

CASE No.

438

NORTHERN DISTRICT

A PORTION of THE RANCHO de NAPA GRANT

TRICEY A. EDGINGTON

CLAIMANT

LAND CASE 438 ND pgs. 18

FEB 4 1963

U.S.A.
25% COTTON FIBER
PLYER BOND
Garman

p. 578
438 No. 438

U. S. District Court,
DISTRICT OF CALIFORNIA.

In re petition of
Tricey A. Edgington
vs.

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

PAPERS IN THE CASE.

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

To the HON. OGDEN HOFFMAN,
Judge of said Court:

Now comes Trickey A. Edgington and presents this his petition and claim for certain lands situate in Napa County, 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 hereunto annexed marked Exhibit "A," and made a part of this petition.

That in accordance with said Act your petitioner respectfully represents:

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 situate 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 of February, 1844, juridical 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 entirety to the Board of 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 thus presented were finally confirmed thereunder.

That the exterior boundaries of said Rancho were finally surveyed in October, 1858, by C. C. Tracey, U. S. Deputy Surveyor, and the survey thereof finally approved by the proper authorities. That said Rancho was by said survey segregated from the public domain, and the boundaries

thereof thus established, conformed to the boundaries of said Rancho as defined in the original title of Salvador Vallejo.

That the boundaries thus established have ever since 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, dead oak standing on the right bank of the Arroyo Napa, established by the Mexican authorities at the time of giving juridical possession, as one of the corners of said Rancho, thence (variation 16° E.) S. $22\frac{1}{2}^{\circ}$ W. along the division line between the Rancho de Napa and the Rancho Entre Napa, 302.61 chains to the center of Carneros 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 set where the old trail from Napa to Sonoma crossed said creek at the upper crossing; thence N. $14\frac{1}{2}^{\circ}$ E. 427 chains to the S. W. corner of the Caymus Rancho; thence N. $14\frac{1}{2}^{\circ}$ E. 140 chains to the center of Napa River; thence down the center of Napa River, following its meanderings, to the junction of Napa River and Napa Creek; thence up Napa Creek to the place of beginning.

That your petitioner is the claimant and owner of the following described portion of said Rancho:

*Lots Numbered One (1), Two (2), Nine =
teen (19) Seventeen (17) and Eighteen (18)
according to the map of the Pueblo Salvador
as copied in Record Book D. page 132 in
the office of William F. Fuller, Alcalde of
Sonoma. Said lots of land being also
described as bounded on the North by
the County Road leading from Union Station
across Napa Valley West; on the West by
Napa Creek; on the South by lands con =
firmed and patented to Nathan Coombs;
and on the East by the County Road leading
from Napa City to Yountville.*

That said lands are included within the exterior boundaries of said "Rancho de Napa."

That your petitioner deraigns title to said land last above described through the original Mexican grantee, the said Salvador Vallejo.

That "Exhibit B" hereto annexed and made a part of this petition, exhibits the deraignment of title from said Salvador Vallejo to petitioner.

That the deeds set forth in said deraignment 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 the petitioner the title of said Vallejo to that portion of said Rancho now in petitioner's possession.

That neither the claim of petitioner, nor that 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 original grantee to said lands was good and valid under the Mexican

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laws relating to such cases.

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-emption, homestead or other laws of the United States.

That there is not now, nor has there ever been any person or persons having or holding any portion of said lands under valid claims under the pre-emption, or homestead, or other laws of the United States.

That there are no persons entitled to receive releases from this claimant to any portion of said land in his possession, as provided by said Act of June 20th, 1884.

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.

Wherefore your petitioner prays for a decree of this Honorable Court, confirming the claim of petitioner to the lands herein petitioned for, and for such other general and special relief as may be meet in the premises. And your petitioner will ever pray.

Wallace & Johnston

Attorneys for Petitioner.

EXHIBIT "A."

An Act authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title.

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 the Rancho de Napa, who deraign 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 in the District Court of the United States, for the district of California, within one year next after the passage of this Act, and not afterward, for examination; and upon the hearing of said case if 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 lands shall be confirmed to said claimants to which there are any valid claims existing under the pre-emption, 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 other person or persons, or give to the confirmees, or any of them, any claim upon the United States for compensation for any land such confirmees may loose by pre-emption, homestead, or other claims or rights as aforesaid: *Provided further*, that said claimants before filing their claim shall execute releases to any person who may have or hold any portion of said lands under valid claims under the pre-emption, homestead, or other laws of the United States, at the date of the passage of this Act to the portions of said lands so held respectively; and before rendering a decree of confirmation the said Court shall ascertain that said releases have been duly executed.

SECTION 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, A. D. 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 20th, 1884.

Exhibit. B.

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- 1 Salvador Vallejo + wife } Deed dated March 5, 1850
to } Recorded Liber A of Deeds
W^m Edgington } page 15 Napa County Records.
- 2 Salvador Vallejo } Deed dated Feby 24th 1850
to } Recorded in Liber A of Deeds
W^m Edgington } page 16. Records Napa County.
- 3 Salvador Vallejo + wife } Power attorney, dated
to } April 28th 1851 Recorded
Geo. W. Southwick and } Liber A of Deeds page 303
E. A. D'Heurecourt } Napa County Records.
- 4 Salvador Vallejo + wf } Deed dated ~~Oct. 1852~~ June 20, 1851
to } Recorded Liber B of Deeds
H. A. Amesbury } page 246 Records Napa County.
- 5 ~~Salvador Vallejo~~ } Deed dated Oct. 1852 Recorded
H. A. Amesbury + wife } Liber B of Deeds page 246
to } Records of Napa County.
W^m Edgington }
- 6 Salvador Vallejo + wf } Deed dated Mch 29, 1850
to } Recorded Liber A of Deeds
W^m Gordon + D. J. Bird } page 70, Records Napa County

7 Wm Gordon and D. J. Bird
to
Orrin Ingraham.

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8 Orrin Ingraham + wife } Deed dated Jan'y 31st 1856
to } Recorded Liber 10 of Deeds
Wm Edgington } page 440 Records Nopa Co.

9 Will of Wm Edgington

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In the U. S. Dist Court

Tricey A. Edgington

-vs-

The United States

Petition.

Filed June 8th 1885

Southard Hoffman Clerk

By W. D. Grimwood
Deputy Clerk

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Wallace & Johnston
Attys for Petitioner

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

In the matter of the petition
of Tricey A. Edgington for confirmation
of his title of lands in the Rancho de Anapa

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Now comes the United States
by S. G. Hilborn United States
Attorney and answers the petition
of said Tricey A. Edgington filed herein
and denies generally and specifically
each and every allegation in said
petition contained

S. G. Hilborn

United States Attorney

438.
U.S. Dist Court
Dist of California

In the Matter of
the petition of
Tracy A. Cunningham
for Certificate of
in Ranch de Madera

Answer

Filed June 10 1885

Leithard Hoffman
Clerk

Wm. D. Greenwood
Deputy Clerk

S. G. Wilson

U.S. Atty

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In the District Court of the United States
For the District of California
In the Matter of the Petition
of Tracy A. Edgerton for confirmation of title
to land in Napa County California
part of the Rancho de Napa under Act
of Congress passed June 20th 1884

N^o 438-

To the Honorable Ogden Hoffman
Judge of said District Court

Your Petitioner Otto H Frank
by his Attorney E J & M Moore respectfully
asks leave of Court to file his intervention herein
on the following grounds to wit.

That said Otto H Frank is a con-
firmer by a prior decree of this Court and is now the
owner in fee simple ^{of the whole or a part} of the same land whereof
said Edgerton asks for confirmation in his favor and
such confirmation would interfere with this petitioner
and his rights.

Otto H Frank
by E J & M Moore
his Attorneys

No 438
U.S. District Court
Dist of California

In the matter of the
Petition of ~~the~~
Tracy & Edgerton
~~_____~~

Petition of Otto
H. Frank for
leave to intervene

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Filed July 74 - 1885

Southard Hoffman Clerk

By W. Greenwood
Deputy Clerk

E. J. H. Moore
Atty for Intervenor

1 In the District Court of the
2 United States,
3 District of California

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4
5 In the matter of the
6 Petition of Trickey A
7 Edgington for Confir-
8 mation of title to a
9 portion of Rancho de
10 Napa, in Napa County
11 California under the
12 act of Congress passed
13 June 20th 1884

14
15 Petition of Intervenor Otto
16 H Frank

17
18 Now comes Otto H. Frank by
19 leave of Court first obtained
20 and for petition of Intervention
21 herein Alleges,

22 I

23 That he is the owner in fee
24 of that portion of the land
25 described in the said Petition
26 of Trickey A. Edgington and
27 which she asks to have confirmed
28 to her, which is bounded and described
29 as follows to wit. Lot Number

1 Seventeen 1/2 of the Pueblo de
2 Salvador, according to the map
3 of the said Pueblo de Salvador,
4 as copied in Record Book D
5 page 132 & 133 in the office
6 of William M Fuller Alcalde
7 of Sonoma; said Lot of land being
8 also described as bounded by the
9 following Pueblo de Salvador lots
10 North by Lot No 4, East by Lot no 16
11 South by Lot no 22, West by Lot
12 No 18, being within the boundaries
13 of the Rancho de Napa in Napa
14 County of this State

15 That said Rancho was formerly
16 granted to Don Salvador Vallejo
17 by the Mexican Government
18 September 21st 1838.

19 That on December 20th 1851
20 said Salvador Vallejo, sold and
21 conveyed by deed to one Herman
22 Wohler" all his right title and
23 interest, in and to all the lands
24 belonging to said Rancho de Napa,
25 and all the lands appertaining to
26 the Rancho of that name granted
27 to the said Vallejo by the Mexican
28 Government, which had not been

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1 before that date to wit December
2 20th 1851, sold and conveyed by
3 him Vallejo, by Deeds which have
4 been before that day duly recorded
5 in the County Recorder office
6 of said Napa County.

7 That said Deed from
8 said Vallejo to said Wohler
9 was thereupon on said December
10 20th 1851, duly recorded in said
11 County Recorder office in Book
12 B of Deeds at page 169

13 That thereafter March 20th 1852
14 said Herman Wohler sold and
15 conveyed by Deed to his Intervenor
16 "all his right title and interest
17 in and to all the lands belonging
18 to the Rancho de Napa, and all
19 lands appertaining to the Rancho
20 of that name granted to Don
21 Salvador Vallejo by the Mexican
22 Government which ^{finds} had not been
23 before that day to wit, March
24 20th 1852, conveyed by said Salvador
25 Vallejo, or by the said Herman
26 Wohler by deeds which had been
27 before that day duly recorded
28 in the office of the County Recorder

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1 of Napa County, which said
2 deed from said Wabler was
3 afterwards on the 22nd day of
4 April 1852 duly recorded in
5 the office of the said County
6 Recorder of said Napa County in
7 Book 19 of deeds at page 160,

8 That on June 12th 1858 the Hon-
9 orable the U.S. District Court
10 of California, Confirmed to
11 said Otto St Francis the land
12 described by the same description
13 contained in said last named
14 deed, and on appeal afterwards
15 taken by the United States from
16 the aforesaid Decree of Confirma-
17 tion, said appeal was duly dis-
18 missed, and said Decree is now final,

19 That said Confirmation entered
20 to the benefit of this Intervenor
21 who by means thereof under the
22 aforesaid deed from said Herman
23 Wabler, became, and he now is
24 the owner in fee, and entitled to
25 the possession of said lands,

26 That said lands for which said
27 petitioner Tricey A Edgerton
28 herein asks for confirmation

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are a part of said lands so
Confirmed to this Intervenor,

This Intervenor further plead-
ing herein, denies all and singular
the allegations contained in
said petition filed herein by
said petitioner after ^{and including} the following

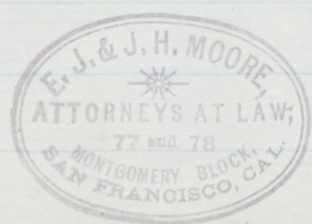
words on page 2 x x line 17 x x
hereof, to wit, "That your Petition-

er is the claimant and owner
of the following described portion
of said Rancho ^{etc} Excepting
that the Frank admits to be true
that portion of said petition
which alleges as follows viz

"That the claim of the Original
Grantee was good and valid
under the Mexican law relating
to such cases,"

This Intervenor therefore
prays that the aforesaid petition of
said Tracey & Edgington
may be disallowed so far as
relates to the lot herein before
claimed by this Intervenor

E J & A H Moore
Attys for Intervenor O & Frank



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No 438
In the U.S. Dist Court
District of
California

In the matter of
the Petition
— of —
Tracy A. Edgington

Intervention by
Olto. H. Frank

Service by copy of within Inter-
vention this August 31 1885 admitted
ND Wallace & Johnston
18 Attys for Petitioner

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Filed Sept 11th 1885
Routhead Hoffmann
Attys
H & J napa
E J + J H Collins
Attys for Intervener
O H Frank