

CHAPTER ONE

FIRST SETTLERS

In the year 2000 the Berkeley city council approved formal landmark status for the Indian shellmound that once stood near the mouth of Strawberry Creek in West Berkeley. Scientists estimate that the mound, actually a giant midden filled with the debris and material remnants of the society that created it, was used for more than three thousand years, from 3000 B.C. to A.D. 800. Like dozens of similar features along the San Francisco Bay shore, the Berkeley shellmound was leveled and paved over in the late nineteenth and early twentieth centuries. But some traces of the structure survive under the Truitt and White lumberyard and the Spenger's Restaurant parking lot. Vociferous opponents of the landmark proposal, mainly property owners concerned about what they saw as overly restrictive limits on development, argued that the site was not eligible for landmark status because it was "archaeological" rather than "historical," although the precise difference between these categories is not entirely clear. At any rate, the city council's approval, after some heated debate and discussion, implicitly recognizes the fact that Berkeley's history begins not with the arrival

of American residents a hundred and fifty years ago but extends back thousands of years to the area's very first settlers.

THE HUICHIN

When the Europeans arrived in the late eighteenth century, Berkeley was inhabited by the Huichin, part of the larger Ohlone or Costanoan linguistic and cultural group which occupied coastal regions from the central Bay Area south to Monterey Bay. Like all Ohlone peoples, the Huichin lived in bands of a few hundred individuals inhabiting a well-defined hunting and gathering territory. Their villages were collections of small, conical-shaped thatch houses, often surrounding larger public and ceremonial structures. Although they made no use of metals, the Huichin manufactured a great variety of tools, implements, and household goods, including sophisticated baskets woven so tightly they could be used to store water.

The Huichin hunted rabbits and other small rodents, as well as deer, elk, and antelope. They snared migratory birds in the vast marshlands that once bordered San Francisco Bay and gathered shellfish from the mud flats and tidelands. They caught trout, steelhead, and salmon in freshwater streams and navigated the bay in thatch boats propelled by double-bladed paddles. Although they were hardly pacifists, their warfare took the limited form of feuds and retaliatory raids on neighboring peoples rather than all-out campaigns of conquest and domination.

The Huichin lived lightly on the land, but by no means invisibly. They burned grasslands to promote the growth of edible plants and dug up meadows to harvest roots and tubers. They trimmed trees and bushes to stimulate the growth of twigs and leaves for basket making and gathered huge harvests of acorns, which, when ground into meal, formed their diet staple. The work

of countless generations of Huichin women, grinding acorns and other seeds and nuts, produced deep indentations in rock formations that are still visible in Mortar Rock Park in North Berkeley. As the author Malcolm Margolin put it in his book *The Oblone Way*, before the arrival of Europeans “the Bay Area was a deeply inhabited environment, and its landscape bore the cultural imprint of its people as surely as did the farmlands of Europe or New England.”

The shellmounds, created by peoples who may have preceded the Huichin by centuries, were among the most dramatic of these “imprints.” When twentieth-century University of California anthropologists examined the layers of material deposited in the mounds, they found a record of the evolution of Indian material culture over thousands of years. Although the scientists found evidence of significant transformations in tool making, diet, and other cultural forms over the centuries, from our twenty-first century perspective it is remarkable how little life seems to have changed. When the Spaniards arrived in the 1770s, the Huichin were living in much the same way that people had lived on these shores three thousand years earlier, at the time of the Trojan War.

The Huichin had achieved a successful adaptation to the environment and saw little reason for rapid change. They apparently understood the principle of agriculture, but, given the abundance of wild food sources, found no need to practice it (except, possibly, for the cultivation of a strain of wild tobacco whose use would be frowned on by health-conscious contemporary Berkeleyans). The Huichin way of life emphasized continuity and tradition. They were certainly familiar with their neighbors and participated in complex trading networks that stretched for hundreds of miles, but the Huichin were, in the author Theodora Kroeber’s words, “true provincials.” They knew the landscape of their particular hunting and gathering territory with an intimacy and specificity

that modern Californians can scarcely comprehend. To say the Huichin were “settlers” of the land that was to become Berkeley is an understatement. They were linked to that land by the most central elements of life, spirit, and culture.

SPANISH COLONIALISM

The beginning of the end of the Huichin way of life came when Captain Gaspar de Portolá made the first European contact with San Francisco Bay in 1769. Ordered by the Spanish colonial authorities in Mexico City to establish settlements in California, Portolá and a small band of soldiers were looking for Monterey Bay, but they walked right by it and stumbled on San Francisco Bay instead. They retreated and finally recognized Monterey, establishing settlements there in 1770. Two years later, California governor Pedro Fages led an exploratory expedition along San Francisco Bay’s eastern shore and may have camped on the banks of Strawberry Creek, possibly near what today is the West Gate of the University of California campus, where a monument commemorates the event.

In 1776, Captain Juan Bautista de Anza founded the first Spanish-speaking settlement on the bay. The Spanish advance into California was an exercise in defensive expansion—an attempt to prevent rival European colonial powers from occupying the area. Anza thus picked an ideal defensive location—a mesa overlooking the Golden Gate, named the San Francisco Presidio, which remained a military post until the end of the twentieth century. The first religious and agricultural institution, Mission Dolores, was also located on the west side of the bay. Not until 1797 was a settlement established on the east side of the bay—Mission San Jose, in what is now southern Alameda County. By then, the East Bay was already called “contra costa,” the opposite or other shore

(now the name of an adjoining East Bay county). As early as the 1790s, the implication was that *the* shore, the site of the action and power, was the San Francisco side of the bay.

Unlike the New England colonies, where English-speaking people came in relatively large numbers to work the land and drive the native peoples out, Spain sent very few Spanish-speaking people to a new colony such as California. The Spanish came as the ruling class, the colonial masters, and the work was done by the colonial subjects, the native peoples. For the Spanish colony to succeed, the Indians had to be integrated into the new society as manual and agricultural workers. But in the Bay Area, as in most of California, the Indians were hunting and gathering peoples whose way of life had little in common with that of the Spanish Empire. Spain intended not only to conquer and Christianize the Huichin but also to change their entire culture and transform them into an agricultural people who could cultivate fields, tend stock, and practice European crafts.

To accomplish this daunting task, the Spanish brought to California what by 1769 was a tried and true colonial institution, the mission. The mission was certainly intended to Christianize the Indians and save their souls, but the Franciscan friars also disciplined and organized the Indians and taught them the skills, habits, and attitudes of an effective colonial working class. The missions intended to destroy most of the Indian way of life; they ended up unintentionally destroying most of the Indian people as well. On and around the missions, Indians contracted European diseases to which they had little or no immunity, and the death rate soared. The Huichin were stricken by disease as early as the 1780s, as Mission Dolores recruited Huichin converts and mission livestock was introduced onto Huichin territory. By 1820 there seem to have been no more native people left in what today is Berkeley. A terrible process of decimation through colonialization left areas that

had been extensively populated for at least three thousand years essentially empty of human habitation.

ENTER THE PERALTAS

Along with the mission, the Spanish also brought the presidio, or frontier fort, to California. Although only four formal presidios were established (at San Diego, Monterey, San Francisco, and Santa Barbara), soldiers were part of every Spanish-speaking settlement. Each mission and pueblo (civilian town) had a detachment of soldiers to protect against Indian uprising and enforce the authority of the Franciscan friars. Most of the Spanish-speaking settlers in colonial California were thus soldiers and their families. Included in this group were Corporal Gabriel Peralta and his family, who came to the Bay Area as part of the Anza expedition of 1776. Like most of the “Spanish” settlers in California, the Peraltas were in fact natives of northwestern Mexico. Of ethnically mixed background and something less than upper-class origins, people like the Peraltas were the founding fathers and mothers of Spanish California. No matter what their social status had been in Mexico, they were, by definition, the new colony’s elite.

The Peralta family included Gabriel’s seventeen-year-old son, Luis, who in the early 1780s followed in his father’s footsteps and joined the army. He was destined to serve about forty years before finally mustering out as a sergeant. Although he was stationed at many different posts during his long military career, Peralta finished his service in the garrison of the pueblo of San Jose, where he became one of the leading citizens. In 1818 he asked the governor for an extensive land grant as a reward for his long service on the king’s behalf. Because there was no appropriate land available near San Jose, in 1820 Peralta accepted what became Rancho San Antonio, a 48,000-acre grant extending from San Lean-

dro Creek in the south to El Cerrito (Albany Hill) in the north. Peralta thus became master of an area that today includes Oakland, Alameda, Piedmont, Emeryville, Albany, and part of San Leandro, as well as all of Berkeley.

Don Luis elected to live in San Jose for the remainder of his very long life and sent his four sons north to occupy and operate Rancho San Antonio. The brothers informally divided the grant between themselves, Ignacio and Antonio occupying the southern portion and Vicente and Domingo settling in the north. For a while, Vicente, Domingo, and their large families lived together in an adobe home in what is now Oakland's Temescal district. But in 1841, Domingo, now in his forties and blessed (or burdened) with ten children, decided it was high time to establish a home of his own. On the bank of Codornices Creek, near the entrance of today's St. Mary's High School, Domingo built a modest adobe house with a tile roof and dirt floor which became the first European-style dwelling in what is today Berkeley. Ten years later, he moved into a larger wood-framed home nearby. The original adobe was destroyed in the 1868 earthquake, but the wooden structure survived until the 1930s, when it was torn down to make way for an apartment house.

In 1842 Don Luis formally divided the rancho among his four sons, with Domingo receiving title to the northernmost portion—roughly Albany, Berkeley, and most of Emeryville. The original 48,000-acre allotment was larger than most local land grants, but Domingo's ten or twelve thousand acres was about the average size for a California rancho. He probably grazed between 1,500 and 2,000 head of cattle on his property, the precise number varying with the market and the weather.

Operations of the rancho inevitably affected the natural environment. Competition for pasture by rancho cattle reduced the great herds of elk and antelope that once grazed in the East Bay

flatlands. Intensive cattle grazing also destroyed the native perennial bunch grasses. They were replaced by nonnative annuals whose seeds were inadvertently imported from Mexico on the hooves of livestock. The Peraltas dug wells and diverted streams for irrigation and domestic purposes, and the absence of traditional Huichin burning and food-gathering practices promoted new patterns of native plant growth and distribution. By the 1840s, the very landscape had dramatically changed.

The Peralta property was a typical California rancho in all but one respect: the fact that the original land grant was made during Spanish rule. From 1769 to 1821, California was a colony of Spain, and the Spanish government made about twenty land grants to individuals, including Luis Peralta. From 1821 to 1846, California was part of the independent nation of Mexico, and the Mexican government made between six and eight hundred California land grants. (To assure the validity of his holding, Don Luis had Rancho San Antonio regranted under Mexican law in 1824.) Virtually all the fabled old Spanish ranchos were in reality new Mexican land grants. Indeed, the majority of Mexican grants were made after 1833, when the mission system was dismantled and the land and labor force it had controlled became available for private distribution.

In the 1830s, then, the Peraltas began to have neighbors. To the south, the Estudillo family established Rancho San Leandro; to the north, the Castros founded Rancho San Pablo. Over the hills to the east, the Moragas and Bernal shared Rancho de la Laguna de los Palos Colorados (Ranch of the Redwood-Tree Lagoon). In economic terms, the rancho had replaced the mission as the central institution of Hispanic California, and land-holding families like the Peraltas had replaced the missionary friars as the most powerful people in the province.

Although their lifestyle and lineage were exceedingly modest

compared to those of the great landed families of Mexico or Spain, California rancheros like the Peraltas played the role of aristocrats, entertaining lavishly, acting as generous hosts, and expecting deference. Small in stature and dark in complexion like his father, Domingo was described as friendly and courteous but “with an impulsive nature” that could manifest itself in moody and argumentative behavior.

The ranchos represented the beginning of capitalism in California. During the Spanish period, the friars used the land and labor primarily to support and feed the mission population and maintain the colony’s self-sufficiency. The ranchos, by contrast, were private property, occupied and worked to make a profit and accumulate wealth. Cattle hides and tallow (fat) were the major agricultural products, but Mexico already had plenty of both. So the Peraltas and their fellow rancheros developed foreign markets in places like the eastern United States and Britain, which needed hides to manufacture leather goods and tallow to make soap and candles. American and British ships sailed around Cape Horn to California, trading manufactured items and luxury goods for the hides and tallow. The exchange inevitably led to a small but influential English-speaking community in California—mainly young Americans who served as middlemen in the trade. The Peraltas dealt extensively with William Heath Davis, a Yankee whose published memoir is one of our best primary sources on the masters of Rancho San Antonio.

DECLINE AND FALL OF THE PERALTAS

By the time Domingo Peralta built his adobe on Codornices Creek in 1841, California was already trading more with New York and Boston than with Mexico City, Acapulco, or San Blas. In a sense, the American military conquest of California during the U.S.-

Mexican War (1846–48) was anticlimactic: California had already been integrated into the American economic sphere of influence. The war and subsequent change in political status seemed to have little impact on the Peraltas. For them and for most of their fellow Spanish-speaking Californios, real change came as a result of the discovery of gold in the Sierra foothills in early 1848. By 1849 the Gold Rush was under way, and, in the words of the author J. S. Holliday, “the world rushed in.”

No place was more dramatically transformed by the Gold Rush than San Francisco. A village of five or six hundred people in early 1848, San Francisco was a city of twenty-five thousand by the end of 1849. It kept growing in the 1850s, emerging as the major urban core of Gold Rush California, and then as a center of economic and social influence. No city has so thoroughly dominated an American region as San Francisco dominated the Far West in the three decades following the Gold Rush. The Peralta land grant, located just a few miles across the bay, was inevitably affected by this remarkable urban growth.

When the Gold Rush began, Luis Peralta, then in his nineties, advised his sons to let the Americans go after the treasure. “You can go to your ranch and raise grain, and that will be your best gold, because we all must eat while we live.” His words are sometimes cited as evidence of the old man’s wisdom, but, as it turned out, Don Luis couldn’t have given his sons worse advice. They did indeed try to stay with the land, but the land did not stay with them. The Peraltas depended on provisions of the 1848 Treaty of Guadalupe Hidalgo, which ended the war with Mexico and transferred control of California to the United States. It stipulated that the American government recognize and protect the property rights of former Mexican citizens such as the Peraltas. In addition, the Californios were made American citizens, with all the constitutional protections, including guarantees of property rights,

that citizenship conveys. But these treaty obligations and constitutional protections ran head-on into the American tradition of squatter's rights, the idea that a person could obtain title to vacant land simply by occupying it. This practice was strengthened in 1851, when the California legislature passed a law allowing an American citizen to preempt up to 160 acres of land, providing that "to the best of his knowledge and belief" the land did not belong to someone else. In 1852 Francis Kittredge Shattuck, a disappointed gold seeker from upstate New York, and his partners, George Blake, William Hillegass, and James Leonard, each filed 160-acre claims on what is now central Berkeley. (It's hard to imagine that they did not have "knowledge and belief" of the existence of the thirty-two-year-old Peralta grant.) Further west, the Irish immigrant Michael Curtis was farming near Domingo Peralta's home. In that same year, 1852, Domingo was arrested for assaulting two squatters with a sword. He was found guilty and fined seven hundred dollars for the offense, but nothing was done to remove the squatters.

To attempt to clarify the confused state of property rights, Congress established the California Land Commission in 1851. In the following year, the three-man commission began meeting in San Francisco to try to determine who owned what land in California. Grant holders like the Peraltas were required to appear before the body and submit proof of their claims. The burden of proof was thus on the rancheros, and the families had to hire lawyers to present their cases. Nevertheless, the Peralta brothers were among the first to appear, and within two years the commission confirmed Domingo's title. A commission decision could be appealed to federal district court, and in almost all cases, including the Peraltas', the appeal was made. Overworked U.S. federal judges found themselves trying to determine whether grants made in the 1820s, 30s, and 40s conformed to the provisions of

—squatters.
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FIGURE 1. Francis Kittredge Shattuck, an early squatter on Peralta land, became one of Berkeley's leading businessmen and the developer of the city's downtown. Bancroft Library, University of California, Berkeley.

complicated Spanish and Mexican laws. When the district court finally made its ruling (often after several years of deliberation), the matter could be further appealed. The Peralta cases were among the dozens that made it all the way to the U.S. Supreme Court.

While the claims were winding their painful way through the federal court system, other legal conflicts often intervened. After Luis Peralta's death, his five daughters sued their brothers, claiming that the Peralta land grant should have been allocated to all nine children, not just the four sons. Even after such family conflicts were resolved and the federal courts finally approved a land grant, disagreements over the precise boundaries could provoke further legal conflicts. During the Spanish and Mexican pe-

riods, the grants were defined by crude maps called *disenos*, which showed the broad limits of the territory in relation to easily recognized landmarks. Errors of a few yards one way or another seemed unimportant. But under U.S. law, precise surveys were required. The northern and eastern boundaries of the Peralta grant also formed the northern and eastern boundaries of Alameda County, which had separated from Contra Costa in 1852. Some of the earliest photographs of Berkeley were taken in connection with court-ordered surveys to resolve the legal conflicts over Peralta boundaries. The legal processes were so complex that the average land-grant case took seventeen years to resolve. The Peralta cases dragged on from 1852 until 1877.

For Domingo and his brothers, this process proved disastrous. Already contending with squatters and cattle rustlers, the Peraltas also had to pay a seemingly endless series of lawyers' bills and a new phenomenon in California life—property taxes. In such circumstances, it is hardly surprising that the brothers looked for the best deals they could find to escape from their landowners' woes. In 1853, Domingo sold a small part of his holding to John Fleming. (That plot, now a portion of the Golden Gate Fields race-track property, came to be known as Fleming Point.) Later that same year, Domingo sold the rest of his land, with the exception of a three-hundred-acre tract surrounding his homestead, to a group of prominent San Francisco investors led by the attorney Hall McAllister. With their political influence and economic clout, the investors could force squatters like Shattuck to pay market value to regularize their titles. Although Domingo received \$82,000 for his land, this sum barely paid his debts, and later in the 1850s, his three hundred acres were seized because he was unable to meet his financial obligations. He sold another hundred acres and retrieved the remainder of the parcel, but, at the time of his death in 1865, Domingo's family was unable to pay his bur-

ial fee at St. Mary's Cemetery in Oakland. In 1872, Domingo's heirs were evicted from their home, and the family lost what was left of their Berkeley property.

In 1877, the courts finally resolved all the issues in the Peralta land case. After twenty-five years of litigation, the Peraltas won on all counts. The original land grant was valid, only the four sons were Don Luis's rightful heirs, and the boundaries were essentially those originally claimed by the Peraltas. But although the family had won the legal battle, it had long since lost the land war. By 1877, the Peraltas controlled almost nothing of the original 48,000-acre grant. Technically, the land hadn't been stolen, but unfriendly legal processes and a hostile social and economic environment made it impossible for the family to hold Rancho San Antonio or significantly profit from its sale. Developers and speculators—men like Shattuck, whose title now depended on the validity of the original grant—were the real winners. By 1877 the university had already moved to its Berkeley campus, and the city was just one year away from formal incorporation. For residents of the new community, it was an era of great possibilities, but the first settlers, Huichins and Peraltas alike, were gone and soon forgotten.