

The Struggle for Ownership of the San Francisco Bay Area 1769-1972

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This article explores the evolution of land ownership in the Bay Area and the effects of different owners on the region. Beginning with the first Spanish mission grants in the late 18th century to Mexican occupation in the early 19th century to the eventual American takeover in 1848, this article traces how each group viewed the space and the different outlooks on possible uses for the Bay. It also examines the impacts of a foreign presence on the Northern California Native American tribes.

Although explorers under Juan Rodriguez Cabrillo claimed California for Spain in 1542, the Spanish were unable to establish a permanent presence in the San Francisco Bay Area for more than two centuries. In 1769, settlers finally arrived in the region and to begin a year-round Spanish presence¹. They built missions, military forts, and cities along the coast of the San Francisco Bay. These establishments were created in an effort to convert Native Americans to Christianity, to protect the settlers from Indian aggression, and to support continued settlement in the Bay Area. While the Spanish government sponsored the settlement, Franciscan missions had property rights to the land. The original plan for the missions was to allow them to develop friendly relations with the neighboring Native Americans before nationalizing missions and distributing their land to individual settlers, soldiers, and their families; they received none, however, since the Spanish government continued to support the financially prosperous Franciscan missions². Land grants were given only to the original men who participated in the original 1769 expedition, and to the Franciscan missions.

After the Mexicans secured independence in 1821 from the Spanish Empire, California fell under the Mexican flag for 27 years. Mexican ownership of California caused the distribution of land grants to change dramatically as the prestige and importance of missions declined while the influence and settlement of families increased. The Mexican Colonization Law of 1824 encouraged foreign settlers (Americans) to come to Mexico's remote lands (including California) and become Mexican citizens in return for land³; the Mexican government needed additional farmers to create properly cultivate the land. In 1828, after constant demands from settlers, the Mexican government passed legislation that allowed private settlers to claim land not previously held by the missions⁴. Missions were then forced to contend with a separate group of settlers for the first time and began to decline in prestige and influence. Six years later, Mexico nationalized mission lands⁵ and distributed land grants to all heads of households in the as well as all men over 20 years of age in the Bay Area. Mission livestock

was distributed to settlers as were all tools and other items of use to incoming settlers⁶.

Consequently, the 1830s saw an explosion in land speculation in the Bay Area. The ranchos before 1830 were primarily concentrated along the Bay's shore; during the 1830s, however, Mexican land grants led settlers inland and their presence threatened the Miwok and Yokut tribes of the San Joaquin Valley. The rising number of Mexican land claims in the 1830s and the abuse suffered at the hands of Mexican missions led the tribes to react violently. Many Miwok-speaking Native Americans had gone to the missions in search of a better life⁷, yet were disillusioned. Indians were harshly treated, women were even sexually abused. Although Costanoan Indians in the immediate Bay Area were affected earlier by the Spanish and Mexican presence, the Miwok and Yokut tribes were technologically advanced and able to mount a more serious military threat to settlers than Costanoan tribes. These San Joaquin Valley based tribes entered the Bay Area through the Willow Pass, Altamont Pass, and Pacheco Pass to attack Mexican land. Once over the hills that separated the Central Valley and the Bay Area, the Miwoks and Yokuts entered into the flat clusters of ranchos and terrorized settlers⁸. The area around Mission San Jose became a frequent setting of Native American aggression. Throughout the 1830s, Native Americans raided Mexican settlements and Mexican soldiers were forced to respond with similar brutality. In 1833, California Governor Jose Figueroa declared that "from every presidio a military expedition shall set out each month and scout those places where the robbers shelter themselves."⁹ The decade represented the height of violence in the history of Hispanic ownership of the Bay Area. Native American attacks on Mexican property displayed the fragility of Spanish and Mexican land claims in the Bay Area. They undermined Mexican property claims by revealing a very real difference between property claims on paper and how they would be respected by outside groups in practice. The Mexican government responded with similar force as the authority and legitimacy of the Mexican and Californian governments were at stake.

Despite hostilities with Indians, the Mexican presence in the Bay Area continued to expand. Previously, the Spanish and Mexican settlers had not ventured further north than San Francisco. By the late 1830s, however, Mexican settlers began to creep into the North Bay in the present-day Marin, Sonoma, Solano, and Napa counties¹⁰. While these lands were neither especially fertile nor centrally located, they provided settlers with a new frontier during a time of increased land speculation. Three of the four largest grants of the pre-American era were given to families in the North Bay and the largest grant of the Bay Area -66,622 acres-

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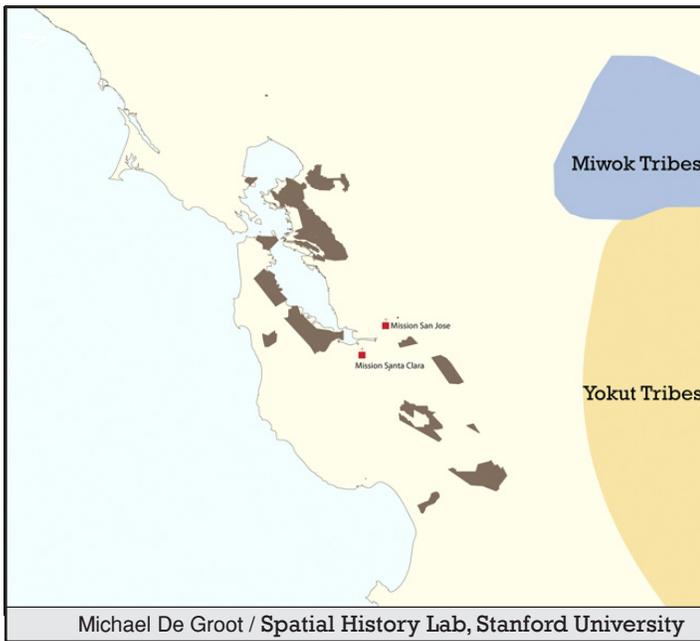


Figure 1 | Native American Raids on Bay Area Settlements. Land Claims before 1830.

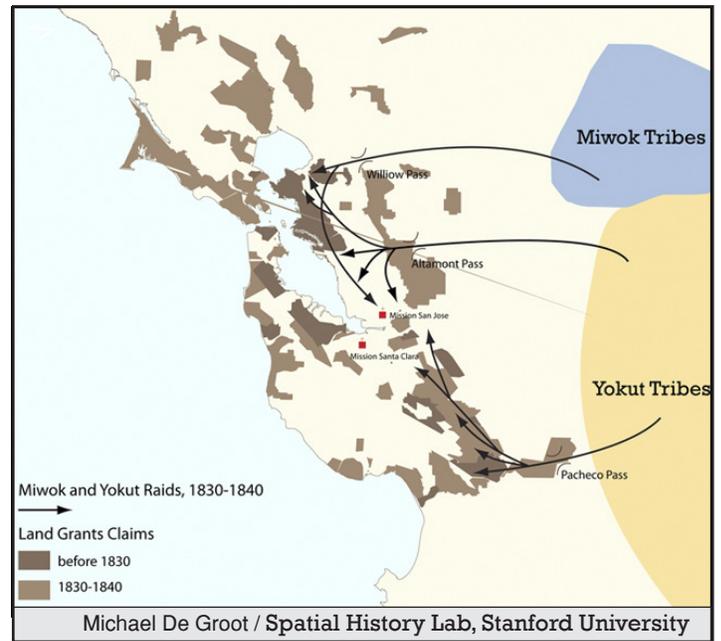


Figure 2 | Native American Raids on Bay Area Settlements. Land Claims from 1830-1840.

was established in Sonoma County (Petaluma)¹¹. Despite boasting several larger grants, most claims were of comparable size to land throughout the rest of the Bay Area. North Bay settlement also followed trends previously set by the south, as the highest concentration of grants was found in Marin County right along the Bay shore. Grants were much less densely claimed further north in the Sonoma, Napa, and Solano Counties. Half a century earlier, Franciscan mission property of Bay Area land was both relatively small and centralized, but by the start of the Mexican-American War in 1846, much of the Bay Area was privately owned.

Following the American victory in the Mexican-American War, California property rights changed hands. Under the Treaty of Guadalupe Hidalgo in 1848, much of Mexico's northwestern land holdings, including California, became territory of the United States. After the War ended, many Americans traveled with herds of farm animals to settle in the new territory. What they found when they reached the Bay Area, however, was a region already claimed by Mexicans. American squatters, desperate to find places to place their animals, set their own claims on the land. The law, however, was on the side of the Mexicans. Despite a change in ownership, Mexicans were assured that their property rights would be respected and free of American takeover¹². In order to legally possess the land, however, Mexicans were required to submit proof of ownership to American courts. This was difficult as Mexicans had little documentary record. Mexican land was difficult to acquire and there were restrictions on what could be done with granted land. For example, land could not be bought or sold and could only transfer to a different owner through inheritance. As land could not change hands through sale, deeds were superfluous.

Proof of property rights in the United States depended on written evidence. Because property documentation was rare, the process of verifying rightful owners of land grants was a lengthy

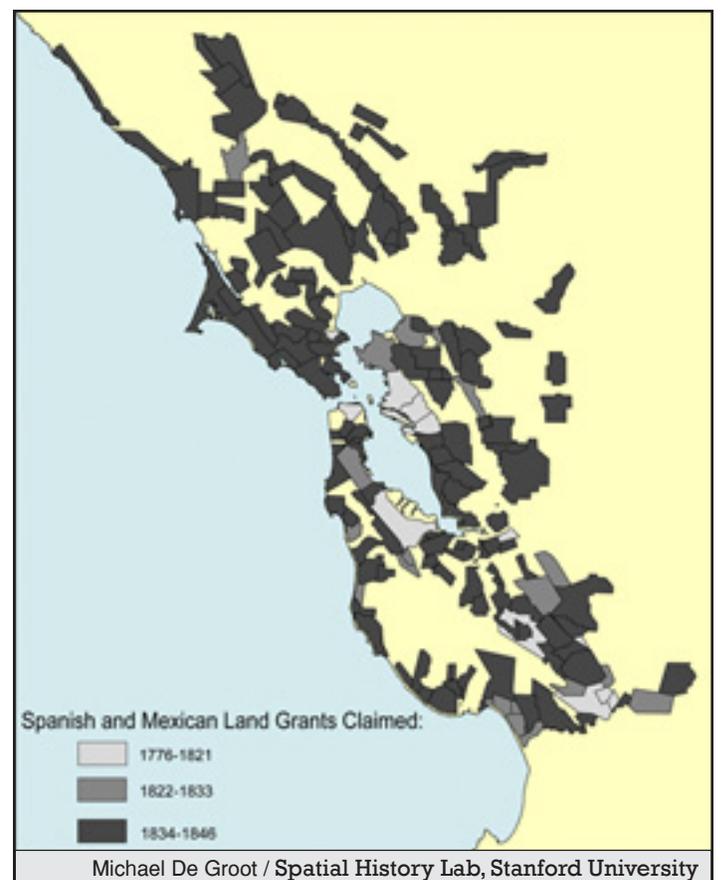


Figure 3 | Claiming the Bay Area 1776-1846

process that lasted for more than a century. As a consequence, land development in the Bay Area remained stunted as claimants could not generate revenue¹³. Throughout the second half of the 19th century, a great many of the cases that came before the U.S. Supreme Court dealt with property claims in California¹⁴.

Because of their potential for financial success, property rights to the Peninsula and coastal East Bay remained unresolved and locked in dispute for decades¹⁵. After gold was discovered in the California interior in 1849, thousands of people flocked to California. Although most of these new settlers would be never find gold, many recognized the value of the Bay Area's strategic location and fertile land. San Francisco quickly developed into the main American port along the Pacific Coast and the primary destination for all those seeking gold in Northern California. Land along the San Francisco Peninsula skyrocketed in value as the influx of people provided businesses the opportunity to sell products to a much larger market. Similarly, the Oakland area expanded and its property values also benefited from the lands' fertility. Oakland would profit in the 1870s from being the final train station in the Bay Area for travelers from the East. Both San Francisco and Oakland had demonstrated their suitability to become the most prosperous cities in the new American West, and their surrounding lands were hotly contested in court.

The American takeover of the Bay Area had profound effects on not only the land but also on the Bay itself. Unlike their Mexican predecessors, Americans immediately recognized the potential of

the Bay for cultivation and use. Americans arrived with a distinct marine orientation. They built cities, engaged in commerce, speculated in land, and bought and developed small parcels. They increased the land mass by using fill in the Bay in San Francisco, along the Peninsula, and even in some parts of the East Bay. The court decisions on land grants were critical to the development of the Bay as Americans had an interest in the legal boundary between land and sea: tide lands could be privately owned, but sea bed was property of the government. This distinction was important as private companies utilized the tide lands for the birth of businesses like oyster cultivation—an industry that became quite prosperous beginning in the 1880s.

In 1972 the land grants era of the Bay Area came to a halt. After more than two centuries, the region was finally legally settled and ripe for continued development. Today, San Francisco and Oakland are the two main cities built around commerce and industry in the Bay Area. The suitability for these two places was established a long time ago during early Spanish explorations in the late 18th century. While the region has been under American control for, Spanish and Mexican influences have had a tremendous impact on not only the development of the Bay Area, but also where that development occurred.

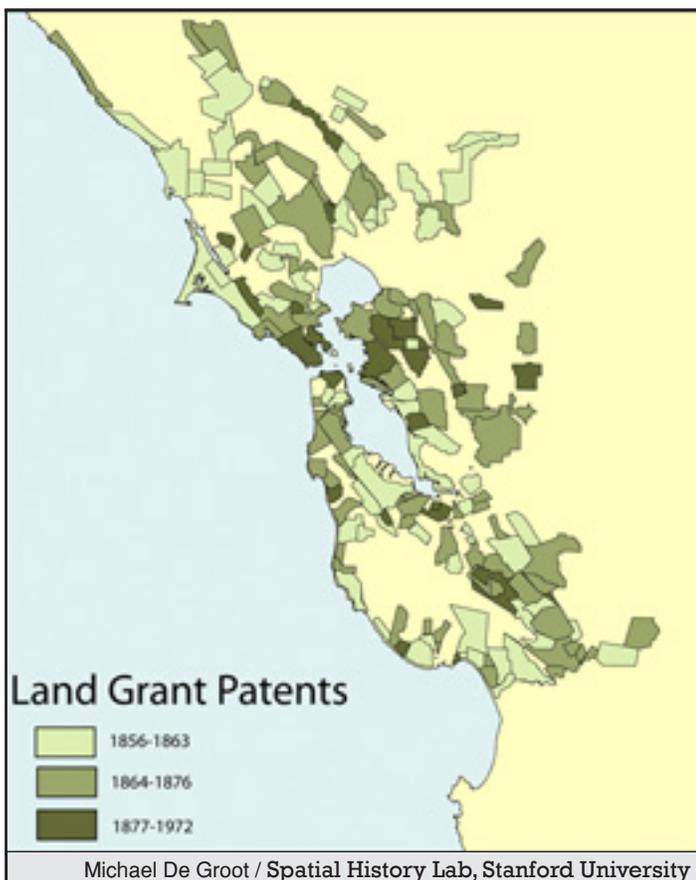


Figure 4 | The Struggle for Legitimacy 1856-1872

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Supplementary Information is linked to the online version of the paper at <http://www.stanford.edu/group/spatialhistory/cgi-bin/site/pub.php?id=15>.

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