CASE NO.
323
NORTHERN DISTRICT

ULISTAC GRANT
JACOB D. HOPPE.
CLAIMANT:

LAND CASE 323 ND 140 pgs.

8/18/83 - PhotoLab -

108
Dup

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 108.

Jacob D. Hoffre CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Ulistac"

1

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* nineteenth of March, *Anno Domini One Thousand Eight Hundred and Fifty-*two, *before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;*

The Petition of Jacob D. Hoppe, *for the Place named* "Ulistac."

was presented, and ordered to be filed and docketed with No. 108 *and is as follows, to wit;*

(Vide page 5 *of this Transcript.)*

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

San Francisco August 9th 1852.

In Case no. 108 Jacob D. Hoppe for the place named "Ulistac", the Secretary filed the translation of the Authenticated copy of the Original Expediente, which marked C. 2. is as follows, viz:

(Vide page 31 of this Transcript)

San Francisco December 30th 1852.

In the same Case the deposition of Ant.o Maria Pico, a witness in behalf of the claimant, taken before Commissioner Harry I. Thornton, was filed:

(Vide page 8 of this Transcript)

San Francisco February 15th 1853.

In the same Case the deposition of Juan Soto, a witness in behalf of the claimant, taken before Commissioner Nathan Hall, was filed;

(Vide page 11 of this Transcript)

San Francisco May 3rd 1853.

In the same Case the deposition of Thomas B. Sodden, a witness in behalf of the Claimant, taken before Commissioner Harry I. Thornton, with documents marked H. I. T. Nos. 1 & 2, annexed thereto, was filed:

(vide page 9 of this Transcript.)

San Francisco February 14th 1854.

In the same Case the Counsel for the Claimant filed the following Affidavit and Motion, viz:

(vide page 22 of this Transcript.)

which Motion having been sustained the following order was made, viz:

(vide page 23 of this Transcript.)

San Francisco March 11th 1854.

In the same Case the deposition of C. T. Rayland, a witness in behalf of the Claimant, taken before Commissioner R. Aug. Thompson, was filed:

(vide page 12 of this Transcript.)

San Francisco March 17th 1854.

In the same Case the depositions of Antonio Mª Pico and José Mª Covarrubias, witnesses in behalf of the Claimant, taken before Commissioner Peter Lott, were filed

(vide pages 15 & 17 of this Transcript.)

San Francisco July 29th 1854.

In the same Case the deposition of José Antonio Alviso, a witness in behalf of the Claimant taken before Commr. Peter Lott, was filed:

(vide page 14 of this Transcript.)

San Francisco Oct. 17th 1854.

Case no. 108 was submitted on briefs & taken under advisement by the Board.

3

San Francisco May 8 1855.

In the Same Case Commissioner J. B. Farwell delivered the Opinion of the Board confirming the Claim;

(Vide page 43 of this Transcript.)

And the following order was made, viz:

(Vide page 45 of this Transcript.)

N. 3

323 ND
PAGE 4

4

5

State of California
City & County of San Francisco } ss.

To the Honorable Heland Hall: Harry I Thornton & James Wilson sitting as a board to ascertain & settle Private Land Claims in the state of California.

Petition

Your Petitioner Jacob D. Hoppe states & gives notice that he claims & owns a tract of land granted by Governor Pio Pico then and there Governor of Upper California & by the laws and usages of Mexico authorized & empowered to make valid grants of land, which grant was made to Marcelo, Pio & Christoval: three emancipated Indians of the Mission of Santa Clara which tract was granted by the name of Ulistac & was for one half a league (medio de ganado mayor) beginning at the bridge of the river Santa Clara & running with said River on one side by the Camino Real on the other till it reaches an oak, on the ditch as will more fully appear by the map which is attached to the Espediente. Your petitioner charges that the line along the river extended till it meets with the southern line of a grant made to Bacilio Bernal now claimed by a Mrs Martin, & then ran with her said southern line so that by extending the other line from the oak on the ditch till they meet so as to take in the half league so granted to the said Marcelo, Pio & Christoval, all of which will more fully appear by the original grant given to them dated the 19th day of May 1835

marked "A" the Espediente of the same marked B & traced copy of which is here made part of this petition with the plat of the same & also a rough sketch of the boundaries as they really existed & claimed in this petition marked C was also made a part of this petition.

This grant was also afterwards duly and fully approved by the Departmental Assembly on the 3rd June 1846 which will more fully appear by the Espediente & the record of the Assembly on file in the United States Surveyor General's office in this state.

Your Petitioner files also a translation of the original grant & of the Espediente marked (A 2nd) & (B 2nd) Your petitioner states that after the grant was made & before the 25th day of July 1850 Pio, one of the grantees as before stated died intestate leaving Marcelino of the other grantees his sole heir & afterwards viz: on the said 25th day of July 1850 the said Marcelino for a valuable consideration sold and conveyed all his right title and interest in the same to your petitioner Jacob L. Hoppe & your petitioner further says the said Cristoval the other grantee of the said half league of land for a valuable consideration sold & conveyed to your said petitioner all his right title & interest in the same the deed whereof is dated the 14th day of June 1850, both of which deeds are made a part of this petition marked 4 and 5

whereby your Petitioner is now sole owner of the same & prays for the confirmation thereof & says the said grantees were emancipated Indians & as such under the laws & usages of Mexico then in force in upper California were authorised to receive grants & hold lands therein. Your petitioner relies on the papers before referred to in this petition & such other evidence as he can present at the trial for to secure the confirmation thereof averring that the said Marcello, Pio and Cristoval, had long lived on the land before the grant was made & have continued to do so since, & that all things on their part to be done were by them performed, & that the grant is not only valid but conveyed a perfect title to them & he also prays all else that he is entitled to under the laws of Mexico & the United States, as in duty bound he will forever pray &c

Fredrick Stall
John Wilson
Attys for Plf

Filed in Office March 19th 1852.
Geo. Fisher Sec.

San Francisco Decr. 30th 1852

On this day before Comr. Harry I Thornton came Antonio Maria Pico, a witness in behalf of the Claimants Jacob D. Hoppe, petition No 108, and was duly sworn, his evidence being interpreted by the Secretary.

The U.S. Associate Law Agent was present.

Deposition of Antonio Ma Pico.

Questions by Claimants.

Question 1st. What is your name, age & place of residence?

Answer. My name is José Maria Pico, my age is 44 years, my residence the town of San José

Quest 2nd Are you acquainted or not, with the Indian's Marcello, Pico, and Christoval?

Ans. I am acquainted with all three of them.

Quest 3. Do you or not know whether they had a grant of land and if yea, where does it lie?

Ans. I know that they obtain a grant of land from Gov Pio Pico and that it lies between the town of San Jose and the Embarcadero de Santa Clara, on the Rives Guadalupe.

Quest. Did you or not as Alcalde of San José put them in possession of the land, and if so was the map filed with the grant truly represent the boundary?

Ans. The parties were already in possession before the grant and I did not do more than present to them the boundary line which I made between them another grantee, and the

Land granted Otherm is within the bounds of the map filed in the expediente.

Cross Intg by W. S. Law Agent.
Quest 1st Do you know whether those Indian Grantees who have died have left any children?
Answer. I do not know.

Antonio Mª Pico.
W. S. Law Agent present.

Sworn to & subscribed before me this 30th of Decr 1852.
Harry I. Thornton,
Comr &c.

Filed in Office Decr 30th 1852.
Geo Fisher Sec.

Deposition of Thomas B. Godden.

San Francisco March 3rd 1853.
On this day before Comr H. L. Thornton came Thomas B. Godden, a witness in behalf of the Claimant Jacob L. Hoppe Petition No 108, and was duly sworn, his evidence being in English.
The W. S. Associate Land Agent was present

Questions by Claimants.
Question 1st What is your name, age & place of residence.
Answer, My name is Thomas B. Godden, my age twenty four, my residence is San José.
Question 2nd Are you

acquainted with the handwriting of Marcello and Cristoval if yea, look upon the documents now here shown to you and marked Exhibit No 1 and No 2. filed hereto and say whether the signatures of those persons where they occur in & to the said documents are their genuine signatures, and are the documents fair and free from any imposition as far as you know. State what you know.

Ans. I will state that the persons whose names are mentioned in the interrogatory are Indians who can not write, but upon examining the documents exhibited I recognise them as documents of conveyance, to which I was the attesting witness. My own name was affixed by me at the time it purports, and I saw the two persons as grantors make their marks, and acknowledged the act done.

I explained and interpreted to them the object & nature of the instruments & they for the consideration mentioned in the said instruments affixed thereto and affixed their marks.

Thomas B. Godden

W. S. Lear Agent present.
Sworn to and subscribed
Before me this 3rd of March 1853.
Harry L. Thornton
Com. &c.

Filed in Office March 3rd 1853.
Geo. Fisher
Clk

11

San Francisco Feby 15th 1853.

On this day before Comr. Heland Hall came Juan Soto a witness in behalf of the Claimants Jacob D. Hoppe petition No 108 and was duly sworn his evidence being interpreted by the Secretary

The U. S. Associate Land Agent was present.

323 ND
PAGE 11
Deposition of Juan Soto.

In answer to questions by Counsel for the Claimants the witness testified as follows:

My name is Juan Soto my age is sixty six years I reside at San José

I was acquainted with the Indians Marcello, Cristoval, & Pio. Pio is dead & the other two are living. They were living at the Mission of Santa Clara, and I have known them from my boyhood. Marcello was the eldest of them & the other two were his nephews - Cristoval & Pio were half brothers having two fathers and one mother, who was the sister of Marcello. Pio left no father or mother or other relatives except the male Marcello and the half brother Cristoval.

In answer to questions by the Associate Land Agent the witness says that he has no knowledge that they had a grant from the Governor, that they had from the Missionary Priests of Santa Clara. I do not know by what name it was called It is on the River Guadalupe in sight of the Mission. They are still occupying

12

ish.

his
Juan X Soto
mark

Sworn & Subscribed
Before me
Heland Hall Com.r

Filed in Office Feby 15th 1853,
G.o Fisher Sec.

Case No 108.

United States Land Commission
San Francisco March 11, 1854.

On this day before Commissioner R. Aug. Thompson came C.D. Ryland a witness in behalf the Claimant Jacob D. Hoppe Case No 108, who, after being duly sworn, deposed as follows

Deposition of C.D. Ryland.

Present L.L. William Atty for Claimants and L.H. McKune U.S. Law Agent.

Witness states that his name is C.D. Ryland, his age twenty six years, and residence San José California.

Question by Claimants Counsel:

Were you acquainted with Jacob D. Hoppe the Claimants in this case, if so state whether he is dead or living and if and what children & heirs did he have?

Answer. I was acquainted with said Hoppe. He is dead: he was killed on board the steamer "Jenny Lind" about the 11th of April 1853. He left a widow named Lucy Hoppe, and six children named Emma Hoppe, Justus Hoppe, Edwin E. Hoppe, Monroe Hoppe

Ella Hoppe, and Jacob D. Hoppe.

Question by same. Were you acquainted with the Indian Christoval, one of the original Grantees in this case, and if so is he dead or living.

Answer. I knew an Indian of that name in the valley of San José who was reputed to be one of the owners of the Ranch called Ulistac. He is said to be dead. I cannot say he is of my own knowledge. I have not seen him for several years.

Question by same. Are you acquainted with the Rancho called "Ulistac" claimed in this case and if so state its boundaries.

Answer. I have known said Rancho since the latter part of the year 1849. It is bounded to the East by the Rio Guadalupe which was between the town of San José and Santa Clara. To the southward by the road crossing at the old Santa Clara Bridge which was standing in 1852 the boundary was from said Bridge along said Road in a westerly direction a mile or more to a tree standing in the plain not far from the road and near a Canjon. Which forms the westerly boundary.

The foregoing deposition was taken before me in the presence of the U.S. Land Agent but the witness left before it was concluded and consequently did not subscribe or swear to it.

R. Aug. Thompson Com.

The foregoing Deposition may be read in evidence in said Case, I was present at the examination and as witness left without signing the usual signature and certificate will not be required and the oath is dispensed with.
March 11. 1854.

J. H. McKune.
Law Agent

Filed in Office March 11. 1854.
Geo. Fisher
Sec.

United States Land Commission
State of California } ss.

On this 29th. day of July 1854, came before Peter Soh, Commissioner for taking testimony for the U. S. Land Commission. José Antonio Alvisu a witness for the Claimants the Heirs of Jacob D. Hoppe in Case 108 before said Commission, said witness deposed as follows:

Deposition of José Antonio Alvisu

The U. S. Associate Law Agent present

Questions by Claimants Counsel.

1st. What is your name, age & place of residence?

Ans. My name is José Antonio Alvisu, my age is about fifty three years and my residence Santa Clara County.

Q. Do you know the Land claimed in this case by the heirs of Jacob D. Hoppe?

15

Ans. I do.

3. Were you acquainted with the Indians Marcello Christoval & Pio. the Original Grantees of this Land?

Ans. I know them Christoval & Pio are both dead.

4th. Did Christoval leave either wife or children or other relation except Marcello?

Ans. He left neither wife or child or other relation except Marcello

Questions by W. S. Lean Agent.

1st. How do you know that Pio & Christoval are dead?

Ans. I saw them dead.

José Antonio Alviso his x mark

Subscribed and Sworn to before me, July 29. 1854.
Peter Lott Commissioner

Filed in Office July 29. 1854.
Geo. Fisher Sec

Deposition of José M. Covarrubias

United States of America
State of California } ss.

San Francisco March 29. 1854.

This day personally came before Peter Lott a Commissioner for taking Testimony to be used before the Board U. S. Land Commissioners in said State. José M. Covarrubias a witness on behalf of the Claimants in case No 108, on the

16

Docket of said Board, in which Jacob D. Hoppe is Petitioner, and the said José M. Covarrubias, being duly sworn deposed in English in the following words:

The U. S. Law Agent is present.

Questions by S. I. Williams Attorney for claimants.

1 Question. What is your name, age, and present residence?

Answer, I. M. Covarrubias is my name, my age 46 years, my residence Santa Barbara County California

2. Question, Are you acquainted with the hand writing of Pio Pico, and José M. Covarrubias. If yes, please state whether their names written on the paper now shown you marked B, and filed in this case are their genuine signatures, and how do you know them?

Answer, I know them, one of them is my own, and I have often seen Governor Pio Pico write and this is also his genuine signature.

This signature of my name is done by me, and is genuine – The signatures were written at the time the instrument bears date.

I. M. Covarrubias

Subscribed and Sworn to before me on this 23rd day of March. A.D. 1854.

Peter Tait Commissioner for taking testimony &c

Filed in Office March 23rd 1854.

C. Fisher.

17

United States of America }
State of California } ss.

San Francisco, March 27. 1854.

This day personally came before Peter Scott, a Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners for said State, Antonio Maria Pico, a witness on behalf of the Claimant in Case No 108, on the docket of said Board in which Jacob D. Hoppe is Petitioner; and the said Antonio Maria Pico, being duly sworn, deposed in the Spanish language which was interpreted into English by the interpreter for said Board as follows to wit:

Deposition of Antonio Maria Pico.

The U. S. Law Agent is present.

Questions by L. D. Williams Esqr Attorney for Claimant.

1 Question. What is your name age and present residence

Answer. My name is Antonio Maria Pico, my age 43 years, my residence San José, Santa Clara County, California

2. Question. Are you acquainted with the Rancho called Alistac and claimed in this case and if yea, state what you know in regard to its occupation and cultivation by the Indians Marcello Pico, and Cristoval, the original grantees?

Answer. Yes. I am acquainted with the Rancho, in regard to the occupation. I know that Marcello Pico, and Cristoval occupied it and cultivated

a portion of it at the time it was granted to them, the portion of land cultivated at that time was enclosed.

The Indians mentioned were in the occupation and possession of the land before the year 1844.

They had a wooden house upon the land in which they lived. They had cattle and horses also there. The same Indians continued in the possession till they sold to José Maria Alvisu I think in the year 1849.

3 Question. Are you acquainted with the boundaries of the said Rancho, if yes describe them!

Answer. I know the boundaries, on the North and East the Rancho is bounded by the River Guadalupe, on the North East boundary there is a lone oak tree standing on the edge of the Sanjon, or ditch, on the west side is the River Guadalupe, up the river there is a bridge which marks the boundary, down the river towards the Bay of San Francisco the land is bounded by the claim of Barcelino Bernal. I made report to the Governor favorable to the concession of this Rancho to the Indians according to the quantity which was one League, prayed for in their petition, marked by the boundaries therein described. I was misunderstood by you. the quantity of the land was a half league more or less.

4th Question. Look upon the map contained in the Espediente, marked "A" and filed in this case

and state whether or not the boundaries of said land are correctly delineated thereon?
(This last question objected to by the U.S. Law Agent as leading the witness.)
Answer. The map delineates the boundaries correctly.

Cross Examined by U.S. Law Agent.

1st Question. How long have you resided at San Jose?
Answer. Even since the year 1831.

2nd Question. When did you first know this land, and who first occupied it?
Answer. I have known the land familiarly since 1835. It was first occupied by the Mission of Santa Clara. The Mission stock ran upon the land up to the year 1835, after that it was abandoned by the Mission, and was granted to the three Indians for their many services to the Mission.

3. Was this land included within the Mission lands?
Answer. Yes, it was called Mission Lands.

4. When was the first application by the Indians to have this land granted to them?
Answer. I think it was about the year 1844.

5. When did the Indians first occupy the said land?
Answer. I have seen

them upon the land since 1843. they had their little farms and houses there then.

6th Question. When did the Indians build the wooden house in which they lived?

Answer. Ever since I have seen them there, they have had their house there.

7th Question. When did the Indians first inclose and cultivate the land and how much?

Answer. In 1843, as I was passing by there, I saw several times that they had about 500 varas square more or less enclosed and cultivated, the River forming a portion of the Enclosure.

8th Question. What did they raise on the ground.

Answer. Corn, beans, wheat melons and other products.

9 Question. When was the Sayon first formed?

Answer. It has been there ever since I have known it, it was formed by the natural course of the water.

10 Question. How far is it from the Cone tree you spake of along the Sayon to the river?

Answer. I do not know accurately. It may be about 2000 varas more or less. I never saw it measured.

11. Question When was the road marked on the map first established, and how far by that road from the Cone tree to the Bridge?

Answer. Even since

I have lived there it was an old road. I believe the distance from the tree to the river by the road is 3000 varas.

12 Question. How far is it from the bridge following the river to the junction of the Sayon with the river?

Answer. I think it will be about a half league more or less.

13. Question. Was the boundary of this land ever particularly pointed out to you?

Answer. The boundaries were pointed out to me when I gave possession of the adjoining lands. I was then on the land of the Indians.

14th Question. Did you in your official capacity ever cause monuments or marks to be placed on the boundaries of this land?

Answer. No.

Re-examined by Attorney for Claimant.

1 Question. Do the Indian Cristobal living or dead, if dead, did he leave either widow or children?

Answer. I do not know whether he is still living. I have not seen him for a long time, and don't know whether he is married.

Antonio Mq Pico

Subscribed & sworn to before me on this 2d day of March A.D. 1854.

Peter Tait. Commis.
Juner for taking testimony

Filed in Office March 2d. 1854.
Geo. Fisher Sec

22

323 ND
PAGE 22

Jacob D. Hoppe
vs
The United States

For the place called
Alistac No 108.

Affidavit & Motion.

This day before Com.r A. Thompson came John M. Murphy and first being duly sworn, made oath and said, that he was acquainted with Jacob D. Hoppe, the Claimant in this case, and that the said Hoppe departed this life on the 15th day of May 1853 subsequently to the filing of the claim in this behalf, and left Lenzy Hoppe his widow and six children, whose names are Emma O. Hoppe, Justice Hoppe, Edwin E. Hoppe, Monroe Hoppe Ella Hoppe and Jacob D. Hoppe. The said claimant died intestate leaving the above mention widow and children his only heirs at Law

Jno. M. Murphy

Sworn to and Subscribed
Before me this 9th day
of February A.D. 1854.
R. Aug Thompson
Com.r

Upon the foregoing Affidavit motion is made that this case be revived and hereafter proceed in the names of the above mentioned Heirs at Law of Jacob D. Hoppe dec.d

Filed in Office Feby 14. 1854.
Geo. Fisher
Sec

23

Jacob D. Hoppe
vs
The United States

No. 108
For the place called
Ulistac.

Order of Revival.

323 ND
PAGE 23

It appearing to the satisfaction of the Board by the affidavit of John M. Murphy that the said Claimant Jacob D. Hoppe, has died intestate since the filing of the Claim in this behalf, and that Lucy Hoppe, his widow and Emma O Hoppe, Justice Hoppe, Edwin E. Hoppe, Monroe Hoppe, Ella Hoppe and Jacob D. Hoppe his children, are his only heirs at Law; The Board doth adjudge, order & decree, that this claim be revived and hereafter proceed in the names of the said Heirs of Jacob D. Hoppe dec.d —

Filed in Office Feby 14. 1854.
Geo. Fisher Sec.

(Span Doc follows)

1/108

25

1845

1845

Expediente promovido por Marcos, Pio y Cristobal indigenas de la Mision de Sta. Clara, en pretencion de un terreno nombrado

Ulistac

Y 5 V

(2 Sdk

Sello Quinto Medio Real
Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey en el Departamento de las California para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco
Michelltorena Pablo de la Guerra

(Seal)

Monterey Mzo 20 de 1844
Ynf.e el S. Sno del Despacho tomando otro si fuere al efecto necesarios.
Michelt.a.

Exmo. Sor. Gobernador
Marcelo Pio y Cristobal indigenas de la Mision de Sta. Clara ante V.E. con el debido respeto esponemos, que ya hace como seis años que estamos poseyendo un corto terreno inmediato a dicho establecimiento en el cual tenemos casa, huerta, sementeras, corrales ganados y caballada, y aunque hemos solicitado varias veces el titulo correspondiente se nos han extraviado ~~los dos~~ en tramites los documentos y no hemos adquirido seguridad, por lo que suplicamos a V.E. nos haga la gracia de mandar se nos estienda titulo de propiedad del mismo terreno llamado desde antiguamente Ulistac colindando con el rio de Sta. Clara con el puente del mismo rio con el camino que sale para la Sierra y con el Roble del Sanjon en extencion de medio sitio de ganado mayor como espera el diciño que a V.E. debidamente acompañamos. Por tanto a V.E. rogamos nos conceda la gracia que solicitamos la cual

27

recibiremos justicia jurando lo necesario [3 sdh]

Monterey Marzo 21 de 1844

Marcelo +

Pio + Cristobal +

Como dispone el Exmo. Sor. Gobernador pase esta solicitud al Alcalde 1º del Pueblo de San Jose para que informe sobre lo contenido.

Monterey Marzo 20 de 1844

Manl. Jimeno

Como dispone el Secretario del Despacho informe sobre el contenido de la presente instancia digo que el terreno de que se hace mencion no se encuentra en este Juzgado ningun documento de estar pedido por otro por lo que esperimenta de estado poseyendolo hace algunos años. [4 sdh]

Sello Quinto medio Real

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el departamento de las California para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Michaltorena Pablo de la Guerra

Es cuanto puedo informar de lo que se me indica

Pueblo de San José Guadalupe

28

2 de Mayo de 1845
Antonio Mª Pico

Angeles Mayo 19 de 1845
Se les concede á los interesados el terreno que pretenden en concepto de estendanles el titulo correspondiente
Pico

Pueda tomada razon de este titulo en el libro respectivo
An-
S.S.D.K.l geles Mayo 8 de 1846
Dado cuenta en senion de hoy con este expediente á la Exma Asamblea Departamental, se mandó pasar á la Comision de terrenos baldios
Pio Pico
Presdte
Agustin Olvera
Srio

Sor.
La Comision de terrenos baldios se ha impuesto del expediente que antecede promovido p.r los indigenas de S. Buenaventura Sta. Clara, Marcos Pio y Cristobal q.e les concedió el Sup.r Gob.o Departamental del parage nombrado Ulistac, en esta virtud pone á la deliberacion de V.E. la prop.n sigte.
Se aprueba la concesion hecha á los
G.S.D.K.l indig.s Marcos Pio y Cristobal del parage nombrado Ulistac pertenecte

29

a Sta. Clara p.r título librado con fha 17 de Mayo del año p.o p.o en conformidad con la ley de 18 de Agosto de 1824 y el art.o 5 del reglamento de 20 de Obre de 1828

17-

Sala de Comisiones en la Ciudad de los Angeles Mayo 22 de 1846

S. Argüello

Angeles Junio 3 de 1846

En sesion de este dia aprovó la Exma Asamblea Departamental la proposicion del dictamen anterior

J. S. Del

(Here follows map or plan)

30

Office of the Surveyor General of the United States for the State of California.

I Samuel D. King Surveyor General of the United States for the State of California and as such now having in my office and under my custody and control a portion of the archives of the former Spanish or Mexican Territory or Department of Upper California do hereby certify that the seven preceding and hereunto annexed pages of tracing paper numbered from one to seven inclusive and each of which is verified by my initials (S D K) exhibit true and faithful copies of certain documents on file forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially and affixed my private seal (not having a seal of office) at the City of San Francisco Cal this Fourth day of March A. D. 1852

Sam'l D. King
Sur Gen'l Cal

Filed in Office
March 19th 1852
Geo. Fisher
Secy –

31

Translation of Expediente "C"

2.

Translation of the Original:

Fifth Stamp: half real

Provisionally authorized by the Maritime Custom House at the Port of Monterey, in the Department of the Californias, for the years one thousand eight hundred and forty four and one thousand eight hundred and forty five.

Micheltorena. Pablo de la Guerra

To His Excellency the Governor

Seal

Monterey March 20th 1844. Let the Sec of State report. and take information if necessary.

Michel.na

Marcelo. Pio and Christoval, natives of the Mission of Santa Clara, before Your Excel, with due respect and as matter of right, we state; that for six years, we have been in possession of a small tract of land near said establishment, and on which we have a house, garden, sowed lands, pens (corrals) cattle and horses, and although we have solicited various times the corresponding title, the documents have been mislaid during the proceedings, and we have no security; therefore we solicit Your Excellency, to do us the favor to order to be given as a title of the ownership of the same land called, for a long time Ulistac bounded by the river of Santa Clara, by the bridge

on the small rivers, by the road which runs from the bridge to the mountain ridge, and by the oak tree on the Sanyon (ditch) being one half square league as is shown by the plat, which we duly submit to your Excel.

Therefore we ask your Excellency to grant us the favors which we solicit, from which we will receive justice, swearing to what may be necessary.

Monterey March 21, 1844,

Marcelo +
Pio +
Cristoval +

His Excel.y the Governor orders this petition to be sent to the First Alcalde of the Pueblo de San José; for information relative to its contents.

Monterey March 30th 1844.

Manuel Jimeno

As the Secretary of State orders me to inform about the contents of the present petition. I say that there cannot be found in this Office any claims by other persons to the land of which is made mention. As to the possession; they have been in possession for some years, as it is represented, That is all I can inform on the subject.

Pueblo de San José Guadalupe 2 of May 1845.

Antonio Ma. Pico

Angeles May 19. 1845.

The land which they solicit is

granted to the interested parties, in consequence of which let the corresponding title be issued.

Pico

This title is entered in the respective book.

Angeles May 8th 1846.

Presented in session to day, with the expediente, to the Most Excl the Departmental Assembly, and it is ordered to be sent to the Committee on vacant lands

Pio Pico
President.

Agustin Olvera
Secy

Sir the Committee on vacant lands have examined the foregoing Expediente presented by the natives of S. Buenaventura Santa Clara, Marcos, Pio, and Cristoval and through which the Superior Departmental Governor granted to them the land called Ulistac, in virtue of this, the following proposition is placed for the consideration of your Excel:

The Grant made to the natives, Marcos, Pio and Cristoval of the tract called ulistac, jurisdiction of Santa Clara, by title dated May 17th of the year last passed, in conformity with the law of the 18th of August 1824, and Article 5th of the regulations of 20th Nov 1828, is approved.

In the Hall of the Committee in the City of Angeles May 22nd 1846.

S. Arguello

34

Angeles June 3rd 1846.

In Session this day, the Mast Ex.t the Departmental Assembly approved of the proposition of the foregoing Opinion.

Office of the Board of Com.rs of California Land Claims.

San Francisco Aug 7th 1852

I certify the foregoing to be a true and correct Translation of an Authenticated Copy of the Original Spanish Document on file in the Office of the U.S. Surveyor General for California which Authenticated Copy is now on file in this Office in Case No 108.

Jacob D. Hoppe,

Geo. Fisher
Sec

Filed in Office Aug 7th 1852. Geo. Fisher Sec

(Span Doc follows.)

35

B.
Title.

Pio Pico Gobernador interino del Departamento de California.

Por cuanto los indigenas de la Mision de Santa Clara Marcelo, Pio y Cristobal han pretendido para su beneficio personal y el de su familia el terreno llamado Ulistac del que han justificado la pacifica posesion en que han vivido y colinda con el Rio de Santa Clara, con el puente del mismo Rio y con el Camino para la Sierra y con el Roble del Sanjon: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por las leyes y reglamentos de la materia usando de las facultades que me son conferidas a nombre de la Nacion Mejicana he venido en concederles el terreno mencionado declarandoles la propiedad por las presentes letras y con entera conformidad a las leyes y a reserva de la aprobacion de la Excma Asamblea Departamental y bajo las condiciones siguientes.

1ª Podrán cercar el terreno que se les adjudica sin perjudicar las travesias caminos y servidumbres: lo disfrutarán libre y exclusivamente dedicandolo al uso ó cultivo que mas les acomode.

2ª Solicitarán del juez respectivo les dé la posesion juridica en virtud de este despacho por el cual se demarcarán los linderos en donde podrán las mojoneras necesarias.

3ª El terreno de que se hace donacion es el puramente medio sitio de ganado mayor segun esplica el diceno. El juez que dare la posesion lo hará medir conforme a ordenanza dejando el sobrante a la Nacion para los usos convenientes.

En consecuencia mando que sirviendole de titulo a los interesados se tome razon

de este despacho en el libro respectivo y se entregue á los interesados para su resguardo.
Dado en la Ciudad de los Angeles Capital del Departamento de California á diez y nueve de Mayo de mil ochocientos cuarenta y cinco

Pio Pico

Por ausencia del Sor. Srio
Jose Mª Covarrubias
Ofl. 1º.

Queda tomada razon de este superior despacho en el libro respectivo.
Angeles fecha ut supra
Covarrubias

Filed for Record 20th A.M. 21 July 1850
J. T. Richardson
Recorder Co.
Recorded in Book of Deeds "A." pages 291 & 292.
J. T. Richardson
Recorder Co —

Filed in office
March 19th 1852
Geo. Fisher
Secy.

37

"6"

Translation of Title.

Translation from the Original

Pio Pico, Governor ad interim of the Department of the Californias.

Whereas the Natives of the Mission of Santa Clara, Marcelo, Pio, and Cristoval have solicited for their personal benefit and that of their families the land called Ulistac of which they have proved the peaceable possession in which they have been, and which is bounded by the Santa Clara river the bridge of said river, the road that leads to the sierra and the oak of the ditch (Sanjon); the previous measures having been taken and the requisite investigations made agreeably to the laws and regulations on the subject I have in the name of the Mexican Nation and by virtue of the authority in me vested granted to them the above mentioned land thereby declaring to them the ownership thereof, in strict conformity with the laws, subject to the approbation of the Most Excellent Legislative Assembly and to the following conditions:

1st They can enclose the said land without prejudice to the crossings, high-ways and servitudes; they shall enjoy it freely and exclusively, applying it to the use and cultivation most convenient to them.

2nd They shall solicit the respective Magistrate to give them judicial possession by virtue of this title, by whom the boundaries shall be designated, at the limits of which they will place the necessary land mark.

3rd The land of which donation is made is only one half square league sitio de ganado mayor as the plan (diseño) explains

The Magistrate who gives possession shall cause it to be measured according to ordinance and the overplus shall remain to the Nation for the necessary uses.

Consequently I order that these present serving the interested parties as a title, be entered in the respective book, and delivered to the persons interested for their security.

Given in the City of Los Angeles the Capital of the Department of the Californias, the nineteenth day of May, one thousand eight hundred and forty five.

Pio Pico

In Absence of the Senior Secretary
José M Covarrubias.
Chief Clerk

This Superior Title has been entered into the respective Book.
Angeles the above date
Covarrubias
Ex C
R.P.

Filed in Office March 19th 1852
Geo Fisher
Sec

39

This Indenture made and entered into this twenty fifth day of July A.D. Eighteen hundred and fifty by and between Marcelino of the County of Santa Clara, State of California of the first part and Jacob L. Hoppe of the same place, of the second, Witnesseth that the party of the first part for and in consideration of the sum of five hundred dollars in hand paid receipt whereof is hereby acknowledged have granted bargained sold & conveyed and do by these presents grant bargain sell and convey unto the party of the second part his heirs and assigns forever all his right title and interest in and to a certain piece or parcel of land, said interest was derived by grant from the Government, and by virtue of the party of the first part being the only legitimate heir, one Pio to whom was granted one third interest and who is now deceased, said land is known and described as follows, to wit Commencing at the bridge known as the middle bridge on the Guadalupe river about three miles north of the City of San José running thence in a westerly direction along the road leading to San Francisco the distance of about three miles (more or less) to a ravine.

Thence down said ravine in a northerly direction to the Estera or Guadalupe, thence up the Guadalupe river following its various windings to the said bridge the point of beginning, the same being in the County of Santa Clara and State of

323 ND
PAGE 38
Marcelo
to
Jacob L. Hoppe
Deed

California, together with all the rights and privileges thereunto belonging or in any wise appertaining. To have and To Hold the above described premises whether by grant of the Government or inheritance from said Pio deceased unto the party of the second part his heirs and and assigns forever as fully as they were held by the party of the part.

In witness whereof I have hereunto set my hand and seal the day and year first above written.

In the presence of Marcello his X mark (Seal)
Jno. R. Wilson
Thos. B. Godden

State of California }
County of Santa Clara } ss.

Be it remembered that on this the 28th day of July A.D. 1850 before me a Notary Public within and for the County aforesaid personally appeared Marcello to me known to be the person described in the foregoing conveyance, and who signed the same by making his mark, the same being explained and interpreted fully, he acknowledged that he executed the said conveyance freely and voluntarily for the uses and purposes therein mentioned.

Given under my hand and private seal there being no notarial seal yet provided at office the day and year first above written.

G. L. Ryland (Seal)
Notary Public

Filed in Office March 19th 1852.
Geo. Fisher Sec.

141

323 ND
PAGE 40.

Cristoval
To
Jacob L. Hoppe

"Deed"

I Cristoval in Consideration of two thousand Dollars to me in hand paid by Jacob L. Hoppe do grant to said Jacob L. Hoppe all that lot of land belonging to me to wit, one undivided third part of the tract of land commencing at what is called the Santa Clara bridge about four miles north of the Pueblo de San Jose running thence along the road to San Francisco in a north-westerly direction as far as the first considerable arroyo or creek thence in an easterly direction to the banks of the Guadalupe river thence up said stream to the place of beginning, containing one half of a league more or less lying and being in County of Santa Clara & State of California. And I the said Cristoval do covenant with the said Jacob L. Hoppe first that I am lawfully seized of the said premises, second that I have a good right to convey the same, third that the same is free from incumbrance fourth that the said Jacob L. Hoppe shall quietly enjoy the same, fifth that I warrant, and defend the title to the same against all lawful claims

Witness my hand and seal this the 14th of June eighteen hundred and fifty.

Cristoval x his mark (Seal)

As witness
Thos. B. Godden

42

State of California }
County of Santa Clara } ss.

On this the fourteenth day of June A.D. Eighteen hundred and Fifty before me a Notary Public in and for said County, personally appeared the within named Cristoval to me known to be the person who is described in and who subscribed the foregoing conveyance and the same being interpreted to him and fully explained by a competent interpreter acknowledged that he executed the same freely and voluntarily for the purposes therein mentioned.

Given under my hand and private seal there being no notarial seal yet provided at Office the day and year above written.

C. T. Ryland (Seal)
Notary Public.

Filed in Office March 19th 1852.
Geo. Fisher Sec.

43

108

The Heirs of Jacob D. Hoppe, dec'd vs The United States

For a place called "Ulistac" in the County of Santa Clara containing one half league.

Opinion by Commissioner A. D. Farwell

In this case the claimants have offered in evidence from the Archives of State a traced copy of an Expediente of three Neophyte Indians of the names of Marcello Cristobal & Pico, and a grant issued in pursuance thereof by Governor Pio Pico dated the 19th day of May 1845. Also a deed of conveyance from Cristobal for one third of the place it being his entire interest dated the 14th day of June 1850 and also a deed from Marcello dated the 5th day of July of the same year for the ballance of the place. All of which documents are fully authenticated.

It also appears in evidence that the said Pico had deed before the making of the deed of Conveyance to the said Hoppe, leaving the said Cristobal his sole heir of which the said Cristobal became invested with two thirds of the interest of the place. It is also proven that the said Jacob D. Hoppe has departed this life since the filing of his petition herein, leaving a wife named Lucy Hoppe and six children who thereby inherited the place, the names of the children being Emma Justus, Edwin E. Monroe Ella and Jacob D. Hoppe.

The evidence fully establishes the settlement and cultivation required by law and the boundaries clearly defined so as to enable us to

enter a decree with clearness and precision. We think this claim a valid one, and a decree will be entered accordingly.

Confirmed.

Filed in Office May 8. 1855.
Geo. Fisher Sec.

No 108 Heirs of Jacob D. Hoppe dec'd
vs
The United States

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is valid, and it is therefore decreed that their application for a confirmation thereof be allowed.

The land of which confirmation is hereby given is situated in the County of Santa Clara, and known by the name of "Alisitas", and bounded as follows to wit, Commencing at the old bridge that crosses the river Guadalupe on the road from Santa Clara to San José, and running westwardly on said road to an oak tree on the first considerable Canyon, thence down the said Canyon to its mouth, and thence along the bank of the said river Guadalupe to the place of beginning containing one half square league.

R. Aug. Thompson
S. B. Farwell
Commissioners

Filed in Office May 8. 1855.
Geo. Fisher Sec.

45

And it appearing to the Satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California it is hereby ordered that Two Transcripts of the proceedings and of the Decisions in this case, and of the papers and evidence upon which the same are founded be made out, and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California, and the other be transmitted to the Attorney General of the United States.

323 ND
PAGE 45

Office of the Board of Commissioners,

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

I, George Fisher Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Forty five pages, numbered from 1 to 45, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 108 on the Docket of the said Board, wherein Jacob D. Hoppe is the Claimant, against the United States, for the place known by the name of "Ulistac."

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

Geo: Fisher
Secy

323

U. S. DISTRICT COURT,

Northern District of California.

No. 32[illegible]

323

THE UNITED STATES,

vs.

N D

J. D. Mahe

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 198.

Filed, November 7th 1855

J. A. Monroe,

Clerk,

Office of the Attorney General of the United States,

Washington, 3 December, 1855.

1085 "Calistac" —

Jacob D Hoppe Claimant —

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 20th day of November, 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 323 —

United States
vs
Jacob D. Hoppe.

Notice of Appeal in
Case No. 108.

Filed Feby 11. 1856
J. Chevers,
Deputy.

To the Hon: District Court of the U. S. in and for the Northern Dist of Cala. —

The United States

v. } D.C. 323: L.C. 108.

J. D. Hopp

The petition of the United States by their attorney represents that this ~~Court~~ cause is an application for a review of the decision of the U. S. Land Commission whereby the title of the appellee was confirmed as will appear by reference to the record in the case: that a transcript of said record was filed in this Court Nov 7. 1855; and a notice of appeal Feby 11. 1856: that the land claimed lies in this said District and that said title is invalid.

Wherefore appellants pray that this Court reverse said decision of the Commission and decree said title invalid.

San Francisco, Feb 21. 1857

Blanding
U.S.A.

323
L.C.108

W. S. Dist Court

The United States
v
J. D. Hopp

Petition

Filed Feby 21, 1887
W. D. Chivers,
Deputy.

Blandowski
USA

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on Thursday the 16th day of April in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States v Jacob D. Hoppe.	D.C. 323 : L.C. 108.

In pursuance of a notice from the U. S. Attorney General that no further appeal be taken in this case and the U. S. Attorney having entered into a stipulation to that effect:

It is, on motion of the District Attorney, Ordered, adjudged and decreed, that claimant have leave to proceed under the decree of this Court, heretofore rendered in his favor, as under Final Decree.

Ogden Hoffman
U. S. Dist Judge

323

United States District Court, Northern District of California.

The United States

vs.

Jacob D. Hoppes

ORDER.

vacating appeal.

Filed April 16. 1857

John A. Monroe,
Clerk.

By W. H. Chevers.
Deputy.

District Court of the United States
Northern District of California.

The United States
vs.
The Heirs of Jacob D. Hoppe deceased

Decree No. 323. Stated Term
2nd March 1857

On appeal from the final decision of the Board of Commissioners to ascertain & settle private land claims in California.

This case came on to be heard at a stated Term of this court, on said appeal from the said final decision of the Board of Commissioners to ascertain & settle private land claims in California; under the act of Congress approved on the 3rd of March 1851 upon the transcript of the proceedings & decision of the said Board and the papers & evidence upon which the said decision, was founded; and it appearing to the court, here, that the said transcript was filed according to law and counsel for both parties having been heard, it is by the court hereby ordered, adjudged, & decreed, that the said decision be, & the same is hereby affirmed; and it is likewise further ordered, adjudged, & decreed, that the claim of the said appellees is a good & valid claim, & the same is confirmed to the extent of the following boundaries, reference being had to the Grant & papers filed herein; the Land of which

confirmation is hereby given is situated in the county of Santa Clara & known by the name of 'Ulistic' & bounded as follows viz commencing at the old Bridge that crosses the River Gandeloupe on the Road from Santa clara to San José and running Westerly on said Road to an oak-tree on the first considerable San Jon (ditch) thence down the said San Jon (ditch) to its mouth & thence along the bank of the said River Gandeloupe to the place of beginning, containing one half Square League ~~more or less~~.

Ogden Hoffman
U. S. Dist Judge

This draw is correct

Wm Blanding
Dist Atty.

323.

The U. States

vs

The Heirs of
Jacob D. Hoppe
Dec'd

Decree

Filed March 2. 1857.
W. D. Owens,
Deputy.

California Land Claims.
Attorney General's Office
9 January 1857.

Sir.

In the case of the claim of Jacob D. Hoppe, confirmed to the claimant by the Commissioners, case no. one hundred and eight, (108), appeal will not be prosecuted by the United States.

I am
Respectfully
Cushing

Wm T Pleasing Esq
U. S. Attorney,
San Francisco.

In the District Court of the U. S.
For the Northern Dist of Cala

The United States
v
Jacob D. Hoppe } D. C. 323 : L. C. 108

In pursuance of a notice from the U. S. Attorney General, hereunto annexed, it is hereby stipulated and agreed that no further appeal be taken on the part of the United States in this case, and that claimant have leave to proceed under the decree of this Court, heretofore rendered in his favor, as under Final Decree.

San Francisco Mch 10th 1887.

John Wilson
atto for claimant.

Wm Blanding
Dist Atty.

323
108

U. S. District Court

The United States

v

Jacob D. Hopper

Stipulation

Filed April 16. 1857.
W. H. Chevers,
Deputy.

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of SAN FRANCISCO, on Monday the Sixth day of June in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

Heirs of Jacob D Hoppe
vs.
The United States

No 108 Land Com
No 323 U. S. D. C.

Upon motion of the said Claimants by their attorney J J Papy, It is ordered that the Surveyor General of the United States for the State of California, return into this court, the Survey by him made and approved of the Rancho "Milistac" claimed in the above cause And that a certified copy of this Order be served upon said Surveyor General

No. 323.

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

Jacob D. Wolfe.

Order to return Survey.

Filed June 6th 1859.

W. H. Chever Clerk.

By

Deputy.

323 ND

PAGE 59

District Court of the United States for the Northern District of California.

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

Clerk.

By

Deputy.

U S Dist Court
N Dist of California

Heirs of Hoppe
vs
The United States } No 323

Please take notice that the survey of the Rancho "Nicolas", the property of the above Claimants, has been returned to the above U S Dist Court pursuant to an order heretofore made by said Court. And that on ~~Wednesday~~ Monday the 27 day of June 1859 at Eleven o'clock A M, or as soon thereafter as Counsel can be heard, I will move the Court for an order confirming said survey as made & approved by the U S Surveyor General for the State of California

J P Page
Atty for Claimants

San Francisco June 17th 1859

To P Dredd Tosa
U S Dist Atty

323

U S Dist Court
N D of Cal

Heirs of Hoppe
vs
The United States

Notice of Motion
to confirm survey.
~~Acknowl of Copy receipt~~
~~this 17 Jun 1859~~

Copy
Filed June 27. 1859.
W. H. Chevers
Clerk

J J Papy

Service of the within notice was made by delivering to P Della Torre Esq U S Dist Atty a copy hereof on this 17th day of June 1859
San Francisco Cal
June 17th 1859

J J Papy

Service made by copy this 17 Jun 1859

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of SAN FRANCISCO, on Monday the Twenty Seventh day of June in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

Heirs of Hoppe
vs.
The United States

No 323

The above Claimants, by J. J. Pepy their attorney, having moved the Court pursuant to notice, for an order confirming the Survey of the Rancho "Ulistac" as made and approved by the U S Surveyor General for the State of California. And the U S District Attorney having asked further time - It is ordered that the U S Dist Attorney have thirty days within which to file objections to said Survey, and that immediately after the expiration of said thirty days, said parties proceed to take testimony if any be in order

San Francisco June 27th 1859

No. 323.

District Court of the United States

IN AND FOR THE

Northern District of California.

Heirs of Hoppe

vs.

The United States

Order granting U S Dist Atty 30 days within which to file objections to Surv of Rancho "Ulistac"

Filed June 27, 1859.

W. H. Chevers Clerk.

By

Deputy.

323 ND

PAGE 63

J. J. Papy
for Claimants

District Court of the United States for the Northern District of California.

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

Clerk.

By

Deputy.

The United States
vs
Heirs of Jacob D Hoppe
Claim to the Rancho
Ulistac in Santa Clara County

} In the District Court of the United States for the Northern District of California.

The Said Plaintiff by the District attorney comes and files objections to a portion of the survey of said Rancho namely: beginning at an Oak Tree on the bank of the Guadalupe river at the point designated on the returned plat of survey by the figures 80; Thence in a direct line to a point on the Canjon designated on said plat by the figures 10 at the place where the aviso road crosses the Canjon; thence down and along the Canjon to its junction with the Guadalupe river; and thence up and along the said Guadalupe river to the place of beginning for the following reasons:

1st the portion of land included within the limits above stated, was granted by the Mexican Government to Barcelia Bernal otherwise Baracelisa Bernal whose claim to the Same is now pending in this court and whose title to the portion designated is superior to that of said defendants

2nd In the petition filed by the said Jacob D Hoppe in this case the land included within the limits above given is not claimed as constituting any part of said Rancho Ulistac but on the contary the claim of said Bernal is made by the Petition of Said Hoppe the Northern

Boundary of the said Rancho Alistac
3rd the title to said Rancho Alistac or to any
part thereof was never at any time in
said Jacob D Hoppy deceased but at the
time of filing of said petition before the
Board of land Commissioners the title
to the same was in the Heirs of Jose —
— Maria Alviso deceased by valid convey —
— ance from the original Grantees of the
Mexican Government. To him made by
them prior to the alledged Conveyance
from them to said Hoppe
Wherefore the said Plaintiff prays
that the said survey as to the land contained
within the limits first aforesaid be rejected

J. R. Wise
acting U.S. Atty

No. 323.

U. S. District Court.

The United States

v.

Jacob D. Hoppe

Exception to Survey.

Recd copy within this
24 – July AD 1859.
J. D. Pope
Atty for Ets

Filed July 26. 1859
W. W. Cheney
Clerk

UNITED STATES DISTRICT COURT,
Northern District of California,

323 ND
PAGE 67

The United States
vs.
Heirs of
J. D. Hoppe.

San Francisco, Nov: 11. 1859.

On this day, before Me. W. H. Chevers a Commissioner of the United States for the ~~—~~ Districts of California, duly authorized to administer oaths, &c., &c., came W. C. Wilson a witness produced on behalf of the the Claimants in Case No. 323, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 108 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows.— ~~his evidence being interpreted by a sworn interpreter~~

PRESENT: A. S. Halstead Mr J. J. Papy of Counsel for Claimants and U. S. Dist Atty by R. Aug Thompson Esq

QUESTIONS BY Counsel for Claimants

1st Question

What is your name, age and place of residence?

Ans.

My name is W. C. Wilson, I am 40 years old and I reside in Santa Clara County Cal

2nd —

Are you acquainted with Mr Freeman?

Ans-

Yes Sir-

3rd

Do you know the Ulistac rancho? or commonly known as the Indian Ranch?

Ans

I do Sir.

4th

Was you present when said Rancho was surveyed by Mr Freeman?

Ans.

I was present when those two lines were drawn that is to say, the two seds lines forming an angle on the Northern portion of the ranch, marked South 12° West 42 15-1000 varas and N. 60¼° E 42. 15-1000 varas as laid down on the official Map filed in this Case-

5th

Are you acquainted with Antonio Maria Pico, if so, how long have you known him

Ans

I am acquainted with him since the winter of 1849-

6th

Was Antonio Maria Pico present at the time of running those lines referred to by you in your previous answer?

Ans

Yes Sir-

7th

Did Antonio Maria Pico point out or designate

the initial points from which the said red lines were to run and to meet so as to make each line of one thousand varas long and thereby segregate the Bernal from the Ulistac ranch?

(Question objected to as leading)

Ans

Question withdrawn

8th

Did you act as Interpreter between Maria Antonio Pico and Mr Freeman upon that occasion?

Ans

I did.

9th

Please state what Antonio Maria Pico said relative to the lines which separate the Bernal from the Ulistac ranch?

(Question objected to as calling for hearsay testimony)

Ans.

He said he could show them the lines.

10th

Look at the official Map and say whether those lines correspond with his indications. State all he said about it?

Ans

We went to the point marked "Embarcadero" on the Guadalupe river - then ~~he said~~ * ~~he would go~~ ~~run~~ southerly 1000 varas - then he said he stood at the end of the 1000 varas - and sent some men on the Guadalupe

* he said he would show you and pointed southerly and went along with Mr Freeman and this shown men and that was the way he ran the line

River to mark a tree on said river
We went over there then at a house which stood
somewhere close to the bank of the creek
We went then on the bank of the creek - we
walked up and down the creek and he
said somewhere about there were the ~~Exterior~~ southern
line terminates on the Guadalupe - was the line
There was a good deal of Conversation between the
parties concerning that line -
*

11th

Did Antonio Maria Pico say that he had ~~surveyed~~
run those lines and how he came to do it?

Ans.

He said that he had run the first line from
the "Embarcadero" South - The other line he said
that he did not run but that he sent men
over there to mark the tree - He said he made
it as an officer and gave judicial possession as
such -

(The foregoing question objected to as
leading) (Answer objected to as hearsay)

12 th

~~Were those~~ How those lines run?

Ans

They were run by Mr Freeman who is here present
according to what Mr Pico told us on that day just as
I understood ~~him~~

Answer objected to because
tending to prove the statements of Mr Pico
for which purpose Mr Pico's own evidence is
the best testimony)

* The two last answers so far as they give hearsay testimony objected to.)

Cross Examination by Judge R. Aug. Thompson

Question 13.

How long have you resided in California?

Ans

Since the year 1849.

14th

In what language was the conversation with Mr Pico held

Ans

In the Spanish language.

15th

Does Mr Pico speak English?

Ans

I don't think he does.

16th

Do you speak Spanish?

Ans

I do.

17th

How long since you learnt the Spanish language?

Ans

I went to Mexico in 1844 and I learnt it in two years and have been in the habit of speaking the language ever since

18th

Did you learn the language grammatically or only learnt ~~it~~ from conversation, Can you read it?

Ans

I learnt it only from conversation and read it very imperfectly. I think I speak it better than ~~those~~ a great many who have learnt it grammatically

19th

In describing the boundaries of the Bernal tract ~~of~~ ~~two varas square~~ which is referred to in your examination in chief did Mr Peco say anything about straight lines and right angles?

Ans

He did not - he said he would show the way the lines ran.

20th

Can you tell me what is the Spanish for right angle?

Ans.

I do not know what it is in technical terms?

21st

How would you express in Spanish "right angle"

Ans

Una ~~legua~~ línea de mano derecho

22nd

Do you know what a right angle is in English?
(Question objected to)

Ans.

I do not know that I know what it means.

23rd

After arriving at the terminus of the first 1000 varas line ~~terminating~~ extending from the Embarcadero southerly and from that point to the Guadalupe as stated in your examination in chief did Mr Peco point out any particular point or object on the line as the terminus of the second or Southerly line?

Ans.

~~Mr Pico said that there was some trees~~

There were trees along ~~a~~ the river and Mr Pico said that about where those trees stood was the terminus of the line. There was a tree cut down which he examined and said about there, was the boundary

24th

Was Mr Andrew J. Gallagher present on that day?

Ans.

He was-

25th

Did he not offer to show to the Surveyor and party a marked oak tree some 250 or 300 yards in a straight line South or above the point where the Southerly line terminates on the river

(Question objected to on the ground that it is hearsay evidence and that Mr Gallagher is interested)

Ans.

There was a good deal talk about trees but I did not hear him say anything about the oak tree.

26th

Did you find any tree marked as a corner at or near the point where the Southern line of the Bernal tract as delineated on said official map terminates on the river

Ans.

~~I think~~ Somewhere near where the lines terminates there is a tree marked B-

27th.

Did you know in 1851 a man by the name of Benjamin Smith (Question objected to)

Ans.

I knew a man who lived ~~th~~ near the Embarcaders by the name of Smith - I do not know his Christian name -

28th.

Were you not in 1851 at the house then occupied by Benjamin Smith now occupied by Andrew J. Gallagher and marked on the Map as Gallagher's house in Company with Hoppe and Quibbe

(Question objected to because the cross examination is not responsive to the Examination in Chief)

Ans.

I do not recollect if I was there or not - I might have been there.

W. C. Wilson

Sworn to and subscribed
this 11th day of November
A.D. 1859 before me
W. D. Clevers,
N. P. Com.

James E. Freeman a witness produced by the Claimants being duly sworn deposes and says.

Question Set

What is your name, age and place of residence

Ans.

My name is James E. Freeman, I am 44 years old and I reside in San Francisco.

2nd

What is your occupation

Ans

I am a Surveyor. I ~~am~~ was acting as Deputy Surveyor for the Surveyor General of the United States and as such surveyed this Ranch.

3rd

Did you segregate the Bernal from the Alistac ranch in your capacity of Deputy Surveyor of the United States

Ans

I ran two lines for boundaries between the Bernal ranch and the Alistac.

4th

Are those lines exhibited on the Map?

Ans

They are.

5th

State how you came to run the lines as it appears by the Map. State all you know about it?

Ans.

The copy of the grant called for a point on the North side of the Guadalupe and for a tree. Mr Pico went with us a the time of making the survey to the Embarcadero pointed that out as one of the boundaries and then as I understood from the Interpreter a line running Southerly of one thousand varas, thence East or Easterly

1000 varas to a point on the Guadalupe river. And when at that point he (Pico) walked up the river some distance and returned and said as I understood the Interpreter that it was at or about that point

6th

Did Mr Pico make any signs physical or ~~verbal~~ indicating his concurrence or disapprobation in the manner of your running the line and selection of Corners.

Ans.

My impression is that Mr Pico was not on the ground all the time while we ran the lines - he was there when we walked over the ground before we measured the lines - He was present when the discussion took place about the terminus of the Southern line on the river -

When we came to the Embarcadero Mr Pico pointed South or Southerly - In walking over the ground we went that every and then went to the tree as delineated on the Map as the termination of the Southern line of the Bernal Ranch.

7th

Does the Southern line of the Bernal Ranch as surveyed by you terminate at the tree indicated?

(Question objected to)

Ans.

The Southern line ~~run by me~~ of the Bernal Ranch as run by me terminates at ~~the~~ a tree ~~indicated~~ adopted by me with a B marked on it -

8th.

What induced you to adopt that tree

Ans.

~~From~~ There was a tree called for as I understood ~~it for~~ From what I understood from Mr Pico through the Interpreter there was a marked tree and I thought it probable that ~~was the~~ that one might be the one which I selected as the terminus of the line

Cross Examination

9th

~~An~~ What language ~~did~~ Mr Pico used in the Conversation

Ans

I suppose it was Spanish I don't understand the language

10th

Who was your Interpreter and was he sworn?

Ans.

Mr Wilson was my Interpreter And I do not know whether he was sworn

[The whole of the foregoing deposition so far as it relates to the statements and Conversations of Pico objected to as hearsay]

11th

State what line of the Bernal ranch as delineated on the map that you actually ran on the ground?

Ans.

I ran the Southerly and Westerly lines marked

in red on the Map and marked a 1000 varas each.

12th

Was Mr Pico present at the actual running of the lines or was he only present in walking over the land to ascertain the boundaries?

Ans

Mr Pico was present pointing out the starting point but I do not think he was present at the actual running of the lines-

13th

Were not those lines run the day after the Conversation about the boundaries and limits

Ans.

I think the Westerly line was run the day or the day after the discussion- He may have been present.

I think I ran a due Southerly line Course first from the Embarcadero and finding that the terminating ~~of the~~ point of that line would not give a 1000 varas from the river I changed the direction of that line Westerly so as to make the Southern line a 1000 varas in length.

I do not think Mr Pico was present when the survey was Completed-

14th

Did you exhibit to Mr Pico a diagram of the shape of the Survey of the Bernal ranch as located by you or give him ~~in~~formation in any other way of the shape or Contents of the tract so located?

(Question objected to as irrelevant)

Ans

I do not remember of speaking with Mr Pico after the final survey of the Ranch -

15th

How long were you engaged in the examinations to ascertain the boundaries prior to the actual survey?

Ans.

The ~~portion~~ of the first day -

16th

Was Mr Pico present more than one day at those examinations?

Ans

I do not remember whether he was or not -

17th

In the course of your examinations did you find a tree marked on your map, copy of which is filed in this Case "Oak tree claimed "to be the upper corner of the Bernal tract by "some of the owners thereof" - if so describe the location of that tree with reference to the corner adopted by you on the river and the Guadalupe river and the marks on the same.

Ans

I found such a tree - It was situated 450 to 500 yards S. E. of the corner adopted by me and within a few yards of the river - There was some marks on the tree - I cannot remember so as to specify what they were - I do not remember whether there was a stump near the tree.

18th

State whether a line run due South from

from the Embarcadero one thousand varras long and then a line due East at right angles with the first one thousand varras would not the last mentioned line terminate ~~at right angles~~ at or ~~very~~ near the Guadalupe River in the immediate vicinity of said last mentioned oak tree

Answer

From the protraction of the Map I think it would terminate within 8 or 10 chains to the tree.
When the scale is so small, the distances are not very reliable.

19th

Please marked on the Map ~~now~~ herein filed Exhibit No. 1 W. H. C" the lines referred to in the last question and designated them by the letters A. B. & C"

Ans

I have done so.

20th

Would the Bernal Ranch as located by you and laid down in the official map returned in this Case embrace an area equal to 1000 varas square.

(Question objected to because it is not be shown that he located the Bernal ranch but simply ran two lines.)

Ans.

I think it would not.

21st

In your instructions for the location of the Mislac ranch were you directed to plat out the Bernals 1000 varas claim at the embarcaderos?

(Question objected to because this Examination does not relate to the examination in chief)

Ans

I do not remember whether he gave me special instructions on that point or not, though I had a copy of the printed instructions which requires the Deputy to note all conflicts of boundaries ~~which~~ in surveying the ranches.

22nd

Did the Map of the survey as originally returned by you contained the words found in the copy annexed to this deposition as follows-
"Now shown by A. M. Pico, but not according to "the evidence before the Land Commission nor the "Confirmation of the Claim"

(Question objected to as irrelevant. That the Surveyor General rejected it in his approval of the survey and claimants are not bound by any unofficial acts or writings of the Deputy Surveyor)

Ans

I did.

23rd

Did you meander the Guadalupe river in making the survey or did you lay down the courses of the river by some previous Map.

Ans.

I meander the river

(Question and answer objected to on the ground that it does not show to which grant the ~~survey~~ question relates to.)

Direct examination resumed

24th

Why did you write the words on the map referred to in question 22.

Ans.

One reason was some of the papers pertaining to the ranch Alistac or the Bernal called for a starting point on the North side of the Guadalupe river. If there are any other reasons I do not now remember them

25th

State the number of yards in a chain?

Ans

Twenty two yards.

Jas. E. Freeman

Sworn to and subscribed before me this 11th day of November A. D. 1859

W. H. Chevers,
N. P. Cont.

No. 323 ND
108 Bd

N. D. Dist. Court.

The United States
— vs —
Heirs of
Jacob. D. Hoffel.

Deposition of W. C. Wilson,
and S. E. Freeman
on Survey.

Filed Nov: 11. 1859.
W. A. Chevers,
Clerk.

323 ND
PAGE 83

Ulistac Rancho confirmed to the Heirs of J. D. Hoppe

The Ulistac Rancho as surveyed according to the terms of the confirmation, and therefore without any reference to the Bernal claim contains 2401.32 acres. If however we exclude therefrom the portion shown to me when making the survey as being the position for the lines of the Bernal tract (according to the courses on the river with the required length of ~~two~~ the side lines) and represented on the plat by the river and A. B. & C. the area of which is 129 $\frac{34}{100}$ acres, there would remain in the rancho exclusive of said represented tract, an area of 2271.98 acres.

If we were to run a line due south from the Embarcadero for 1000 varas, or 42 $\frac{15}{100}$ chains, and then from the end of such line run another due east, it would intersect the river at the distance 48 $\frac{75}{100}$ chains or 1156 $\frac{49}{100}$ varas, and with the river for the other boundaries, the embraced tract would have an area of 175 $\frac{05}{100}$ acres, which deducted from the entire area of the Ulistac survey, would leave it with an area of 2226 $\frac{27}{100}$ acres.

If the last mentioned East line was restricted to 1000 varas in length from the River, and from the west end of such a line another was run 1000 varas long to the Embarcadero, then the area included by such lines and the river would be about 161 $\frac{12}{100}$ acres, and the amount left for the Ulistac would say 2240 $\frac{20}{100}$ acres.

If from the extremity of the South 1000 vara line, we were to run another line to the oak tree pointed out by Andrew Gallagher, and a little further up the river than where the due East line would strike the same, then the area between such new line to the oak and the said due East line 6 $\frac{70}{100}$ acres, which would if added to the above stated area of the part below the East line, then the contents of the Bernel tract would be 181 $\frac{75}{100}$ acres, and that of Ulistac 2219 $\frac{57}{100}$ acres

Half a square League is = 2219 $\frac{34}{100}$ acres

1000 varas square is = 177 $\frac{57}{100}$ acres

Jas. E. Freeman
U. S. Dep. Sur.

It is hereby stipulated that the foregoing statement of James E Freeman be read in evidence in the case of Heirs of Hoppe vs The United States with the same force and effect as ~~that~~ if the same had been regularly taken as part of his deposition filed in this case

W D Pagey
Atty for Claimants

Tully R. Wise
Acting U. S. Dist. Atty.

No. 323.

U S Dist Court
Dist of California

Heirs of J D Hoppe
v
The United States

Stipulated testimony of
J. E. Freeman.

Filed Nov: 30. 1859.
W. H. Chevers,
Clerk

En el Pueblo de S. José Guadalupe a los Cuatro días del mes de Dbre. de mil ochocientos Cuarenta y Cinco: ante mi Antonio María Pico Alcalde de primera nominacion de esta municipalidad y ante los Testigos de existencia con quienes actuo en la forma establecida, amos de los instrumentales de que abajo se hara mencion: parecio de presente el Indigena Marcelo y dijo: que por sí y en nombre de sus compañeros, sucesores y acreedores y quien de ellos hubiera titulo vos y Causa vende y da en publica venta y enagenacion perpetua y Plasma que posee, situado en las inmediaciones de Sta. Clara á D. José Mª Albina Ciudadano Mejicano y vecino de la jurisdiccion del Pueblo de S. Jose Guadalupe, el cual adquirio por titulo dado por el Exmo. Señor Gobernador de este Departamento con fecha diez y nueve de Mayo de mil ochocientos Cuarenta y Cinco, como consta de los Documentos q. ha presentado y doy fé he visto, cla

cual rancho con todo el terreno que á el le pertenecia le vende al espresado Don José María Albiu en la cantidad de trecientos pesos, treinta en plata seis caballos y lo restante en efectos, los que se le entregaron al mencionado vendedor en el acto de la venta: Dando desde esta fecha por concluido el contrato, y por tanto lede todo el derecho de propiedad, tenencia y posesion que tiene de dicho terreno, al mencionado D. José María Albiu, y desde hoy en adelante y para siempre se desapodera quita y aparta á sus herederos y sucesores del dominio posesion y otros cualesquiera derechos que le competan al mencionado terreno, los lede á favor del comprador para que lo posea y goce pasificamente y haga de el el uso que le convenga, entre y desapodere de dicho terreno, y tome la posesion que le corresponde y por derecho le compete, y á la firmeza y validacion de lo que en virtud de esta venta hace, obliga el otorgante su persona y bienes habidos y por haber, y con ellos

se sometes al fuero y Jurisdiccion de los señores Juezes que del caso deberan conocer de cualquier estado que sean para que á su cumplimiento le compelen y obliguen como por sentencia pasada en autoridad de cosa juzgada, renuncia todas las Leyes asu favor, en cuya virtud así lo otorgo, y no firmó por no saber Yo el referido Juez lo firme con los testigos de asistencia en defecto de escribano Publico, siendo los instrumentales los Ciud.s Don Antonio Suñol Don Lorenzo Pineda y D.n Juan Fernandez.

Antonio M.a Pico Marcelo

Antonio Suñol Lorenzo Pineda

Juan Fernandez

Exhibit Pico No. 1.

W. H. C.

Marcello
vs
Alviso
} Deed

Filed for Record
Clk A. M.
23 July 1850
J. T. Richardson
Recorder

Filed for Record at request of Jno Gallagher at 10 3/4 o'clk A. M. July 21st 1859 and Recorded in Book "M" of Deeds on pages 405 & 406 Records of Santa Clara Co.

Austin M. Thompson
Recorder
By J. W. Grant Deputy

Fee Paid
Paid

No. 323.

N. D.

U. S. District Court.

The United States,
— vs —
Jacob D. Hoppe.

Exhibit No. 1.
Pico W. H. C.
attached to deposition
W. M. Pico.

Filed Dec: 14. 1859,
W. H. Chevers,
Clerk.

UNITED STATES OF AMERICA,
STATE OF CALIFORNIA.

COUNTY OF SAN FRANCISCO.

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

Juis I. D. Hoffe,
vs.
The United States,

No. 323.

The President of the United States of America,

TO Antonio Maria Pico,

GREETING:

You are hereby required, That all and singular business and excuses being set aside, you appear and attend before the District Court of the United States for the Northern District of California, to be held at the Court House in the City of San Francisco, on the ~~Fourth~~ 13th day of Dec; A. D. 1859, at Two o'clock, P. M., then and there to testify in the above stated cause now pending in said District Court, on the part of the above named Claimants And for a failure to attend you will be deemed guilty of a contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggreived,

Witness, the Hon. OGDEN HOFFMAN, JUDGE OF THE DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, this Fifth day of December in the year of our Lord one thousand eight hundred and fifty nine and of our independence the eighty-fourth.

Attest, W. A. Clement *Clerk.*

By *Deputy Clerk.*

MARSHAL'S RETURN.

I have served this Writ personally by copy on Antonio M Pico in the City of San Jose and County of Santa Clara, on the 6th day of December 1859

this 12th day of December 1859.

P. L. Solomon U. S. Marshal.

By John H Williams Deputy.

(No. 323.)

District Court of the United States

FOR THE

Northern District of California.

Mariano S. Stokes

vs.

The United States.

SUBPŒNA

FOR

A. M. Pico.

Filed Dec. 14 1859.

W. H. Chever Clerk.

By Deputy.

323 ND

PAGE 92

U. S. Marshal's Office
Northern District of California

I hereby certify that I have duly served the within Subpoena on the within named A. M. Pico

P. L. Solomon
U. S. Marshal

DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

323 ND
PAGE 93

The United States
vs.
S. D. Hepfae

San Francisco, December 14th 1859

On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Antonio Maria Pico

a witness produced on behalf of the United States

in Case No. 323, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 108 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter, to wit.: By S. Alexander Ewell Esq

PRESENT:

Mr J. J. Papy Esq of Counsel for Claimant, J. R. Wise Esq Acting U. S. Atty. and R. A. Thompson Esq for the U. S.

QUESTION 1st, By Counsel for the ~~Claimant~~ United States

What is your name, age, and place of residence?

Ans.

Antonio Maria Pico, my age is 51 years, and I reside in San José, and I have resided there since 1832.

2.°

Have you ever held any official positions under the former Mexican Government in California, if so please state what they were, and at what time you held them?

Ans.

In the year 1835, I held the position of Alcalde of the Pueblo, of San Jose, again in 1841, I was Justice of the Peace, afterwards I was Síndico Procurador, of the Municipality.

3.°

Did you as such Alcalde ~~or~~ or Justice of the Peace, give juridical possession to Barcelina Berryhill of a tract of land in the District of San Jose of one thousand varas, if so when, and describe in what manner you gave such possession, where you commenced the measurements, and in what directions you established the lines?

Ans.

I did give such juridical possession in the year 1845, I commenced on the bank of the Guadalupe river where it meets the bay, at the old Embarcadero of Santa Clara, (which they formerly used as such) and run such one thousand varas to take the width of the lines, I then went to the bank of the river

L.

and drew one thousand varas down to the point to meet that which I had drawn from North to South.

4th

Were those the only lines you run?

Ans.

They were the only lines I drew, going over them again to make a thousand varas to form a square, marking on the bank of the river, a tree, I saw it marked, I do not recollect whether it was mark a letter or a cross.

5th

What formed the other boundaries of the ranch besides those two lines of a thousand varas each?

Ans.

The Guadalupe formed the boundary on one side, and where the tide water rises and falls, was the other. The lines that I run were straight, and at right angles,

6th

What do you estimate the tract to contain according to that juridical paseo?

Ans.

The paseo is of one thousand

varas square.

~~Cross examination~~
~~Questions by Counsel for Claimant~~

7th.

Who was present, at the time you gave that juridical posession?

Ans.

Guadalupe Berreyesa, ~~I am~~ one Alviso was present, (I am not certain whether it was Domingo or José Maria Alviso) ~~and~~ Manuel Cantua, and others whom I do not recollect.

8th.

Were those whom you have named as present, or either of them, acting as existing witnesses or Calendantes?

Ans.

One Alviso and Cantua as witnesses, José Maria Alviso as Calendante and an indian named Marcelo, also as a Calendante,

9th.

Look at the paper now shown you marked "Exhibit Rice No. 1, W. H. C." to be annexed to this deposition, and state whether

9. your signature where it appears thereon, is your genuine signature?

Question objected to upon the ground of the immateriality of the paper, referred to in the question, and because it purports to have been executed by an Indian; Also, that it does not appear to have ever been recorded.

Ans.

It is genuine and true, The signatures of Antonio Suñol Lorenzo Pineda and José Fernandez are also genuine. José Fernandez wrote the name of Marcella to it, Fernandez was my Secretary, at the time, He was Secretary of my Alcalde's Court, at the time and wrote it as such.

10th.

Do you recollect that the above mentioned document, was exhibited to you on the occasion of giving the juridical paseo referred to in this deposition, and that José Maria Alviso claimed to be a Colindante, by virtue of the same?

Ans.

I don't remember whether he showed me this document, at the time, I gave ~~him~~ the juridical possession, but I made the document, as an authority.

11th

At that time ~~was~~ did José Maria Alviso request you to give him juridical possession, of the Milpitas ranch; and to commence the same, at the Southern boundary of the possession, you had just given to Barcelisa Bernal?

Objected to because it is leading and irrelevant

Ans.

I don't recollect that he asked me, but I ~~said~~ gave them, then and there, public notice that the lands South of Barcelisa Bernal's, ~~another~~ line towards the mission of Santa Clara, would be the lands of the Indian Sacredo to the extent of half a league according to the grant which the Governor had given him, and of the boundaries described in his papers.

Cross examination

Questions by Counsel for Claimant.

12th

You stated in your direct examination that you ran two lines of the Bernal ranch, Please describe the other two lines which you ran, if any, in order to make the one thousand varas square, called for by the grant?

Ans.

I only ran those two ~~two~~ lines, leaving all inside of those two lines, the bank of the river, and the Esters to the benefit of the grantee.

13th

Do those two lines, the bank of the ~~xxx~~ Guadalupe river, and the Esters, make such a square as is called for by the grant, and of which you were required to give the individual possession?

Ans. and therefore I left it so,

14th

Are you acquainted with Mr. Freeman U. S. Deputy Surveyor?

Ans.

I might know him if I should see

him.

15th.

Were you present, sometime during the months of May or June last past, when the U. S. Deputy Surveyor, was surveying the Ulistac ranch, and did he call upon you, to show the starting points of the Bernal ranch?

Ans.

Yes I was there with those gentlemen, Mr. Quiney took me there.

16th.

Are you acquainted with Mr. W. C. Wilson, if so, did he act as Interpreter between you and the Surveyor?

Ans.

I don't know, There were several persons present, and some one acted as Interpreter, They asked me several questions.

17th.

Did you not at that time, point out to those gentlemen, the tree on the Guadalupe river, from which the Southern boundary of the Bernal claim was run?

Ans.

I showed them the direction of where it was, several trees had been felled, I could not show them the exact one, I showed them the direction, and told them that to be certain they had better measure the one thousand varas.

18th.

Where did you tell them, to commence to measure, Did you tell them to commence from the Guadalupe, or any other point?

Ans.

I showed them the line which I run as Alcalde, then told them to run ~~a thousand~~ a line of a thousand varas, in the direction of those trees, and in that manner they would find it, and in that way there would be neither a dispute or mistake.

Examination closed.

Antonio Mª Pico

Sworn to and subscribed
Dec: 14. 1859. before me.
R. A. Chenes
R. C. Com.

No. 323.

U. S. Dist: Court:

The United States

vs.

S. D. Hapgae

Deposition of
Mr. Mc. Pico, on
Survey.

Filed Dec: 14th 1859
W. H. Chenes.
Clerk.

DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

323 ND
PAGE 103

The United States
vs.
J. D. Hoppe.

San Francisco, December 31 1859

On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came William J. Lewis

a witness produced on behalf of the Claimant.

in Case No. 323, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 108 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows— ~~his evidence being interpreted by a sworn interpreter, to wit.:~~ ~~By~~

PRESENT: J. J. Papy Esq for claimant, and T. R. Wise Acting U. S. atty by R. A. Thompson Esq:

QUESTION 1ST, By Counsel for the Claimant.

Question 1.

State your name, age, place of residence and occupation.

Answer 1.

Wm. J. Lewis, lawful age — reside in San Francisco, am a Deputy U. S. surveyor.

Question 2.

Did you at any time, and when, survey the

Rancho known as "Ulistac", situated in the County of Santa Clara?

Answer 2

I made a survey in 1850, of the Rancho Ulistac for the proprietors Mess Hoppe & Watson.

Question 3

At the time you made that survey were the proprietors of the Bernal tract present at any time when you were running the northern line of said Ulistac Ranch?

Answer 3.

Mr Hoppe was present, who I understood was one of the proprietors of the town of Alviso, whose southern line corresponded with the northern line of Ulistac as run by me.

Question 4.

What position did you occupy at that time in the County of Santa Clara?

Answer 4.

I was County Surveyor, and as such surveyed the tract at the request of the owners or claimants.

Question 5

State how you came to run the northern line as indicated by the certified copy of the map which you then made of said Rancho, deposited for record and recorded in the Co. Surveyors office of Santa Clara Co, now attached to this deposition and marked Exhibit A.

Answer 5.

The tree marked B. at the eastern terminus of the northern line was pointed out to me by Mr Hoppe, and the line was run from fence to the Sangin arroyo conforming to stakes which had previously been placed on the Southern line of the Alvira survey.

Question 6.

Please look at the certified copy plat of the official survey, on file in the case, and compare it with Exhibit A, and say whether the eastern terminus of the northern line is not the same on both.

Answer 6.

The point marked B. on the certified copy plat of official survey corresponds with the point marked B. on Exhibit A.

Question 7.

Please state the difference in the courses of the northern line on either plat starting from the point marked B.

Answer 7.

On exhibit a, the course of the northern line is S. 77° W. – on the official map it is S. 60¼° W. The angle between these lines is consequently 16¾ degrees.

Sworn to before me this 31st Dec A.D. 1859
W. A. Cheves
N. P. Com.

Examination closed.

Wm. J. Leroy.

323

U. S. District Court

The United States

v.

J. D. Hoppe.

Depos Wm. J. Lewis for claimant.
(see Exhibit A.)

Filed Jany 5, 1860.
W. A. Cheves,
Clerk.

United States of America,)
Northern District of California.) ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 323, to Jacob D. Hofpe known as "Ulistac", and situated in the County of Santa Clara in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 26th day of September A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this 20th day of August A. D., 1860.

W. A. Chenery

CLERK.

The within Monition was received by me on Monday the 20th day of August 1860, and in obedience thereto I have given due notice, as therein commanded, by causing the publication of said notice, for Four consecutive Wednesdays, in the San Francisco Herald, commencing on the 22nd day of August 1860; and for Four consecutive Saturdays, in the "San Jose Tribune" a paper published nearest the land, commencing on the 25th day of August 1860.

Dated San Francisco, Aug 22nd 1860.

P. L. Solomon U. S. Marshal.

No. 323.

UNITED STATES DISTRICT COURT,
Northern District of California.
IN LAND CASES.

THE UNITED STATES.

v.

J. W. Sohple.

MONITION.

Returnable Sept. 26 1860.

Issued Aug. 20 1860.

Filed Sept. 26 1860.

W. H. Chevers
Clerk.

U. S
vs
The Heirs of J. R. Hoppe

Objections to survey —
The quantity granted in this case is strictly limited to one half of a square league or 2219. $\frac{34}{100}$ acres —
The tract surveyed includes an area of 2401. $\frac{32}{100}$ —
The survey is therefore erroneous & must be rejected
There is some doubt as the manner in which this ex cap or sobrante which the grant reserves to the Government and which it is alleged was granted to one Rendal should be laid off
It appears from the testimony of A. M. Pico that he as Alcalde saw the lines between the ranchos — that he started at the old Embarcadero on the Guadalupe

thence ~~and run~~ running south
1000 varas. and from that ~~point~~ terminus of this line to
the river a like distance of
1000 varas.

Several witnesses produced
by the claimants testify that
the lines run by the Surveyor
General and marked in red
on the official map are those
pointed out by Pico — but
~~that of~~ there seems to have
been some doubt as to whether
the tree ~~to~~ at which the ~~east~~
East & West line terminates
on the river be really that
originally marked by ~~the~~
Pico when he made the
jurisdical measurement and intended
to be designated by him ~~where~~
~~to the~~ when he pointed out
the lines to the witnesses
His communications with
them were through an interpreter
and he does not
appear to have done more
than point out the general

direction of the East & West line at the extremity of which and on the banks of the river he informed them a marked tree would be found. He did not wait until the line was run nor does he seem to have recognised or approved the tree selected by them as that originally designated by himself as the terminus of the line —

~~He~~ In his own deposition he states that after running 1000 varas south from the Embarcadero he ran at right angles to the river. If this be so, the terminus of that line would be south of the point adopted as the official survey — It is suggested that the boundary was laid off by agreement between the parties by running a line from the

Embarcadero in a south
easterly direction along the
now 1000 varas and thence
nearly westerly across the
tract to the Sangon the
western boundary — But
independently of the fact
~~that the tract so measured~~
~~would be much larger~~
that by laying off a sobrante
to the thus measured there
would not be left within
the boundaries enough land
to satisfy the grant, it
is apparent from admitted
~~by the~~ all the witnesses
that the sobrante was
laid off by Pico in the
manner first described the
only dispute being as to
the direction of the terminus
of the S^d line —
It appears that if the line
be drawn as described by
Pico there will be contained
within the boundaries
of the grant by choice of
the sobrante so measured

off 2226. $\frac{27}{100}$ within about 5 acres of the quantity granted whole, as before remarked if the sobrante be measured as has been done by the Surveyor it will contain 2401. $\frac{82}{100}$ acres —
without attempting to determine with certainty the precise direction of the terminus of the line it ~~would~~ seems very clear that the sobrante should be measured off by running a line from the Embarcadero due South, 1000 varas and thence ~~in a westerly direction~~ to the river in such a direction and to such a point as will leave in the survey exclusive of the tract so ~~surveyed~~ measured the precise quantity of ~~4~~ one half league of land —
This no doubt was what Pico intended to do — ~~4~~

6 what he ought to have done — For the grant of 1/2 a league ~~should~~ was first to be satisfied before ~~an~~ the solvante could be assigned to a subsequent grantee —

a decree must be entered directing a new survey to be made in conformity with this opinion

323.

U. S. Dist. Court.

The United States.

—vs—

Jacob. D. Hoppe.

Opinion
Respecting Survey,
etc

Filed May 21. 1861.
W. H. Chevers,
Clerk.

At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Thursday the 29th day of January in the year of our Lord one thousand eight hundred and sixty-three.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
v.
Heirs of J D Hoppe decd

No 323

This cause came on this day to be heard upon the objections to the Survey heretofore made, and was argued by Counsel, and thereupon and in consideration thereof: It is ordered, adjudged, and decreed as follows, viz: That the Official Survey of the Said Rancho made by the Surveyor General of the United States for the State of California and returned by him into this Court, be and the same is hereby set aside, disapproved, and annulled. And it is further ordered, adjudged and decreed that the said Surveyor General proceed without delay to make a new Survey of the said Rancho, and so soon as completed return the same into this Court for its approval. And it is further ordered, adjudged, and decreed that the location of said land and the new Survey hereby directed shall conform to the rejected Survey except that the Sobrante shall be measured off by running a line from the Embarcadero due South One thousand varas and thence to the River in such a direction and to such a point as will leave in the Survey, exclusive of the tract so measured, the

No. 323

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Heirs of J D Hoppe dec'd

Order rejecting Official Survey and Ordering New one

Filed January 29th 1863.

W. H. Chevers.

Clerk.

Previous quantity of one half league of land

Calvin Hoffman
Alex Hoppe

District Court of the United States
In and for the District of California
August Stated Term 1866
Present. The Hon: Ogden Hoffman, Judge

The United States
vs
Heirs of Jacob D Hopper dec^d
No 323
"Ulistac"

This cause coming on this day further to be heard, was argued by Counsel, and thereupon, and in consideration thereof:-

It is Ordered adjudged and decreed, and the Court doth hereby order, adjudge and decree, that the modified Survey of the Rancho "Ulistac," claimed in the above cause, be and the same is hereby approved and confirmed as a true and accurate Survey of the lands of the said Rancho.

The Survey hereby approved contains Two thousand two hundred and Seventeen 9/10 (2217 9/10) acres of land being the same made by J F Freeman Deputy Surveyor in August 1857 and by John Reed Deputy Surveyor in April 1866 a certified plat of which was filed in the Clerk's Office of this Court on the Fifteenth day of October 1866, which said certified plat is hereto annexed as a part of this decree. Marked, Approved this ~~Sixth~~ 24th day of November 1866. Ogden Hoffman

Dist Judge

Ogden Hoffman
Dist Judge

No. 323 ND
19839

U S District Court
Dist of California

The United States
vs
Heirs of J D Hoppe dec

Final decree

Filed & Ent. No 23462
Geo. G. Gorham Clerk
By Geo G. Gorham
Deputy

323 ND
PAGE 120

J J Pepy
Atty for Claimant

U S Dist Court
Northn Dist of Cal

The United States
"
Heirs of J D Arpa

City & County of
San Francisco ss

Leander Ransom being duly sworn says that he is a resident of the City and County of San Francisco and by occupation a Civil Engineer for a long time past. Deponent further says that he has carefully examined the field notes, tabling, and calculations of quantity appertaining to the final survey of the Rancho "Alistac" as surveyed and returned to the U S Surveyor General's Office, by J E Freeman U S Deputy Surveyor, a certified copy of a plat of which survey is on file in the U S District Court Clerk's Office: that the quantity specified on said plat to wit: 2401 acres covers the whole area of that plat and including the small tract marked thereon as Burials 100 vara tract. He also says that he has calculated the area of the said small tract & that it contains 127 acres which deducted from the larger tract 2274 acres as the quantity surveyed as the "Alistac" proper - leaving an excess in quantity, one and above one half leagues of Fifty-five acres

Deponent further says that said J E Freeman departed this State for one of the Atlantic States of the United States and is at this time so absent from this State

Leander Ransom

Sworn to & subscribed before me
February 26th 1861

W H Chews
N S Court

U S Dist Court
Northern Dist of Cal

The United States
vs
Heirs of J D Hoppo

Please take notice that on ~~Monday~~ Friday the Eighth day of March 1861 at 11 o'clk a M of that day, or as soon thereafter as Counsel can be heard I will move the said Court to open the above entitled cause & register or upon the calendar so as to introduce additional testimony

Said motion will be made upon the annexed affidavit

J D Papp
Atty for Ct

To U S Dist Atty
N D of Cal

San Francisco Coo
March 2nd 1861

323 ND

U S Dist Court
Northern Dist of California

The United States
"
Heirs of J D Hoppe

Copy of Notice of Motion
& affr

J D Papp
Atty for Clt

U. S
vs
Hoppe's heirs

If 2271. $\frac{98}{100}$ - would be the Contents of Genral tract within red lines be excluded. Whole area - ~~not~~ including said tract 2481. $\frac{32}{100}$ acres - Area excluding tract bounded by a line running due S. for 1000 varas & thence at right angles to mon - & bounded by mon on other would be 2226. $\frac{27}{100}$ - tract bounded as above being 175 $\frac{5}{100}$ acres

If the line at right angles was run only 1000 varas - & another line run N. to the mon. the tract so included 161. 12/100 - The area of the whole tract ~~would~~ excluding this would 2240. 20/100

If ~~the~~ from the extremity of the South line of 1000 varas we run to the oak tree pointed out by Galla ghu - ~~we~~ and thence ~~to~~ down the mon to the Embarcadero

the tract would contain 181. $\frac{75}{100}$ acres - and there would be left for the Whitlae 2219. $\frac{57}{100}$ -

1/2 a square league = 2219. $\frac{34}{100}$

1000 varas = 177. 57. acres.

Wilson's deposition -

Pappy -

The decree of confirmation is binding for the whole quantity included within the boundaries.
As to true location of Rancal tract.

The U. S.
vs
The Heirs of
Hooper

Notes of argument

92.

U. S
vs
The Heirs of Hoppe

323 ND

The surveyor having returned to this court a certified copy of the survey and plat made by him objections thereto have been filed on the part of the U. S—

A motion is now made to strike from the record those objections on the ground that the survey is in conformity with the decree and that the correctness of the decree confirming the claim can not now be impeached on the part of the United States it is contended that of the land included within the general boundaries mentioned in

the decree a part or a tract of 1000 varas had before the date of the grant in the case at Bar been conceded to one Baciliá Bernal — That the claimant neither before the Board nor in this court pretended that this tract ~~was~~ should be included within the land ~~subsequently obtained~~ granted to him — that he so stated in his petition to the Board and ~~the~~ so represented in the original derrúo which accompanied his petition to the Governor It is also urged ~~that~~ by the U. S that they are prepared to show that the land embraced within the external boundaries is, if the 1000 vara tract be excluded of the extent mentioned in the

3 grant not 1/2 a square league while if that tract be included the quantity of land confirmed to the claimant will exceed by nearly the whole extent of the tract so included the extent to which the grant is limited —

It is not a little surprising to attempt to determine the precise force which should be attributed to those decrees of this court preliminary to a survey which until the recent decision in the case of the U.S. vs Fossatt have been supposed to be its final decrees — That those decrees are final in a certain and limited sense is clear — for an appeal from them has been intermitted and will still lie to the Supreme Court — But the decision referred to instructs us that this practice is a violation of the rules of

of proceeding", and that the decrees so appealed from and revised by the Supreme Court were not final decrees under the judiciary act of 1789 or in the ordinary sense of the term. The reasons for this departure from ordinary rules are to be found in the peculiar nature of the controversy and the character of the parties which should appropriate the strict rules of proceeding. "that experience has suggested to secure a speedy and exact administration of Justice between suitors of a different character"

U. S vs Tyatt
21 How. 450-457

If then the decree of this Court ascertaining the authenticity of the claim be

5

not a final but merely an interlocutory decree it might be argued that it is still open to revision and correction by the Court —

But the consequences of such an assumption of power would be in the highest degree important — For under color of ~~[illegible]~~ reforming the recovery the whole merits of every claim finally passed upon by the Court and the controversy as to which was supposed to be settled might be reopened to the great delay and vexation of suitors —

It is necessary however now precisely to determine how far the decrees of this Court which by the Supreme Court seem to be pronounced not final (tho' appealable) are near the

lip conclusive; so that all questions whether of boundary extent or any other nature are res adjudicae —
It is at least clear that in this proceeding with ~~regs~~ respect to ~~surveys~~ surveys whether it be regarded as supplementary to the final decree already rendered or preliminary to the final decree to be hereafter rendered, the court must pass upon and if necessary remove by interpretation any ambiguities or repugnancies which may exist in the decree by ~~mode~~ which the authenticity of the claim was established
In the decree of the Board in the case at bar the land confirmed is designated by specific boundaries — but it is added ~~that~~

those boundaries contain 1/2 a league - viz the quantity mentioned in the grant If then it appears that the land included within the boundaries exceeds that amount a question as to the construction of the decree will arise which should properly be resolved by the court - Is the decree to be construed as meaning that all the land within the boundaries should be confirmed, without regard to the limitation of quantity contained in the grant and expressed in the decree, or is the decree to be taken as meaning that the quantity of land mentioned if found within the boundaries should be confirmed and the excess rejected.

on this question it seems to me that either party has a right to be heard whatever force or finality be assigned to the decree already rendered — and it should be passed upon by the court after hearing such evidence as to the extent of the land within the boundaries and the circumstances of the case as may be admissible and proper to assist it in arriving at a proper construction of the decree and a proper determination of the rights growing out of it —

8/3

I shall therefore deny the motion to strike out the exceptions — leaving however to the claimant the right to urge at the hearing and after the testimony shall

have been taken all the
objections to such testimony
and every consideration
in favor of his interpreta
tion of the decree and of its
absolute finality, ~~as~~ which
he may be advised
It may be observed herein
that with respect to the
3d exception I have not
been able to perceive how
the matters therein set up
can be inquired into in
this stage of the proceeding.
If the decree rendered
have any finality what
soever it must be consid
ered as finally determining
that as between the U.S &
himself the claim of the
claimant is said — To
allow a 3d party to attempt
now to show that the
~~has~~ title to the Rancho
is not ~~now~~ nor was at any

"time was in him" is to reopen the whole controversy and to invite a renewal of the litigation in all these cases on every point already adjudged and determined. If the title be in some person other than the conferee his rights can be asserted in the ordinary tribunals and if a proper case be made the issuance of the patent to the conferee may be enjoined until the determination of the controversy.

At no stage of the cause has this Court or the Board felt itself authorized to enter into and determine mere questions of private rights or to allow the intervention in the suit of rival claimants under the

original grantee — It has considered that its ~~of~~ duty was confined to determining whether the land was public land or private — ~~ps~~ and whether there existed in the original grantee or his representatives such a right of property as the U. S were bound to respect — But as ~~to~~ between various persons claiming to hold ~~the~~ rights of the grantee it did not attempt to decide — ~~but~~ contented itself with merely exacting that the claimant should [Devine] a prima facie and apparently regular derailgnment of title from ~~the~~ original grantee —

It might ~~perhaps~~ probably have been permitted ~~to~~ the U. S in any case to show that the claimant had no title

whatever, and in such cases or in cases where his title was doubtful the decree might have been in favor of the legal representatives of the grantee whoever they might be found to be — But when no such proof has been offered or question raised, ~~and~~ where the confirmation has been made to the claimant ~~and~~ the correctness of the decree acquiesced in by the U.S and all that remains to be done is to designate by a survey to be approved by the Court the land confirmed I ~~am unable to perceive~~ do not see how the U.S can be heard to aver or be permitted to prove that the claimant has not by reason had any title derived from the original

practice —
As this point was not touched upon at the ~~argument~~ hearing of the motion it may be my pedient now ~~to~~ finally to dispose of it —
It will be sufficient to deny generally the motion to strike out all the exceptions and to order that the U. S have leave to take proofs in support of the 1st two — But that no proofs be taken in support of the third unless hereafter ~~so~~ so ordered by the Court on motion ~~to the Court~~ of the U. S. with notice thereof to the Claimants Attorney.

No. 8
vs 323

Heirs of Hoppe

Opinion
The Mo: to strike
out Exceptions
to Survey —
Sept 6. 1859

323

Published.