

## Sale of Mare Island complicated

By Jerry Bowen

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The text of the deed to purchase Mare Island on Jan. 4, 1853, and recorded April 18, 1853, began as follows:

"To all whom these presents shall come, George W. P. Bissell of the City of San Francisco in California, William H. Aspinwall of the City of New York, in the State of New York, and Mary S. McArthur of the City of Baltimore, Maryland send greetings. Whereas the said parties as tenants in common are owners and proprietors of a tract of land usually known as Mare Island in California, now recently surveyed and agreed to be purchased for the purpose of a Navy Yard and for the public use on behalf of the United States of America and which has recently been selected for such a purpose, and the interests and proportions of the said owners respectively in the said island are as follows, that is to say. - Of the said George W. P. Bissell fifty eight eightieth parts and one fourth of an eightieth part (the whole being divided into equal eightieth parts) the said William H. Aspinwall, sixteen and three fourths eightieth parts, and the said Mary S. McArthur as sole devisee of William P. McArthur, deceased, of the remaining five eightieth parts; And they have agreed to convey the same to the use of the United States of America for the consideration hereinafter expressed, paid to them severally and respectively according to their several and respective interests aforesaid, with the exception hereinafter expressed. Now these presents Witness. That the said George W. P. Bissell, William P. Aspinwall and Mary S. McArthur in consideration of the sum of eighty-three thousand four hundred and ninety one dollars to them paid in proportion to their said interests respectively, on behalf of the United States of America, the receipt of which is hereby acknowledged, have granted, bargained and sold released and quit claimed and by these presents do grant bargain, sell, release and quit claim unto the United States, All that tract of land and Island called and known as Mare Island in the Bay of San Pablo as recently surveyed by the board of officers for a site for the Navy Yard there, including all the Tule or low land and Marsh belonging to the same of which has ever been reputed or claimed to belong to the same and all the waters, harbours, bays, creeks, and other waters, privileged benefits, advantages, remnants, hereditaments and appurtenances . . ."

Well, that's enough of the legalese of the handwritten deed on file at the Solano County Archives. You get the picture.

Events leading up to the sale were about as convoluted as the language of the deed.

Mare Island was first known as “Isla de la Yegue” around 1838 and “Isla Plana” around 1775 and was in the District of Sonoma until counties were formed and its boundaries were in Napa County. When Mare Island was bought by the federal government, it was still in Napa County until California signed an act on Jan. 27, 1853, that said, “That the island called Signor or Mare Island, shall be attached to and form a part of the territory of Solano County, and the jurisdiction of the legal authorities of said county shall be exercised over said island from and after the passage of this act.”

So now we have the name “Signor” somehow attached to the island as well as the other designations. But there is more; who were the owners before the parties who sold the property to the United States Navy?

There are two paths to follow in the succession of ownership of Mare Island: one that appears legal and another that may have been illegal. To simplify the trail of owners, I'll list them as “legal” and “illegal,” in my opinion of course.

Legal: 1841 - Jose Castro by Mexican Land Grant; Dec. 1847 - William Bryant; Feb. 1848 - Stephen Cooper (Both this deed and Castro's deed to Bryant were recorded in the Alcalde's Records at Sonoma); 7/25/1850 - Benton Galbreath, James E. Bouldin, Joseph Winston, Joseph P. Vaughn, Patrick Cooper, Patrick Vaughn, and Sarshil Cooper.

Illegal: 1841 - Castro by Mexican Land Grant; 10/25/1849 - Frisbie and Simmons; 5/28/1850 - Victor Castro buy-back of one-tenth interest in Mare Island; 1853 - Bissell, Aspinwall and McArthur; 1/4/1853 - U.S. government

Now I'm no legal beagle, but it seems to me that if you own a piece of property and you sell it twice, future owners may become embroiled in a bit of a legal entanglement later on.

According to the records, that is just what Jose Castro did. In December, 1847, he sold Mare Island to William Bryant. Then on Oct. 10, 1849, he sold it again to Frisbie and Simmons. No need to go into too much detail about future problems this would create for the owners as more sales were made.

From what I have been able to find so far, one of the buyers that descended from the first or “legal” sales, James Bouldin, acquired the interests of the other six partners.

Then in 1877, he announced that he intended to sue the top three officers of Mare Island at the time for his rights to the property. He hired lawyers, Mhoon and Mizner who, after consultation with the Navy, told Bouldin he had a good case and could probably receive compensation by negotiating with the government. The negotiations

failed and various lawsuits disputing the ownership of Mare Island continued up into the 1930s.

There were many intriguing things that happened along the way, such as one of the “illegal” owners, Stephen Cooper, was later elected alcalde of the Sonoma District. During a legal proceeding on the case, Deeds Book-A turned up missing and pages 84 to 95 of Book-A2 were ripped out. These are where Castro’s original deeds would probably have been filed. But a deed from Castro to Frisbie and Simmons does exist in Solano County. Will a deed from Castro to Bryant ever come to light? Probably not!

In the end, the U.S. government retained Mare Island and after a long career as a Navy yard is in the process of turning it over to the city of Vallejo. The history of Mare Island is rich with history of its service to the nation so perhaps the early “deals” were in the best interests of the United States, even with the many interesting twists to the story of the acquisition.

There is much more to the tale and with more research it may yet prove to be another interesting story of the history of Solano County to write about in a future column.

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