

CASE No.

435

NORTHERN DISTRICT

PORTION of RANCHO de NAPA GRANT

STEPHEN F. HENRY

CLAIMANT

LAND CASE 435 ND pgs .23

FEB 4 1963

U.S.A.
25% COTTON FIBER
PROVER BOND
Commercial

p. 575
L 435
No. 435

U. S. District Court,
DISTRICT OF CALIFORNIA.

In re petition of L 435
Stephen F. Henry
vs.

for Confirmation to him of
portion of Rancho de Naba
IN ADMIRALTY.

PAPERS IN THE CASE.

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In the United States District Court
in and for the District of Cal-
ifornia

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In the Matter of the Petition
of Stephen T. Henry for confirma-
tion to him of portions of the
Rancho de Napa.

To the Honorable Judge
Hoffman, Judge of said Court:

Now comes Stephen T. Henry and
presents his petition and claim for
certain lands situate in Napa County
State of California the same being
a portion of that tract of land
commonly known as the Rancho de
Napa which petition and claim is
made by authority of an Act of
Congress approved June 20th 1884 entitled
"An Act Authorizing Claimants to
the Rancho de Napa in Napa
County California, to prove up their
title of which act a true copy is
herewith annexed marked "Exhibit A"
and made a part of this petition

That in accordance with said
act your petitioner respectfully repre-
sents:

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That on the 21st day of September
A.D. 1838 Juan B. Alvarado then
Political Chief of Upper California
granted to one Salvador Vallejo a
tract of land known as "Napa"
which tract of land is situated
in the County of Napa State of
California and is the same tract
of land named in the said act
of Congress as the Rancho de Napa

That said grant was
presented to the Departmental Assembly
of Upper California and was by that
body duly and legally approved on the
23rd day of September 1838.

That on the 8th day of
January 1844 judicial possession of
the lands granted as aforesaid was
delivered to the said Salvador Vallejo

That the tract of land
thus granted to said Vallejo was
never presented as an entry to
the Board of Land Commissioners created
by Act of Congress of date March 3rd
1851 for confirmation although portions

of said land were presented to said Board in accordance with the requirements of said last named act; and the portions and parcels thereof which were finally confirmed under

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That the exterior boundaries of said Rancho were finally surveyed in October 1858 by C. C. Tracy, United States Deputy Surveyor and the survey thereof finally approved by the proper authorities. The said Rancho was by said survey segregated from the public domain and the boundaries thereof thus established compared to the boundaries of said Rancho as defined in the original title of Salvador Vallejo

That the boundaries thereof which have been recognized by all parties and the United States as the true boundaries of said Rancho

That the boundaries of said Rancho as established by said survey are as follows:

Commencing at a large oak standing on the right bank of Arroyo Napa established by the Mexican authorities at the time

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of giving judicial possession as one
of the corners of said Rancho thence
(Variation 11° East) South 22° West along
the division line ~~between the divisions~~
~~and between~~ the Rancho de Napa and
the Rancho Entre Napa 302¹/₂ chains to
the center of Cameron Creek, the center
of said creek at said point being the
common corner of said Rancho de Napa
and the Rancho Entre Napa; thence up
the center of said creek following
its meanderings to a stake marked
"N No 3" in a mound of stones
which stake is at where the old
trail from Napa to Sonoma crossed
said creek at the upper crossing; thence
North 14¹/₂° East 417 chains to the South-
west corner of the Caynes Rancho; thence
N 45¹/₄° East 140 chains to the center
of Napa River; thence down the
center of Napa River following its
meanderings to the junction of Napa
River with the Arroyo Napa; thence
up the ^{center of the} Arroyo Napa following its
meanderings to the place of beginning"

That your petitioner is the
claimant and owner of the following
described portion of said Rancho:
All those certain pieces of land

and tracts of land situate in that tract of land commonly known as the Rancho de Napa, in Napa, ^{County} State of California and described as follows:

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Commencing at a stake on the bank of Carrero Creek forming the North-western corner of lands sold by A. C. Henry to J. B. Scott from which stake an oak three feet in diameter N $57^{\circ} 15'$ E distant thirty links and running North $41^{\circ} 15'$ E 39.05 chains; thence N 23° E 20.11 chains; thence North 67° West 27.08 chains; thence South $59^{\circ} 35'$ W 39.23 chains to a live oak on bank of Carrero Creek; thence down said creek and following the meandering thereof to the place of beginning containing one hundred and seventy five acres of land more or less

Also, commencing at an oak tree on the bank of Carrero Creek which oak is marked SS and forms the S W corner of the tract purchased by A. C. Henry from George Schmitt and running N 23° E 45.95 chains to a small double oak; thence S $28^{\circ} 46'$ E 32.26 chains to a stake; thence N $38^{\circ} 15'$ E 29 chains; thence S $28^{\circ} 46'$ E 54.62 chains to a stake; thence ~~North~~ ~~39~~ ~~chains~~; thence S 23° W

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36.46 chains; thence North 67° West 27.08
chains; thence $S 59^{\circ} 35'$ W 39.23 chains
to a live oak on the bank of Carrers
Creek; thence up said creek with
the meandering thereof to the place
of beginning containing three hundred
and eighty six acres of land more
or less - excepting from said tract
of three hundred and eighty six acres,
one hundred and forty seven acres described
as follows: Beginning at an oak thirty
inches in diameter marked SS. on the
right bank of Carrers Creek; thence
N $12^{\circ} 50'$ E 45.95 chains to a small
double oak marked being the South
West corner of the land belonging to
Geo Leonard thence along Leonard South
line to his South East corner South 28°
 $45'$ E 32.36 chains; thence $S 18^{\circ} 35'$ W 44.13 chains
to a post at the North East corner of
the orchard now or formerly belonging to
J. Henry; thence along the orchard fence
 $S 67\frac{1}{2}^{\circ}$ W 11.58 chs to a point in
middle of Carrers Creek from which
a live oak thirty inches in diameter
bears $S 86^{\circ}$ W 53 links distant a witness
post on left bank of creek bears N $67\frac{1}{2}^{\circ}$ E
24 links distant; thence up the middle

of Carreras Creek to the place of beginning
That said lands are included
within the exterior boundaries of said

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Rancho de Napa

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That your petitioner deranged title
to said lands last above described
through the original Mexican grant
of said Salvador Vallejo

That Exhibit B hereto annexed
and made a part of this petition
shows the derangement of title from
said Salvador Vallejo to petitioner

That the deeds set forth in
said derangement of title are of record
in the recorder's office of said Napa
County and are sufficient in form
and legal effect to and do vest in
said Vallejo the title of said Vallejo
to that portion of said Rancho now
in possession of petitioner

That neither the claim of
petitioner nor of his predecessors in
title to that portion of said Rancho
now in his possession has ever been
passed upon by proper authority

That the claim of the orig-
inal grant to said lands was
good and valid under the Mexican
laws relating to such cases.

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That there is not now nor has there ever been any valid adverse claim to said land which petitioner claims or any part thereof existing under the pre. caption homestead or other laws of the United States

That there is not now nor has there ever been any person or persons having actual or virtual possession of said lands under valid claims under the pre. caption or homestead or other laws of the United States

That there are no persons entitled to receive release from this claimant in actual or virtual possession of said lands in his possession as provided by said Act of June 20th 1874.

That petitioner is in the sole and exclusive possession of the lands to which he seeks for a confirmation of his title and he and his predecessors in title have been in such sole and exclusive possession since the year 1844.

Therefore your petitioner prays for a decree of this Honorable Court confirming the claim of petitioner to the lands therein petitioned for

and for such other general and special
relief as may be met in the prem-
ises and your petitioners will ever

pray

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Spencer & Henning
Attorneys for Petitioners

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claimants to the lands situated in Napa County, California, known as Rancho de Napa, who derive title through the original Mexican grantee of said Rancho, and whose claims or those of their predecessors in title have not been hitherto passed upon by proper authority are hereby permitted and authorized to present their claim to said lands to the District Court of the United States for the District of California within one year next after the passage of this Act, and not afterwards, for examination; and if upon the hearing of said case it shall appear to said Court, that the claim of the original grantee was good and valid under Mexican laws relating to such cases, and that the claimants are entitled to have such confirmation, the said Court shall by decree confirm said claim: Provided, That no land shall be confirmed to said claimants to which there are any valid claims existing under the pre-existing, homestead or other laws of the United States at the date of the passage of this Act; nor shall any decree of confirmation affect any valid adverse right of any person or persons.

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or give to the conferees, or any of them,
any claim upon the United States for
compensation for any land such conferees
may hold by pre-emption, homestead, or
other claim or right as aforesaid; Provided
further, That said claimants, before filing
their claim, shall execute release to any
persons who may have or hold any por-
tion of said lands, under said claims under
the pre-emption, homestead or other law of
the United States, at the date of the passage
of this Act, to the holder of said land
as held respectively; and before rendering a
decree of confirmation the said court shall
ascertain that said release have been duly
executed

Sec 2. That the United States and any
party in interest are hereby granted the
right of appeal to the Supreme Court of
the United States, within six months next
after any decree shall be entered, in the
manner allowed in other cases of appeal;
and the said court in the examination
of the claims presented by any person
under this Act shall be governed, so far
as applicable, by the provisions of the
Act passed March 3rd 1851 entitled "An
Act to ascertain and settle private land
claims in the State of California"

Section 3. That the United States Surveyor General for California is hereby directed upon the filing in his office by said claimants of a certified copy of a final decree of confirmation under the provisions of this Act, to cause said claim to be surveyed as other claims of like nature are now surveyed under existing laws; and upon the approval of said survey by the proper authority a patent shall issue to said claimants in the usual form.

Approved June 20, 1884.

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Exhibit B.

Salvador Vallejo

to

Arman Holden

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Deed.

Dated.

December 20th 1851.

Cons. 10300.

Grants, warrants, etc. etc. all his right, title and interest in and to all the land belonging to the Rancho de Napa, or all the land appertaining to the Rancho of that name granted to said party of first part by the Mexican Government, which has not been before the date of this instrument sold and conveyed by the said party of first part by deed which have been heretofore duly recorded in the office of the Recorder of Napa County.

Recorded December 20th 1851 in Liber B of Deeds page 109, Records of Napa County.

Annae Keller

to

Otto H. Frank

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Deed

Dated

March 20th 1852.

Cons. 9500.

Recorded in Liber B of Deeds page 160, Records
of Napa County, April 27th 1852.

Otto H. Frank

to

Isaac Sackett and

George Schmitt

Deed

Dated

September 13th 1852

Cons. 876⁹⁵

Recorded in Liber B of Deeds page 240,
Records of Napa County, on October 25th 1852

Dease S. Adell by W. Mc
Henry, Sheriff
to
George Schmitt

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Sheriff's Deed

Dated

March 17th 1854.

Recorded in Liber C of Deeds page
56, Records of Napa County, March 17th 1854.

George Schmitt

to

Alex C. Henry

Deed

Dated

September 26th 1855

Cons^d 1500

Recorded September 26th 1855 in Liber C of
Deeds page 313 records of Napa County.

Dease S. S. by Bennett.

James, Sheriff

to

Alexander C. Hurry.

Deeds

Dated

March 19 1883

Recorded March 20th 1883 in Libr 33 of
Deeds page 313 Records of Napa County.

A. C. Hurry

to

Stephen F. Hurry.

Deeds

Dated

December 6th 1858

Cons # 600.

Recorded August 25th 1860 in Libr 8 of Deeds
page 264 Records of Napa County.

A. C. Henry
to
Joseph Henry

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Deed

Dated

December 6th 1858

Cont. \$1000

Recorded April 30th 1862 in Liber G of Deeds
page 402, Records of Napa County.

A. C. Henry et ux
to
Joseph Henry.

Deed

Dated

July 19th 1864

Cont. \$1

Recorded in Liber H of Deeds page 438, Records
of Napa County, July 19th 1864.

A. C. Henry et al
Joseph Henry et al

to
Stephen S. Henry

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Deeds

Deed

July 19th 1864

Cons. \$1000.

Recorded July 19th 1864 in Lib. 4 of Deeds
page 440, records of Napa County.

Stephen S. Henry

to

M. S. Robinson

Deeds

Deed

November 23rd 1865

Cons. \$5000.

Recorded November 23rd 1865 in Lib. 9 of
Deeds page 392 records of Napa County.

M. S. Johnson et al

to

Stephen S. Hurrey.

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Deed

Dated

September 24th 1869.

Cons \$300.

Recorded September 24th 1869 in Lib. M. of
Deeds page 144, Records of Napa County.

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In the United States
District Court in and
for the District of
California

In the Matter of the Petition
of S. S. Drury for confirmation
of his title of portions of Rancho
de Napa.

Petition

Filed May 19th 1885
Soutland Hoffman
Clerk

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Spencer + Drury
Attys for Petitioner

In the District Court of the
United States, District of California

In the Matter of the petition of
Stephen F. Keeney for Confirmation
to him of portion of the Rancho de Napa

Now comes the United States by
S. G. Wilborn United States Attorney
and answers the petition of said
Stephen F. Keeney filed herein
and denies generally and
specifically each and every
allegation in said petition
contained.

S. G. Wilborn
United States Attorney

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U.S. District Court
District of California

Stephen F. Henry
Petitioner vs

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The United States

Answer by United States

Filed June 17th 1885

Southard Hoffman
Clerk

Popl. D. Grimwood
Deputy Clerk