

Local's legacy: lengthy land litigation

By Jerry Bowen

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At the northwest corner of Lagoon Valley is Bassford Canyon where the descendants of Joseph Bassford still occupy the old homestead, keeping their heritage alive and well.

The subject of this story concerns two of the Bassford family, Henry A. and Frank J. Bassford. The brothers were born in Benicia to Joseph M. Bassford and his wife, Julia, who moved to California in 1849 from New York.

Henry took a dedicated interest in ranching and growing fruit, eventually becoming the owner of several hundred acres that even today carry the name of Bassford Canyon. He also owned land in the town of Vacaville for a time.

In 1883 Henry's brother, Frank Bassford, bought Lot No. 28 of the Pierce Estate in Vacaville, which consisted of 22.77 acres in the area of today's Willis Jepson Middle School near North Orchard Avenue. A friend, Clay Clabrough, loaned Frank \$4,000 and carried a mortgage on the property that was then called Alamo Ranch.

Later in 1883, Frank decided to go on a seal hunting expedition to Alaska, leaving his power of attorney and the care of his land to of his brother, Henry. Several days after arriving in the north aboard a vessel, Bassford, along with two other men, were assigned to a small boat, and along with several other small boats, were sent out to shoot seals. According to the captain of the vessel in a later interview, a fog came up, separating Bassford's boat from the others. Shots were heard from the direction of the boat, but they could not be located. Bassford and his two partners were never seen again and were given up for lost.

In April 1895, Clabrough instituted action to foreclose the mortgage, but nothing could be done for seven years. According to law, one who disappears is not considered dead until seven years has elapsed and no actual proof of death has been obtained.

In the meantime, Frank's brother, Henry, who also owned 72 acres of fruit orchards in Vacaville, became heavily indebted to E.T. Earl and lost his land.

Sometime afterward, Earl made an interesting agreement with Henry. The agreement acknowledged that if Bassford would get deeds from all of Frank's heirs to the ranch, Earl would buy the 22-acre ranch site in foreclosure and take the deeds as security for repayment of the money advanced by him. It was also agreed that when Henry was

able to repay Earl, he would reconvey the ranch back to Henry. As agreed to, Earl submitted the winning bid on the ranch at a sheriff's sale and cleared the mortgage and debts.

Since Earl and Henry were good friends, there appeared to be no problem. But the friendship would come to a parting of the ways.

At some point, Earl began to build new structures on the land. The cherry orchards were producing well and Earl was profiting well from the bountiful harvest.

Then a suspicious Henry began to question if Earl was going to live up to their agreement. When he approached Earl about the subject, he was told that no such agreement had been entered into; so much for friendship.

Henry immediately sued to regain the ranch, alleging that such an agreement was really a mortgage, but owing to the close friendship between the two men, no time constraint was established as to when the ranch should be turned back to him. In June 1904, a jury returned a verdict in favor of Earl. Bassford then made a motion for a new trial, which was denied by Judge Buckles. An appeal was then prepared and finally Buckles consented to settle the bill of exceptions on appeal in San Francisco Superior Court. Hearings were held and Court Reporter T. H. Hyatt, who acted as official reporter on the case, took shorthand records of the testimony that were later typed up by him.

It appeared that the matter would be settled to the satisfaction of both individuals when a catastrophic and tragic event occurred, the San Francisco earthquake of 1906. All the typewritten records of testimony were lost in the fires that destroyed the city. Only Hyatt's shorthand notes survived. To add to Henry's troubles, his wife of thirty years, Addie Lasselle died in 1906.

Continuing the intrigue, about six months later Court Reporter T. H. Hyatt was found dead in a ravine near Fruitvale; his mysterious death was never solved. Earl then made a motion to dismiss the appeal on the grounds of neglect and the notes of the deceased Hyatt could not be transcribed. Affidavits of many well-known shorthand experts were presented to the court attesting to the effect that the notes could not be transcribed.

Three years after the earthquake, the State Legislature passed a law providing for the restoration of lost records. Under this law Bassford made a motion for a new trial, but Judge Buckles declared the law unconstitutional and denied the motion. As a last resort, Bassford appealed to the California Supreme Court and a new trial was granted.

In November 1917, Henry located the notes of Court Reporter Hyatt in San Francisco

and proposed to George A. Roney (then the official court reporter) that he try his utmost to transcribe the notes, disregarding the fact that affidavits were on file stating that it could not be done. After several weeks of effort Roney succeeded in transcribing the thirteen-year-old notes and presented them to both parties in the action.

Attorney Joseph M. Raines, counsel for Henry Bassford, was finally successful in securing a settlement in the Supreme Court of the State of California and a dismissal of the case. Earl offered a compromise and the case was finally settled by returning the ranch to Bassford, but Earl retained the profits made during the years he had maintained possession.

During the long years of litigation, 12 judges had heard the case. Earl had 11 attorneys, while Bassford was represented from the beginning by William M. Cannon of San Francisco, Joseph M. Raines of Fairfield being associated with him during the final six years.

Henry went on to gain recognition as one of the premier orchardists in the area.

He died intestate at the age of 69 on Nov. 6, 1928 after a long illness.

His widow and five children - Alonzo P., Roy and William of Vacaville, Mrs. W.B. Knight of Vallejo and Mrs. Harold Naylor of Vacaville, survived him. There were also three stepchildren - Mrs. Weston Robinson and Miss Helen January of Berkeley and John January of Oakland.

Bassford Canyon is still home to three generations of Henry's descendants who are dedicated to keeping the land in the family.

Today's column is dedicated to the cousin of Peggy Bassford Byrd, William "Bill" Curtis, who passed away one week ago. He was a cherished member of the family, an outdoorsman and an author of more than 2,000 wildlife magazine articles.

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