29 (A.P.)—In the quiet of St. Joseph's church tonight, priests heard stealthy sounds, summoned police. Ray Blackmore, sergeant, and John Patrick, patrolman, found Allen W. Brown, 31, San Francisco, and his wife, Margaret, 29, huddled behind a pew. Near them was a small safe, full of church collections, that had been unbolted from the floor.

U. S. Smashes Largest Irish 'Sweeps' Ring

8 Indicted in N.Y.; \$350,000 Worth Of Tickets Seized

NEW YORK, Dec. 29 (A.P.)—The government aimed a body blow at the tremendous sale of Irish hospitals sweepstakes chances in the United States today by obtaining indictments against eight persons described by officials as heads of this country's biggest ticket-selling ring.

The indictments by a federal grand jury climaxed a two-year investigation by postal inspectors in 12 states scattered from coast to coast and carried charges new to the government's attack on foreign lotteries.

An innovation, John L. Delaney, assistant U. S. attorney, said, was the charge of using the express to transport tickets in interstate commerce. Another group was indicted about two years ago, he pointed out, but the charge then was using the mails.

Today's indictments, containing 12 counts in all, also alleged conspiracy to smuggle the tickets into the country, distribute them and return the money to the Irish promoters. No figures were mentioned, but one official estimated the output of tickets by the defendants at \$25,000,000 for 1938. Tickets generally are sold for \$2.50 each, and prizes range from \$150,000 downward.

Delaney listed the states in which investigation was centered as Connecticut, Georgia, New Jersey, California, Florida, Pennsylvania, Wisconsin, Nebraska, Arizona, Kansas, Massachusetts and New York, but added that the ticket-selling covered the country even more generally.

Two Seamen Held

BALTIMORE, Dec. 29 (A.P.)—Two seamen charged with smuggling into the United States 11,000 booklets of Irish sweepstakes tickets with a sales value of \$350,000 were ordered held tonight on bond of \$5000 each.

Second Cold Wave Sweeps Midwest

By The Associated Press
Midwesterners stoked up furnaces and tossed more blankets on their beds last night as the second cold wave in four days spread out of Canada.

By the time the chilling spell, part two of the wave that came earlier in the week, reaches New England and the Atlantic seaboard, probably over the week-end, light snow will bring rising temperatures to the midwest, forecasters said.

At least 30 deaths from exposure to other causes attributed to the week's cold were reported. Fatalities occurred as far south as Georgia and North Carolina. The subzero spell that struck the plains states and Minnesota yesterday morning was expected to overspread the north central states this morning and continue eastward.

HEART BALM ASKED OF MEXICAN SCION



TITA L. ACUNA
... 16-year-old San Diego girl yesterday filed suit for \$175,000 against Manuel Elias Calles, son of the former president of Mexico, charging he led her into a false marriage in Tijuana.

France Ready To Appear Italy

PARIS, Dec. 29 (A.P.)—A person close to the government said tonight that France was willing to grant some colonial concessions to Italy to keep the peace of Europe, but without actually yielding any land.

After putting up a strong military and naval front to discourage Fascist ambitions for territorial expansion at expense of the French empire, Premier Daladier's government was described as "ready to open diplomatic negotiations to appease the Italian hunger."

Two French warships and Senegalese troops were en route to Djibouti on the heels of rumors—denied in Rome—of an Italian military threat to French Somaliland.

Mediation Rejected

LONDON, Dec. 29 (A.P.)—France today informed Britain officially that she did not want Prime Minister Chamberlain to attempt to mediate French-Italian differences when he visits Premier Mussolini next month.

The French position was explained by the French charge d'affaires, Roger Cambon, to Viscount Halifax, foreign secretary, who will accompany Chamberlain to Rome on the Prime Minister's Jan. 11-14 visit.

Duce to Raise Question

ROME, Dec. 29 (A.P.)—Italians tonight insisted that British Prime Minister Chamberlain would be unable to avoid the role of mediator between France and Italy on his Jan. 11-14 visit to Premier Mussolini.

The Fascist attitude was that Italy's still unofficial clamor for French "compensations" in Africa under the 1915 London treaty that brought Italy into the World war would be the leading problem in Chamberlain's appeasement mission.

It was indicated Mussolini would not fail to raise it in conversations with his guest.

FDR Names Californian

WASHINGTON, Dec. 29 (A.P.)—President Roosevelt chose Marshall E. Dimock, 35, Chicago university professor, today to be second assistant secretary of labor, filling a position in the labor department which has been vacant for two years.

A native of San Bernardino, he was educated at Pomona college, Claremont, and Johns Hopkins university in Baltimore. Before joining the University of Chicago staff he was an instructor at the University of California.

S. D. Girl Sues Son of Calles

Manuel Elias Calles—son of Plutarco Elias Calles, former president of Mexico—yesterday was sued here for \$175,000 damages by Tita L. Acuna, 16. She alleges she was tricked by young Calles into believing they were married, and then deserted.

Sued with young Calles was Jorge Castellanos, secretary to the former president, and alleged to have been a party to a conspiracy to dupe the girl, then only 15.

Miss Acuna resides with her parents, Mr. and Mrs. Andrew L. Acuna, 4143 Florida st.

In her complaint she alleges that for four months in 1937 Calles "pressed ardent suit" for her hand and "showed her with expensive gifts." On Nov. 25, 1937, the complaint states, young Calles and Castellanos "conspired to cause her downfall." Young Calles proposed marriage, she alleges, and induced her to accompany him to Tijuana, where they participated in a purported marriage ceremony.

She said young Calles then took her to the home of Castellanos in San Diego, where liquors were served and where Miss Acuna said she remained, believing herself the wife of young Calles. Later, she said, young Calles told her the Tijuana marriage was invalid, promised to marry her legally, but never did.

ORDER BANS S. D. FEDERAL THEATER; MAYOR LEADS STORM OF PROTEST

A 100 percent cut in San Diego Federal theater was ordered yesterday by James R. Ullman, Los Angeles, federal theater project director for southern California. Protests to Washington over the "discriminatory" manner in which the works progress administration official is making reductions in the project personnel were telegraphed by Mayor Percy J. Benbough. Other city and county officials and civic leaders expressed their displeasure in "this high-handed disregard of San Diego as a part of the United States" and said they probably would send protests to Mrs. Hallie Flanagan, national theater project head.

Ullman notified Charles King, local director, that he had been instructed by Washington to make a cut of 339 persons in the project in southern California and that the "San Diego Federal Theater project will be discontinued as of Jan. 15."

51 TO LOSE JOBS
"This means," said King, "that 51 San Diegans, most of them with families to support, will be thrown out of work."

When the Ullman order was called to the attention of Mayor Benbough he said that if he understood the situation correctly, "this is the sort of unfair WPA practices that should be stopped."

"If the official in Los Angeles, who is supposed to be representing all citizens of southern California who have qualified for federal employment in the theater project," said the mayor, "has orders from Washington to reduce the personnel, it seems to me that the only just way to proceed is to make a proportionate cut in each of the projects."

"As I do not know how many are employed on the project throughout southern California, I do not know

Loyalist Ship Grounds After Desperate Dash

7 Dead; Rebel Craft Sunk as Destroyer Runs Fleet Gantlet

GIBRALTAR, Dec. 30 (Friday) (A.P.)—The Spanish government destroyer Jose Luis Diaz was forced aground near here early today after attempting a desperate dash for freedom through a gantlet of insurgent warships. Seven of her crew were killed and 11 wounded.

Before running aground, it was reported here, the vessel rammed and sank the 1500-ton insurgent minelayer Jupiter.

Insistent gunfire from insurgent land batteries at Ceuta and from the insurgent cruiser Canarias and other insurgent vessels forced the lone government destroyer aground on Eastern beach, roughly 50 yards from shore.

BRITISH HOUSES STRUCK

Insurgent shells struck two houses of villagers living on Catalan bay, injuring some of the occupants.

The houses, which were in British territory, were destroyed.

The destroyer began landing a few wounded, who were taken to a hospital at Gibraltar.

Apparently the Jose Luis Diaz was not hit directly. She had been undergoing repairs in the haven of this British port since last Aug. 27, when she limped away after a punishing battle in the Straits with insurgent warships. Thirty-two men, including 26 insurgents, were killed in that engagement.

LONG CHASE ENDED

A British destroyer was dispatched to investigate the short-lived firing in the inky blackness of Europa Point. It was believed the Jose Luis Diaz had attempted to reach her base of Cartagena, more than 200 miles to the northeast, on the Spanish government coast.

The crew of the government destroyer had been playing hide and seek with superior insurgent forces for a year and a half. In the summer of 1937 she put in at Falmouth, Eng., for repairs.

Later she sought refuge at Le Havre, France, after being damaged in a battle off northern Spain. She was badly holed in the two and one-half hour battle with the insurgent cruiser Canarias and two insurgent

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By Ed Reed

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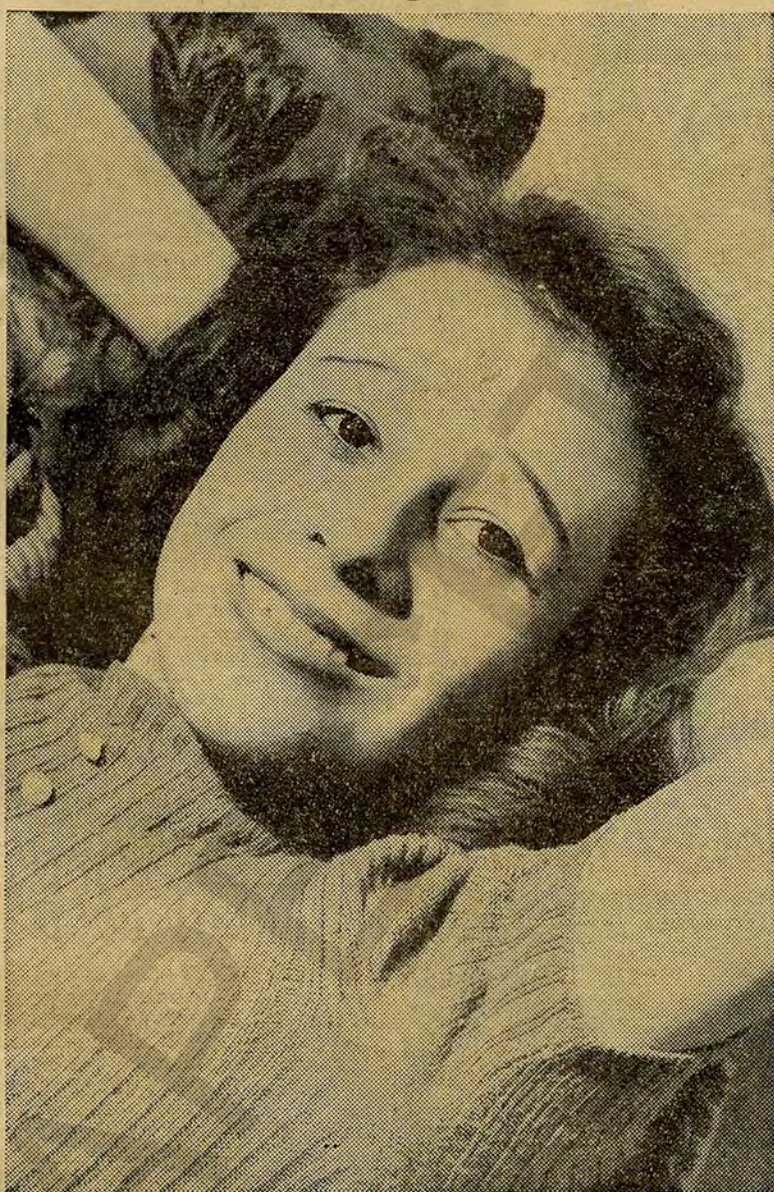
Diego Sun

gentle northerly wind.

Complete report on Page 4.

FRIDAY, DECEMBER 30, 1938

Fake Marriage Charged



TITA L. ACUNA . . . wooed at 15, wants \$175,000 at 16.

Girl, 16, Sues Son Of Mexico's Ex-President For \$175,000

Young Calles Duped Her in Tijuana Ceremony, Suit Claims; Secretary Also Defendant

Sixteen-year-old Tita L. Acuna, San Diego girl, today sued Manuel Elias Calles, son of Mexico's former president, Plutarco Elias Calles, for \$175,000 damages on charges he duped her into a fake marriage, then deserted her.

She lives with her parents, Mr. and Mrs. Andrew L. Acuna, at 4143 Florida-st.

Also named as defendant in the civil suit was Jorge Castellanos, the ex-president's private secretary, whom Miss Acuna charged with conspiring with young Calles to dupe her in November, 1937, when she was but 15 years old.

ARDENTLY WOODED

The girl alleged in her complaint that after four months of "ardent wooing," the ex-president's son, aided by Mr. Castellanos, induced her to travel to Tijuana and participate in a purported marriage ceremony.

She said after the ceremony she returned to the Castellanos home and "conducted herself as a wife" to young Calles.

PROMISED TO WED

Mr. Calles told her later that the ceremony was invalid, she said, and promised to marry her legally, but never did.

For the "trick" marriage and her resulting downfall, Miss Acuna asked \$175,000 damages. Mr. Calles could not be reached for comment.

19
January 21, 1939

19

RECEIVED OF

GEORGE CASTELLANOS,

- - -ONE HUNDRED and FIFTY - - - *Dollars*

Being a payment on account of legal ^{ser}services
to be rendered him as per our agreement.

\$ 150.00

NOON & NOON

By.

Fred Noon

20

January 25th. 1939

19

RECEIVED OF

GEORGE CASTELLANOS,

- - ONE HUNDRED and no/100 - - - -

Dollars

Being the balance of retainer of ¹⁰⁰
Two Hundred and Fifty Dollars for representing
~~him in the defense of action No. 95021~~
Acuna -vs- Calles and Castellanos.

\$ 100.00

Noon & Noon

By.

Fred Noon

Copy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF SAN DIEGO.

TITA L. ACUNA, by ANDREW L. ACUNA, as her Guardian, ad litem,	)	No. 95,021
	)	
	)	
Plaintiff,	)	
-vs-	)	
	)	
MANUEL ELIAS CALLES, GEORGE	)	
CASTELLANOS, also known as JORGE	)	
CASTELLANOS, JOHN DOE and JANE DOE,	)	
	)	
Defendants.	)	

DEPOSITION OF TITA L. ACUNA, PLAINTIFF
HEREIN, TAKEN ON BEHALF OF THE DEFENDANT,
GEORGE CASTELLANOS, AT SAN DIEGO, CALI-
FORNIA, APRIL 29, 1939, AT 10:00 O'CLOCK
A.M., BEFORE OLIVE D. BRENTON, NOTARY
PUBLIC.

APPEARANCES:

For Plaintiff:	Ben B. Rubin, Esq.
	Edward E. Rubin, Esq.
For Defendant,	
George Castel-	
lanos,	Fred Noon, Esq.

Olive D. Brenton
Shorthand Reporter, Notary
804 First National Bldg.,
San Diego, Calif.
Main 2473

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IN AND FOR THE COUNTY OF SAN DIEGO.

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as her Guardian, ad litem,

No. 95,021

Plaintiff,

--VS--

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CASTELLANOS, also known as JORGE
CASTELLANOS, JOHN DOE and JANE DOE,

Defendants.

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TAKEN ON BEHALF OF THE DEFENDANT, GEORGE CAS-
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-VS-

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CASTELLANOS, also known as JORGE
CASTELLANOS, JOHN DOE and JANE DOE,

Defendants.

DEPOSITION OF TITA L. ACUNA.

BE IT REMEMBERED, that pursuant to Notice of Taking of Deposition heretofore given in this action, and the Subpoena issued out of said Court on April 18, 1939, which is attached hereto, and in pursuance of the authority therein expressed, the deposition of Tita L. Acuna, produced as witness for and on behalf of the defendant George Castellanos herein, was taken before me, Olive D. Brenton, a Notary Public in and for the County of San Diego, State of California, duly commissioned, qualified and acting, beginning at the hour of 10:00 o'clock A.M. on Saturday, April 29, 1939, said deposition being taken at the offices of Noon and Noon, No. 825 First National Bank Building, in the City of San Diego, County of San Diego, State of California; Ben B. Rubin, Esq. and Edward E. Rubin, Esq., appearing as counsel for plaintiff, and Fred Noon, Esq., appearing as counsel for defendant; it

1 was thereupon stipulated between counsel that all objections
2 to the questions hereinafter asked may be reserved until
3 the time of trial, except as to the form of question; that
4 said witness was first duly sworn to testify to the truth,
5 the whole truth and nothing but the truth in the testimony
6 she was about to give in the above entitled action; where-
7 upon said witness was examined upon oral interrogatories
8 propounded by Fred Noon, attorney for the defendant, ^{George Castellanos} and
9 made answer thereto, under oath, as hereinafter contained,
10 and the following proceedings were had:

11
12 TITA L. ACUNA,
13 produced as a witness for and on behalf of the defendant, ^{anos} George Castell-
14 and being first duly sworn, testifies as follows:

15 DIRECT EXAMINATION

16 BY MR. FRED NOON:

17 Q Now, what is your name?

18 A Tita L. Acuna.

19 Q And how old are you?

20 A Seventeen now.

21 Q When were you born?

22 A January first, nineteen twenty-two.

23 Q And where were you born?

24 A In San Diego, California.

25 Q Have you ever been known by any other name other than

26 Tita?

1 A Yes, Clarita.

2 Q How long have you lived here in San Diego?

3 A Well, most all my life except going on vacations,
4 and so forth, like that.

5 Q You have parents living here?

6 A Yes I do.

7 Q And what parents are they, father and mother?

8 A Yes.

9 Q What is your father's name?

10 A Andrew L. Acuna.

11 Q And your mother's name?

12 A Della L. Acuna.

13 Q Where do they live?

14 A Here in San Diego.

15 Q At what address?

16 A At forty-one forty-three Florida.

17 Q How long have you lived at that place?

18 A About two years.

19 Q And before that, where did you live?

20 A I don't know, I couldn't tell you; I don't know the
21 address.

22 Q Do you go to school in San Diego?

23 A Yes I do.

24 Q Do you go to school now? A Yes.

25 Q What School? A San Diego High School

26 Q And you have gone to school here in San Diego since

1 your school age?

2 A Yes.

3 Q What schools have you attended?

4 A Our Lady of Peace and Herbert Hoover High School.

5 Q Have you attended any schools out of San Diego?

6 A No.

7 Q Have you ever been suspended or expelled from any
8 school here in San Diego?

9 A No.

10 Q At no time? A No.

11 Q Have you ever been confined in any public institution
12 in the way of a detention home? A No.

13 MR. RUBIN: I object to that question, as to the form.

14 Q Do you know the nature of the complaint that you have
15 made in this case, do you?

16 A Yes I do.

17 Q All right. When did you first become acquainted with
18 Manuel Calles?

19 A Around the first part of June, 1937.

20 Q And where did you meet him?

21 A I met him at my house by a friend of his, Tony
22 Martinez.

23 Q That is, Tony Martinez --

24 A Introduced me to Manuel.

25 Q And you had known Tony Martinez for some time?

26 A Yes I had.

1 Q Now, how frequently after that did you see Manuel?

2 A Well, about once or twice a week. He would come
3 and take me to a show and he would come and visit me at
4 my house.

5 Q And did he come alone, or with any one else?

6 A Sometimes he would come with Tony and sometimes he
7 would come alone.

8 Q Over a period of how long?

9 A For four months.

10 Q That is commencing June of 1937?

11 A Yes.

12 Q June, July, August and September? A Yes.

13 Q Then he went away?

14 A Yes, to a Military Academy.

15 Q And when did you see him after September of 1937?

16 A Well, I didn't see him until Thanksgiving of Novem-
17 ber 25, 1937.

18 Q Did he come to visit his folks here in San Diego?

19 A Yes.

20 Q Did you see him when he came back on Thanksgiving?

21 A He came to my house before going home.

22 Q How long was he here on that vacation?

23 A Well, he was, until his father sent him away the
24 next day I think it was.

25 Q Then he was just here Thanksgiving Day?

26 A Over Thanksgiving night.

1 Q Did you and he go anywhere Thanksgiving Day?

2 A Not Thanksgiving, he came in the evening and we
3 went to a show, and after he kept telling me that -- well,
4 he told me he wanted to marry me that night; he kept ask-
5 ing me and asking me and I thought it was all right, he
6 was a nice boy and I did love Manuel, so the Chauffeur,
7 Joe Lopez, drove us to Tijuana.

8 Q Was it Mr. Calles' Chauffeur, his former Chauffeur,
9 who drove you and Manuel?

10 A Yes.

11 Q Did any one else go with you? A No.

12 Q You are sure about that? A Yes.

13 Q And you went to Tijuana the night of November 25,
14 1937?

15 A Yes.

16 Q You are certain of the date?

17 A Yes I am.

18 Q All right, now when you went to Tijuana, just tell
19 us what occurred.

20 A We left Joe Lopez off.

21 Q Where

22 A In the City.

23 Q Tijuana? A Yes, and then we went to a mar-
24 riage place.

25 Q Tell us where that place was.

26 A I don't know where the place is.

1 Q About what time of night was it?

2 A About ten thirty, and we were supposed to go through
3 a marriage rite, but I am not sure whether it was or not.

4 Q Just tell us as near as you can remember, just step
5 by step what you did, or what was done after you went to
6 this marriage place .

7 A Well, Manuel said he knew the man there, that he fre-
8 quently married people, so we went into the house and it
9 seemed like the man was known to this kind of occupation
10 that he had, so we put our names down and signed papers, and
11 he said that we were too young and that he would mail the
12 papers to my house.

13 Q He said that you were too young to get married?

14 A Yes.

15 Q Do you know the name of this person you say married
16 you?

17 A I wish I did, no I don't know.

18 Q What kind of a looking man was he.

19 A Well, he was a Spanish man, I don't know.

20 Q You speak Spanish, of course? A Yes.

21 Q What did this man look like, what sort of an appear-
22 ing man was he?

23 A He was dark and small, not very large.

24 Q Was it his residence that you went to or to an office?

25 A Yes, his residence.

26 Q Do you know where it was located in Tijuana?

1 A No I don't.

2 Q Have you any idea what street it was on?

3 A No.

4 Q Or the number of the place? A No.

5 Q Have you tried to ascertain its location since then?

6 A Yes.

7 Q And you have been unable to? A Yes.

8 Q Just tell us just what took place at this place you
9 went to.

10 A Well, we went up to sign the papers and -

11 Q Who was present, just you and Manuel and this man?

12 A Yes.

13 Q No one else? A No.

14 Q Did you sign any papers? A Yes.

15 Q English or Spanish? A Spanish.

16 Q Did you read them?

17 A No, I didn't, not all of it, it just said 'Certifi-
18 cate of Marriage" on top, but I didn't read what it said
19 below.

20 Q You can read Spanish? A Yes.

21 Q What did the man say?

22 A He didn't say anything.

23 Q Did he ask you if you wanted to get married?

24 A Oh, yes.

25 Q Just as near as you can remember, tell us the con-
26 versation.

1 A He asked us if we wanted to get married and acted to-
2 wards Manuel like he knew him. Manuel talked to him but I
3 didn't pay much attention to what he said to Manuel. Then
4 he brought out some papers and we signed them and he wished
5 us luck.

6 Q Just a while ago you mentioned that he said that you
7 were too young to get married.

8 A Yes.

9 Q Just what did he say?

10 A He asked us if we were too young and he told us we
11 were too young but that he would mail all the papers to
12 my house and Manuel said that would be much better.

13 Q Did he ask you how old you were?

14 A Yes.

15 Q What did you tell him?

16 A I told him that I was fifteen.

17 Q Did he ask Manuel how old he was?

18 A No.

19 Q Do you know how old Manuel was then?

20 A Well, Manuel was always changing his age, I don't
21 know how old he is.

22 Q How long were you at this place where you say you
23 talked to this man?

24 A About twenty minutes.

25 Q Did you pay any money to him?

26 A Yes, Manuel gave him some money.

1 Q How much?

2 A I don't know.

3 Q Did you see him pay him the money?

4 A Yes I did.

5 Q After this visit to the house, where did you and
6 Manuel go?

7 A We went back after the Chauffeur.

8 Q Where was the Chauffeur?

9 A In the City.

10 Q Was he with the car?

11 A No, he wasn't. We took the car. We left him off
12 at the American Club and then went back after him.

13 Q Then where did you go?

14 A We came home - to Mr. Castellanos' house.

15 Q Where is that located?

16 A It is located on Louisiana Street, I don't know
17 the number.

18 Q About what hour did you arrive back from Tijuana
19 that night?

20 A It was just about twelve o'clock I would say.

21 Q And about what hour was it that this visit was made
22 by you and Manuel to this house where you say you were
23 going to get married?

24 A About ten thirty I would say.

25 Q You say that you were going to High School?

26 A Yes.

1 Q Now, you knew that you couldn't get married if you
2 were only fifteen years of age, didn't you?

3 MR. RUBIN: Just a moment, I will object to the question
4 as ~~being argumentative~~ *being argumentative* OAB
5/8/39

5 A Yes - Well, Manuel said that in Mexico that they got
6 married much younger and that there was no law against that.

7 Q You hadn't told either your father or your mother that
8 you were thinking of marrying Manuel?

9 A No I hadn't.

10 Q Did you at any time tell your father and mother that
11 you had gone to Tijuana with Manuel and the Chauffeur and
12 that this proceeding that you have just related took place?

13 A Yes, I told them the next -- after.

14 Q When?

15 A The next day.

16 Q Now, to go back to Castellanos' house: You say you and
17 Manuel and the Chauffeur returned from Tijuana, arriving at
18 Castellanos' house about twelve o'clock?

19 A Yes.

20 Q Where was Castellanos' house located?

21 A On Louisiana Street.

22 Q Do you know the number?

23 A I don't know the number.

24 Q Now what occurred after you and the Chauffeur and
25 Manuel returned to the Castellanos' house?

26 A Well, Manuel had a key to Castellanos' apartment so we

1 went in and the Chauffeur drove off and we waited for Mr.
2 Castellanos.

3 Q Did you see him there that night?

4 A Yes, he came in about one thirty or two.

5 Q And between the time that the Chauffeur drove away,
6 that is, from twelve until the return of Mr. Castellanos,
7 you say between one thirty and two o'clock, what, if any-
8 thing, did you and Manuel do there in the house?

9 A We just listened to the radio.

10 Q When Mr. Castellanos returned or arrived, what, if
11 any conversation, took place between you and Mr. Castellanos
12 or between Manuel and Mr. Castellanos?

13 A Well, I can't remember that, there was conversation
14 but I don't know just what was said.

15 Q Tell us what, if anything, took place then and what
16 you did and what Manuel and Mr. Castellanos did after all
17 three of you were there in the Castellanos house.

18 A Mr. Castellanos urged us with drinks ~~on a drink~~.

OAG
5/8/39.

19 Q Tell us what he did, you would not say "urged you on"?
20 What did you say or what did you do?

21 A He said "Would you like to have a drink?"

22 Q Just at this point let me ask you, you had drinks be-
23 fore that at Tijuana?

24 A No.

25 Q While you were at Tijuana? A No.

26 Q On the way down there? A No.

1 Q On the way back? A No.

2 Q You had no drinks at all? A No.

3 Q Did you say you would like a drink when he asked you
4 if you wanted a drink?

5 A Yes.

6 Q What did you say?

7 A Well, Manuel took one but I didn't take one at first.

8 Q What kind of liquor was it?

9 A I don't remember.

10 Q Well, go ahead and tell us.

11 A Then Mr. Castellanos and Manuel urged me on and told
12 me to take a drink that there was no harm and then Castel-
13 lanos offered us his apartment as homage.

14 Q Now that was the apartment where Manuel was living too?

15 A Yes.

16 Q Both Manuel and Mr. Castellanos occupied the same
17 place?

18 A Yes.

19 Q Did you and Manuel accept his apartment? A Yes.

20 Q What did Mr. Castellanos do?

21 A Well, Mr. Castellanos made his bed in the front room --

22 Q Go ahead.

23 A And we made our bed in his bedroom --

24 Q That is, you went to bed with Manuel in Mr. Castellanos'
25 apartment?

26 A Yes.

1 Q And Mr. Castellanos slept on the couch?

2 A Yes, in the front room.

3 Q Was the Chauffeur around there at any time?

4 A No.

5 Q You never saw him again that night after returning
6 from Tijuana?

7 A No I didn't.

8 Q Are you sure about that? A Yes.

9 Q About what time did you and Manuel go to bed?

10 A About three thirty.

11 Q Well, between two o'clock, as you say one thirty or
12 two, when Mr. Castellanos came, up until about ^{three}/thirty, what
13 were you all doing?

14 A Just talking, listening to the radio and drinking.

15 Q Did you keep on drinking after you got started?

16 A Well, Manuel did but I didn't.

17 Q And you, did you get under the influence of liquor
18 at all?

19 A Yes, a little bit.

20 Q But not enough to cause you to lose your sense of
21 propriety and reason?

22 A No.

23 Q Did you tell Mr. Castellanos that you had been down
24 to Tijuana and got married?

25 A Yes.

26 Q You told him that? A Yes.

1 Q What did he say?

2 A He didn't say anything about it.

3 Q Now I presume that you stayed there all night, did
4 you not?

5 A Yes.

6 Q Now what, if anything, occurred between you and
7 Manuel that night?

8 A Pardon?

9 Q Question repeated.

10 A We had an intercourse.

11 Q And you stayed there until what time in the morning?

12 A Until about ten o'clock.

13 Q Ten o'clock? A Yes.

14 Q And when you and Manuel were awakened and came out
15 of your apartment, was Mr. Castellanos there?

16 A He had gone.

17 Q Did you hear him when he left?

18 A No I didn't.

19 Q Then did you go home?

20 A We phoned to Mr. Joe Lopez.

21 Q Who is "we"?

22 A Manuel and I phoned Joe Lopez.

23 Q Is he the police officer?

24 A No, the former Chauffeur of Mr. Calles.

25 Q The same Chauffeur who went down to Tijuana with you?

26 A Yes, we told him to come after us.

1 Q And he came for you? A Yes.

2 Q Then where did you go?

3 A We went to my house.

4 Q Who?

5 A Manuel and I and Mr. Lopez.

6 Q Did your father and mother ask where you had been
7 all night?

8 A Yes.

9 Q In the presence of Manuel and the Chauffeur?

10 A Both of them.

11 Q What did you tell your father?

12 A Manuel told him we had been married.

13 Q When you say he told "them", that is your father and
14 mother?

15 A Wait a minute, my father was not present.

16 Q You just told your mother? A Yes.

17 Q And what did your mother say?

18 A My mother felt bad about it at first, but being that
19 Manuel was a nice boy and she knew that I liked him, and
20 she wished us luck.

21 Q You never told your mother any time before, or your
22 father, that you intended to marry Manuel?

23 A No, but I told them that I liked Manuel very much.

24 Q Manuel never proposed marriage to you before?

25 A Yes, he had proposed marriage many a time before
26 then.

1 Q And you refused to accept him? A Yes.

2 Q After you went back to your home that morning, did
3 Manuel come in the house?

4 A Yes, he did and so did Mr. Lopez.

5 Q How long did they stay?

6 A About an hour and a half.

7 Q What were you doing?

8 A Talking with my mother and my mother asked him what
9 he planned to do.

10 Q What did he say?

11 A He said may be he could get a job in the Bank.

12 Q And what did the Chauffeur say?

13 A The Chauffeur didn't say much, he didn't have much
14 to say.

15 Q Then Manuel left that day and went back to school?

16 A Manuel went home that day and of course mother wanted
17 to see those papers, so Manuel said he would be back that
18 night and go after them if possible, and he came that same
19 night about seven thirty.

20 Q That was the twenty-sixth of November, 1937?

21 A Yes.

22 Q And what did you do then?

23 A We went to Tijuana.

24 Q What did you do there?

25 A The man -- nobody was home.

26 Q So you went back with him that evening to the same

1 place where you had been the evening before where you
2 thought you were getting married?

3 A Yes.

4 Q And the man was not at home?

5 A There was nobody home.

6 Q Then what did you do?

7 A Then we came back home.

8 Q What time did you get back then?

9 A About quarter to nine.

10 Q In the evening? A Yes.

11 Q Just relate what in sequence, just what took place.

12 A He said that he would be back in the morning and
13 after that I never did see Manuel again.

14 Q And you haven't seen him since?

15 A Yes - His father sent him away.

16 Q He went to school somewhere in the County?

17 A To the Pacific Military Academy.

18 Q When did you see him the next time after the 26th
19 of November, 1937?

20 A Around February of nineteen thirty-eight.

21 Q Where did you see him?

22 A He came over.

23 Q To your house? A Yes.

24 Q Did you stay at your house during all that time?

25 A Yes I did.

26 Q What conversation, if any, did you have?

1 A Well, I found out that I had been tricked but I had
2 hopes because Manuel said that he would marry me soon in
3 the United States.

4 Q You say you found out that you had been "tricked",
5 what do you mean by that?

6 A Well, I had received no papers or no way to show that
7 I had been married.

8 Q When Manuel came back in February, what did you and
9 he discuss then?

10 A My mother wouldn't let me see him.

11 Q You didn't see him?

12 A Yes, I saw him.

13 Q Where did you see him?

14 A At my house.

15 Q Was your mother there?

16 A Yes, and he just came to the door and mother wouldn't
17 let me talk to him.

18 Q Did you have any conversation with him after that?

19 A Yes, he came, he kept coming by and coming by, and
20 about March he came to my mother to explain everything.

21 Q Were you present then? A Yes.

22 Q What conversation did he and your mother have in your
23 presence?

24 A He said he never knew anything about it.

25 Q Knew anything about what?

26 A Well, because my mother said it was an awfully dirty

1 trick for Mameel to do and that she didn't want to see him
2 around the house any more, and he said that in July of the
3 following year , 1939, he would have a job and he would
4 marry me.

5 Q And that was about the extent of the conversation?

6 A Yes.

7 Q Have you seen him since then?

8 A I didn't see him for about a month then, and then in
9 May of 1939.

10 Q In May, 1939?

11 A Of 1938. He came to visit me at my house and spent
12 the evening there.

13 Q Was there anything said then?

14 A No, just like we were friends.

15 Q And when did you see him again after that?

16 A I kept seeing him quite regularly after that.

17 Q Did you go out with him?

18 A No, not until November 19th, 1938.

19 Q Where did you go then?

20 A We went to the San Diego High School foot ball game,
21 and then in the evening of November 19th we went to the
22 show.

23 Q Just relate on -

24 A And then he brought me home that night and then he
25 came after me regularly and we would always go to a show or
26 else he would visit at my house.

1 Q And would your mother welcome him to the house?

2 A Yes. I don't know about father, but mother did.

3 Q Well was your father there whenever he would come?

4 A No, he wasn't.

5 Q Is he your father or your stepfather?

6 A My father.

7 Q Well, how long did Manuel remain here in 1938?

8 A Until December 25, 1938.

9 Q He left here December 25, 1938?

10 A That is what I heard.

11 Q Has he written to you since he left?

12 A No.

13 Q Did he write to you when you were here in San Diego?

14 A Yes.

15 Q Have you got any of his letters?

16 A Yes.

17 Q How many?

18 A About seven or eight.

19 Q You would be glad to bring these letters here?

20 A Yes.

21 Q Those letters were written while he was here in San
22 Diego?

23 A Yes.

24 Q Have you written to him since he has been in Mexico?

25 A No, I haven't.

26 Q Did you write him in answer to those he wrote you?

1 A Yes I did.

2 Q Do you have copies of the letters you wrote him?

3 A No I haven't.

4 Q Now we will go back to the evening that you spent
5 with him at Castellanos' house. You say you had sexual
6 intercourse with him that night?

7 A Yes.

8 Q Was that the first time?

9 A Yes it is.

10 Q Was that the last time too?

11 A Yes.

12 Q You had that intercourse that one night and neither
13 before nor after that?

14 A Yes, I had sexual intercourse in December.

15 Q In December, 1938?

16 A Yes, on December 24, 1938.

17 Q That was Xmas eve, wasn't it? A Yes.

18 Q Where did that occur?

19 A That occurred in his car.

20 Q And where was it?

21 A I don't know, it was here in San Diego.

22 Q You went out riding with him that night? A Yes.

23 Q There was no deception of any kind, and you were not
24 under the influence of liquor?

25 A No I wasn't.

26 Q And it was a voluntary act on your part?

1 A No it wasn't, Manuel was intoxicated.

2 Q And he was driving the car?

3 A Yes he was.

4 Q And he had a bottle along with him drinking?

5 A Yes.

6 Q And you drank some of it?

7 A No I didn't.

8 Q But you went out riding with him knowing that he
9 was under the influence of liquor and had liquor with him?

10 A No I didn't, not until after.

11 Q He was driving in his father's car?

12 A Yes we were.

13 Q Wasn't there another couple along with you?

14 A No there wasn't.

15 Q No one at all? A No.

16 Q Did you go to Tijuana that night?

17 A No we didn't.

18 Q After you had intercourse in the car, you say the
19 evening of the 24th of December, 1938, where did you go?

20 A Well, Manuel was intoxicated as I said before, and he
21 was forcing and he wouldn't bring me home.

22 Q Where did you go?

23 A At first we drove around, just drove around. He was
24 driving awfully fast and bumped the tire against the bank
25 and that delayed us coming home.

26 Q What time finally did you get home that night?

1 A We got home the next day.

2 Q You were out all night with him? A Yes.

3 Q How many times did you have intercourse in the car?

4 A Just once.

5 Q You were out in the woods some where? A Yes.

6 Q And you stayed out with him all night? A Yes.

7 Q And did he take you home?

8 A No, he didn't, he left me over at Mr. Castellanos'
9 house.

10 Q And you walked from there to your home?

11 A No, Mr. Castellanos volunteered to bring me home.

12 Q What time in the morning was it?

13 A I don't remember what time it was. I couldn't tell
14 you the exact time.

15 Q When you and Manuel came to Castellanos' house, was
16 he there or did he come there after you were there?

17 A I don't know what you mean.

18 Q Well, Xmas morning you say you got to Castellanos'
19 house in the morning, what time was it?

20 A I don't know.

21 Q Well, the sun was up wasn't it?

22 A I would say it was about a little after nine.

23 Q Had you slept any that night?

24 A No I didn't.

25 Q You were both awake and driving around all night?

26 A Yes.

1 Q There was no one else with you in the car?

2 A No.

3 Q About nine o'clock on the morning of the twenty-
4 fifth when you came to Castellanos' house, was Castel-
5 lanos there at the time, or did he arrive after?

6 A No, he was there on Xmas morning.

7 Q And he took you to your home? A Yes.

8 Q Did you walk from there or drive?

9 A We drove.

10 Q Did he tell you to get in his car and he would take
11 you home?

12 A Yes.

13 Q Were you liquored up any?

14 A No I wasn't.

15 Q When he took you home to ~~his~~ ^{your} house did he have
16 any conversation with your mother?

17 A Yes.

18 Q What was the conversation?

19 A I don't know.

20 Q Didn't you want to hear what he told your mother?

21 A No I didn't.

22 Q You knew that Mr. Castellanos was rather angry
23 with you and Manuel didn't you?

24 A I don't think he was very angry.

25 Q What did Mr. Castellanos tell you when you and
26 Manuel arrived there about nine o'clock in the morning at

1 his home?

2 A Well, Manuel volunteered to take me home also that
3 morning, except that he had taken the car from his father
4 and his father didn't know he had the car, so he said he
5 would take the car home and see what he could do and then
6 he would walk over and we picked up a boy that morning to
7 come with Manuel. His name was William, I don't know his
8 last name -- Ornellas.

9 Q What did Mr. Castellanos tell you, if anything, when
10 you reached his house there with Manuel after he started
11 to take you home, or on your way home, or when you got to
12 the house?

13 A He said on account of this that they would send Manuel
14 away to Mexico, and well, the subject was all on that.

15 Q As near as you can remember, what did Castellanos
16 tell you?

17 A I can't remember everything, he said, but he said
18 they would send Manuel away to Mexico and that he shouldn't
19 have taken the car out, and that is about all I know.

20 Q Had you gone into Castellanos' house that morning?

21 A Yes.

22 Q And didn't he tell you that he was all fed up on you
23 coming to his house and that he was going to take you right
24 home?

25 A He didn't say anything of the kind.

26 Q Anything like that? A No, he didn't.

1 Q But he did take you home?

2 A Yes, he did.

3 Q Had you had intercourse with Manuel any time prior to
4 the 25th of November, 1937, that is, when you say you went
5 to Tijuana to get married?

6 A No, I hadn't.

7 Q Had you had intercourse with any other boys?

8 A No, I hadn't.

9 Q Are you sure about that?

10 A Yes I am sure.

11 Q Did you have any boy friends before you went out with
12 Manuel?

13 A As friends, yes, but I didn't have any sweethearts
14 that I cared about.

15 Q You of course know a few boys don't you?

16 A Yes I do.

17 Q I believe you said in your complaint here that Manuel
18 had given you a lot of costly presents?

19 A Yes.

20 Q What presents did he give you?

21 A Well, he gave me a coat and a dress, three dresses, a
22 pair of Oxford shoes, and they were all new, and he gave me
23 jewelry.

24 Q What kind of jewelry?

25 A Bracelets and pins and broaches.

26 Q And you have all those? A Yes.

1 Q And your mother knew?

2 A Yes, she did.

3 Q You told your mother he had given you dresses and
4 clothes?

5 A Yes.

6 Q Did he give you any underwear or stockings?

7 A No.

8 Q Did he give you shoes?

9 A Yes.

10 Q Did he give you the shoes or the money to get the
11 shoes with?

12 A He bought me the shoes.

13 Q How did he fit you?

14 A They fit me all right.

15 Q Did you go with him to the store?

16 A No I didn't.

17 Q Did you tell him you wanted shoes, ^{or anything} /like that?

18 A No I didn't.

19 Q You were always telling him that you wanted clothes,
20 weren't you?

21 A No I wasn't.

22 Q You were not? A No I wasn't.

23 Q When he gave you these presents did he expect any-
24 thing in return for them?

25 A No he didn't.

26 Q I suppose that you were quite familiar with him dur-

1 ing those times and allowed him to kiss you and fondle you?

2 A Kiss me, yes, but the other, no.

3 Q That is, to pet you?

4 A No, we didn't go in for petting.

5 Q But you would kiss him back too?

6 A Yes.

7 Q And that is as far as it ever went? A Yes.

8 Q Did he attempt to go any further?

9 A Yes.

10 Q And you resisted?

11 A No, I didn't - I don't know what "resist" means.

12 Q Resist means to refuse, to prevent.

13 A I thought it meant to give in, I am sorry.

14 Q Now did you ever kiss any other boys than Manuel
15 around about that time?

16 A With Manuel?

17 Q No, other than Manuel.

18 A Yes, I went to a party once.

19 Q Who did you go with?

20 A I went with my girl friend.

21 Q What is her name?

22 A Frances Perez.

23 Q Were there any boys at that party?

24 A Yes, it was her birthday party.

25 Q Can you name some of the boys who were present at
26 that party?

1 A Let's see, there was -- they were her friends, I
2 didn't know them, I don't know who they are.

3 Q When was that party?

4 A That party was about, it was, let me see -- I think
5 that party was last year in 1938, around the last part of
6 November.

7 Q And at what house?

8 A I don't know, she has moved, I don't know her former
9 address.

10 Q Do you know the street?

11 A Yes, on Florida Street, the same street I live on.

12 Q It is close by? A Yes.

13 Q And you say you kissed some boys at that party?

14 A We had a game, just a kissing game, yes.

15 Q Were all the girls doing that?

16 A Yes.

17 Q And what boy did you kiss, do you remember?

18 A No, I don't remember.

19 Q How many times had you been to Mr. Castellanos' apart-
20 ment if you had, prior to the night that Manuel brought you
21 home from Tijuana?

22 A About twice I would say, to use his typewriter.

23 Q Did he tell you that he didn't want you around there?

24 A No, he didn't.

25 Q And he treated you as a gentleman should the times you
26 were there?

1 A Yes he did.

2 Q Did he ever make any improper suggestions or advances
3 toward you?

4 A No.

5 Q Do you know a boy by the name of Tony?

6 A Yes I do.

7 Q What is his last name?

8 A Tony Martinez.

9 Q Did you ever kiss Tony Martinez?

10 A Yes.

11 Q That wasn't at this party was it?

12 A No, it wasn't.

13 Q Where did you kiss him?

14 A One evening when he brought me home from the theater.

15 Q Was that the only time you kissed him?

16 A Well, frequently after that, may be once or twice.

17 Q He was one of your boy friends? A Yes.

18 Q How about Jose, do you know a boy named Jose?

19 A Jose Lopez?

20 Q Jose the Chauffeur. A Yes.

21 Q Did you ever kiss him?

22 A No I didn't.

23 Q Was there any other boy you knew and were friendly
24 with whose given name was Jose?

25 A No.

26 Q Do you know a boy named Montalvo?

1 A Yes I do.

2 Q What is his first name?

3 A Carlos Montalvo.

4 Q Have you known him for some time?

5 A I met him by Manuel.

6 Q Have you kissed Montalvo?

7 A No I haven't.

8 Q Never? A No.

9 Q Did any boy ever give you any money?

10 A No.

11 Q Did you ever tell any boy that you were in the family
12 way?

13 A No I did not.

14 Q And that you were terribly worried?

15 A No.

16 Q Are you sure about that?

17 A I am positive.

18 Q Did you go with any boy to an auto court and have in-
19 tercourse with him?

20 A No I did not.

21 Q At no time?

22 A No.

23 Q You know that this is an oath that was just adminis-
24 tered to you by the Notary here as an oath to tell the
25 truth?

26 A Yes I know that.

1 MR. NOON: I want to admonish you that if you do not
2 care to answer, because you are free in ^{doing} ~~saying~~ so; you
3 would incriminate yourself; you have that privilege and
4 you said you were telling the truth.

5 A Yes.

6 Q Were you ever at any time requested to leave any party
7 because of your misconduct?

8 A No I wasn't.

9 Q Have you ever been under the influence of liquor to
10 such an extent that you were just a little off balance?

11 A Well, on November 25th in the evening at Mr. Castel-
12 lanos' house I wasn't off balance, but I was intoxicated.

13 Q You were feeling pretty good?

14 A Yes.

15 Q Was it because you were under the influence of liquor
16 that you slept there with Manuel and had intercourse, or
17 thought that you were married?

18 A I thought I was married.

19 Q But the next morning you realized that you were not
20 married?

21 A I always thought I was married until after they sent
22 Manuel away and he didn't receive any papers showing that I
23 was married.

24 Q Did you ever ask any boy for some money to buy some
25 medicine so as to relieve what you thought was pregnancy?

26 A No I did not.

1 Q Now, Mr. Castellanos at no time prior to the date of
2 this supposed marriage down at Tijuana, he never encouraged
3 you in any way to go with Manuel, did he?

4 A No, he did not.

5 Q He never suggested in any way that you go to Tijuana
6 that night?

7 A No he didn't.

8 Q Did he accompany you? A No.

9 Q And he didn't know anything about it until you and
10 Manuel told him?

11 A I don't know about that.

12 Q Did you tell him or did Manuel tell Mr. Castellanos
13 that night when you came back that you had been married?

14 A No.

15 Q He didn't say anything at all about it? A No.

16 Q And you know that at that time Manuel was home from on
17 a vacation from school and that he was occupying the same
18 apartment with Castellanos?

19 A When he told me, yes.

20 Q You are quite certain are you that the Lopez, the Chauffeur,
21 went with you to Tijuana that night, came back and
22 didn't go into the Castellanos house with you and Manuel?

23 A Yes I am.

24 Q Have you any recollection at any time of you, Manuel
25 and the Chauffeur being in Castellanos' house all together?

26 A No.

1 Q At any time? A No.

2 Q Now, in December, 1938, when you say you and Manuel
3 went out in his father's automobile and you stayed out all
4 night, and had intercourse in the car, you knew then you
5 were not married to him didn't you?

6 A Yes I did.

7 Q Is Manuel the only boy you had sexual intercourse with?

8 A Yes it is.

9 Q When I say boy, I mean men as well -- You say no?

10 A I say ^{no} ~~now~~ --- yes.

11 Q Did Manuel think that he was getting married when you
12 and he went to Tijuana?

13 A I don't know about that.

14 Q You never went with Manuel as far as Ensenada, did you?

15 A No I didn't.

16 Q As a matter of fact, you don't know whether you are
17 legally married to Manuel or not, do you?

18 A No I don't. My father has gone to find out at Tijuana;
19 he spoke to a Judge there but there was no such record.

20 MR. NOON: I am going to ask that the last part of that
21 answer be stricken because it was hearsay.

22 Q Do you remember of the time when you and Manuel and a
23 couple of other boys went down to Tijuana and you went down
24 to the place they call the "Red Mill?"

25 A No I don't.

26 Q You never went down there?

1 A No I haven't.

2 Q You know where it is don't you?

3 A Yes I do.

4 Q You know what the Red Mill/^{place}is, don't you?

5 A Yes I do.

6 Q What kind of a place is it?

7 A Well it is a drinking house, so I hear.

8 Q Well, it is a house of prostitution?

9 A I don't know.

10 Q Do you know what a house of prostitution is?

11 A Yes.

12 Q And you don't know whether there are girls down
13 there who frequent that place for the purpose of receiving
14 men, who are prostitutes?

15 A I have heard about that, yes.

16 Q Who told you about it?

17 A I don't have to say.

18 MR. RUBIN: There is cause for hearsay so I will object
19 to that.

20 Q What was the source of information that you got that
21 satisfied you, or that informed you that the Red Mill was
22 a house of prostitution?

23 MR. RUBIN: It is also objected to as incompetent, irre-
24 levant and immaterial, and calling for hearsay and the con-
25 clusion and opinion of the witness.

26 A I don't understand that question.

1 Q You said a while ago that you understood or heard
2 that the Red Mill was a house of prostitution. Where did
3 you get the information from?

4 MR. RUBIN: I interpose the same objection to this
5 question as I did to the last one.

6 A From school friends.

7 Q Name any of them.

8 A No, I won't name any of them.

9 Q You don't want to mention any names?

10 A No.

11 Q But you and your school friends talked about it?

12 A No, not exactly, we didn't talk about it, but they
13 had mentioned it .

14 Q And you never have been down there?

15 A No.

16 Q Have you ever been down to the front of the place in
17 an automobile?

18 A I know where it is

19 Q Have you been with any companions down to where the
20 Red Mill is and parked outside of the place?

21 A No I haven't, but my girl friend lives in Tijuana and
22 once in a while I go and see her and she is the one who told
23 me where it was because I had heard so much about it.

24 Q But you never did go with any one, driven an automo-
25 bile, or been in an automobile which has gone to the Red
26 Mill and parked outside?

1 A No.

2 Q Either in the day or night time? A No.

3 Q Can you remember of an occasion when three boys and
4 you went down there and parked out in front and they went
5 inside and you stayed out in the automobile, do you re-
6 member that time?

7 A No I don't.

8 Q You say that you had been damaged because of the fact
9 that Manuel went down to Tijuana and you thought that you
10 were married. How have you been damaged?

11 A Well, I call it damage, don't you?

12 Q Well, you still have your same friends haven't you?

13 A Some of them, yes.

14 Q Have any of your friends severed their friendly re-
15 lations with you because of this fact?

16 A No.

17 Q You still go in the same group of young folks that
18 you did before?

19 A No I don't.

20 Q What ones have you ceased going with?

21 A Tony Martinez, he has gone to an Academy in Mexico.

22 Q He didn't go because of you and Manuel?

23 A No, but he is one I ceased going around with and I
24 went with him quite a bit.

25 Q He is your boy friend now? Do you correspond with Tony?

26 A No I don't.

1 Q And that is the only one you are not going with now
2 that you used to go with before?

3 A Well, the friends that I went around with were
4 Manuel and Carlos Montalvo, but I am not allowed to go
5 with him.

6 Q Who don't allow you?

7 A My mother don't.

8 Q But your little friends are the same.

9 A Yes.

10 Q Do they treat you in high school like they did before?

11 A Yes.

12 Q And you haven't suffered any physical ill effects
13 from your relations with Mannel?

14 A I don't know.

15 Q You didn't become pregnant?

16 A Oh no.

17 Q Nor contract any venereal diseases from it?

18 A I don't know.

19 Q You didn't contract any? A No.

20 ^{Have} Q ~~is~~ you at any time had any venereal disease --

21 MR. RUBIN: Object to that question.

22 A No, I haven't.

23 Q Do you know what I mean, A Yes.

24 Q Your health is as good now as it was before?

25 A Fair.

26 Q Well, you didn't suffer any ill effects in your health

1 as the result of the two times you had intercourse with
2 Manuel, did you?

3 A No, I guess not.

4 Q And none of your former friends have in any way
5 shunned you?

6 A No, they haven't.

7 Q They think just as much of you now as they did before
8 don't they?

9 A Yes.

10 Q Do you know a boy by the name of Ybarra?

11 A No I don't.

12 Q You don't recall him?

13 A No.

14 Q Now, will you give to your attorney the letters that
15 you have received from Manuel in order - with the request
16 that he permit me to see the letters and take copies?

17 A Yes.

18 Q When, Monday?

19 A Yes I will.

20 MR. NOON: And you will let me see them Mr. Rubin?

21
22 MR. RUBIN: I have no questions at this time.
23
24
25
26

Sita L. Acuna
Witness.

1 STATE OF CALIFORNIA,)
2)ss.
3 County of San Diego.)

4 I, OLIVE D. BRENTON, a Notary Public in and for
5 the County of San Diego, State of California, duly commis-
6 sioned, qualified and acting, hereby certify that the de-
7 position of Tita L. Acuna, plaintiff herein, produced as
8 witness for and on behalf of defendant/in the above-entitled
9 action, was taken before me beginning at the hour of 10:00
10 o'clock A.M. on Saturday, April 29, 1939, at the office of
11 Noon & Noon, 825 First National Building, in the City of
12 San Diego, County of San Diego, State of California; that
13 before the taking of said deposition said witness was by me
14 first duly sworn to testify to the truth, the whole truth
15 and nothing but the truth, in the testimony she was about
16 to give in said action; that said witness was thereupon
17 interrogated by Fred Noon, Esq., counsel for defendant/here-
18 in, and said witness made answer thereto, under oath, as
19 hereinabove contained; that all of said questions and all of
20 said answers thereto, and the proceedings had at the taking
21 of said deposition, were by me duly taken down in shorthand
22 and later transcribed into typewriting, as hereinabove con-
23 tained; and I do further certify that the above and fore-
24 going pages, numbered 1 to 40, inclusive, contain a full,
25 true and correct transcript of all of said interrogatories
26 so propounded by counsel as aforesaid, and of all of the
said answers made by said witness thereto, in the order in

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which said questions and answers were asked and answered,
and of all of the proceedings had in said matter on said
day; that said deposition, when so transcribed into type-
writing, as hereinabove contained, were thereupon submitted
to the witness by me for the purpose of reading over the
same and making corrections, if any, therein; that subse-
quently said deposition was returned to me by said witness
and certain corrections were made in said deposition, as
appear noted therein in ink, initialed by me; that there-
upon said witness signed the deposition my my presense and
before me took oath that her testimony as contained in
said deposition, and as so corrected, was the truth, the
whole truth and nothing but the truth.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my notarial seal at the City of San Diego, in
the County of San Diego, State of California, this 8th
day of May, A.D., 1939.

Oline D. Brenton

Notary Public in and for the County
of San Diego, State of California.

(Seal)

My Commission Expires November 22, 1939.

NOON & NOON
ATTORNEYS AT LAW
825 FIRST NATIONAL BANK BLDG.
SAN DIEGO, CALIFORNIA



Mr. George Castellano
1212 Upas Street
San Diego, California

San Diego, California, May 6, 1939.

OLIVE D. BRENTON
Public Stenographer - Notary
804 First National Bldg.,
San Diego, Calif.

Mr. Fred Noon,
Attorney at Law,
San Diego, Calif.

ACUNA vs. CALLES, et al.

4-29-39	Taking Deposition of Tita L. Acuna in above en- titled matter,	\$ 5.00
	Transcribing 80 folios @ 30¢ per folio	24.00
	Swearing Witness	.50
	Notary Certificate	1.00
		<u>30.50</u>
	Credit by Cash 4-29-39	5.00
		<u>\$25.50</u>

1212 Upas St.



San Diego, Cal. 5/15/1939
Received of George Castellanos

Twenty and no/100 Dollars

On a/c Deposition ¹⁰⁰

\$20⁰⁰

Olin D. Brenton



San Diego, Calif. 5-26 1939
 Received of George Castellanos

Five and 50/100 ————— Dollars

Bal. on Deposition of Tita Acuña

100

\$20.00
 5.50
 25.50

\$ 5 ⁵⁰/₁₀₀

Olive D. Brenton

26 Received 5 and 50/100

FRED NOON
BONSALL NOON

NOON & NOON
ATTORNEYS AT LAW
825 FIRST NATIONAL BANK BLDG.
SAN DIEGO, CALIFORNIA

July 8, 1939.

Mr. George Castellanos
1212 Upas Street
San Diego, California

Dear George:

Re: Tita L. Acuna vs. Manuel Elias Calles
and George Castellanos, No. 95021
Superior Court, San Diego County.

As we advised you by telephone a day or two ago the above case was dismissed on June 21, 1939, insofar as it related to the charge against you, but is still pending against Manuel. We enclose a certificate from the Clerk of the Court for your information and use.

It is quite apparent that after we took the deposition of Miss Acuna and thereby completely established the fact, by her own admissions, that you were in no way a party to any conspiracy, or even guilty of the slightest misconduct toward her, that her attorneys realized a trial in Court would result in a complete defeat of her claim against you, and as we were pressing the case for an early trial, they decided to dismiss the action as to you. So you are now entirely out of the picture.

We enclose, herewith, statement of balance of fee due us for services as per our agreement, and will thank you for a remittance at your early convenience.

Yours truly,

Fred Noon

NOON & NOON

FN/b
Enc.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

No. 95021

TITA L. ACUNA, BY ANDREW L.)
ACUNA, as her Guardian ad litem,)
)
Plaintiff,)
)
vs.)
)
MANUEL ELIAS CALLES, GEORGE)
CASTELLANOS, also known as)
JORGE CASTELLANOS, JOHN DOE)
AND JANE DOE,)
)
Defendants.)

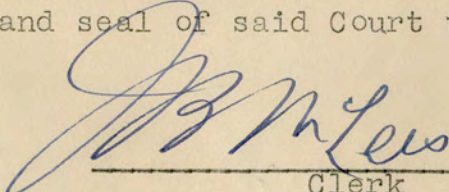
CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

I, J. B. McLEES, Clerk of the Superior Court of San Diego County, California, do hereby certify that the records in the above-entitled action disclose that on June 21, 1939, there was filed by the plaintiff a dismissal of plaintiff's action against the defendant, George Castellanos, also known as Jorge Castellanos.

As a result of the filing of such dismissal, the action, although remaining pending as to the defendant, Manuel Elias Calles, is dismissed insofar as the defendant, George Castellanos, also known as Jorge Castellanos, is concerned.

21st WITNESS my hand and seal of said Court this
day of June, 1939.


Clerk



San Diego, Calif., July 8

193 9.

Mr. George Castellanos1212 Upas StreetSan Diego, California

IN ACCOUNT WITH

NOON & NOON

ATTORNEYS AT LAW

825 FIRST NATIONAL BANK BUILDING

SAN DIEGO, CALIFORNIA

To balance of agreed fee for services in your
behalf in case No. 95021, Tita L. Acuna vs.
Manuel Elias Calles and George Castellanos

\$ 250.00

FRED NOON
BONSALL NOON

NOON & NOON
ATTORNEYS AT LAW
825 FIRST NATIONAL BANK BLDG.
SAN DIEGO, CALIFORNIA

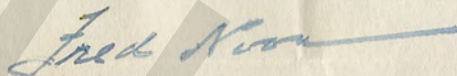
July 27, 1939.

Mr. George Castellanos
1212 Upas Street
San Diego, California

Dear George:

If it is possible for you to pay our
account by the end of this week, we would very
much appreciate it, as we have use for the money.

Gracias, yours sincerely,



NOON & NOON

FN/b

JUL 31 1939

19

RECEIVED OF

George Castellanos

one hundred and $\frac{10}{100}$

Dollars

100

of c services bal due 150⁰⁰

\$ 100⁰⁰

NOON & NOON

By

Bansalee Hoan

75
9/26

1939

RECEIVED OF Geo Castellanos

Fifty Dollars

100

Balance in full for all legal
services to date.

\$ 50.00

NOON & NOON

By Fredo Noon

NOON, FRED - ATTY.