

CASE No.

454

NORTHERN DISTRICT

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PORTION of RANCHO de NAPA GRANT

HENRY BROWN

CLAIMANT

FEB 6 1963

*Reynolds*  
Plover Bond  
25% COTTON FIBER  
U.S.A.

L. 454  
No. 454

U. S. District Court,  
DISTRICT OF CALIFORNIA.

In re petition of  
Henry Brown  
vs.

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

PAPERS IN THE CASE.

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PAGE 1

No. 454 (p 544)

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

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

Now comes *Henry Brown* 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.

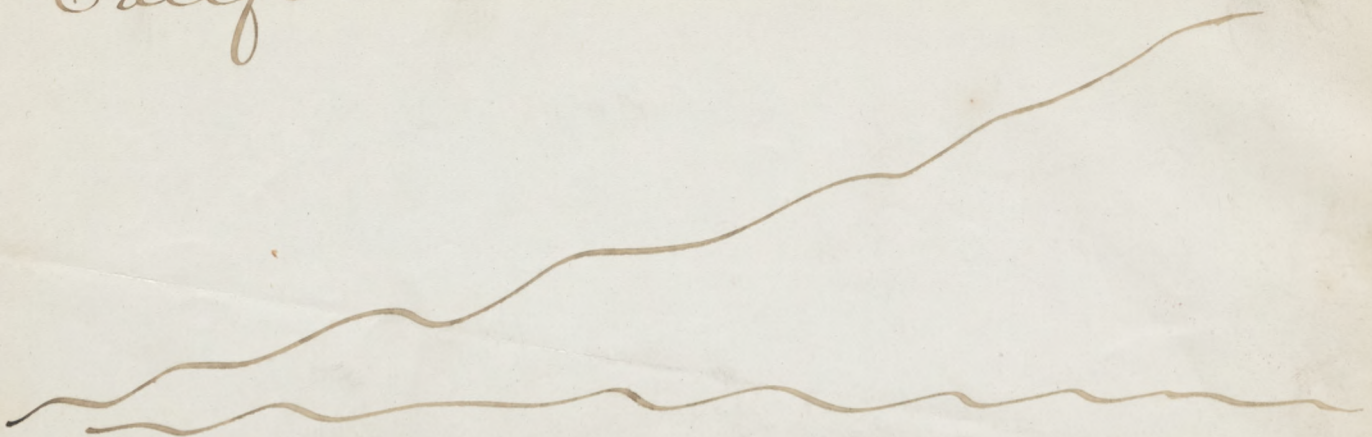
That the boundaries thus established have ever since been recognized by all parties and the United States as the true boundaries of said Rancho.

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  $16^{\circ}$  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 number two (2) and three (3) in block number thirty seven (37) of Napa City, according to the original map of said Napa City now on file in the office of the county Recorder of Napa County California.*



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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

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.

*Henry Brown*

*Attorneys for Petitioner.*

*Ester & Wilson  
& Spencer & Penning  
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"

Showing derivation of title from Salvador Vallejo to petitioner herein of lands herein sought to have confirmed

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PAGE

No 1 Grant of Rancho Napa on Sept 21, 1838, by Juan B. Alvarado to Salvador Vallejo

No 2 Salvador Vallejo on June 16th 1849 for the consideration of the sum of six hundred dollars grants bargain and sells to Nathan Coombs and William Gordon a tract of land 400 yards long and 150 yards wide along Napa creek, a part of the Napa Rancho, and said deed is fully recorded in book A, records of deeds of Napa County Cal and the land described in said deed embraces the land sought to be confirmed to petitioner herein.

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No 3

On April 10th 1854 William Gordon sells to Nathan Coombs by remise release and quitclaim deed the tract of land purchased by William Gordon and Nathan Coombs from Salvador Vallejo (part of the Napa Rancho and described in book A. of deeds page 691).

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PAGE 8

Said deed from William Gordon to Nathan Coombs is duly recorded in book E of deeds page 235 of records of Napa County Cal, and is for a valuable consideration.

No 4

On Feb 16, 1861, Nathan Coombs for \$150 grants bargains sells lot three in block thirty seven of Napa City to W. W. Stillwagon and E. N. Boynton by deed duly recorded in book F of deeds page 462 of the records of Napa Co. Cal

No 5

On Feb 22, 1865, W. W. Stillwagon and E. N. Boynton for \$250 grants, remises and quitclaims to Sabina Romera lot 3, in block 37 of Napa City by deed

which is duly recorded  
in book I of deeds page  
217 of the records of Napa  
Co. Cal.

No 6

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PAGE

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On the 4th day of May 1865  
Sabina Romero for \$250 grants  
bargains and sells lot 3  
in block 37 of Napa City  
to Nicolas Frias by deed duly  
recorded in the recorder's  
office of Napa County in  
book I of deeds page 218

No 7

On January 10th 1876 Nathan  
Boombs for \$200 sells lot 2  
in block 37 of Napa City to  
Nicolas Frias by deed duly  
recorded in book II of deeds  
page 466, records of Napa Co.  
Cal.

No 8

May 28, 1884 George N. Cornwell  
administrator of the estate of  
Nicolas Frias deceased for  
\$40- duly sells to Henry Brown  
lots 2 and 3 in block 37 of  
Napa City by deed duly re-  
corded in book 36 of deeds  
page 155, records of Napa  
Co. Cal.



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

3  
4 In the Matter of the Petition

5 Henry Brown  
6 for confirmation of a portion  
7 of Rancho de Chapala.  
8  
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10 Now comes the United States  
11 by S. G. Kilbom its attorney and  
12 answers the petition of Henry Brown  
13 on file herein and for answer  
14 thereto denies generally and  
15 specifically each and every  
16 allegation in said petition  
17 contained.

18 S. G. Kilbom  
19 United States Attorney  
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No. 454

United States District Court

DISTRICT OF CALIFORNIA.

In the Matter of the Petition  
of Henry Brown  
*Plaintiff*

for confirmation of portion  
of Rancho de Napa  
*Defendant*

Answer and Opposition  
of United States

Filed July 7<sup>th</sup> 1885

Southard Hoffman Clerk

By W. D. Grimwood

454 ND Deputy Clerk

PAGE 12

S. G. HILBORN,  
UNITED STATES ATTORNEY  
For the District of California.

Service of within ..... and receipt of a copy  
thereof admitted, this ..... day of ..... 188 ..

Attorney for .....

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

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In the matter of the Petition of  
Henry E. Brown for confirmation  
of title to lands in Napa County, California  
part of the Rancho de Napa, under Act  
of Congress passed June 20<sup>th</sup> 1884. } No. 454

To the Honorable Ogden Hoffman,  
Judge of said District Court

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

That said Otto H. Frank is a confirmed  
by a prior decree of this Court, and is now the  
owner in fee simple of the same land whereof  
said H. E. Brown asks for confirmation in his  
favor, and such confirmation would inter-  
fere with this Petitioner and his rights.

Otto H. Frank  
by E. J. Moore  
his Atty

No. 454  
U. S. District Court  
District of California

In the Matter of the  
Petition of H. E. Brown

Petition of Otto H. Frank  
for leave to intervene -

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PAGE 14

Filed July 24 1885  
Southard & McQuillen  
By W. D. Glenwood  
Deputy Clerk  
E. J. & J. H. Moore  
Attys for Interveners



In the District Court of the  
United States  
District of California

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In the matter of the  
Petition of Henry E Brown  
for Confirmation of title  
to portion of Rancho de  
Napa in Napa County  
California under the  
Act of Congress passed  
June 20th 1884

20454

Petition of Intervenor Otto  
H Frank.

Now Comes Otto H Frank  
by leave of Court first obtained  
and for petition of Intervention  
herein alleges

I

That he is the owner in fee  
of the land and all thereof  
which the said petitioner Henry  
E Brown asks to have confirmed  
to him, the same being within the  
boundaries of the Rancho de Napa  
in Napa County of this State.

1 That said Rancho was formerly  
2 granted to Don Salvador Vallejo  
3 by the Mexican Government  
4 September 21<sup>st</sup> 1838.

5 That on December 20<sup>th</sup> 1851  
6 said Salvador Vallejo sold and  
7 conveyed by deed to one Herman  
8 "Hohler" all his right title  
9 and interest in and to all the  
10 land belonging to said Rancho  
11 de Napa, and all lands apper-  
12 taining to the Rancho of that name  
13 granted to the said Vallejo by  
14 the Mexican Government which  
15 had not been before that date  
16 to wit, December 20<sup>th</sup> 1851 sold  
17 and conveyed by him Vallejo  
18 by deeds which have been before  
19 that day duly recorded in the  
20 County Records office of said  
21 Napa County

22 That said deed from  
23 said Vallejo to said Hohler  
24 was thereupon on said December  
25 20<sup>th</sup> 1851 duly recorded in said  
26 County Records office in Book  
27 B of Deeds at page 109.

28 That thereafter on March 20<sup>th</sup>

PAGE

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1 1852 said Herman Wohler sold  
2 and Conveyed by Deed to this Suler-  
3 venor " all his right title and  
4 interest in and to all the lands  
5 belonging to the Rancho de Napa,  
6 and all lands appertaining to the  
7 Rancho of that name granted  
8 to Don Salvador Vallejo by the  
9 Mexican Government which  
10 had not been before that day  
11 to wit, March 20<sup>th</sup> 1852 Conveyed  
12 by said Salvador Vallejo, or by the  
13 said Herman Wohler by deeds  
14 which had been before that day  
15 duly recorded in the office of the  
16 County Recorder of Napa County" which  
17 said Deed from said Wohler was  
18 afterwards on the 22<sup>nd</sup> day of  
19 April 1852 duly recorded in the  
20 office of the said County Recorder  
21 of said Napa County in Book B  
22 of Deeds at page 160,

23 That on June 12<sup>th</sup> 1858 the  
24 Honorable the U S District  
25 Court of California Confirmed  
26 to said Otto St Francis the land  
27 described by the same description  
28 contained in said last named

1 deeds, and on appeal afterwards  
 2 taken by the United States from  
 3 the aforesaid Decree of Confirmation  
 4 said appeal was duly dismissed,  
 5 and said Decree is now final,

6 That said Confirmation entered  
 7 to the benefit of this Intervenor who  
 8 by means thereof under the aforesaid  
 9 Deed from said Herman Wohler  
 10 became and he now is the owner  
 11 in fee, and entitled to the possession  
 12 of said lands.

13 That said lands for which  
 14 said petitioner Henry E Brown  
 15 herein asks for Confirmation  
 16 are a part of said lands  
 17 so confirmed to this Intervenor.

18 This Intervenor further pleading  
 19 herein denies all and singular  
 20 the allegations contained in  
 21 said petition filed herein by  
 22 said petitioner after <sup>and including</sup> the following  
 23 words on page **2** line 1 of  
 24 thereof to wit, that your petitioner  
 25 is the claimant and owner of  
 26 the following described portion  
 27 of said Rancho" Excepting that  
 28 the Frank admits to be true that

to wit: as said Petitioner did

1 portion of said petition which  
2 alleges as follows viz

PAGE

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3 That the claim of the Original  
4 granted was good and valid  
5 under the Mexican law relating  
6 to such cases

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7 This Intervenor therefore  
8 prays that the aforesaid petition  
9 by said Henry & Brown may  
10 be dismissed, and that his  
11 claim for confirmation be  
12 disallowed.

13 E. J. Hillone  
14 Atty for Intervenor O. H. Frank



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<sup>14 E Brown</sup>  
No 434  
In the U.S. District Court  
District of  
California

In the matter of the  
Petition 454 ND  
of PAGE 20  
Henry E Brown

Intervention by  
Atty. H. Frank.

Service by copy of within  
intervention this 28 August  
1885 admitted  
Spencer Henning  
attyp for Henry Brown

Filed Sept 16<sup>th</sup> 1885  
Dorothy Hoffman  
Clerk

E J + J Hallowe  
attys for intervenor  
H. Frank

United States District Court  
Northern District of California

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In the matter of the petition of Henry E. Brown  
for confirmation of title to portion of Rancho  
de Kapu, in Kapala, Cal<sup>a</sup> &c &c }  
No 454.

The clerk of above court will  
please dismiss the petition  
of Henry Brown in the  
above matter

Feb 16<sup>th</sup> 1891 Dennis Spencer  
Atty for Petitioner

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U. S. Dist. Court  
Nor. Dist., Cal.

In the matter of the  
petition of Henry C.  
Brown, for confirma-  
tion of title to por-  
tion of Rancho de  
Napa, Co. of Napa,  
Cal., under the act  
of Congress passed  
June 20, 1884

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Dismissal of  
petition

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Filed Feb'y 18<sup>th</sup> 1891  
Samuel H. Jones  
Clerk