

Island ownership wasn't shipshape

By Sabine Goerke-Shrode

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Mare Island Naval Shipyard has made a marked impact on Solano County since the early days of settlement by pioneers who journeyed west.

The island was sold to the United States government on Jan. 4, 1853, but who owned it prior to that remains rather convoluted.

In the year 1841 Victor Castro acquired a Mexican land grant for the island and used the land to graze his horses. Six years later, in the fall of 1847, William and Lucy Bryant arrived on Mare Island and built a small house near its northeastern end.

Close by the Bryants' house stood the shanty of Major Stephen Cooper, his wife Melinda and their six children, who had arrived shortly before the Bryant family to hold this squatter's position. Tension immediately began between the two parties.

In late December of 1847, William Bryant purchased the title to the land grant from Victor Castro for \$800. The purchase agreement took place in the alcalde's office at Yerba Buena (San Francisco).

Mrs. Bryant, who seems to have been reluctant to come west to California, remembered in a court case surrounding the early ownership of Mare Island in 1877:

"We had \$850, and he (her husband) took it out and paid it, and left only \$50, and when my husband handed me the deed it made me mad because it did not leave me enough money to get back to the states with. I told my husband I wish the island would sink, because the money put in there would never do us any good."

Her fears must have weighed down her husband. Only months later, in February 1848, William Bryant sold the island to Major Cooper, taking a large loss, and moved his family to Benicia.

Benicia resident Charles Brown recapped the general opinion of William Bryant in the 1877 court case. "The matter was a subject of general conversation between everybody that Bryant should buy the island and pay \$800 for it, when it was comparatively worthless; I would not have given \$10 for it; Castro, himself, spoke of Bryant as being a fool for giving so large a price for the property; called him a gringo."

While he owned the squatter's shanty on the island, Major Cooper actually lived in Benicia, where he owned the California Hotel. After his purchase, his sons Sarshel and Brenton Cooper and his two nephews, Patrick and Joseph Vaughn, as well as their friends, Benton Galbreath, Joseph Winston, and James Bouldin, managed the island, leasing the grounds for cattle grazing. Eventually, Cooper sold the land grant to this group of young men for the same sum he remembered paying for his purchase from William Bryant.

Some time later, the young men decided to move to the gold fields, leaving their property under the stewardship of Larry MacMahon.

In the meantime, it seems that Victor Castro sold his land grant once again, this time to local entrepreneurs John B. Frisbie and Bezar Simmons for the sum of \$7,500. This transaction likely took place in the spring of 1850.

A few months later, John Frisbie and Bezar Simmons turned around and sold 1/16 of the island to Navy Lt. William P. McArthur. The sale took place on August 5, 1850, for the sum of \$468.75.

McArthur had arrived on Mare Island in 1848 to head the first coastal survey conducted on the West Coast. He also led a hydrographic survey party.

He clearly got caught up in the excitement of the early settlements and recognized the potential in Mare Island, as a letter to his father-in-law on Oct. 26, 1849, shows: "This country is truly one of the greatest wonders of any age. The increase in population is truly wonderful. Let us estimate San Francisco at 100,000 souls, Sacramento City 40,000, and Stockton 35,000, or nearly. Eighteen months ago there were scarcely 100 people in all three. There are many other places springing up into importance, and I am now making a survey of a place where great improvements must take place. But as it is an island, it will probably be reserved by government, and I presume to think that it will be the site for the Navy Yard."

His surveys reached Washington in late 1850, convincing government agencies to purchase Mare Island for a naval installation.

It seems likely that McArthur expected this outcome when he purchased his 1/16 share of the island, which he willed to his wife Mary. He left Mare Island on Nov. 21, 1850, to travel back to Washington via Panama. Instead, he died near Panama on Dec. 28 from dysentery.

By now the U.S. Government had decided to purchase Mare Island from John Frisbie and Bezar Simmons. This transaction took place in January 1853, for the princely sum

of \$83,491.20. An additional sum of \$5,218.20 went to Mary McArthur for her share inherited from her late husband.

Sometime during the winter of 1852 or early 1853, the brothers Vaughn and their friends returned. The government had ejected their steward, Larry MacMahon, on the grounds that Victor Castro's land grant had not been valid. With that information and the knowledge that the government was to purchase the island, the brothers felt that they stood no chance of proving their claim to ownership.

But their fortunes changed again in 1855 when the U.S. Land Commission decreed Castro's grant as valid.

But it took until 1877, when D. W. Bouldin, son of James Bouldin, sued for his right to ownership of Mare Island. He claimed to have accumulated the rights of all seven men who had purchased the land from Major Cooper.

Unfortunately, Bouldin could not produce the original deeds. Instead, he brought 53 witnesses forward to substantiate his claim. The lawsuit lasted from July 1877 to May 1878. Bouldin's lawyers, J. B. Mhoon and L. B. Mizner, finally wrote to Bouldin: "It is our conviction that you had both the legal and equitable title to Mare Island, and that you are now entitled to the possession of the same; and further, that you now have abundant evidence to establish your title and to recover such possession. Indeed the case is too plain for a lawsuit and we recommend as the best remedy and most rational course, the same plan that we would adopt were your adversary a private person instead of the government of the United States and that is, that as your evidence is in proper shape, that it be submitted to the Navy Department with a demand for the Island or its value, The whole matter will probably be referred to the Department of the Justice (Attorney General), who will call for the advice and opinion of the United States District Attorney for the District of California. Both of theses officers, under the same state of facts, would advise a client, who was a private citizen, to settle without litigation; and we are sure that they would be equally as faithful to toe interest of the government."

What happened after that remains unclear. The only hint is the column of the Times-Herald's Ernest Wichels on Oct. 6, 1985, that the Navy Department had participated in lawsuits concerning the correct title to Mare Island until the 1930s.

The information for this article is based on the two articles by Sue Lemmon, Aside from Farragut, Solano Historian, December 1996; and by Matthew Fountain, The Mare Island Case, Solano Historian, December 1997.

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