

The United States of America,

To all to whom these presents shall come, greeting:

Part of the Rancho  
Cajon de los Capitancillos

Whereas, It appears from a duly authenticated transcript filed in the General Land Office of the United States, that, pursuant to the provisions of the Act of Congress approved the third day of March, one thousand eight hundred and fifty-one, entitled "An Act to ascertain and settle the private land claims in the State of California," Jacob D. Hopke and Samuel Lawrence, for themselves and their associates, under the name of the Guadalupe Mining Company, as claimants, filed their petition on the 27<sup>th</sup> day of March 1853, with 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 which they claimed the confirmation of the title to a tract of land known as Part of the Rancho Cajon de los Capitancillos, situated in the County of Santa Clara, and State aforesaid, said claim being founded upon a Mexican grant to Justo Lujan, made on the first day of September 1842, by Juan B. Alvarado, then Governor of the Department of the Californias.

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Copy of original  
The General Land Office, 1876.

And whereas The Board of Land Commissioners aforesaid, on the 25<sup>th</sup> day of May 1854, pondered a decree of confirmation in favor of the claimants, and said decree or decision having been taken by appeal by the District Court of the United States, for the Northern District of California, the following proceedings were

had in said Court, at a stated term thereof, on the 31<sup>st</sup> day of August, A. D. one thousand eight hundred and sixty-five, viz:

"The United States

No. 142

vs.

"The Guadalupe Mining Company,

For a part of the Rancho  
Cañada de los Capitancillos

"The mandate of the Supreme Court of the United States duly authenticated under the seal of said Court, and certified by the clerk thereof, in the cause in which the above-named, the United States, were appellants, and the above-named, the Guadalupe Mining Company, were appellees, having been remitted to this Court to be proceeded on according to law, where, upon reading and filing the said mandate, it appears that at the December term of said Supreme Court of the United States for the year 1864, the said cause on said appeal came on to be heard before the said Supreme Court of the United States on the transcript of the record from this Court, and the cause having been entered on the Calendar of the said Supreme Court of the United States, and on motion of the Attorney General of the United States, to abide the decision of the said Supreme Court of the United States in the case of Charles Fossat, which was decided at the last term of said Supreme Court of the United States, in consideration whereof it was then and there ordered, adjudged and decreed by the said Supreme Court of the United States, that the decree of the said District Court in this cause be, and the same is hereby reversed, and that this cause be, and the same is hereby remanded to the

Said District Court with directions to enter in  
 this case the same general decree, defining the  
 external boundaries of the one league of land  
 granted to Justo Larios, which was entered by the  
 said District Court by the decree of October 18<sup>th</sup>  
 1858, in the case of Charles Foscat vs. The United  
 States, it being a part of the same decree which  
 was affirmed by the opinion and decree of this  
 Court in said case at its December term, 1863,  
 and also a special decree in favor of the said  
 Guadalupe Mining Company for the western  
 one-fourth part of the said league of land lying  
 within the said external boundaries of the  
 general decree, the same being bounded and  
 described as follows viz: On the east by the  
 western survey line of the three-fourths of the  
 said league of land, which were surveyed  
 and confirmed by the said decree, to the said  
 Charles Foscat, on the south and west by the external  
 boundaries declared by the said decree, and on the  
 north by a closing line to be run for quantity, in con-  
 formity to the principles of the opinion of this Court in  
 the said case of Charles Foscat vs. The United States  
 delivered at the December term, 1863.

Now therefore, on motion of Sidney Johnson, Esq.  
 of counsel for the Guadalupe Mining Company, the  
 Claimants of the land herein confirmed, and  
 on due notice of said motion to Delos Lake, Esq.  
 United States District Attorney, who is present  
 and appearing on behalf of the United States,  
 and makes no objection thereto, it is  
 ordered adjudged and decreed by this  
 Court that the decree of confirmation  
 herein rendered by this Court on the 17<sup>th</sup>  
 day of August, A. D. 1857, be and the same

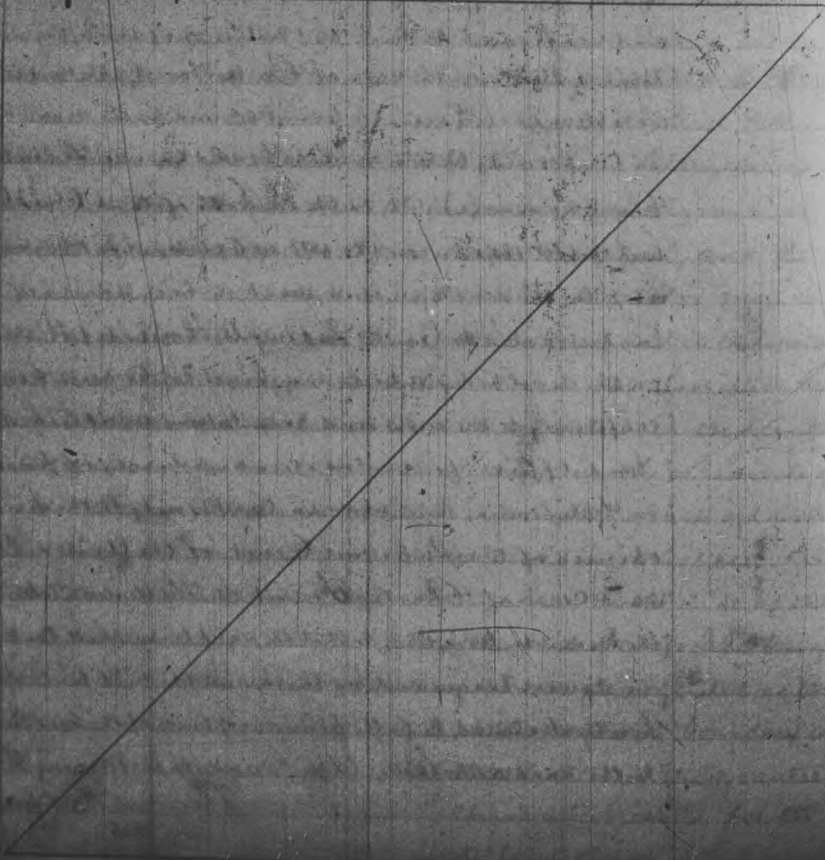
is hereby reversed; that the grant made to Justo Lariso, from whom  
the said claimants, 'The Guadalupe Mining Company,' derive their  
title, is a good and valid grant of one league of land and no more,  
being the land known as Las Capitanillos, situated in the County  
of Santa Clara, in the State of California, and that the external bound-  
aries of the said league of land so granted to said Justo Lariso,  
are, as defined in the decree of this Court, filed on the 18<sup>th</sup> of  
October, 1851, in the case of Charles Tassat vs. The United States,  
and in the words following, to-wit: 'bounded by the Sierra,  
by the Arroyo Lees on the side of the establishment of Santa  
Clara, and by the Rancho of the citizen Jose R. Berreyesa,  
which has for boundary a line running, from the junction  
of the Arroyo Lees and Arroyo de los Alamitos southward  
to the Sierra passing by the eastern base of the small hill  
situated in the center of the Cañada, which is designated in  
the expedientes and grants of Justo Lariso and Jose  
Reyes Berreyesa, as 'La Falda de la Loma,' and by a line  
or line on the north to be determined by the limitation of  
the quantity of land to be included. And for the more full  
and precise description, the following are declared from all the  
evidence given to be the boundaries as above intended and  
designated of the grant to said Justo Lariso, to-wit: The  
southern boundary is the base of the main Sierra or moun-  
tain range, on a spur of which is situated, as shown in  
evidence, a certain well-known and conspicuous live oak  
tree or 'encino,' and portions of which Sierra or moun-  
tain range are separated from the range of hills called  
'Cuchilla de la Mina,' or 'Cuchilla de la Mina de Louis  
'Chabolla' (and which Cuchilla is the same range of hills  
in which are situated the quartzite mines known as the Guada-  
lupe and New Almaden mines) by narrow valleys or gorges  
in which flow from eastward to westward the Arroyo de  
los Capitanillos, and from westward to eastward the  
Arroyo de los Alamitos, the said boundary line being  
so drawn as to include the hills and low land

"along the base of said Sierra, and lying between it and  
 "the said Arroyo. The eastern boundary is a straight  
 "line commencing at the junction of a certain rivulet  
 "called Arroyo Seco, with the said Arroyo de los Alamos,  
 "and thence running southward to the aforesaid main  
 "Sierra or mountain range, passing by the point or part  
 "of the small hill situate in the centre of the Cañada which  
 "is designated in the expedientes and grants of Justo Larios and Jose  
 "Reyes Berreyesa as 'La Falda de la Loma,' and crossing the range  
 "of hills designated above as the 'Cuchilla de la Mina,' or 'Cuchilla  
 "de la Mina de Luis Chabolla,' in which are situated the said Guad-  
 "alupe and New Almaden mines, and which is the same range  
 "of hills designated 'Lomas Bajas' on the design or map in the  
 "expediente of Jose Reyes Berreyesa on file in this case; the said  
 "eastern line crossing also the said Arroyo de los Alamos  
 "and terminating at the base of said main Sierra, and the  
 "said eastern line herein described being intended to be  
 "the same line agreed upon as the line of division between  
 "the lands of Justo Larios and Jose Reyes Berreyesa as  
 "expressed in the respective expedientes and grants of  
 "said Justo Larios and Jose Reyes Berreyesa, and de-  
 "lineated by the dotted line on said design or map in  
 "the expediente of Jose Reyes Berreyesa, and in the location  
 "of said line reference is to be made to the description there-  
 "of in the said expedientes and grants and the delimitation  
 "thereof in the said design or map in the expediente of  
 "Jose Reyes Berreyesa, which expedientes, grants and design  
 "or map are on file and in evidence in this case; the  
 "western boundary is the Arroyo Seco on the side of the  
 "establishment of Santa Clara, the said Arroyo Seco being  
 "the continuation of the stream above designated as the  
 "Arroyo de los Capitanillos; and the northern boundary is  
 "a line or lines to be located at the election of the grantee  
 "of his assigns under the restrictions established for the  
 "location and survey of private land claims in California

"by the executive department of this Government in such manner  
 "that between the said northern boundary and the said southern  
 "line, and the said eastern and western lines there shall be  
 "contained the quantity of one square league of land and  
 "no more, in one entire tract.

And it is further ordered, adjudged and decreed  
 "that the claim of the appellees, the Guadalupe Mining Com-  
 "pany, to a portion of said tract of land is a good and  
 "valid claim, and that the said claim be, and the same hereby  
 "confirmed to the extent and for the quantity of <sup>one square league of land, being the western one-fourth</sup> one-fourth part  
 "or portion of the said league or tract of land granted to Justo  
 "Larios, as the same is above described, the said western one-fourth  
 "thereof being bounded and described as follows, to-wit:  
 "on the east by the western survey line of the three-fourths  
 "of the said league of land which were surveyed to Charles Foscat,  
 "and confirmed to him by the decree of the Supreme Court of the  
 "United States in the case of Charles Foscat, appellant, vs. The United States,  
 "appellee, at its December term, 1863, and by the decree of this Court  
 "in conformity thereto, rendered in said case of The United States vs.  
 "Charles Foscat, No. 132, in the Register of Land Claims in this Court,  
 "and filed therein on the 14th of October, A. D. 1864; on the south and  
 "west by the southern and western boundaries of the league of  
 "land granted to Justo Larios as hereinbefore described; and  
 "on the north by a closing line to be run for quantity, in  
 "conformity to the rules and regulations established by the General  
 "Land Office for the location and survey of private land claims  
 "in California, and also in conformity to the principles of the  
 "opinion of the Supreme Court of the United States in the  
 "said case of Charles Foscat vs. The United States, delivered at  
 "the December term, 1863, so that the said lines shall contain one-fourth of  
 "one square league and no more, and the said line so to be run are  
 "hereby declared to be the boundary lines of the land hereby confirmed  
 "to the said appellees, 'the Guadalupe Mining Company.'  
 "Ogden Hoffman,  
 "Dist. Judge."

And whereas Under the 13<sup>th</sup> Section of said Act of 3<sup>d</sup> March, 1851, and the supplemental legislation, and in accordance with the proceedings had pursuant to said Act and supplemental legislation, there has been deposited in the General Land Office a return with a plat of the survey of the said claim, confirmed as aforesaid, authenticated by the signature of the United States Surveyor General of the State of California, whereby it appears that said claim has been designated as lot numbered thirty-nine, in township eight south, of range one east, and lot numbered forty, in township eight south, of range one west of the Mount Diablo Meridian, containing eleven hundred and nine acres and sixty-seven hundredths of an acre, situated in the State of California, the plat in the aforesaid return of survey, being, in the words and figures as follows, to-wit:



And whereas, there has been deposited in the General Land Office of the United States, a certificate dated December 22, 1869, from the Clerk of the Circuit Court and ex officio Clerk of the District Court of the United States for the District of California, showing that "since said 31<sup>st</sup> day of August, 1865, no further proceedings have been had in said cause."

Now Know Ye, that the United States of America, in consideration of the premises, and pursuant to the provisions of the Act of Congress aforesaid, of 3<sup>d</sup> March, 1851, and the legislation supplemental thereto, Have Given and Granted, and by these presents, Do Give and Grant unto the said Guadalupe Mining Company, and to its successors, the tract of land embraced and described in the foregoing survey, but with the stipulation that in virtue of the 15<sup>th</sup> section of said Act, the Confirmation of this said claim, and this patent, "shall not affect the interests of third persons."

To Have and To Hold the said tract, with the appurtenances, unto the said Guadalupe Mining Company, and to its successors and assigns forever, with the stipulation aforesaid.

In Testimony Whereof, I, Ulysses S. Grant, President of the United States, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, this twentieth day of September, in the year of our Lord one thousand eight hundred and seventy-one, and of the Independence of the United States the ninety-sixth.



By the President: U. S. Grant,

By: J. Parrish, Secretary.

C. H. Boynton, Recorder of the General Land Office.