

CASE NO.
201
NORTHERN DISTRICT

LAND AT THE
MISSION DOLORES GRANT

J. F. SCHULTHESS

CLAIMANT

LAND CASE 201 ND.

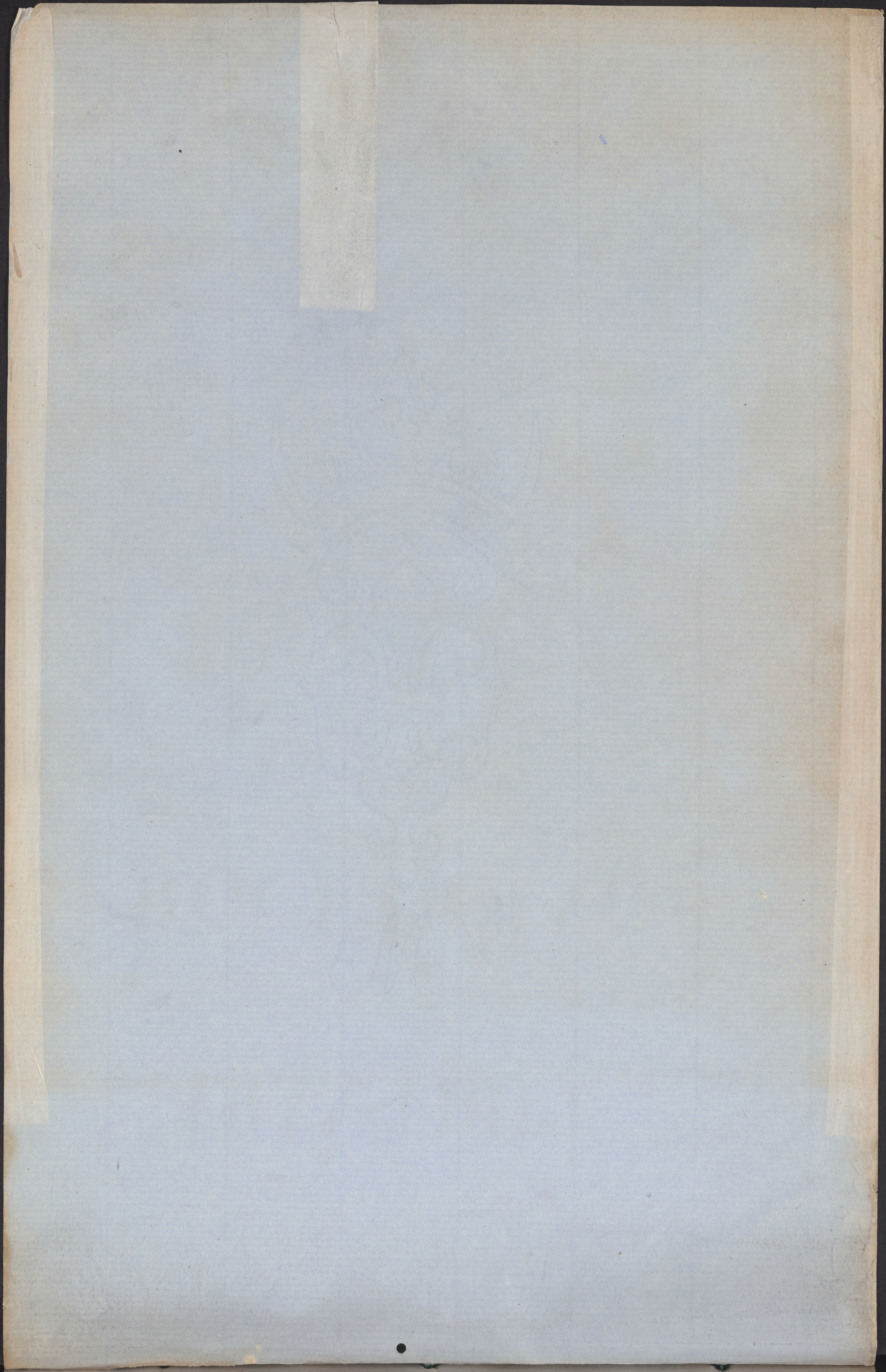
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Guatemala
PILOVER ROAD
SEA COTTON FIBER
U.S.A.

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Wants cut.



TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 172.

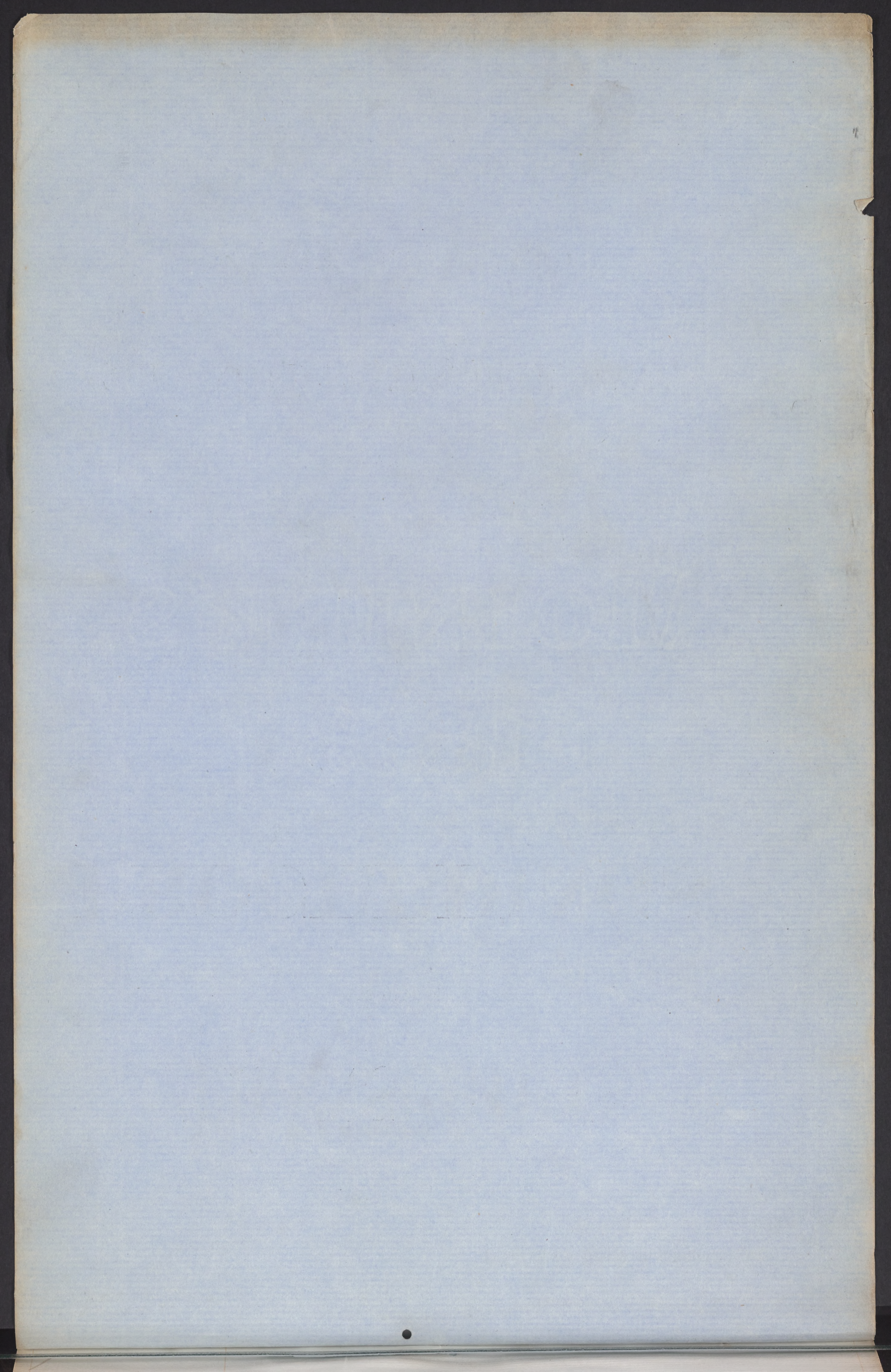
J. F. Schultress, et al. CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Land at the Mission Dolores.



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 ninth day of April, Anno Domini One Thousand Eight Hundred and Fifty-two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

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The Petition of J. F. Schutthep et al. for the Place named "Sana at the Mission Dolores" was presented, and ordered to be filed and docketed with No. 172 and is as follows, to wit;

(Vide page 3 of this Transcript.)

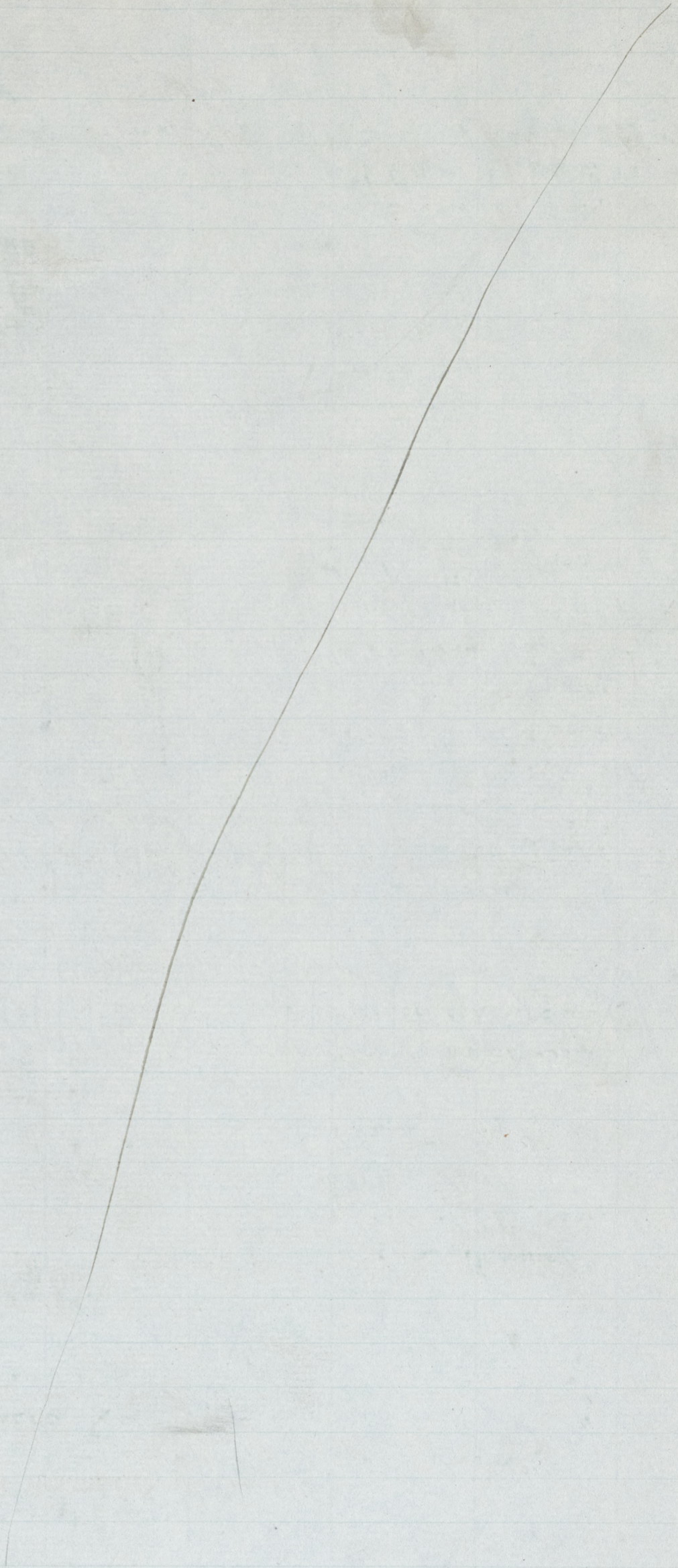
Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco, November 21' 1854.
Case no. 171. J. F. Schutthep et al. for land at the Mission of Dolores, was ordered to be placed at the foot of the 3^d class cases on the Trial Docket.

San Francisco, December 12' 1854.
Case no. 172 was submitted under the Rule of March 21st 1854, and later encouragement by the Board.

San Francisco December 19' 1854.
In the same case Commissioner Alpheus Felch delivered the Opinion of the Board rejecting the claim;

(Vide page 7 of this Transcript)
And the following order was made, to wit;
(Vide page 8 of this Transcript)



3 Petition

To the Board of Commissioners for ascertaining and settling Private Land claims in the State of California

Your petitioners whose names are herewith annexed, in the Mexican Dolores, County of San Francisco State of California respectfully represent to your honorable Board that they claim a certain tract of Land being a part of a settlement containing 47 50 Vara Lots situated in the County of San Francisco in said State of California, that the claim the same in fee by virtue of a Pre-emption claim of Stephen Alencalin Mapper and recorded in the County Recorder's Office in San Francisco in Book B Miscellaneous page ^{4/2} being No 3 of the annexed plan

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Your petitioners further represent that the said claimant on the 2^d day of June 1851 has transferred his right to Jacob Scheele - Record in San Francisco. Book of Deeds 3 page 598 which said Jacob Scheele transferred it to the present petitioners - Deeds on Record (No 3 of the annexed plan

Your petitioners would further represent that several papers of said tract of Land was given to several petitioners by the Justice Court of the 2^d Township on the 7th day of February 1851. On account of that Land being considered Mexican and no other boundary of that Land being paid. And that they have no knowledge of any interfering claim except that one Jesus de Nae who pretends the Northern boundary of his claim of one league square ^{containing} nearly taking in the said small tract and now cleared and cultivated

Your petitioners present herewith the Original claim of ^{said} Land and will make further proof of that Land being Mexican and United States Land the Old boundary - a deep ditch of the priests being still conserved - See plan

Your petitioners pray your honorable Board to take into consideration their claim to said tract of Land and decree their title to be valid and confirm the same. Please to take notice of the annexed Memorandum and arguments

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And your petitions will ever pray

San Francisco April 7. 185

John Frederick Schutless

for himself

and by authority of the following names

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John Biber
Math. Brown
Estienne Carter
Anthony Furger
Valentin Gassner
Jacob Dehn

Geo. Hagenmeyer
Jacob Keller
Jacob Meuser
Jacob Rattman
John Vogel
Stephen Uemundin

Filed in Office April 8th 1853

Geo. Fisher Secy

Recorded. Record of Petitions Vol. 1 pages
35. & 36

Geo. Fisher
Secy

The Emption Claim

B.
Presumption
Claim

The undersigned Stephen Mendocino citizen of the United States claim under pre-emption law all that tract of Land situated near the Mission Dolores which is hereafter described and of which I have taken possession having made improvements thereon and put a part under cultivation. Said claim I will hold and defend against the lawful claims and demands of all persons there having been never any possession certain pre-emption claim, nor valid and lawfully executed Mexican title issued by the proper authorities in that said Land being ungranted Land.

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All those pieces of Land however which are marked with red ink in the annexed plan I will respect and exclude, their ownership being proved by actual occupancy and improvements.

Said claim is beginning at a point bearing from the South West Corner of the Church of the Mission of San Francisco de Asis a distance South Sixty One degrees West and Two Thousand two hundred and thirty seven feet & four inches thence running South Twenty four degrees West fourteen hundred and thirty five feet, thence running South Sixty degrees East sixteen hundred and fifty feet; thence running North Twenty four degrees East fourteen hundred and thirty five feet, thence ^{running} North sixteen degrees West sixteen hundred and fifty feet to the point of Beginning.

I witness whereof I the said Stephen Mendocino have hereunto set my hand and Seal this twenty first day of April 1841

Stephen Mendocino

(Map) (see next page) *

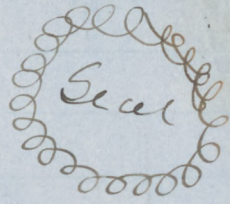
State of California }
County of San Francisco } ss.

On this twenty first day of April A.D. 1851 before me Gas A. Gray Deputy County Recorder personally appeared Stephen Mendocino to me

known as the person described and who executed
 the foregoing instrument, who acknowledged
 to me that he done the same freely and voluntar-
 ily for the uses and purposes therein mentioned

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Witness my hand and Seal Official
 Seal the day and year first above
 written

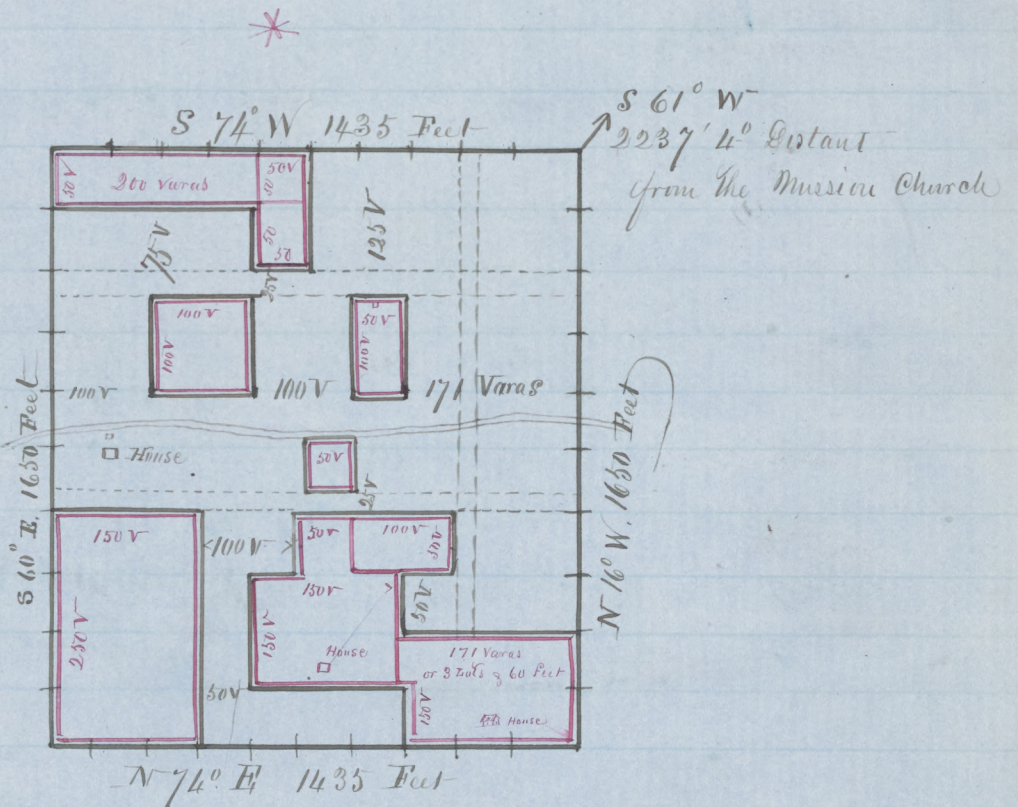


Geo O'Grady Deputy
 County Recorder

Recorded in the Office of the County
 Recorder of San Francisco Vol. B Miscellaneous
 page 42 April 27th at 1851 at 3 06 P.M.

Filed in Office April 8th. 1852

Geo. Fisher Secy



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Opinion

John F Schutthess

vs

The United States

} For 47 fifty acre Lots
} near Mission Dolores in
} San Francisco County

The petitioners allege their title in the premises to rest on a Pre Emption right and do not claim to have derived title from any Spanish or Mexican grant. This Commission has no authority to adjudicate on claims of the Character here presented. There is besides no proof of any kind filed in the Case
The claim must be rejected

Rejected

Filed in office Dec. 19. 1854

Geo. Fisher Secy

John F Schutthess

vs

The United States

}
}
}
}

Decree.

On this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is not valid; and it is therefore decreed that the same be denied

Alpheus Felch
R. Aug. Thompson
S. B. Fawcett

Commissioners

Filed in Office Dec. 19. 1854

Geo. Fisher

Secy

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And it appearing to the satisfaction of the Board
that the Land hereby adjudicated is situated
in the Northern District of California, it is
Ordered that Two transcripts of the proceedings
and decision in this case and of the papers and
evidence upon which the same are founded be
made out, and duly certified by the Secretary
One of which transcripts shall be filed with the
Clark of the United States District Court for the
Southern Judicial District of California and
the other be transmitted to the Attorney General
of the United States.

Office of the Board of Commissioners,

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

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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
going *Eight* pages, numbered from
to *8*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
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. *172* on the Docket of the said Board,
wherein *J. F. Schultress, et al*, are

the Claimants, against the United States, for the place known by
the name of "Land at the Mission Dolores."

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 fifth day of *May*
A. D. *1855*, and of the Independence of the
United States of America the seventy-ninth

Geo. Fisher.



U. S. DISTRICT COURT,
Northern District of California.

No. *201-201* *MD*
THE UNITED STATES,

vs.

J. F. Schulthess, et al.

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. *172*

Filed, *June 2^d* 185*5*
John A. Monroe,
Clerk

Office of the Board of Commissioners,

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

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San Francisco, May 25th 1855

John A. Minor Esq.

Clerk of the U. S. District Court for the
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 172 on the Docket of the said Board, wherein

J. F. Schultress, et al, are —
the Claimant against the United States, for the place known by the name of "Land at the Mission Dolores" —

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.
G. Fisher