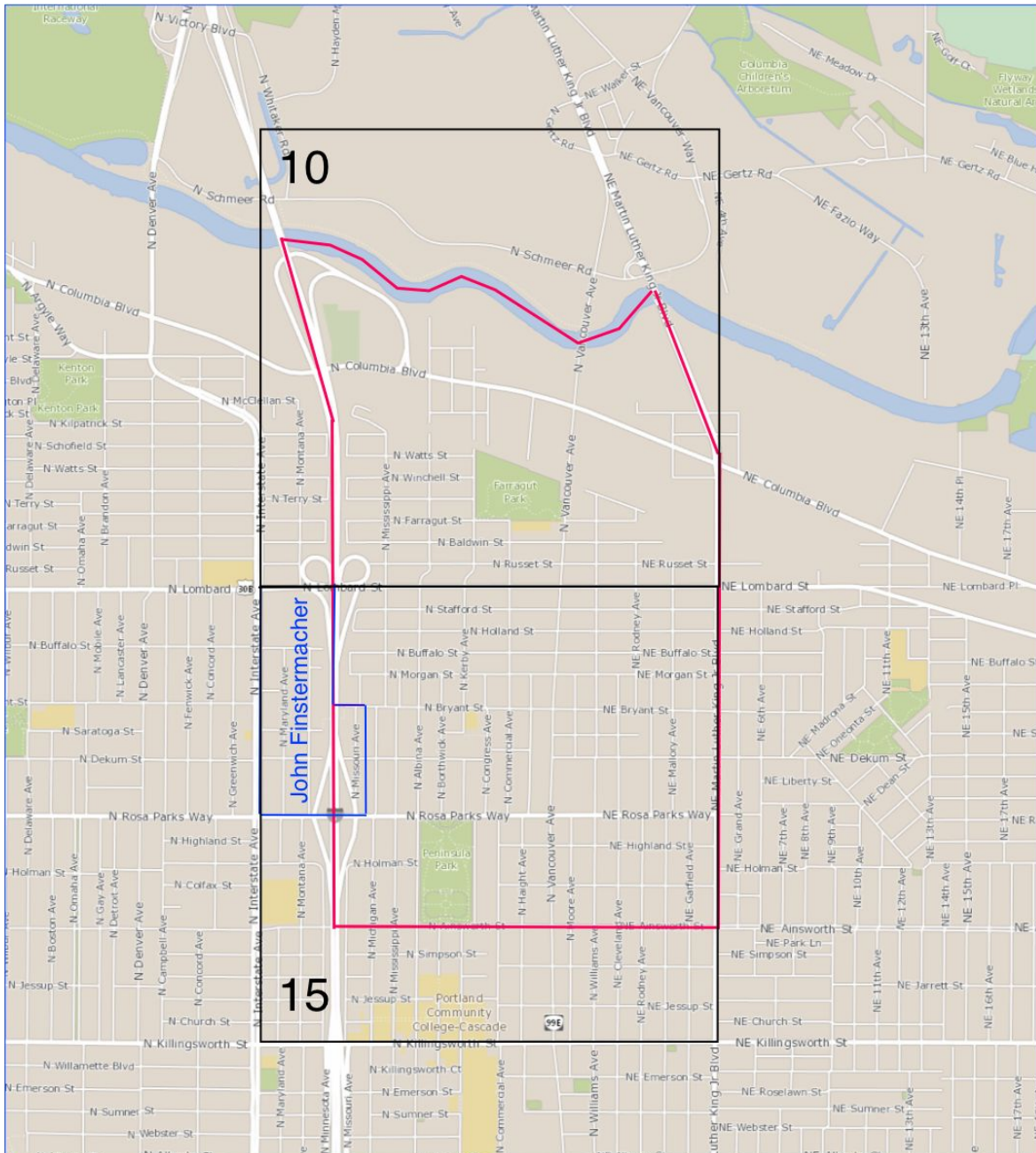


**The author of this article lives and works on unceded territory of the Multnomah, Kathlamet, Clackamas, bands of Chinook, Tualatin Kalapuya, Molalla and many other Tribes who made their homes along the Columbia River.**

# Homesteads: John Fenstermacher

Jan de Leeuw

Version 02-12-2019



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## Homestead

45

THE UNITED STATES OF AMERICA,

CERTIFICATE  
No. 127

To all to whom these presents shall come, Greeting:

Whereas John Hindsmacher of Multnomah County, Oregon

has deposited in the GENERAL LAND OFFICE of the United States, a Certificate of the REGISTER OF THE LAND OFFICE at Oregon City whereby it appears that full payment has been made by the said

John Hindsmacher

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the Public Lands," for the fractional West Half of the North West quarter of Section Eighteen or the Lots numbered Four and Five of Section Eighteen in Township One North of Range One East in the district of lands subject to sale at Oregon City, Oregon, containing sixty seven Acre and Thirty eight Hundredths of an Acre

according to the official plat of the Survey of the said Lands, returned to the General Land Office by the SURVEYOR GENERAL, which said tract has been purchased by the said John Hindsmacher

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said John Hindsmacher

and to his heirs, the said tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said John Hindsmacher and to his heirs and assigns forever.

In Testimony Whereof, I, Abraham Lincoln

PRESIDENT OF THE UNITED STATES OF AMERICA, 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, the Twenty first day of December in the year of our Lord one thousand eight hundred and Sixty three and of the

INDEPENDENCE OF THE UNITED STATES the Eighty eighth

BY THE PRESIDENT: Abraham Lincoln

By H. C. Stoddard Secretary.

J. W. Granger Recorder of the General Land Office.

<https://drive.google.com/file/d/0B94Urf3OjM7BczRxZINjZmUtcFE>

On December 21, 1863 the United States registered the sale of 67.38 acres of public land for the usual \$ 1.25 per acre to John Findsermacker, under the provisions of the Act of Congress of the 34th of April, 1820, entitled “*An act making further provision for the sale of public lands*”. For the moment, ignore the fact that the recipients name is spelled differently as the one in the title of this chapter.

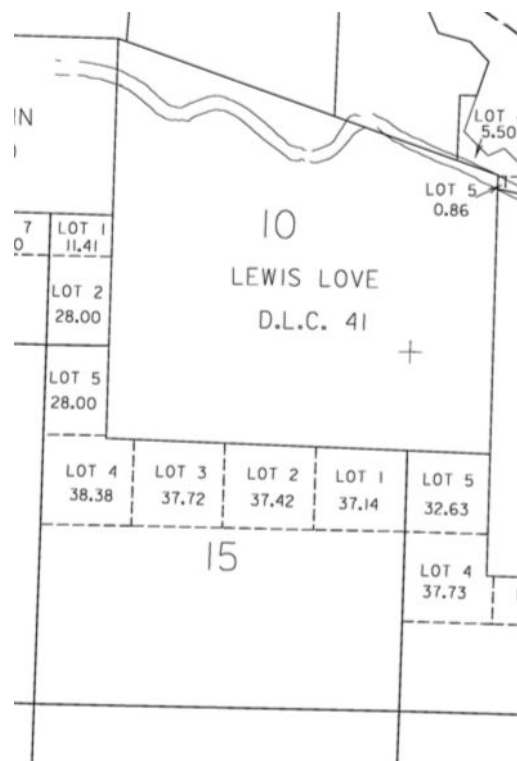
The deed corresponding to the patent was not recorded with Multnomah County until January 17, 1880.

[https://drive.google.com/open?id=1pEM1Kkg\\_eau6sihj6llVo3\\_IHohzUKzL](https://drive.google.com/open?id=1pEM1Kkg_eau6sihj6llVo3_IHohzUKzL)

The precise description of the land is

*The Fractional West Half of the North West quarter of Section Fifteen or the lots numbered Four and Five of Section Fifteen in Township One North of Range One East.*

The following small map with donation claims and lot sales makes the description someone clearer.



Note that the west boundary of the Lewis Love DLC corresponds to what is now the I-5 freeway, while the south boundary is Bryant Street. Thus only a tiny sliver of Findsermacker's land is in modern Piedmont, only about the eastern third of lot 4, in fact about 14 acres. The rest is in modern Arbor Lodge. Also note that the map has an error, because the total acreage for lots 4

and 5 on the map is  $28.00 + 38.38 = 66.38$ , while the patent specifies that Fenstermacher bought 67.38 acres. It looks as if the original intention was to make lot 4 equal to 20 chains by 20 chains, i.e. a quarter mile by a quarter mile, or 40 acres.

In any case, he did not hold on to it for very long. Thus his role in the history of Piedmont is almost infinitesimal, but his life story is too interesting not to tell.



## Sales

Fenstermacher sold his land on October 27, 1862 to his neighbor John Hotts for \$ 100. Remember that he paid  $67.38 \times 1.25 = 88.23$  dollars for it.

<https://drive.google.com/open?id=1DwiA9jG8GjMOpf6xq22ON1Ax6Y3WGYw>

Note that the sale to Hotts was registered one year before the legal patent was issued, and a full 18 years before the patent was registered with the county.

John Hotts sold part of the Fenstermacher homestead to Charles M. Russell for \$ 6,740 in 1882. What he actually sold were the 53.92 acres of the 67.38 acres that were not in the current Piedmont neighborhood, i.e. the rectangle west of what is now the freeway. There are actually two deeds registering for this sale. The first is dated May 26, 1882

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and the second June 27, 1882

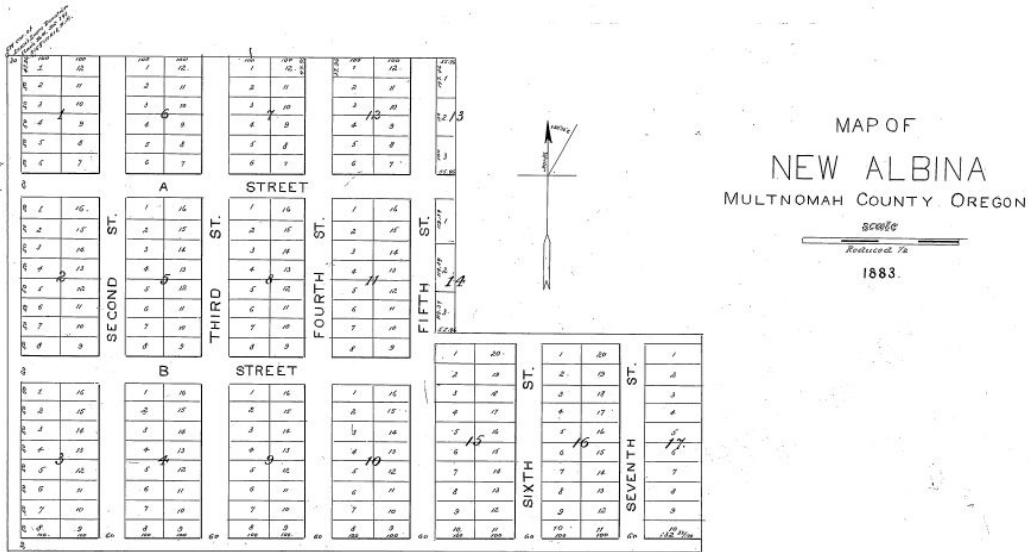
<https://drive.google.com/file/d/17PD9EwJ5-ADlIUjGLLNrx1rqDGZABNw>

The reason there are two deeds may be the nineteenth century equivalent of a typo. In the first deed the parcel is described as having an east boundary on the line separating sections 9 and 15. That should be sections 10 and 15, of course, and that was duly corrected in the second deed.

As for the  $67.38 - 53.92 = 13.46$  acres of Fenstermacher's homestead in modern Piedmont, that part was included in the sale of 40 acres by John Hotts for \$ 12,000 to a consortium consisting of Lorenzo D. Brown, J. A. Strowbridge, H. J. Morrison, James C. Tolman, Edmond F. Lewis, and William P. Wright. The first four grantees had a  $\frac{1}{5}$  interest, the last two a  $\frac{1}{10}$  interest. The remaining  $40 - 13.46 = 26.54$  acres came from the 37.72 acres (i.e. lot 3 on our little map) John Hotts bought from his other neighbor David Ulery on May 2, 1863.

<https://drive.google.com/file/d/1VHw9lg8Qppy7W0kbQzZjydlQs7z2-bJy>

On January 19, 1883 the same six gentlemen platted their 40 acre parcel as the New Albina subdivision. For some reason New Albina never got developed as such, and the land was partitioned, sold off, and later platted as the smaller subdivisions Cumberland, Parkway, Pacific Place, Lahoma, and Lochinvar. These later sales are more appropriately discussed in the David Ulery homestead chapter.



[https://drive.google.com/open?id=1G9\\_RqgL55Ze2Uy4J2Is4kkrCqfnPU7cV](https://drive.google.com/open?id=1G9_RqgL55Ze2Uy4J2Is4kkrCqfnPU7cV)

## NEW ALBINA!

### LOTS! MORE LOTS!

At Prices and on Terms within  
Reach of All!

Lots Vary in Size from 50x100 to  
50x132 Feet each!

THE TOWN-SITE OF NEW ALBINA HAS just been surveyed, recorded, and placed upon the market. The location is about one mile and a quarter north of Albina, and an equal distance east of the dry dock and O. A. & N. Co's works in lower Albina.

Persons desiring to visit the ground can do so by taking the steamer "Hrazee," starting from the foot of Alder street, and landing at Delacy's wharf, and going thence by plank road to near the tract, or can go from East Portland to the spot, by the Vancouver road.

The proposed Portland and Vancouver railway passes along the east side of the tract.

The site is admitted to be among the most eligible of any tract within the range of vision from this city or East Portland, being located on high, dry ground, from which the cities of Portland and Vancouver will soon be equally visible, and it will undoubtedly, in a very short time, become in demand for suburban residences.

Terms of sale are cash down, and the remainder in from one to four months, at prices ranging from \$100 to \$200 a lot, according to size and location.

A fair discount will be allowed for cash down in full, on cash sales, and the interest charged on deferred payments.

For particulars, call on LENT & McILREWS, South side Clark, bet. Front and First streets, Portland, or MATLOCK, McILREWS & CO., Fourth street, near 1st, East Portland, Oregon. Either of whom will furnish plans, prices, &c., and show the property of all seeking investments.

## References

Morning Oregonian 05/19/1887. *A German Attempts Suicide by Cutting his Throat.*

<https://drive.google.com/file/d/0B94Urj3OjM7BVDNIR2FIU3IFZTA>

Morning Oregonian 05/09/1888. *Property of a Dead Miser.*

[https://drive.google.com/file/d/100H41QRKlyYe9Fuf8c7yiTvqkH7\\_ieeX](https://drive.google.com/file/d/100H41QRKlyYe9Fuf8c7yiTvqkH7_ieeX)

Statesman Journal (Salem) 06/19/1887. *Committed Suicide.*

[https://drive.google.com/open?id=12UsFogwBOdl0kJhVmU57KU\\_jWo1nIbr6](https://drive.google.com/open?id=12UsFogwBOdl0kJhVmU57KU_jWo1nIbr6)

Morning Oregonian 03/11/1890. *The Fenstermacher Estate.*

<https://drive.google.com/file/d/14DmNJsic048rVIMugyFZUEOtAHmxDn46>

San Francisco Call 06/16/1897. *Portland Heirs Sue for an Estate.*

[https://drive.google.com/file/d/1-IYGdy3n8UQQ0mDZg1Mq-W9t5Pd\\_ffOy](https://drive.google.com/file/d/1-IYGdy3n8UQQ0mDZg1Mq-W9t5Pd_ffOy)

Morning Oregonian 02/26/1898. *More Heirs Turn Up.*

<https://drive.google.com/file/d/0B94Urj3OjM7BVERaOHlqTzZKdjA>

Morning Oregonian 03/21/1898. *More on Fenstermacher.*

<https://drive.google.com/file/d/0B94Urj3OjM7BVEpEdk80ZGd5NW8>

Morning Oregonian 04/08/1898. *One Set of Fenstermacher Claimants Retire from Litigation.*

<https://drive.google.com/file/d/0B94Urj3OjM7BVFBZRUJrNHVKYkk>

Morning Oregonian 07/03/1898. *Suite of Reputed Fenstermacher Heirs on Trial.*

<https://drive.google.com/file/d/0B94Urj3OjM7BVFBZRUJrNHVKYkk>

Morning Oregonian 07/16/1898. *Testimony in the Fenstermacher Suit Sifted.*

<https://drive.google.com/file/d/0B94Urj3OjM7BVFBZRUJrNHVKYkk>

Morning Oregonian 09/20/1898. *Decision in Fenstermacher Case Reached At Last.*

<https://drive.google.com/file/d/0B94Urj3OjM7BVFBZRUJrNHVKYkk>

*In re Petition of PETER FENSTERMACHER et al., Appellants, v. THE STATE OF OREGON, Respondent.* Reports of Cases Decided in the Supreme Court of the State of Oregon, Volume 19, p 504-508.

<https://drive.google.com/file/d/0B94Urj3OjM7BV3NRczdyVEFsbk0>

*Young et al. v. State.* The Pacific Reporter, Volume 59, 1900, 812-814



<https://drive.google.com/file/d/0B94Urj3OjM7BV2J5YjhReWVXb2M>

Statesman Journal (Salem). 03/03/1900 *Long Drawn-Out Litigation*.

<https://drive.google.com/open?id=1vhwqpATluytKALr6fzIN3aOgnccoJXo6>

Ancestry.com. *U.S., Revolutionary War Pension and Bounty-Land Warrant Application Files, 1800-1900* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2010.

[https://drive.google.com/file/d/1-3Rs-\\_x\\_OI7FVXFutx9VwanH0kxq1xzx](https://drive.google.com/file/d/1-3Rs-_x_OI7FVXFutx9VwanH0kxq1xzx)

Ancestry.com. *U.S., Civil War Draft Registration Records 1863-1865* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2010.

<https://drive.google.com/open?id=1RcUv1nvTcXDlx2JBSKsxeNAYsrr6SSAQ>

Genealogical Forum of Oregon: *The Oregonian-News from East Portland, 1880s*

<http://gfo.org/resources/indexes/other-indexes/east-portland-news.html>

Eugene E. Snyder: *We Claimed this Land: Portland's Pioneer Settlers*. Binfort & Mort Publishing, Portland, Oregon, 1989

*Draft Albina Community Plan Context Statement*, Portland Bureau of Planning, 1993

Multnomah County Court, *Probate Case 1369, Estate of John Finstamacher*.

<https://drive.google.com/open?id=15hQltM24BGUZjA6WXPmCE0vb6i8jHsgg>