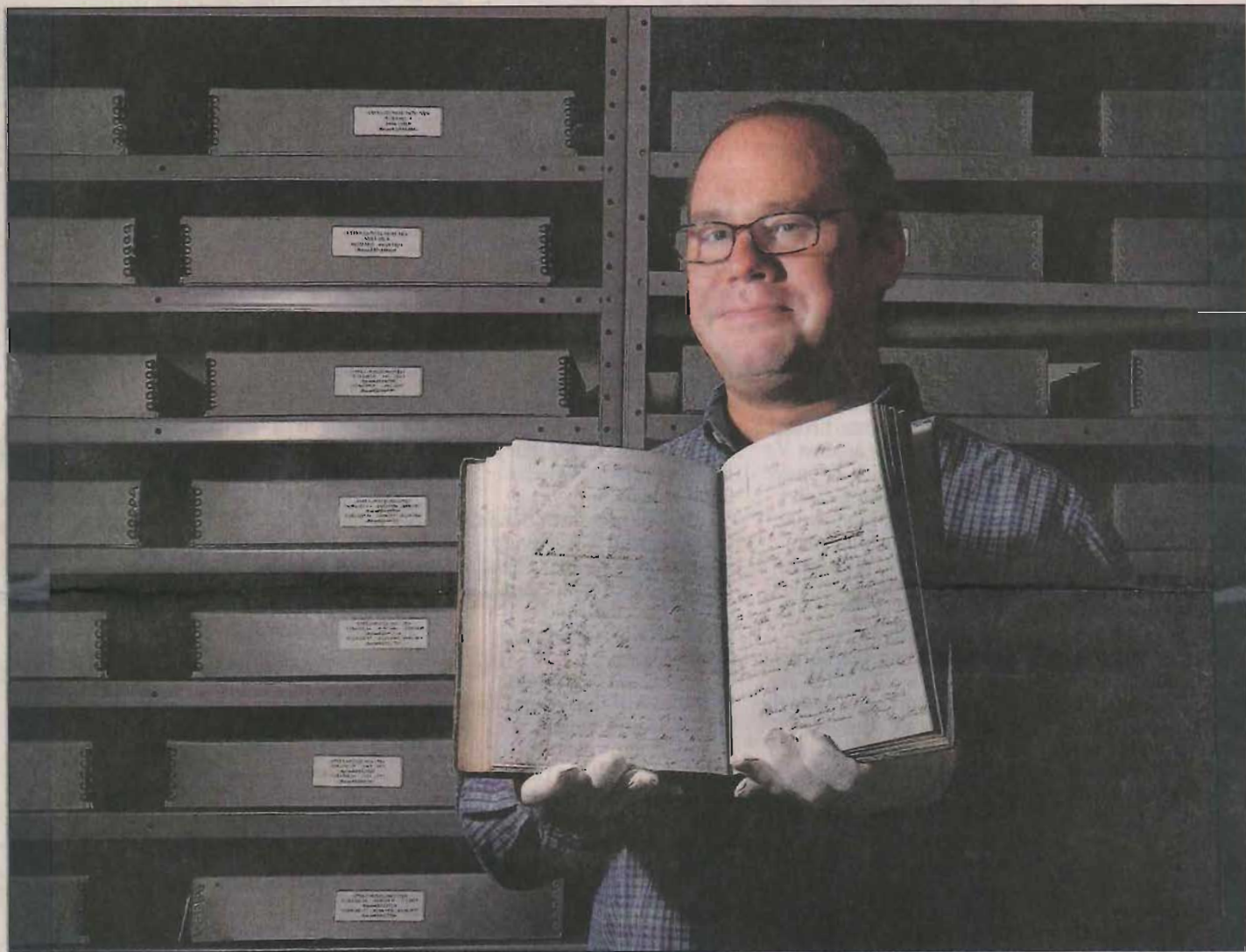


GARAGE DISCOVERY

A peek into the past



GARY REYES/STAFF PHOTOS

"Almost immediately, we realized it was something that predated our minutes book," says Santa Clara City Clerk Rod Diridon Jr.

History: Notebook reveals much about Santa Clara's early days

The court docket was recently discovered in a home on Benton Street in Santa Clara. The first entries in the book were from 1850, the year California became a state.



The black notebook in the corner of the garage on Benton Street in Santa Clara looked like nothing special: beaten up, yes, but stout enough to have served a college student a few decades ago. The inscription inside the cover said "Anne Hitt."

It was only when Danny O'Neal and his wife, Mollie, saw the faded writing on the blue pages inside that they realized they might have something historic on their hands.

The first entries in the book were from 1850. It was the earliest known court record for a still-unincorporated Santa Clara. It told a story of envy,



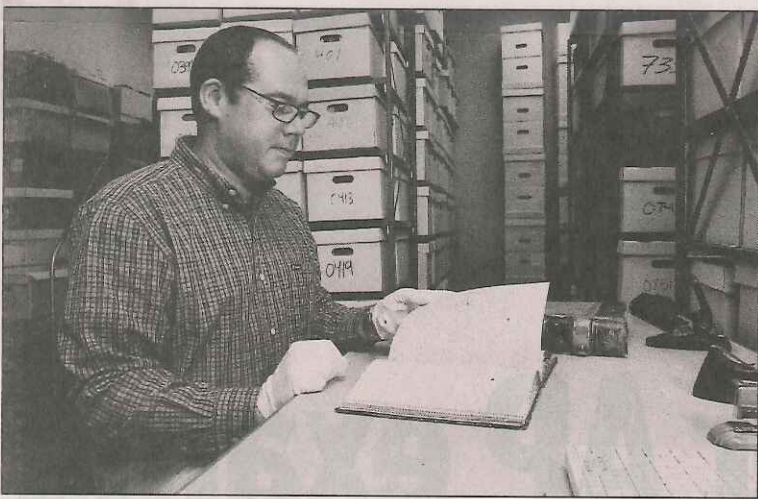
SCOTT HERHOLD
COLUMNIST

treachery, chaos and hope.

"It looked like something you'd find on the rack at Staples, next to the Hello-Kitty stuff," said Santa Clara City Clerk Rod Diridon Jr., who saw the book after the O'Neals took it to City Hall. "Almost immediately, we realized it was something that predated our

minutes book."
Anne Murdock Hitt had been a star reporter on the San Jose Mercury Herald, later the San Jose Mercury. Before her death in a car crash in 1954, she was

See **HERHOLD**, Page 2



Rod Diridon, Jr., Santa Clara city clerk, browses through the court docket in the records vault at City Hall. The docket revealed that early settlers weren't shy about suing each other.

GARY REYES (LEFT AND BELOW)/STAFF PHOTOS

Herhold

Continued from Page 1

married to Ben Hitt, who became the managing editor of the paper and owned the house on Benton Street. More on that aspect in a bit.

A roll call

The court docket revealed plenty about the history of early Santa Clara. (see a few photocopied pages at <http://goo.gl/Hd-CZQ>) It was an official roll call for the township. You could tell who was living in town by 1850: H.H. Warburton, George Washington Bellamy, Gabriel Alviso, Fielding Lard, Lorenzo Pineda and more.

The early settlers sued one another vigorously and often as the legal system changed from the Mexican hierarchy to the state of California, which was declared official in September 1850. The docket, intriguingly, anticipated the change. It refers to the state of California well before September.

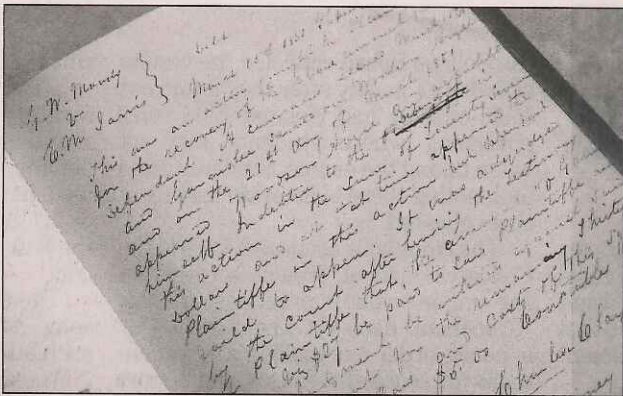
"There was an incredible number of court cases given the population," said Santa Clara historian Lorie Garcia. "There was a lot of flux. And people were looking out for themselves."

The most common kind of lawsuit dealt with unpaid debts. Someone might say, "I'll pay you later," and then forget the promise. Trespassing, in the sense of squatting or infringing on another's property, was equally prevalent.

A winning case

One of the more unusual cases was a land infringement suit brought by Tomasia Hernandez against George Bellamy, a frequent litigant who married into the Bernal family.

In the U.S. at the time, women ordinarily couldn't own property in their own names. In California, this was not the case. The treaty that ended the war with Mexico obligated American authorities to recognize Mexican law, which allowed women to own land and sue. Hernandez won \$75, about \$2,200



The docket book contains court records considered to be the first official historical documents of the city.



LIBRARY OF CONGRESS

Charles Clayton was the justice of the peace in Santa Clara township in 1850. Clayton later served one term in Congress.

in today's money.

"By 1850, language barriers had broken down, and people are trying to assert their rights against people who have done things several years before," Garcia said. "It's a mess."

I was intrigued by the cattle-rustling case brought in October 1850 against Ygnacio Hernandez, Ygnacio Calantes and Jesus Garralta. An early landowner in what is now Mountain View, John W. Whisman, accused the trio of stealing cattle valued at \$250, about \$7,500 in today's money. Cattle-rustling was serious. The three were held to answer and turned over to the Santa Clara County sheriff. Sadly, the record offers no back story.

Future congressman

Justice of the Peace Charles Clayton, who set aside a \$3.50 fee for himself in every case (more than \$100 in today's money), was a figure himself in the general craving for land. He is remembered for teaming with another man

in a scheme to try to obtain the valuable pear orchard from Mission Santa Clara. Clayton later served a term in Congress between 1873 and 1875.

Inevitably, the wild-and-wooly nature of the legal system was diminished when the city of Santa Clara was incorporated in 1852. The new City Council banned bullfighting on Sundays and ordered settlers to remove crops from the road after the next harvest.

Finally, the Hitt story: Anne Hitt collected mementos of Santa Clara's early days because she specialized in stories about the city's history. She was the first wife of Ben Hitt, who survived the car crash that killed his wife.

Ben Hitt, whom I knew as the solemn and sometimes short-tempered managing editor when I came to the paper in 1977, retired from the Mercury News in 1978 and died in 2005 at age 88.

The editor's second wife, Roberta, who is still living, is the aunt of Mollie O'Neal. It was while cleaning out her house that Danny O'Neal came across the historic book.

We can all be grateful that the stuff that Anne Hitt collected, which included some early historical photos of Santa Clara, was never thrown out. With the O'Neals' help, what happened on Benton Street wasn't a garage sale. It was a civic gift.

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