

## Birds Landing tavern shot full of memories

By Jerry Bowen

Saturday, May 21, 2005

I just have to tell you about a great trip into the past last weekend. Ted Haskins, Jesse Hayden and I headed to Birds Landing last weekend to continue our ongoing, self-appointed quest to videotape as much of Solano County's history as we can. We were to meet one of this column's readers, Evelina Lawrence, who had been a resident of the town back in the 1950s. She lives in Oakland now, but she had many fond memories of the town she lived in as a child and a photo album from which we were to re-photograph pictures. She hadn't been back to Birds Landing for several decades.

We pulled up about 11 in the morning. The sky was a little overcast and the temperature was comfortably cool. Evelina and Leona Benjamin were standing in front of the old Benjamin store looking at some of the photos and reliving a little of the past.

We introduced ourselves and it was obvious that Evelina was thoroughly enjoying herself as she stepped back into her childhood. Evelina was all smiles as she commented, "The town has hardly changed at all!"

We shot photos from her album and then wandered over to "The Tavern." I have to admit, this was the first time I had visited the Tavern in all the times I've been to Birds Landing.

Then we met Mrs. Shirley Paolini, who owns and runs the Tavern. Evelina, Shirley and some of the other local ladies sat down at a table and began rediscovering memories of their past. It couldn't have been a better setup to videotape and Ted and Jesse were quick to go to work.

It was interesting to watch as some of the memories turned out to be a little different than fact, but the ladies soon sorted it all out, enjoying and savoring every minute of it. It was obvious they were having a good time!

I started looking around the walls and there was the history of Birds Landing, nearby Collinsville and the surrounding country. There is no museum in Solano County that could duplicate the collection of artifacts, photographs and history such as this, because people who are part of the local history and their love for the area did it.

If any of the readers of this column ever have a hankering to visit Birds Landing, the

Tavern should definitely be on their list. But a word of warning: Before you ascend the stairs up to the door, toss all your ideas of big-city life, air, and blown-up ideas of your own self-serving importance on the ground, stomp them into the dust and prepare yourself to thoroughly enjoy your trip into the past; the good old days really do exist!

Mrs. Paolini will be your guide. She can weave stories of the town and its residents that will transfix you if you take my advice in the above paragraph.

When you leave, you will feel the love of the past and the present as it is in the town today and wish there could be a lot more of this in Solano County.

Now to get back on track!

Since the descendants of the Vaca, Pena and Berreyesa families will be in town during Fiesta Days with a reunion on May 29 at the Pena Adobe, I thought I would review a little about how Vacaville got here.

One more thing before I go on. Notice how I spelled "Berreyesa." Then look at a map with our nearby Lake "Berryessa" named after the family. The spelling I'm using is from the book written by Eftimeos Salonites, "Berreyesa, The Rape of The Mexican Land Grant-Rancho Canada de Capay." Any bet on which is correct? Or are they both correct?

Well, I got off the subject.

The following is from a column I wrote five years ago. With so many new residents it doesn't hurt to go back over our history once and a while.

On Aug. 21, 1850, Juan Manuel Vaca sold 9 square miles of land for \$3,000 to William McDaniel, with the provision that 1 square mile be designated as the new town of Vacaville. In addition, McDaniel was to deed back to Vaca 1,055 lots in the new town. Right?

Well, maybe not. Yes, a deal was made between the parties, but as usual, there is more to the story. Let's bring another character into this little tale of intrigue, namely an attorney-surveyor, Lansing B. Mizner.

It seems that McDaniel (who was also a lawyer) had a cozy little arrangement with Mizner that he would deed more than half of the land in the deal with Vaca to Mizner in exchange for laying out the city and tending to the legal paperwork. Of course, there is nothing wrong with hiring an attorney to be involved in a land transaction, especially one this large. So what is the big deal?

For one thing, Vaca could not read, write or speak English, but Mizner was fluent in both Spanish and English. So, Mizner was the interpreter for the transaction.

The deal was made and Vaca placed his "X" on the deed. Mizner laid out the new town of Vacaville, and McDaniel deeded the required lots to Vaca. Everything was fine until Vaca discovered McDaniel was preparing to sell big chunks of the other eight square miles at a tidy profit.

Vaca likely said, (in Spanish) "Hold on, there. The way I understand the deal is that I only sold you one square mile and that was to become the town of Vacaville!" We assume this because he placed an ad in the California Gazette in May 1851, stating, "Caution. I hereby notify all persons, not to purchase any lands from William McDaniel, which he claims to have purchased from me under title which he obtained under false pretenses and I shall institute suit against him to annul the title so fraudulently obtained by him. (Signed) Manual Baca (Vaca)."

McDaniel had a couple of buyers with cash in hand. After reading Vaca's notice in the newspaper, the buyers informed him that they did not want to buy a lawsuit along with the land and backed out of the deal. Naturally this ruffled McDaniel's feathers, so he filed a libel suit against Vaca and it went to trial on Oct. 30, 1851, before Judge Robert Hopkins.

Vaca hired the firm Jones, Tomkins & Stroube to represent him. Vaca lost the case and the jury handed down a judgment on Oct. 31, 1851, awarding McDaniel the sum of \$16,750. Not a bad day's work for McDaniel: Buy property for \$3,000 and in a one-day trial win a judgment against the seller for \$16,750!

It is not hard to imagine that Vaca was not happy at all over this turn of events. He filed an appeal to the State Supreme Court.

After reviewing the evidence, the Supreme Court set aside the judgment against Vaca on Feb. 5, 1852. In its opinion there was no malice in the notice.

In looking over the court proceedings summary, I noticed the land in question is described as "a square English league of land." The definition of a league is "a measure of distance varying from about 2.42 to 4.6 English statute miles. The English land league contains approximately three statute miles, or 4.82 kilometers, and, square league - An old Spanish land measure, equals 4,438 acres," according to the Britannica World Language Dictionary. With these definitions, if you do the math you can see the boundaries of "an English league" could vary quite a bit. The actual deed described boundaries in more specific detail.

While translating, did Mizner make it clear to Vaca how much actual property was involved? Why wasn't the deed written in both Spanish and English? During translation to Vaca, was the term "one English league" used or were the actual boundaries laid out in the deed made clear? If one English league was the terminology utilized, did Vaca misunderstand it for one mile? Did McDaniel and Mizner purposely mislead Vaca during the translation or was it unintentional? Did Vaca attempt to renege on the deal when he discovered McDaniel was about to make a substantial profit on the land?

At any rate, Vacaville (named after Vaca) was laid out and a map filed with the county on Dec. 13, 1851. An official plat map was drawn up and has never been followed since.

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