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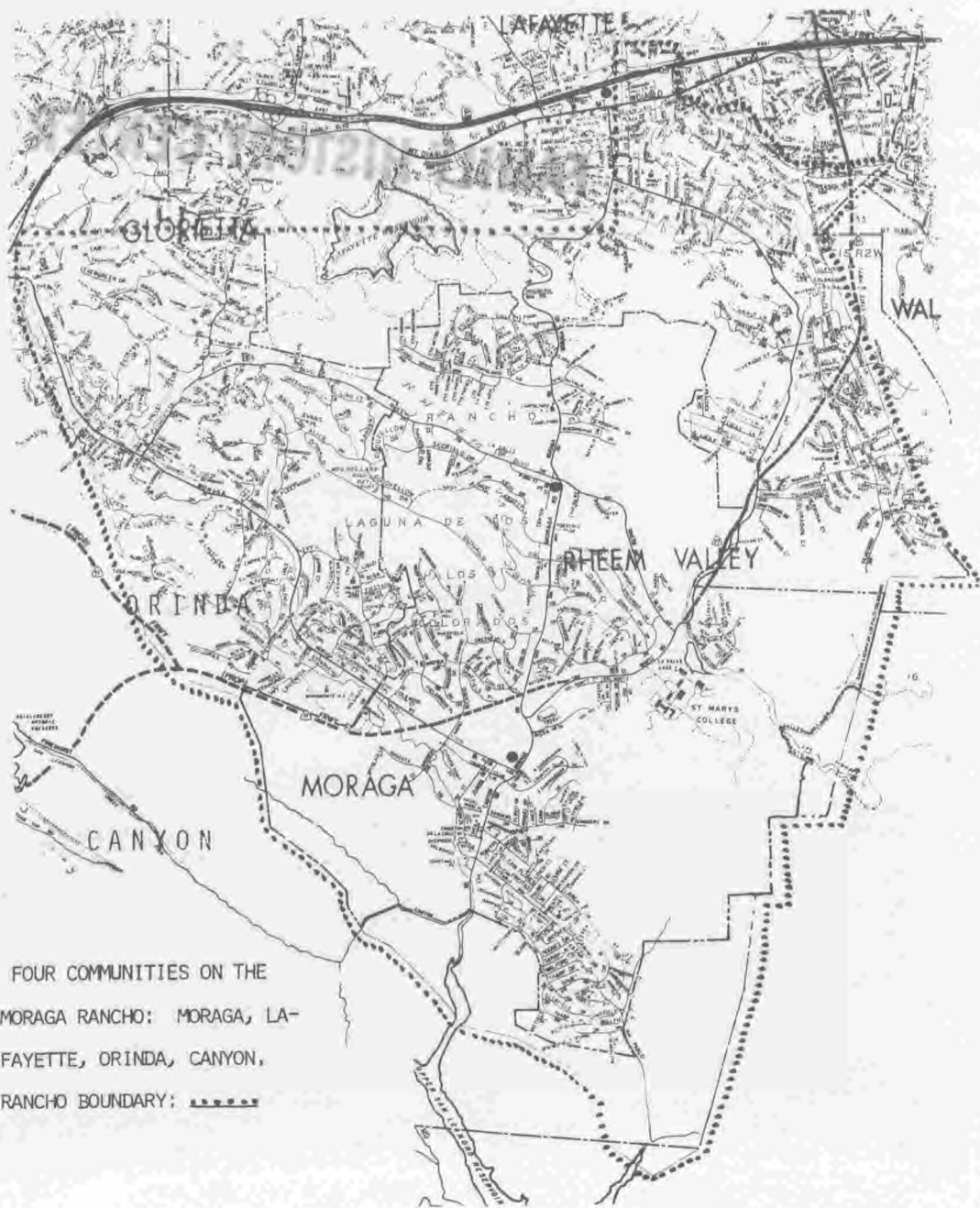
**LAGUNA
de
LOS PALOS COLORADOS**

A History
of the
MORAGA RANCHO
Contra Costa County

by
GEORGE C. COLLIER

Albany
1976

TN-2523025



FOUR COMMUNITIES ON THE
MORAGA RANCHO: MORAGA, LA-
FAYETTE, ORINDA, CANYON.
RANCHO BOUNDARY: - - - - -

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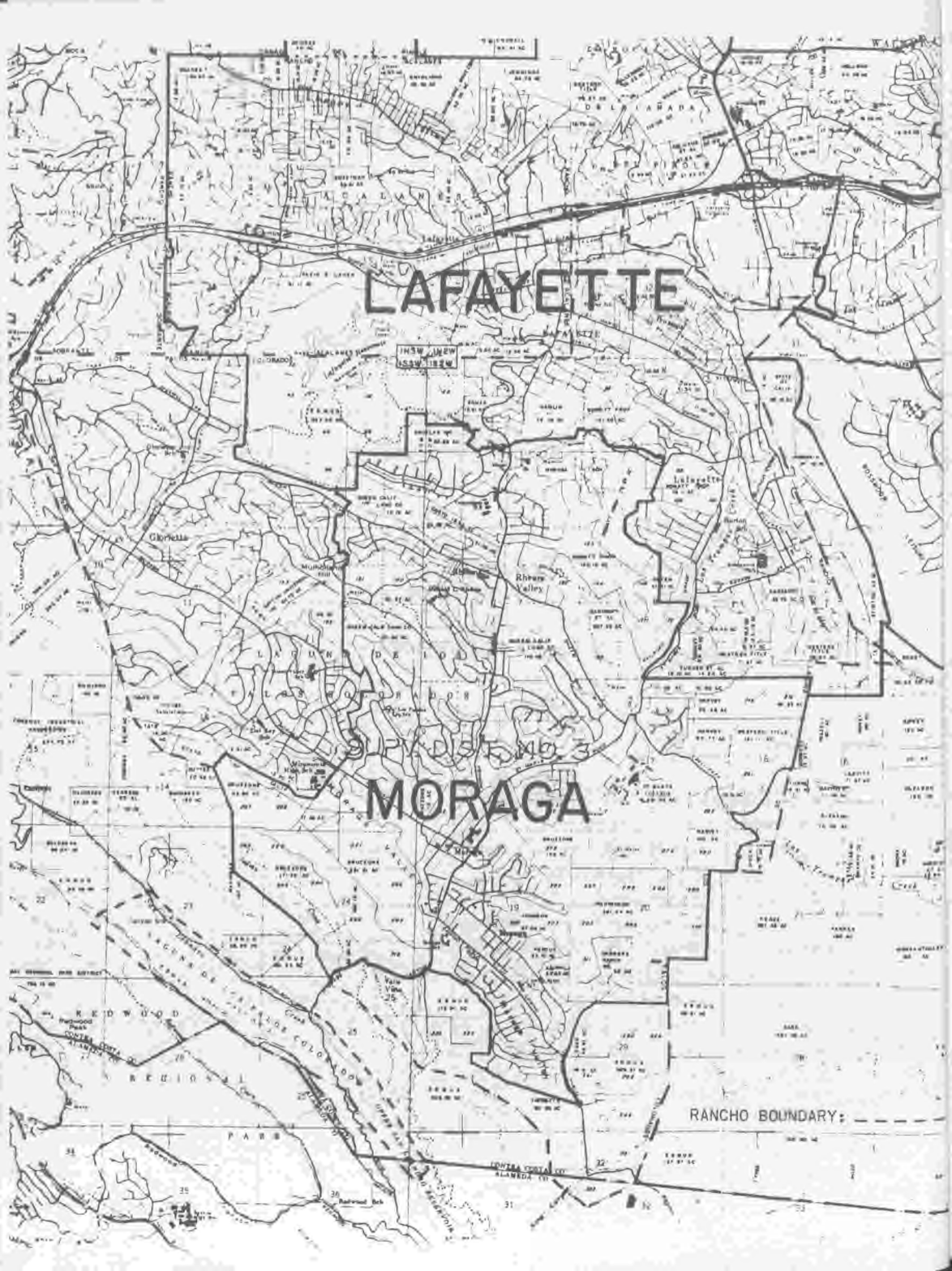
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Preface

Each book should have a reason for being. The reason for this book is, I wanted to know. It began with one question: "Who was Moraga?" I not only found out who Moraga was, I learned about Juan Bautista de Anza and his two journeys into Alta California. I discovered the War of 1846, the war between the United States and Mexico. There was the first California Moraga, José Joaquin, who established two cities and founded two missions on the Bay of San Francisco, and his son Gabriel, who was perhaps the most accomplished explorer in California during his time. Then came Horace Walpole Carpentier, land "speculator" and lawyer, and a host of others who left ripples of history in their wake.

Story tellers have, in the past, romanticised what they referred to as the "pastoral age" of California. A study of the period, which was in fact about twenty-seven years, would disabuse anyone of the romance of the ranchos. The period was barely long enough for the original grantees to settle on the ranchos, raise a family and greet their first grandchildren; a period of civil and political turmoil. Alta California was changing its governors almost as fast as its weather; the Americans were entering the territory in greater numbers each year and were beginning to compete with the rancheros for the land.

The situation worsened after 1849, with the added attraction of gold and a half-promise of free land. Whatever problems the rancheros had before 1849, they were multiplied by the official demands for proof of ownership by the United States and their almost total inability to handle the English language and understand the gringo's business methods. This short history of a Mexican land grant tells a part of the story of a Mexican family and their efforts to keep the land. It also tells of the changing social conditions in California.

I apologize for the kaleidoscopic effect I may have created by compressing so much in such a short story. I have written the story principally because I wanted to know, there was no other way, but I am happy to share it with whoever takes the time to read it.

George C. Collier
Albany, August 28,
1976



MAJOR OWNERSHIPS, 1976

Introduction

The Spanish land grant system first appeared in the western hemisphere as encomiendas, a system of land tenure which gave the grantee the power to exploit the tenants for his personal use on plantations, in the mines or in any other manner for profit. As practiced in the West Indies and in Mexico, entire villages, with their people, were granted to Spanish settlers by the king through his viceroys. The only apparent responsibilities the grantee was expected to extend to the natives within his encomienda were to feed, clothe and house them and see to their regular attendance at church on Sundays and holy days.

The system failed in the Caribbean because the natives could not withstand the rigors of the labor expected of them, and many succumbed to the white man's diseases. As they died out, they were replaced by negro slaves from Africa. The encomienda worked for a time in Mexico until the rapid decline of the native population, and several insurrections, forced modifications. Northern expansion brought further modifications as the settlers came in contact with a more nomadic Indian difficult to domesticate. A form of encomienda was found among the presidios and the missions in the form of forced labor or services which, at times, amounted to outright slavery.

As a means of encouraging the settlement of the northern provinces, the land grant system which gave the settlers fee title to the land was substituted. Two kinds of grants were introduced into the northern tier of Mexican states or provinces. The colony grant gave each family fee title to a house and lot and reserved a large tract for common use from which the colony derived such benefits as grazing, a source of wood and stone and other products not reserved to the state, much like the modern Mexican ejido. The other type of grant gave to each qualified applicant a large tract of land, generally measured in square leagues, for his exclusive uses, subject to certain fixed conditions and to the confirmation by a higher authority. Both types of grants were introduced into New Mexico, but the individual grant was more popular in Florida, the lower Mississippi Valley, Texas and California.

With the expansion of settlements in Alta California, the people were permitted to use the land which was claimed by the king who, ostensibly, was holding it in trust for the Indians. This was changed by the Spanish colonial law of 1773, which permitted the presidial commanders to give grants subject to the supreme government in Mexico City. It was under this law that the first settlers of the pueblo of San José de Guadalupe, in Alta California, were given the titles to their homes. Other laws intended to encourage settlement were adopted in 1779, 1781 and in 1810. They appear to have had some degree of effect in all of the northern provinces except Alta California. This was because the missions in that province controlled most of the arable land available, and the laws forbade the granting of mission lands.²

Few grants were registered in Alta California under the Spanish laws. It was not until the secularization of the missions and the adoption of the more liberal Mexican colonial laws that the idea caught on. From the few grants, about thirty-two, which had been registered before Mexican independence, the numbers rose rapidly to over eight hundred by 1846 when Mexico and the United States went to war.

By the middle of the seventeenth century, the conquest of Mexico had been completed; the west coast of the two Californias had been explored as far north as the present state of Oregon by Juan Rodriguez Cabrillo and Bartolome Ferrelo in 1542, and by Sebastian Viscaino in 1602 and in 1603. Other Spaniards had pushed their explorations even farther north. The northern line of settlements, missions and presidios through Texas, New Mexico, eastern Arizona and northern Sonora and Baja California had been extended as far north as economics, politics and the Indians would permit and the periods of conquest, exploration and settlement were blending into a period of consolidation and stagnation. Poorly equipped soldiers were performing garrison duty listlessly; commerce, agriculture and industry had declined. The native population had been decimated to an alarming degree and province after province was settling into lethargy.³

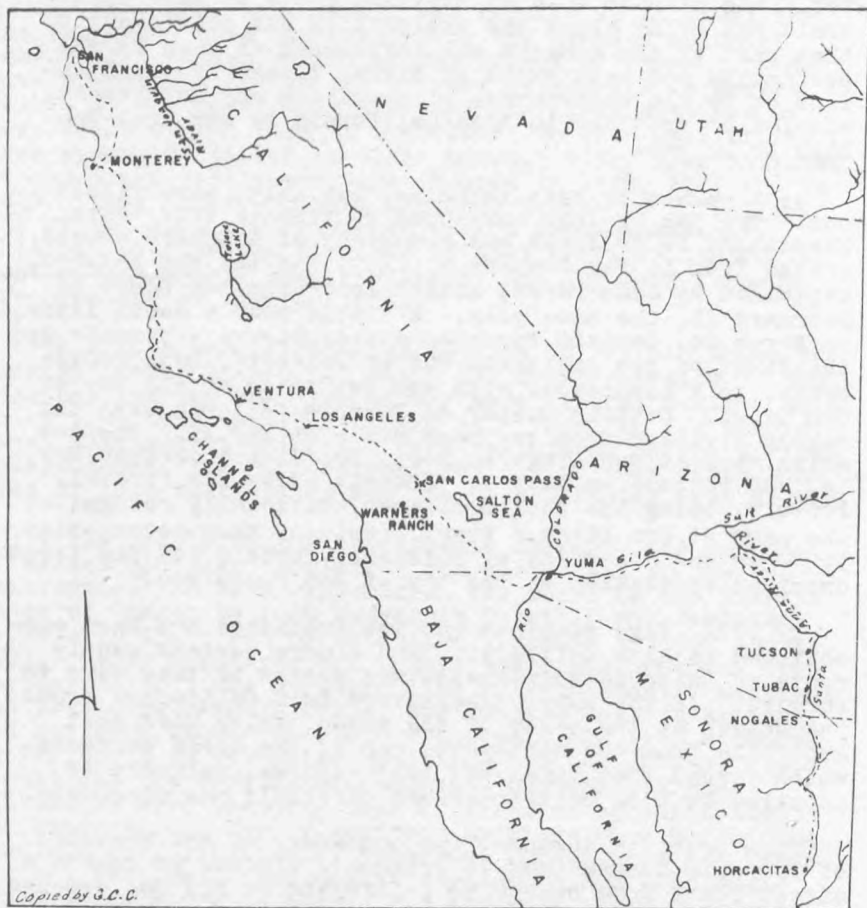
Into this picture was thrust a man who was to breathe new life into Spanish ambitions in North America. José de Galvez, a man of complex, contradictory personality --cruel, vindictive, deeply religious, afflicted with megalomania (at times to the point of insanity), imaginative, energetic, capable of statemanship of the highest order--⁴was sent to Mexico principally to organize the fiscal affairs of the country. But his imagination was

fired by the possibility of expanding the northern frontier. His plan to open an overland route to Alta California and bring about the exploration and settlement of that part of the kingdom was influenced as much by the occupation and settlement of Sitka, Alaska by the Russians as by the uncertainty of supplying any settlement, mission or presidio in Alta California by sea from San Blas or La Paz.

As a result of this thinking, two ships were fitted out. The San Carlos, commanded by Vicente Vila, with Lieutenant Pedro Fages and a company of soldiers aboard, sailed from La Paz January 9, 1769, and the San Antonio, captained by Juan Pérez, sailed from Cabo San Lucas on February 15, the same year. A little over a month later, on March 24, Captain Fernando Javier Rivera y Moncada led the first of two divisions out of Velacatá, Baja California, to a rendezvous with the two ships at the bay of San Diego. Captain Gaspar de Portolá followed with the second division from the same place on May 15. The two ships were at San Diego by April 30; Rivera arrived May 14, and Portolá on July 1. Shortly after his arrival, Portolá, being the senior officer, officially recognized the camp at San Diego a royal presidio, then accompanied by Fages and a company of soldiers, Portolá led the first overland expedition to the bay of San Francisco.⁵

By 1772, five missions and two presidios has been established in Alta California, and a more certain supply route to these establishments was needed if they were to survive. As the supply ships from Baja California found themselves at the mercy of the winds, which blew most generally from the northwest, and of the ocean currents which forced them miles off their course, delivery of supplies to Alta California was difficult and uncertain.

Juan Bautista de Anza, the commander of the presidio of Tubac in Sonora (now in Arizona), offered to locate a direct route from Sonora to California at his own expense. His offer was not accepted. At the insistence of Padre Francisco Garcés from Mission San Xavier de Bac, José de Galvez and Viceroy Antonio María Bucareli y Ursúa were convinced of the feasibility of the plan and Anza received authorization for the expedition. He left Tubac on January 8, 1774, with thirty-four men, one hundred and forty horses and sixty-five cattle. In a month, he had reached the Gila River at its junction with the Colorado River and was at Mission San Gabriel on March 22. He and his men reached Monterey April 10, and forty-six days later they were back at the presidio of Tubac. From There, Anza went to Mexico City to make his report.⁶



Route of the Anza Expedition of 1775-76

Courtesy of
 Bancroft Library
 University of California,
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Chapter I

Sonora to San Francisco

Anza's report convinced the viceroy and the Crown of the wisdom of sending a colonizing expedition overland to Alta California from Sonora over the route he had opened. A decree issued by Bucareli November 29, 1774, gave Anza, who had been promoted to the rank of Lieutenant-Colonel, the authorization to recruit soldiers and colonists. As he was allowed to nominate officers to accompany him on the expedition, he offered the names of José Joaquín Moraga and Cayetano Limón as lieutenants. Moraga received his appointment from Bucareli December 30, 1774. For sergeant, Anza named José Ignacio Espinoza and Juan Pablo Grijalva, both corporals of the presidio of Terrenate, along with a soldier named Bravo. Grijalva was selected because of his ability to write, an accomplishment the others had not mastered.⁷

Recruiting stations were opened in the States of Sinaloa and Sonora, and with the generous help of Bucareli, Anza was able to offer great inducements to the recruits. All colonists and their families were promised complete wardrobes, daily rations of food for five years and mules for transportation. The pay of the soldiers and colonists was to start with the day of their enlistment. Many of the colonists whom Anza gathered at San Miguel de Orcasitas (Horcasitas) were so burdened with poverty and misery that the prospect of a better life in California was inducement enough.⁸

Father Pedro Font's diary lists one hundred and seventy-seven men, women and children who had been gathered from the northern provinces of Mexico and assembled at Orcasitas with the necessary livestock and baggage animals which numbered about five hundred and ninety. The night before the departure, the Apaches made an attack and drove off a number of horses and mules. As a result, many of the colonists had to make the journey to Monterey without a change of mounts. Among the names listed in Father Font's diary as founders of San Francisco and San José were Juan Salvio Pacheco, Nicolás Galindo, Joaquín Ysidro Castro, Joseph Manuel Valencia, Juan Francisco Vernal (Bernal), Gabriel Francisco Peralta, Domongo Alviso and José Joaquín Moraga.

Led by Lieutenant-Colonel Juan Bautista de Anza, the colonists left Orcasitas on the 29th day of September, 1775, and arrived at the presidio of Tubac fourteen days later, where Fathers Francisco Garcé and Tomás Eixarch joined them. Here also, a second unit apparently joined them as the number is reported to have increased to two hundred and forty people with one thousand fifty head of cattle, horses and mules. The expedition left Tubac October 23, and four days later it reached Mission San Xavier del Bac near Tucson. Father Garcés described the settlement as "the last Christian settlement in this direction."⁹

From Tucson, the caravan made its way north and west past Picacho Peak and Casa Grande to the Gila River. Father Font described the route as fairly level, through open country with scanty pasturage and very little water. Because of the treatment Anza accorded them during his first expedition, the Indians supplied the colonists with the needed supplies.

Twenty-six days from Tubac, the expedition reached the junction of the Gila with the Colorado. As the river had deepened at the place Anza had crossed in 1774, there was a delay of several days before a ford could be found farther upstream. Here, the company crossed with the help of the Quechan (Yuman) Indians. Near the crossing, Lieutenant Moraga helped Father Garcés and his party build huts as they were to remain on the Colorado to work as missionaries among the Yuman tribes.¹⁰

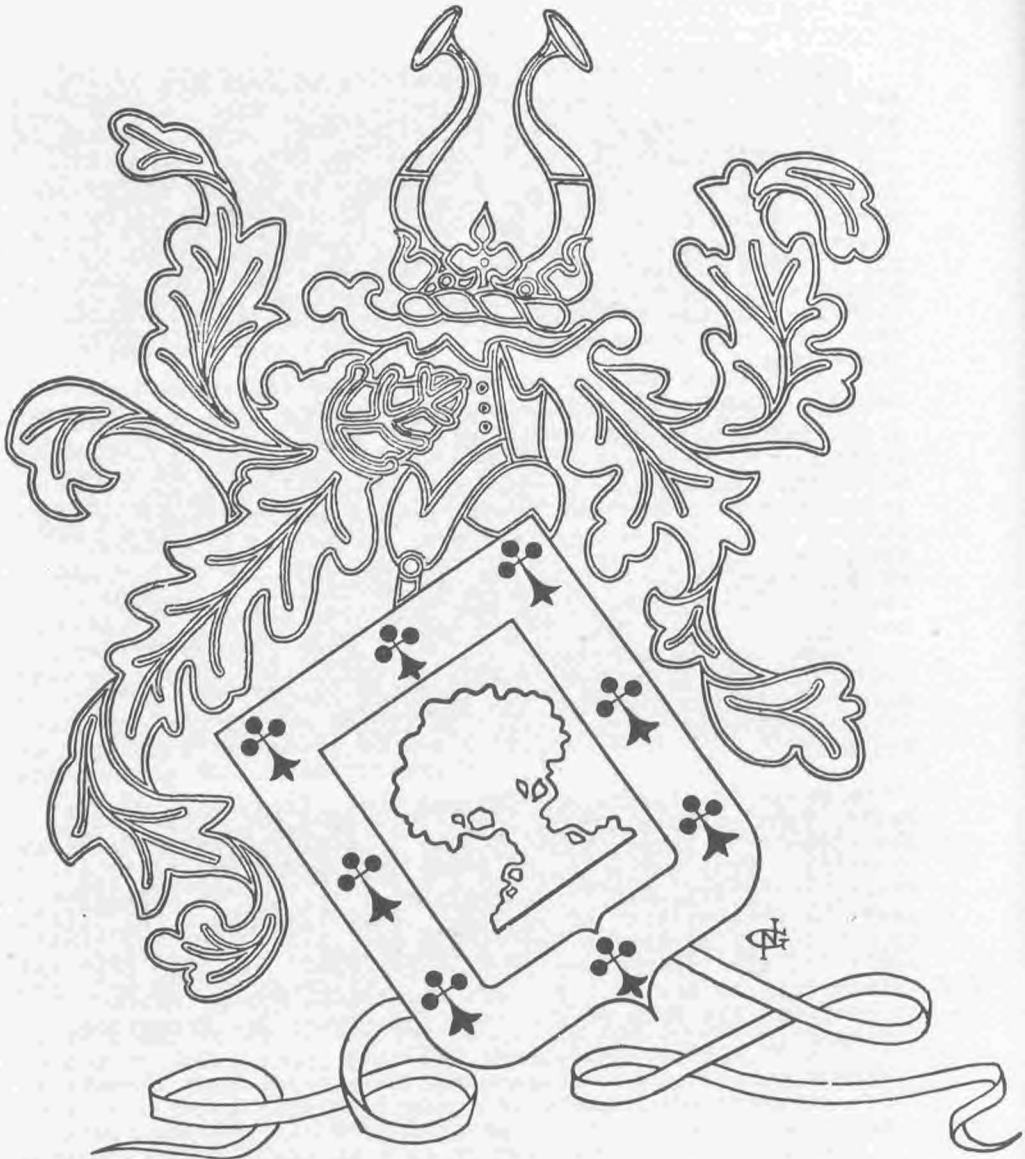
To expedite the desert crossing, Anza divided the caravan into three sections to reduce the drain on the water-holes along the route. He chose to lead the first section himself and started from the river crossing December 4, 1775. The second division, under Sergeant Grijalva, followed a few days later, and Lieutenant Moraga brought up the rear with the third division made up of twelve soldiers and some saddle animals.

In order to avoid the sand dunes in the southeastern corner of California, Anza led the colonists into Baja California then paralleled the present international boundary to a point near Mexicali. He crossed the boundary and followed the Carrizo Wash into the Salton Basin. The party reached Coyote Creek at a point near the present site of Borrego Springs. They followed the creek upstream and emerged from the desert near the summit of the pass north of Valle de San Juan. The second division reached the comparative safety of Coyote Creek ahead of the storm which caught Moraga and his rear guard on the open desert.¹¹

After a short halt in the mountains to rest his people, and to give Moraga a chance to rejoin him, Anza led the entire party through a pass he called "San Carlos", which is located just north of the Riverside-San Diego County line, and into Cahuilla Valley in south-central Riverside County. They arrived at Mission San Gabriel on January 4, 1776, seventy-three days after they had left Tubac. Robert Glass Cleland described the arrival of the colonists at San Gabriel: "The soldiers and friars, scarcely believing that people could have come from Sonora, received the company with the ringing of bells, the discharge of muskets and such unfeigned demonstrations of joy that tears sprung to their eyes."

Their arrival at San Gabriel was greeted with the news of an Indian uprising at San Diego. Though Anza's instructions were to proceed without delay to Monterey, he recognized the seriousness of the conditions at San Diego. He joined Governor Fernando Javier Rivera whom he found at San Gabriel and, with thirty-five men, marched to San Diego. Moraga was left in command of the colonist. After a month at San Diego, Anza returned to San Gabriel to find that five muleteers had deserted and had taken some of the best horses with them. Dispatching Moraga with ten soldiers to apprehend the deserters, Anza continued his march to Monterey where he arrived March 10, 1776. Moraga, after successfully apprehending the deserters, returned to San Gabriel where he jailed them. He then rejoined Anza at Monterey.

On March 23, Lieutenant-Colonel Anza, Lieutenant Moraga, Father Font and ten soldiers set out for San Francisco Bay. Seventeen days later, they were back at Monterey after choosing a site for a presidio and one for a mission, and after having explored the shoreline of the bay to a point near the present site of Antioch. They returned to Monterey by way of the Livermore Valley and Gilroy. A week later, April 13, Anza took leave of the colonists and began his return trip to Mexico. He left Lieutenant Moraga behind to complete the task of securing the bay of San Francisco for Spain.



MORAGA FAMILY COAT-OF-ARMS

A GREEN MULBERRY (MORA, IN SPANISH) TREE ON A FIELD
OF GOLD, SURROUNDED BY A BORDER OF SILVER ON WHICH
LIE EIGHT TAILS OF ERMINE.

Chapter II

The Moragas in California

Two months after Juan Bautista de Anza left for Mexico, On June 17, 1776, Lieutenant José Joaquin Moraga, Father Francisco Palou, Sergeant Pablo Grijalva, two corporals and ten soldiers with their families and seven families of the colonists left for San Francisco Bay from Monterey. Ten Days later, they camped on the shore of Laguna de los Dolores near the site chosen for the mission. A month was spent in exploring the peninsula and cutting timber for houses while waiting for the arrival of the supply ship San Carlos. The camp was moved to the site chosen for the presidio on July 26 and work was begun on the presidio. By the middle of September, several buildings were completed and the presidio was dedicated September 17, 1776.

After this event, Moraga and Captain Fernando Quiros of the San Carlos, which had shortly arrived from Monterey with supplies, decided to make additional surveys of the bay and explore into the San Joaquin Valley. Quiros, accompanied by his pilot, José Cañizares, and Padre Pedro Benito Cambón, led a party by water through the San Pablo Bay and the Straits of Carquinez into San Francisco (San Joaquin) River. Moraga led a party overland with supplies. Instead of following the shoreline, he decided to take a direct route from the south end of the bay across the hills to the mouth of the San Joaquin River. He arrived too late to rendezvous with Captain Quiros who, fearing the depletion of his supplies, had returned to the presidio. Finding Quiros gone, Moraga followed the river upstream to a point near the present site of the town of Modesto. He crossed the river at this point with the help of the local Indians and spent several days exploring the area between the San Joaquin and Sacramento Rivers before he returned to the presidio.¹²

Before leaving Mexico, Anza had been given orders to found a mission near the bay of San Francisco. Governor Fernando Rivera, who was opposed to the missions and the missionaries, when complying with Bucareli's orders to Anza, said nothing about establishing a mission. Moraga, acquainted with the orders and with the differences which had developed between Rivera and Anza, had given orders

to establish the mission on the site chosen by Anze and Font before he began his explorations. The mission, San Francisco de Asis, had been completed in his absence. It was "a church fifty-four feet long, and a house thirty by fifteen feet, all of wood and plastered with clay, and roofed with tules..." The Day of Saint Francis, October 4, was set for the rites of foundation, and the church, decorated with bunting from the San Carlos, was blessed October 3, but the ceremony for the 4th was postponed to await Moraga's return. He returned on the 7th and the rites of founding were celebrated on October 9, 1776.

Early the following year, accompanied by Father Tomás de la Peña and nine soldiers, Moraga selected a site on the banks of the Guadalupe River where they erected an arbor to serve as a temporary chapel for Mission Santa Clara. Under its protection, Father Peña said the first mass on January 12, 1777. After the mass, a square was marked out seventy varas (approximately 210 feet) on each side. Two sides were meant for the location of the church, a dwelling for the padres and the officers of the mission, and the other two sides were for the guard house, houses for nine soldiers and one settler, and a granery. Construction of the buildings was begun immediately. High water twice forced the padres to move the mission to higher ground, and the earthquake of 1818 so damaged the buildings that the mission was moved to its present site where Santa Clara College was established in 1851.¹³

Nearly a year later, Governor Felipe de Neve, who had succeeded Rivera, wishing to assure a supply of grain for the colonists of Alta California, conceived the idea of founding a pueblo where grain could be grown by the settlers. He chose the fertile valley of the Rio Guadalupe for the first experiment. In his report to the Viceroy Bucareli he wrote, "I resolved to withdraw nine soldiers from the company of this presidio (Monterey) and that of San Francisco, to which I added two recruits as settlers, which with the three already on hand completed the number of fourteen residents, which with their families comprised sixty-six individuals, with which I founded the pueblo of San José de Galvez on the 29th day of November last (1777) near the head of the river Guadalupe." Led by Moraga, the colonists built houses, dug an irrigation ditch and erected a dam and named the settlement San José de Guadalupe. The following year, under the orders from Governor Neve, Moraga gave each colonist formal possession of his house and lot and a tract of land sufficient to his needs.¹⁴ This was done in compliance with the Spanish Colonial Law of 1773.

Concerning the establishment of the pueblo, Hubert H. Bancroft wrote, "As early as 1778, the governor complained that the lands (of San José) were nearer those of the mission (Santa Clara) than he had intended. At this early date also, the governor notes the influence of the friars as adverse to public progress. Before founding San José, he had considered the prospect of obtaining supplies from the mission. The missionaries well knew that such was the prospects; but on general principles, they were opposed to all establishments but their own."

After years of planning, Father Palou laid the cornerstones for a new church to replace the wooden structure at Mission San Francisco de Asís (Dolores), April 25, 1782. The rites were witnessed by his assistant, Father Vicente Santa María, by Father José Antonio Murguía of Santa Clara, the mission guard and the presidio troops. Commander José Joaquín Moraga, accompanied by his son Gabriel, Ensign Ramón Lazo de la Vega and surgeon José Devilé, sponsored the ceremony.

When Lieutenant José Joaquín Moraga died on July 13, 1785, he was laid to rest beneath the floor of the old church. When Father Palou's new church was completed, Father Cambón had Moraga's remains moved to the new chapel. An entry in the burial register reads, "April 18, 1791. They have transferred from the old church to the new one the remains of the late Don José Joaquín Moraga, founder of this establishment of our holy father San Francisco, with all the pomp possible and corresponding to his merit." Diego Gonzales succeeded Moraga as commander of the presidio of San Francisco.¹⁵

Gabriel Moraga

Two colonies which combined many of the features of pueblo, mission and presidio had been established on the west bank of the Colorado River at the insistence of Padre Francisco Garcés in 1780. Trouble began almost immediately when the settlers showed little regard for the rights of the Indians when the land was allotted and they allowed their cattle to destroy a great part of the Indian's crops. To make matters worse, Fernando Rivera, conducting forty families to California, among them Moraga's wife and son, Gabriel, stopped at Purísima Concepción de María Santísima, the more northerly of the two settlements, in June, 1781. The accompanying cattle destroyed many mesquite plants upon which the Indians depended for food, and this fanned their discontent. Rivera, after a short rest, sent the colonists ahead under escort and recrossed the river to

rest and feed his animals before following. On July 17, the Indians, fearing further destruction of their crops, attacked both settlements. At San Pedro y San Pablo de Bicuñer, the more southerly, they killed both priests, Juan Díaz and Matías Moreno and some of the male settlers. At Purísima, both Father Garcés and Father Juan Antonio Barreneche were spared in the first attack. The next day, the Indians crossed the river and wiped out Rivera's entire command, then returned to Purísima and killed the two priests.¹⁶

About a year after joining his father at San Francisco, Gabriel enlisted in the army as a cadet in May, 1783. He married María Bernal, daughter of Juan Francisco Bernal and Ana María de Soto, in the Mission San Francisco de Asís on July 16, 1784. Theirs was the thirteenth such ceremony to be celebrated at the mission.

For the next few years, Gabriel was a mission guard at San Buenaventura, Monterey and Soledad and was corporal of the guard at the pueblo of San José de Guadalupe. At the age of twenty seven, he was appointed comisionado of the pueblo after eleven years service in the army. As magistrate (comisionado), he was required to enforce the civil and military laws of the department, protect the safety of the pueblo, promote education and maintain the internal peace. It was his responsibility to see that the people fulfilled their obligations to the state, particularly in providing provisions for the soldiers at the presidios. In turn, he was to make sure they received all the privileges and immunities to which they were entitled under colonial law. He acted as truant officer, school superintendent (to appoint the teacher and make statistical reports on the school every six months), justice of the peace and notary public.

In 1794, Diego de Borica was sent to Alta California as governor by Viceroy Miguel de la Grúa Talamanca y Branciforte, the Marquis de Branciforte, to carry out a plan of empire building worked out by José de Galvez. The plan was to establish a line of pueblos parallel to that of the missions which, in time, was to supplant them. Two pueblos had been founded by Governor Neve: San José in 1777, (by José Joaquín Moraga) and Los Angeles in 1781, (the lots were distributed by José Darío Argüello, Moraga's nephew-in-law.) Borica proposed to establish another on the San Lorenzo River opposite Mission Santa Cruz. The site was chosen and the pueblo was designed by the engineer Alberto Córdova. However, Gabriel Moraga was chosen to prepare the place for the arrival of the colonists. He

would be in charge of the construction until Córdova arrived. The colonists arrived at Monterey from Guadalupe on May 12, 1791, aboard the supply ship Concepción. There were nine men and eight women who were ragged and half starved. Moraga put them to work building their own temporary huts of redwood. In the presence of Governor Borica, the Villa de Branciforte was ceremoniously founded on July 24. A second group of undesirables arrived from Guanajuato in January the following year. Gabriel had to wait until temporary homes were built before he could send for his family.¹⁷

Regulations for the governing of Villa de Branciforte as dictated by Governor Borica were similar to those governing San José, but they were more paternalistic. They included the usual proscriptions against concubinage, drunkenness and gambling and they also forbade any relations with the mission Indians. There were laws requiring religious practices such as attendance at the evening communal recitation of the rosary, in which the military was also to participate, attendance at mass on Sundays and holy days (with the alternative of three hours in the stocks for those who excused themselves with a too frivolous reason), and the reception of the sacraments in the lenten or Easter season.¹⁸

As at San José, Gabriel found that he was responsible for obligations that should have been the tasks of minor officials. His correspondence with the quartermaster at Monterey reveals that he had to collect postage, take inventory of the cigarettes in stock, take the census, inspect the women's wardrobes to determine what they needed, hold a general inspection every Sunday, submit monthly reports, keep a record of all materials disbursed to the colonists as gifts or credit, and of labor contracts with both Indians and colonists; direct responsibility for agriculture and animal husbandry of the colony was a never ending worry.

Although Gabriel tried to resign early in 1799, it was not until the end of the year that his successor was found, the same Ignacio Vallejo who had succeeded him as magistrate of San José. As a reward for his services at Branciforte, Gabriel was promoted to the rank of sergeant and sent to the presidio of Monterey. Vallejo was no more successful at Branciforte than Moraga. He could not overcome the depravity and laziness of the colonists. Borica had, at one time, suggested that Gabriel teach the settlers from Guadalupe agriculture and strive against their natural laziness. It was even suggested that his

chances for promotion depended upon the work done at Branciforte.

Little is said of Gabriel's service until after his promotion to alferez on July 1, 1806. Shortly afterwards he was to lead his first exploratory expedition. Governor José Joaquin Arrillaga notified Commander José de la Guerra y Noriega at Monterey on September 4, that a plan for two expeditions into northern California to locate mission sites had been changed. Instead of two expeditions, one from Monterey and one from San Francisco, only one should be dispatched which was to be under Alferez Moraga. Arrillaga instructed the commander at San Francisco, Luis Argüello, to have eight soldiers, a corporal and a sergeant equipped and provisioned ready to join Moraga when he should call for them. Fray Pedro Muñoz was to be chaplain and diarist. On October 2, De la Guerra notified the governor that Gabriel had started for San Juan Bautista with fifteen men to join the ten from San Francisco.¹⁸

Gabriel Moraga's party of twenty-five men left San Juan Bautista October 21, 1806, on a northeasterly course. They crossed the Coast Range, presumably by way of Pacheco Pass, and followed the San Luis Creek into the San Joaquin Valley. They crossed the San Joaquin River near the Merced-Fresno County line and turned north. The expedition is credited with discovering the Merced River and successively crossing the Tuolumne, Stanislaus, Calaveras and Mokelumne Rivers. Near a campsite on the banks of the Calaveras, a number of skeletons were found which gave the river its name (River of Skulls). The company returned to the course of the San Joaquin River and three days later arrived at the Kings River. Ascending Kings River, Gabriel and his men turned south into Tulare County. They crossed the Kern River and entered Cañon de las Uvas (Grapevine Canyon) through which they worked their way and arrived at Mission San Fernando November 3, 1806. The expedition resulted in the discovery of more possible mission sites than any other similar expedition.²⁰

The inland expedition of 1808, which has been described as the most remarkable journey of its age, was led by Gabriel Moraga by order of Governor Arrillaga. Its object was to explore the Sacramento Valley for mission sites. He was allowed a corporal and eleven men, but no diarist. The party left Mission San José on September 25, and made their way into the San Joaquin Valley. They forded the river south of the point where it is joined by the Calaveras, near the present site of the city of Stockton.

Gabriel is credited with giving the river, and the valley through which it flows, the name "San Joaquin" in honor of his father's patron saint at this time. Following the Calaveras upstream, they turned north and, in succession, explored the Mokelumne, Cosumnes and the American Rivers.

From the American River campsite, a small party discovered the Feather River which, because of its greater width, Gabriel assumed to be the largest river coming from the north. He named it Rio del (Santísimo) Sacramento. The river which is called Sacramento today, which is narrower and deeper, he considered a tributary and called it Jesús María, a name now carried by a tributary stream. They camped on the lower Feather River on October 9, and from there crossed to the Marysville Buttes and turned west to the Sacramento River. They turned east on the 12th and crossed the Feather River in Butte County the next day. Passing through Yuba County, they returned to the American River and several days later, they explored the Tuolumne and Merced Rivers. They were back at Mission San José on October 23rd.²¹

Gabriel listed at the end of his diary, "Diario de la Tercera Expedición Echa por el Alférez Don Gabriel Moraga", the number of Indian rancherias situated in accessible places. One of them, the Tahualme, was found on the second river above the present city of Merced. Although it was a policy never to capture heathen Indians unless they attacked Spaniards, a half century later, a San Francisco publisher, calling the tribe the "Yachucumes", wrote that a portion of them were captured and taken to Mission San José where many of them died of smallpox.²²

Gabriel's final expeditions of discovery were made in the year 1810, several months after he had distinguished himself in a punitive foray against a Suisun rancheria from which the Indians had harassed the Spaniards since 1807, and had recently killed sixteen Christian Indians. In May, Gabriel crossed the Carquinez Straits with seven-teen men and attacked the Sespesuya rancheria. In a battle against an estimated one hundred and twenty pagans, Moraga's force nearly annihilated them. Eighteen Indians were captured but were released because of wounds so severe they were expected to die. This action resulted in Gabriel's promotion to brevet lieutenant.

The same year, with Father José Viader from Santa Clara, Gabriel made two more expeditions into the San Joaquin Valley at the request of the Father-President of the California missions, Estaven Tapis. Moraga set out with

fifteen soldiers and four native interpreters from San José on August 15. The party spent the night in Livermore Valley and stopped the next day along Walnut Creek where it flows into Suisun Bay. There they found a rancharia of Terquinez (Carquinez) Indians near where they camped. The following day, the party crossed the northern foothills of the Mount Diablo Range to the mouth of the San Joaquin River. The spot was considered ideal for a mission, but the local Indians, the Tulepuñes (Julepuñes), could not be found. The diary reports that at a point twelve leagues beyond, they camped for the night, having passed the rancharia of the Cholbones (Bolbones, Golbones, Bolgonos) who inhabited the area among the three channels of the San Joaquin. Nine other tribes were visited along the Cosumnes River. Between the Tuolumne and the Merced Rivers they could find no site for a mission, and further south, they crossed what they considered a desert. Crossing the remainder of the valley, they came to San Luis Gonzaga Creek and crossed the Coast Range by way of the Pacheco Pass and ended the journey at Mission San Juan Bautista on August 27, 1810.

A month later, Commander Luis Argüello informed Governor Arrillaga that hunting canoes were sighted off the present site of San Mateo and also reported the presence of a large ship at Bodega Bay. Gabriel reported that on September 25, he discovered the ship to be American, and his men had helped some hunters carry two stags to the barracks the sailors had erected at Bodega. When he left the camp at Bodega, he turned inland and went as far as the junction of the Laguna de Santa Rosa with the Rio de Estanislao. He crossed the plain of San Francisco Solano and was back at the presidio of San Francisco October 2.

One of the most interesting of the "punitive" expeditions led by Gabriel Moraga occurred in 1819. Hubert Howe Bancroft tells of it in some detail: "Early in 1819, an unfortunate disaster at San Buenaventura caused excitement in all southern California, and led to an expedition against the gentiles. The Colorado Indians occasionally came to the mission in small parties to trade;... On May 29th, a party of twenty-two Amajaves, the Mojaves of later times, arrived at San Buenaventura to trade with the neophytes.

They were refused permission to visit the neophytes. were not allowed to pay their respects to the padre as they desired, and were told to remain in the guard-house until ready to depart the next day. The 30th, while all were at mass in the church except one soldier left as a sentinel in charge of the Amajaves in the Guard-house, a disturbance arose, and the first two men who came from the church to

restore order, Corporal Rufino and the invalid Mariano Cota, were killed and one neophyte, Nicolas."

Father José Señan of San Buenaventura described the affair in letters of May 30 and June 30, 1819. In them he wrote that he had warned the corporal and the mayor-domo about the danger; that the strangers were twice refused permission to see the padre; and that during mass, the sentinel struck one who wanted to go out of the guard-house.

This senseless killing caused general panic for fear the Indians of the Interior would go on the warpath. In anticipation of this, Governor Pablo Vicente Sola organized three "punitive" expeditions; the largest of which was placed under the command of Lieutenant Gabriel Moraga. He left San Gabriel November 22, 1819, with a force of fifty five soldiers and a large force of mission Indians, but was forced to turn back by a lack of water and forage and was back at San Gabriel December 14.

In the words of Father Señan: "The expedition which had set out for the Colorado under Lieutenant Moraga to suppress the atrocities of the barbarians was forced to turn back because of the wretched conditions of the horses and lack of pasture. Nothing else was to be expected at such an advanced season as November."²³

Other problems began to develop for the Spaniards in Alta California. The Russians were moving south out of Alaska. The Russian American Fur Company sent an agent to the north coast of California to establish a settlement. Ivan Kuskof chose a site north of Bodega Bay which he reputedly purchased from the Indians for three blankets, two axes, three hoes and an assortment of beads. The site was protected by a stockade of timbers eighteen feet high, four twelve-pound carronades and four six-pound howitzers. Two octagonal blockhouses protected the musketeers. About sixty buildings housed one hundred Russians and eighty Aleut hunters from Alaska. The settlement was named Fort Ross by the Russians, but was renamed Fort Ross by the Americans.²⁴ It was meant to be headquarters for several agricultural settlements in the area and a trading post to supply the fur hunters in Alaska. The venture failed and the property was sold to John Sutter in 1840.

A Spanish law prohibited trade between the Spanish colonists and foreigners so the presence of the Russians so near to San Francisco disturbed Governor Arrillaga in Monterey. As much out of curiosity as out of apprehension, he sent Gabriel to visit Fort Ross and to discover, if possible.

the Russian's intentions. Gabriel was well received by Kuskof on that and two other visits to the fort.

On one visit to Fort Ross, while passing through Marin County, Gabriel found a site which he recommended as an asistencia to Mission Dolores. Father Vicente Sarría visited the site with Father Luis Gil y Taboada of Purísima Concepción, Padres Narciso Durán of San José and Ramón Abella of San Francisco, and on December 18, 1817, Father Sarría raised the cross and celebrated the first mass at the Asistencia San Rafael. It became a full-fledged mission in 1828, the twentieth of the chain of twenty-one to be established by the Franciscan Order in Alta California.

Gabriel enlisted in the army as a private in 1774. He became a corporal in 1788, sergeant in 1800, alferez in 1806, brevet-lieutenant in 1811 and lieutenant in 1818. His service sheet of 1820 records that he took part in forty-six expeditions against the Indians. A contemporary described him as a tall, well-built man of dark complexion, brave, gentlemanly and the best California soldier of his time. He died in 1823, and is buried at Mission Santa Barbara. His second wife, Joaquina, the daughter of Francisco Javier Alvarado, outlived him and in 1841, she became the grantee of Rancho Cañada Larga.²⁵

Chapter III

Land Grant and Confirmation

Spain, faced with the problem of Napoleon Bonapart in Europe and revolution in Mexico, had little time for the people of California. The California soldiers had not been paid for many months and were dependent upon the missions for sustenance. Many had turned to agriculture and cattle raising on a small scale in order to maintain their families. Difficulties developed between the missionaries and the settlers because the missions controlled most of the arable lands and the people were seeking ways to hasten the secularization of the missions.

The military commanders of California had received the authorization, in 1773, to grant land to retired officers and soldiers from the viceroy of Mexico but few grants had been made under these instructions. This condition changed when Mexico became an independent nation after the successful revolution of 1810-1821. More liberal colonial laws were adopted by the Mexican government and the secularization of the missions was accelerated.²⁶ The social structure of the province changed from one wholly dependent upon Mexico to one of a more self-sufficient nature.

The discovery of California by the American and British traders and whalers also contributed to the changing scene.

Into this new society were born two cousins -- Joaquin de la Trinidad Moraga and Juan Bernal. Joaquin was born of the union of Gabriel Moraga and Ana María Bernal in 1793. His name first appears on the rolls of the presidio of San Francisco when he was twenty-six years old. He married María Francisca Castro and they made their home in San José. Their seven children were: Francisco, José Vicente, José de Jesús, Guadalupe, María de los Angeles, Visitación and Luisa Gonzaga. All of the children eventually married except José Vicente and Visitación.²⁷

Juan Bernal was the grandson of Juan Francisco Bernal who had come to California with Juan Bautista de Anza. He brought with him his wife, María Josefa Soto, and seven children: José Dionisio, Joseph Joachin, Joseph Apolonario,

Juan Francisco, Tomás Januario, Ana María and María Teresa. When he retired from the army, he established his family on a tract of land south of San José called Santa Teresa.

Joseph Apolonario married Apolonaria Soberanes. After her death, he married Teodora Peralta, daughter of Luis Peralta, grantee of Rancho San Antonio in Alameda County. Juan was born of this union on November 4, 1802, at the presidio of San Francisco. Juan married María Encarnación Soto at Mission Dolores June 2, 1830. Their children were Guadalupe, Nicolás, María Reyes and Juan. He served in the army at San Francisco from 1820 to 1830, and later served with Joaquín Moraga at San José and at Monterey.²⁸

Prior to the independence of Mexico, the authority to grant lands was vested in the military commander of the province with the principal recipients officers and soldiers. Under the Mexican government, the colonial laws extended this privilege to all Mexican citizens subject to the approval of the territorial legislature and the federal government of Mexico.

The Mexican colonization act of 1824 provided that anyone desiring a concession of land should present a request in the form of a petition to the governor of the territory stating his name, age, country and vocation, the quantity of land desired and, as nearly as possible, the description. The petition was usually accompanied by a crude map called the diseño. The governor was then to direct the prefect or local political officer to examine the land requested and report whether it could be granted without injury to another person or to the public. The official's report was written upon or attached to the petition and returned to the governor. On the conditions of the report, the petition was granted or denied. The original petition and report, together with a copy of the granting papers, were so attached as to form a single document called the expediente and forwarded to the territorial deputation or the territorial assembly for approval. On approval, the expediente was filed in the archives and the petitioner received the original of the grant which constituted the title to the land. To validate the grant, the grantee was to occupy the land in person or through a representative; erect a house suitable to his needs; move livestock onto the land; build corrals and fences without blocking access roads and trails which were used prior to his occupancy. Non-compliance with these terms jeopardized the grantee's title and made the grant open to denouncement by a third person. When this happened, the title was transferred to

the denouncing party. Invalidation, when it happened, did not automatically return the land to the public domain. Once granted, the land lost its identity as public land and was transferred as private land.²⁹

Under such conditions, Joaquin Moraga and Juan Bernal asked Governor José Castro for a concession to a tract of land in Contra Costa: "The citizens, Joaquin Moraga and Juan Bernal, residents of the pueblo of San José, before your honor, as best they may, appear and represent that they, having addressed to your predecessors the petition for the place called Laguna de los Palos Colorados, in the jurisdiction of San Francisco . . . I wish this present would be made valid to me so as to prosecute the petition for the mentioned land . . ." The grant was approved by the Constitutional Governor of California, Juan Bautista Alvarado, on August 10, 1841.³⁰

The grantees occupied the land by gubernatorial permission in 1836 and Antonio María Castro, testifying in their behalf before the Board of Land Commissioners in 1854, said they had built two wooden houses in which they lived with their families. They stocked the grant with cattle and horses, built corrals and, at once, enclosed and cultivated about one hundred acres. This testimony was corroborated two days later by Antonio María Peralta. There is evidence that Juan Bernal maintained a home in San José until his death. This is given credence by the testimony of witnesses before the Board of Land Commissioners who testified that a mayordomo attended to Juan's interests on the rancho and had built a house for the family. Juan's widow, María Encarnación Soto de Bernal, built an adobe house near the boundary line between Laguna de los Palos Colorados and the Acalanes of the Valencias. When Elam Brown's patent to the Acalanes was granted by the United States in 1858, and the survey was made, the house was found to be within the bounds of the Rancho Acalanes.³¹ It was located about one hundred feet east of the present Happy Valley Road and about four tenths of a mile from its junction with the old highway from Walnut Creek to Oakland. In his testimony before the Board of Land Commissioners, Antonio María Peralta said that the Bernals built two adobes and a wooden house. These sites have not been located.

The Moraga adobe, built about 1841, stands less than one half mile from the Orinda-Moraga Road, about four miles from its junction with the Walnut Creek-Oakland highway. A description given by Jacob N. Bowman in 1941 states "The house at present stands behind and south of the frame house; a large spring is nearby; the site gives a

commanding view of the valley." The house was described as a one and a half story building about 49x38 feet, with the long axis parallel with the valley.

The description continues: "an adobe lean-to on the back, about 49x15 feet, was evidently a later addition. An adobe and a wooden partition divide the building into three rooms. Two adobe partitions divide the lean-to into the same number. The adobe bricks are 22x11x4 inches, laid so as to form 24 inch walls and 12 inch partitions. The rough stone foundation rises about 20 inches above the ground level. At present, the building is used partly as a store room and generally as a tool shed. It is not cared for not protected; it is rapidly falling into ruins and cannot expect to stand many years with its present care."³²

Five years after the grant was approved to the two cousins by the Territorial Deputation, war broke out between Mexico and the United States. Under the Treaty of Guadalupe Hidalgo which ended the war two years later, California was ceded to the United States. This, together with the discovery of gold the following year, opened the state to one of the most fabulous "land-grabbing" eras in the history of the country. The American government, by suppressing Article IX of the Treaty of Guadalupe Hidalgo, and substituting Article III of the Treaty of Louisiana, did not in any way intend to diminish what was agreed upon by Article IX in favor of the inhabitants of the territory ceded by Mexico. In consequence, all the privileges and guarantees, civil, religious and political, covered by the deleted Article IX were protected.³³ By suppressing Article IX of the Treaty, the United States did not intend to annul the grants of land made by Spain and Mexico, but the action placed the burden of proof of ownership and legal title on the grantee. This action by the United States caused years of trouble for claimants of Spanish and Mexican land grants in New Mexico as well as in California.

The Treaty of Guadalupe Hidalgo did not protect the Mexican land owners from land-grabbers who, at times, forcibly evicted them from land secured to them by Spanish or Mexican grants. Beginning in 1849, the original California ranchero, or their successors, were harassed by squatters and often impoverished by the expense of fighting for their lands in the courts.

In conformity with the articles of the Treaty of Guadalupe Hidalgo, William Carey Jones, a son-in-law of Senator Thomas Hart Benton of Missouri, was sent to California as a confidential agent of the United States government to

examine the land grant records. He was to classify all grants or claims derived from Spanish and Mexican authorities and list all those originating during the war with Mexico. Jones began his investigations at Monterey in September, 1849 and continued them through San Francisco, San José, Los Angeles, San Diego and Mexico City. He completed his report at Washington, D.C. April 10, 1850. In his book Land in California, W.W. Robinson wrote: "Remarkable in scope and detail, as well as being a model of clarity and direct writing, the Jones Report is a landmark in the history of land titles in California." In his report to the Secretary of State and to the Secretary of the Interior, Jones reported that he did not see any official record of survey and did not understand that there was one. The perfection of titles, the report continues, was accomplished when the grant received the concurrence of the Territorial Assembly and all of the provisions of the law and the colonization regulations of the Mexican Federal government were fulfilled. He was impressed by the large size of the individual grants allowed under Mexican law, some were as much as eleven square leagues of land, nearly 50,000 acres.

Soon after California was admitted to the Union, Senator William M. Gwin of California introduced a bill which was adopted and passed by congress as the "Act of March 3, 1851", under the title "An Act to ascertain and settle the Private Land Claims in the State of California". Section one of the act provided for a board of three commissioners appointed by the President of the United States which was to continue as a board for three years unless sooner discontinued by the President. This period was twice extended by congress.

Section eight provided that "each and every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican governments, shall present the same with documentary evidence and testimony of witnesses as the said claimant relies upon in support of such claims." This section forced the burden of proof upon the Mexican land owners.

The original board appointed by President Millard Fillmore was composed of Harry L. Thornton, James Wilson and Hiland Hall. President Franklin Pierce appointed Alpheus Felch, Thomson Campbell and R.A. Thomson in March, 1853. Campbell resigned and was succeeded by S.B. Farwell the following year. The first secretary of the Board was J.B. Carr, but he was replaced in January 1852 by George Fisher who held

that position until the board ceased to operate. The law agents or U.S. Attorneys were, in succession, George W. Cooley, V.E. Howard and John McKune. The board began its work in San Francisco during January, 1852 but its first decisions were not passed down until August. All of the sessions were held in San Francisco except for one term at Los Angeles in the fall of 1852.

Joaquin Moraga filed a petition before the Board of Land Commissioners on February 15, 1853, through his attorney, William Carey Jones, who had returned to California after filing his report in Washington. As the petition had been erroneously filed in the name of Joaquin Moraga only, the Board returned it for correction. The petition was revised by inserting the names of "Encarnación Soto de Bernal, widow of Juan Bernal, deceased, Guadalupe Bernal, Nicolás Bernal, Juan Bernal and María Reyes Bernal, children of Juan Bernal, deceased, as just owners and petitioners."³⁴ The petition was returned to the Board January 17, 1854, and the grant was confirmed January 23, 1855.

The decision of the Board was taken on appeal to the United States District Court for the Northern District of California on August 1, 1855, by the U.S. Attorney but on January 26, 1857, the United States Attorney General gave notice the appeal would not be prosecuted and on April 8, 1858, Judge Ogden Hoffman of the U.S. District Court signed the final decree of confirmation. On motion of Edwin A. Lawrence, attorney for the claimants, Judge Hoffman signed an order dated August 29, 1858, requiring the Office of the Surveyor General for California to have a survey made and returned to the Court. The survey was approved by the Surveyor General November 19, 1860, and was published the following day. The survey was contested by José Moraga, John P. Courter, James Magee, Louis Mason, Horace Walpole Carpentier, Samuel P. Tennent, Lucy R. Jones, William B. Agard, Edson Adams, John B. Frisbee and Felix Brisac.

Among the several objections to the survey, it was argued that, in 1844, by judicial decree of Governor Manuel Micheltorena, the dividing line between Rancho Acalanés and the Moraga Ranch included a spring near an old corral, and that about 2,000 acres of the most valuable portion of the rancho lying south of the line fixed by Micheltorena had been excluded; that the eastern boundary of the rancho was the "Cuchillo de las Trampas", but about 1,500 acres of valuable land lying west of this landmark had been excluded; that a tract of land "utterly worthless" and not within the original boundaries of the grant had been

included within the survey; that the survey had been made and the land located contrary to the wishes and against the interests of all the owners in common of the rancho; and that the rancho as surveyed, was worth less than one-half of what it would be if located according to the decree of Micheltoarena.

The line in question had been set by Micheltoarena as a result of a quarrel which had developed between Candelario Valencia and Joaquin Moraga over the use of the spring. Valencia desired the use of the spring and made some improvements adjacent to it. Moraga objected to the "trespass". The quarrel reached Governor Micheltoarena and he called the two before him. To quote the record, "It appears that the dispute between the two owners of the ranchos is not only of ancient date but was settled by their own agreement and under the authority of the former (Mexican) government. On the grant to Moraga and Bernal is endorsed a note in which it is stated that by the agreement which on that day was made by Moraga and Valencia before Governor Micheltoarena, as appears by the written instrument which was drawn up . . . they have submitted to the following; that from the inflow of the spring of water, containing 300 varas, toward the west with direction to the source of the Arroyo of San Pablo the boundary of Señor Valencia for his land, and that of Señor Moraga for his, shall commence leaving 100 varas of land to the former in the land which belongs to the latter for cultivation; and moreover, a dam shall be made in said ojo de agua by which an equal quantity of water may be used by each for the purposes which may suit him." ³⁵

Horace W. Carpentier, Edson Adams, John B. Frisbee and Felix Brisac, alleged owners of Rancho El Sobrante, objected to the survey on the grounds that 3,500 to 4,000 acres on the northerly and easterly sides were excluded and approximately the same amount on the westerly and southerly sides, which rightly belonged to Rancho El Sobrante, was included. This claim, if true, was to be very important to the claimants of Rancho El Sobrante as, by official decree (Mexican), the boundaries of El Sobrante could not be determined until the boundaries of Ranchos San Antonio, San Pablo, Boca de la Cañada del Pinole, Acañanes and Laguna de lo Palos Colorados had been determined.

The survey was rejected. The action was appealed; the Surveyor General for California was directed, on December 4, 1874, to order a new survey. The final survey was made by William F. Boardman, Deputy U.S. Surveyor, in 1875 and was approved by H.G. Rollins, U.S. Surveyor General for

California, April 21, 1876. The patent was signed by President Rutherford B. Hayes August 10, 1878, confirming to the heirs of Joaquin Moraga and Juan Bernal a tract of land containing 13,316.25 acres.

Tract Number Two

The survey was approved in two parts. The major portion included all of the land which could be used for agriculture or for grazing cattle; it encompassed 12,811.07 acres. This portion was designated by the Court as Tract No. 1, that portion of the valley of the Upper San Leandro Creek which was patented to the claimants was called Tract No. 2 and contained 505.18 acres. This part was probably made to mark off the grove of redwood trees which had been granted to Moraga and Bernal.³⁶

The grove of redwoods in the hills east of Oakland and north of the San Leandro Reservoir was discovered about April 1, 1776, by a party of soldiers led by José Joaquin Moraga during the exploration of the east bay area. The trees were also referred to by Captain F.W. Beechy of the British Royal Navy and located by him on a chart of San Francisco Bay made in 1827-28.

It is difficult to determine when cutting began in the grove but testimony given before the Board of Land Commissioners during the hearings concerning the grant, indicated that lumbering had been done before 1840. The main timbers for the permanent buildings at Mission San José were cut and hewn from trees felled in the grove. Father José María de Jesús Gomez, Father Minister of the mission, in his answer to an inquiry by the Ayuntamiento at Monterey regarding the rancho in 1835, acceded to the petition for the grant by Joaquin Moraga and Juan Bernal but asked, ". . . that at no time shall they hinder the mission in the cutting of wood it may need."³⁷

The grove was described by Sherwood D. Burgess in The Forgotten Redwoods as an area covering roughly three and a half miles long by a mile and a half wide, and containing trees large enough to rival any found in the Coast Range, with diameters up to twenty feet and three hundred feet tall. Before 1849, the entire grove known as the San Antonio Redwoods received its name from the Peralta Brother's Rancho San Antonio. The Americans who came to the area after 1849 recognized three distinct groves. The grove in the canyon was called the Moraga Redwoods as it occupies a portion of the Moraga grant; the grove on the western slope of the canyon was known as the Middle Red-

woods and that on the ridge and the slopes above Oakland as the San Antonio Redwoods.

As early as 1848 people from the United States and a number of foreign countries settled in Contra Costa County. Drawn by the lumber industry which had developed in the redwood groves, lumbermen, gamblers and speculators settled among the ranchers and small business men who has established themselves near and upon the Moraga-Bernal Redwood Tract. By the time of the general election of 1849 which was held to ratify the state constitution, there were enough people living in the redwood groves to register sixty-one votes, equal to the total number of votes cast in the other two precincts at Martinez and San Antonio.³⁸

Several mills had been built in the canyon or on the upper slopes to the west by 1850. William H. Taylor and James Owen had built a mill near the present site of Canyon School which they sold to William M. Smith and John C. Slade on March 9, 1851. This mill was later destroyed by fire. Taylor had evidently shown some respect for the Moraga-Bernal claim as Joaquin testified that Taylor's mill was on public land and his occupancy was legal. Hiram Thorne and William Hamilton, on the other hand, had ignored the claim and occupied a portion of the Redwood Tract by right of a school land warrant. On July 5, 1853, Thomas McAull, the County Surveyor, surveyed and located 160 acres for Hiram Thorne and on the same day, he located another 160 acres for William Hamilton nearby. Eight years later, Hamilton's lawyer petitioned the County Board of Supervisors to transfer Hamilton's warrant to other lands because the United States survey showed his tract to be on the Moraga Ranch.³⁹ There is no record that shows that the petition was ever granted.

After unsuccessful efforts to get Thorne and Hamilton to vacate their illegal occupancy and avoid litigation, Joaquin, Francisco and José Moraga sold the Redwood Tract to Elam Brown who had acquired the Acalanes Rancho. Brown ordered the trespassers off the property but, after some disagreement, a compromise was reached October 15, 1853, whereby Thorne and Hamilton would buy the land from Brown if the Moraga-Bernal claim was recognized by the Court. Meanwhile, they would pay Brown \$60.00 a month in lumber which would be refunded if the claim was rejected. Long after the last tree was cut, the Court recognized the grove as part of Rancho Laguna de los Palos Colorados.

Five days before the agreement with Brown, Hamilton sold his interest in the grove to Thorne for an \$8,000-5% per

month short term note and not long afterwards the price of lumber dropped. Thorne had invested all of his money in a venture to construct a road over the hills to Oakland. As a result of the drop in lumber prices, he was unable to meet the payments on his note. Hamilton filed a complaint in the District Court of the 7th Judicial District against Thorne asking for the \$7,296 due him. In response to the complaint, Sheriff John F.S. Smith attached all of the property at Thorne's mill on August 15, 1854. A settlement was reached and Thorne sold the mill to Hamilton.⁴⁰ Thorne was permitted to operate the road he had built as a toll road and for many years it was known as Thornehill Road.

By the fall of 1856, the Moraga Redwoods had been almost totally destroyed and Hamilton, having no use for the land for which he would have to pay Elam Brown, turned it over to Brown and allowed him to keep the lumber which he had given for the use of the land. Brown later sold the Redwood Tract to Horace W. Carpentier.

As the mills were the economic center of the East Bay, all roads through the central part of Contra Costa County were planned in relation to them. Thornehill Road went up the canyon of the Upper San Leandro Creek and westward over the hills to intersect with the present route of Mountain Boulevard near its intersection with Park Boulevard. The road from the redwoods to Martinez (through the present town of Lafayette) was declared a public highway by the Court of Sessions in 1850; the road from Victor Castro's ranch (Rancho El Sobrante) to Elam Brown's ranch was made a public road the same year. Dave Hunsacker petitioned the Court of Sessions for a road between the Moraga Redwoods and the Middle Redwoods. The Court appointed T.W. Bradley and William Prince to find a route for the road.⁴¹ The finished road left the established road in the canyon and climbed the ridge between the two groves. It followed the ridge past Prince's mill and went on to Oakland. This road was also declared a public way in 1850. Thirty-seven years later, in compliance with the Court's decision on the final partition of the rancho, William F. Boardman surveyed all of these roads except Thornehill Road.

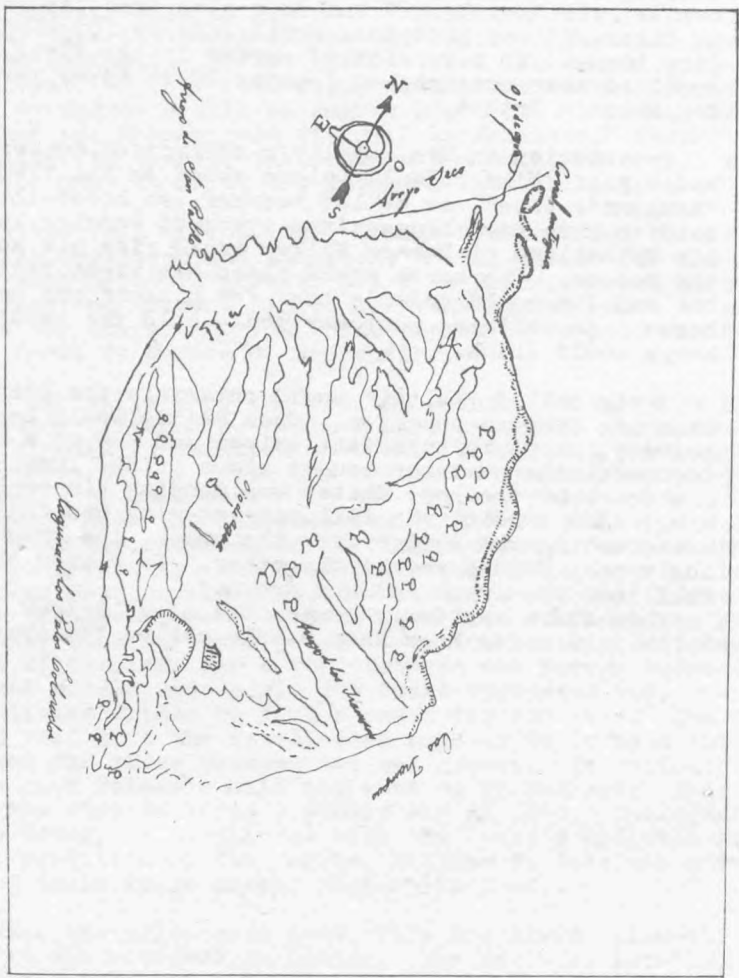
After the mills shut down, life was lived leisurely by the few who remained in Canyon. The secluded location and the people who lived there were responsible for many legends. Gladys Shally, a resident of the area, spent much of her time collecting these stories. She wrote of the saloon in Hanson's Hotel which the people called "Hanson's Dump". The hotel was located about two hundred yards up the canyon and across the road from the Redwood Inn. Another

hotel stood on a site about half way between the Inn and the school and was owned by Harry Bird. Bird was accused of killing George Wallace in 1888. He was arraigned October 26 and four days later pleaded not guilty. His trial was set for November 27 but on a plea from his lawyer, Eli R. Chase, it was postponed until January 10, 1889. The jury brought in a verdict of murder in the first degree and Bird was sentenced on January 29 to serve for life at San Quentin Prison.

Two stories in Mrs. Shally's collection concern a saloon and a pig. Mike Bohan's saloon stood on the flat near "hangman's tree", so called because two horse-thieves were said to have been hanged from it; just another legend. Jim Mulholland of Moraga Valley would ride his horse into the saloon. The horse would place his front feet upon the bar and Jim would order a beer for himself and one for his horse. An obliging customer would hold the bottle so the horse could drink.

A pig called "Whitey" would entertain the guests at Hanson's Dump on occasion. When Whitey would become thirsty, he would enter the saloon and paw at a customer's leg until the customer bought him a drink. One night after a session at the bar, Whitey was wending his uncertain way home. The verdict the following morning was that as Whitey was crossing the bridge over the creek, the bridge swung one way as Whitey veered the other. He missed the bridge, fell into the creek and was drowned.

Then there was Henry Jones, the stage driver, with a voice like a fog horn whom people called "Whispering Jones".



DISEÑO of RANCHO LAGUNA de los
PALOS COLORADOS

Chapter IV

Partition of the Rancho

The recognition of the Moraga-Bernal title to Rancho Laguna de los Palos Colorados as exemplified by the patent, did not mean the end of problems for the claimants. This was true of most of the patents issued by the United States government throughout the territories ceded by Mexico. It is important to note that title, as confirmed by the patent, did not vest title in the patentee. Confirmation referred back to and took effect as of the date upon which the claim was filed with the Board of Land Commissioners. Thus, as in the case of most land claims of Spanish or Mexican origin, if the claimant had mortgaged, sold, bargained, or in any way encumbered his interests in the land prior to the date of patent, the title reverted to the interest or interests of the third interested party or parties.

The discovery of gold attracted many land-hungry Anglo-Americans who showed as little regard for the land rights of the Mexicans as the Spaniards had shown for the Indian's. The immigrants found, on their arrival, that most of the best land west of the Coast Range had been included in enormous land grants made by the Mexican government. The newcomers doubtlessly brought with them the notion that this territory obtained from Mexico was public land and they, therefore, had the right to settle upon it as freely as they had been doing upon parts of the public domain in other states and territories. In his book Land in California, W.W. Robinson wrote: "The story of squatterism in California is just one chapter in the story of mob law in America." The squatter problem of the 1850's through the 1870's Robinson blamed on the fact that many land titles had not yet been confirmed by the Land Commission or, if confirmed, were still in the courts on appeal or were waiting for government survey before a patent could be issued. The problems of the ranceros were multiplied by the application by Congress of the preemption Act of 1841 and the Townsite Act of May 23, 1844, to California. Robinson defined preemption as "a preferential right of purchase given actual settlers." This meant, in effect, that a man could settle on public land without the consent of the government and thereby become a preferred buyer, with the

right to buy the land at the minimum price without competition. The Townsite Act granted pre-emption rights to towns quite similar to those granted individuals by the Act of 1841.

Though neither of these acts applied directly to Rancho Laguna de los Palos Colorados, the effect was felt.

While the appeal was pending before the United States District Court for the Northern District of California, Horace W. Carpentier entered a claim against the rancho for an undivided one-half interest. He claimed that the Moragas and the Bernal had no money with which to pay his fees for defending their case before the courts and had agreed to give him the undivided one-half interest. The Court concurred and added his name to the list of claimants. To enforce his claim, Isaac Yokum, an agent for Carpentier, moved a band of men onto the rancho and built barricades near Moraga's home. A gun fight ensued in which several were reported killed or wounded. The Yokum forces withdrew but continued to harass the family.

Horace Walpole Carpentier had come to California in 1848 and established himself in San Francisco as an attorney. He and two partners, Edson Adams and Andrew J. Moon (also spelled Mhoon), in complete disregard for the rights of the Peralta family, crossed the bay and took possession of a large segment of Rancho San Antonio in 1850 and began to lay out the townsite of Oakland.⁴² From that time, Carpentier began to build a reputation as a land-grabber. The stories of his land deals explain the reputation he developed in northern California. His nefarious operations were not confined to Alameda and Contra Costa Counties. His influences were felt from Sacramento to Monterey and as far east as the mountain counties of Placer, Sonora and Amador. The team of Carpentier, Moon, Adams, Frisbee, Brisac and DeZaldo apparently stole more land from Mexican claimants than any other combination of men at the time.

Carpentier gained possession of a great part of the Rancho Laguna de los Palos Colorados through mortgage foreclosures and sheriff's sales. In the same manner, he soon gained possession of a large part of Rancho San Ramón, a portion of San Antonio and, by devious means, an interest in Rancho El Sobrante in Alameda and Contra Costa Counties, and Arroyo Seco grant confirmed to Andrés Pico in Amador County. His brother Edwin, by applying an old Spanish law, attempted to gain possession of a large part of Rancho El Sobrante, but the U.S. District Court rejected his claim.

Joaquin Moraga died on June 22, 1855, leaving a will. His heirs were José and Francisco Moraga, María Luise Moraga de Briones, her children and a number of grandchildren. José was appointed administrator of his father's estate by the Probate Court on August 10, 1855. He was authorized by the Court, on May 2, 1856, to sell 895 acres of land to pay debts against the estate. The sale was conducted by the County Sheriff, James E. Hunsacker, on the steps of the Court House in Martinez. The first parcel, comprising 160 acres was sold to I.W. Williams; J. Hostetter bought 110 acres; John Merrill, 160 acre; George Meacher, 100 acres; John Fine paid ten dollars an acre for 176 acres; and Phineas Harrington and Lewis Maison paid \$10.26 per acre for 118 acres. Subsequent sales reduced the land holdings of the Moragas to a small portion around and near their home. By this time, it appears that the Bernales had lost all of their interests in the rancho through mortgage foreclosures and tax sales.

José Moraga died December 16, 1862, and M.R. Barber was appointed to replace José as administrator of Joaquin's estate. He was opposed by José Joaquin, a son of José, Francisco Galindo and Isaac Yoakum, all of whom filed petitions with the Probate Court. In his will, José denied the alleged transfer of a fifth of the rancho as claimed by William Carey Jones, Charles B. Strode and Edwin A. Lawrence.

Apparently, Joaquin Moraga, with the consent of Juan Bernal's widow, Encarnación Soto Bernal de Higuera and her husband, Ramón Higuera and Guadalupe Bernal, decided to the three one-fifth of the rancho in separate and equal parts, the center line of which was to be run east and west through the center of a small lake near the middle of the rancho. The deed read in part: ". . . in consideration of the payment of \$100.00 and services rendered in the prosecution of the title to the ranch . . . said land is transferred and conveyed with a warranty against all encumbrances except the difficulties of squatters on portions of the same."⁴³

In order to set off this one-fifth from the rest of the rancho, Joaquin had hired Horace A. Higley, the U.S. Deputy Surveyor who had produced the official map of Alameda County, to survey this land and delineate that portion transferred to Strode, Lawrence and Jones. The survey and plat were completed in May, 1855 and were used for the next twenty years as a basis for other surveys of the rancho.

In a petition to the Court dated September 16, 1881, José Joaquin Moraga pointed out that Barber had been administrator for nearly nineteen years and had never given an

accounting of the estate. Barber resigned and was succeeded by E.W. Hiller, County Public Administrator, whereupon, Horace W. Carpentier filed a petition asking that the matter of the estate be transferred from Solonao County to Contra Costa County. He called the Court's attention to certain pertinent facts concerning the case: first, that the probate proceedings were commenced in Contra Costa County and by reason of the disqualification of the presiding judge of the Probate Court of Contra Costa County, the matter had been transferred from Contra Costa County to Solano County; secondly, that the matter had been pending in the two courts for more than twenty-five years and was still unsettled; and thirdly, that for five years after José's death, the estate had no administrator. Carpentier further claimed that he had acquired all the rights, title and interests of all of the heirs of Joaquin and José Moraga and was therefore the rightful owner of Rancho Laguna de los Palos Colorados.

Following Carpentier's presentation to the Court, E.W. Hiller informed the Court that Marie Hall, thought to have been Carpentier's niece, had brought suit in the Superior Court of Alameda County for partition of the rancho and the case was pending. On further evidence presented by Hiller, Judge A.J. Buckles awarded Horace W. Carpentier the 4,863.61 acres remaining to the Moraga estate.

The action on the partition of Rancho Laguna de los Palos Colorados began in 1883 and in 1887 the Court awarded to Albert E. Williams, administrator for the estate of Jesse H. Williams, deceased, 158.87 acres; to Fletcher M. Bishop, 54.145 acres; to Lizzie and Oliver Hamlin, 163.83 acres; and to Mary Ann Carroll, as trustee for John H., Thomas P., Hugh and Mary Carroll, 188.65 acres. John W. Hughes and Mary E. Hughes received 104 acres and the remainder was given to Marie Hall and Horace W. Carpentier.⁴⁴

Up to the time of the petition, a number of people had purchased lands at sheriff's sales. Among them was William Southard who built a house south and east of where the Sacramento Northern Railroad established their Moraga station. Jesse Williams bought a parcel which was awarded to his estate; Edward Bosqui owned a parcel bounded on the south by the Carroll ranch and on the north by Rancho Acalanes. Other temporary owners were John Merrill, John Fine, David Meacham, Francisco Moraga and J. Hostetter. All of these ownerships were wiped out by the partition of the rancho.

Chapter V
Development
The Railroads

Horace W. Carpentier gained control of the Rancho Laguna de los Palos Colorados about the same time the Santa Fe Railroad Company had successfully challenged the Southern Pacific Railroad Company in California and was looking for a route south from Sacramento to Oakland. A portion of the required route was provided by the California and Nevada Railroad.

Articles of incorporation for the California and Nevada Railroad Company were filed February 1, 1882, by John T. Davis, A.J. Rhodes, J.R. Regart, S.M. Miller, B.B. Minor, James McKinley and C.H. Livingston as members of the board and stock holders. The company began construction two years later and track was laid as far as the town of San Pablo before the year ended. The line was formally opened from Fortieth Street in Oakland to San Pablo in March, 1885. Work was suspended when the road was taken over by the contractor presumably because of financial troubles. The operation of the line was confined, for a while, to the transportation of materials for construction only.⁴⁵

By January, 1893 the roadbed had been extended to a point ten miles east of San Pablo and a two and a half mile section had been built between Orinda Park (Orinda Village) and Bryant's Corners (Orinda Crossroads). The line was leased to and operated by the Pacific Construction Company of San Francisco which was incorporated on September 2, 1890, under the direction of J.A. Williamson, president; Angus A. Grant, vice president and general manager; J.A. Burton, secretary-treasurer (who later became ranch manager for Horace W. Carpentier); and A.M. Beal, superintendent. J.S. Emory, E.A. Phelps, M.J. Loeffler, Robert Doble, G.E. Schell, J.J. Scrivner and Abner Doble were members of the board. Angus A. Grant was one of three brothers who had formed a construction company and had contracted to build portions of the Santa Fe Railroad through Colorado and New Mexico. The California and Nevada line was later leased and operated between Oakland and Bryant's Corners by the Oakland and San Francisco Terminal

Company in 1895. The officers of the company were F.M. "Borex" Smith, president; William Thomas, vice president; A.H. Clough, secretary and general manager; and Wells Fargo and Company Bank, treasurer, with offices at 101 Sansome Street in San Francisco. The completed portion of the line began at Fortieth Street and roughly paralleled San Pablo Avenue to San Pablo Creek. It followed the creek upstream through Orinda Park to Bryant's Corners where Andrew J. Bryant, a former mayor of San Francisco (1875), had built a home. Poor's Manual of the Railroads of the United States for 1859 reported that the roadbed had been graded as far as Glorietta, but the rails had not been laid. Contemporary reports tell us that the roadbed had been graded as far as Moraga townsite and the rails had been laid as far as the station at Glorietta.

Meanwhile, the Santa Fe Railway Company was extending its route from Sacramento and, in order to get to Oakland, purchased the right of way of the California and Nevada Railroad. Of the twenty-four and a half miles purchased, Santa Fe used only the eleven miles from Fortieth Street to Macdonald Avenue in Richmond. The line was rechristened the Oakland and East Side and the first train over the route entered Oakland May 16, 1904.⁴⁶

This construction was followed in 1904 by the Oakland and Antioch Railroad incorporated by A.W. Maltby, Walter Arnsten, Semuel Naphely and Harry Mitchell as the board of directors. Construction began at Bay Point (Port Chicago), and by May, 1911, trains were operating between Bay Point and Walnut Creek; and into Oakland by April, 1913.

Another railroad, the Antioch and Eastern, was incorporated April 1, 1911, to build a line from Bay Point to Sacramento, with a branch line from Pittsburg to West Pittsburg. Construction began in July, 1912 and the line was operational by August, 1913. During this stage of the construction, the Oakland, Antioch and Eastern leased the Oakland and Antioch and the San Ramon Valley railroads which included the line from Saranap to Danville and was operating trains from Sacramento over the combined route by September, 1913.

The route of the combined system began at the Oakland mole where the trains met the ferries from San Francisco, passed through the city over Fortieth Street and along Shafter to the Berkeley hills where they entered a tunnel from which they emerged into Redwood Canyon (upper San

Leandro Canyon). The route followed the canyon south, east and north into Moraga Valley. It passed the Moraga townsite, the Moraga Country Club Subdivision (located on the northern portion of the present campus of St. Mary's College), then on to Burton Station, Reliez Station and to Lafayette. From there, the line entered Tice Valley at Seranap from where a branch line (the San Ramon Valley Railroad) went through Alamo to Danville then went on to Diablo Station near the foot of Mount Diablo. The main line proceeded to Walnut Creek, Meinert Station, Concord, Bay Point and West Pittsburg from where a branch line serviced Pittsburg. The main line then crossed the Sacramento River by ferry from Mallard Island to Chipps Island and went on to Sacramento. The right of way was acquired by the San Francisco-Sacramento Railroad Company which, on January 12, 1929, deeded it to the Sacramento Northern Railroad Company. The line was abandoned through Alameda and Contra Costa Counties in 1961.

Schools ⁴⁷

The first schools established in Contra Costa County were typical one-room buildings so common along the American frontier, with one teacher holding classes for all grades. The child's education depended a great deal upon the tenure of the teacher or to the extent the child was needed at home to help with the farm. For this reason, the schools reached a small percentage of the children in the county. Early reports from the office of the County Superintendent of Schools show that school terms were short and sporadic.

The most probable date for the establishment of a school in Moraga Valley is 1864. A one-room school house was built at the southwest corner of old Moraga Road and Jonas Hill Road and was named Willow Spring School. When the school district was formed, it adopted the name of the school. Early records tell us that Mrs. J.M. Weeks taught school at Willow Spring in October and November, 1879 and Mrs. S.S. Brite conducted classes between May 5 and June 17, 1880.

Three schools were established on Rancho Lagune de los Palos Colorados between 1864 and 1917. The second school, the first Moraga School, was built on land said to have been deeded expressly for the purpose very near Glorietta about 1865. As the records are sketchy at best, the names of the earliest teachers have been lost to history. Miss Lizzie W. Swain taught during the school year 1879-80 and Miss Lawless during 1885-86. Twenty-four students were listed on the rolls during the 1896-97 semester and the

teacher, Margaret Jennie Bickerstaff (Mrs. William Rosenberg), served seven years. She taught all grades of grammar school and one year of high school. She received a salary of sixty dollars a month. When she left the Moraga School, she taught school in Lafayette. Among the children listed in one of her classes was Olivette Moraga. Mrs. Rosenberg died in 1966.

The Moraga School became a part of the Orinda School District in 1924. The old building was finally abandoned and sold, to become a portion of a family dwelling.

The new Willow Spring School was built on land located at the south end of School Street in the Moraga Townsite which had been donated to the school district by the Moraga Company in 1916. It was sold April 30, 1966, at auction, to the Non-Denominational Valley Church of Moraga. It was remodeled inside but the original façade was preserved. The old one-room school house was abandoned and moved to the site of the ranch headquarters established by the Utah Construction Company after they bought the ranch. It was used as a cook house for the workmen on the ranch until it burned in 1954.

Willow Spring School District adopted the name "Moraga School District" in 1927, three years after the original Moraga School District merged with the Orinda School District. A third school, Valle Vista, was built in the Redwood Tract in 1917 on land along San Leandro Cree which had been purchased from C.A. Hooper Company. The name was changed to Canyon in 1920.⁴⁸ The school gained the distinction in 1964 of being the smallest school district in Contra Costa County with a student body of thirty-five.

By 1966, there were three elementary school in the district; Donald Rheem, built in 1958; Camino Pablo, in 1960 and Los Perales, in 1966. A high school was built in 1962 but was included in the Acalanes High School District and two other school sites were being considered by the school board. The most recent schools to have been established within the boundaries of Rancho Laguna de los Palos Colorados are Glorietta, Joaquin Moraga, Inland Valley Intermediate School, Inland Valley Elementary and Del Rey. Stanley, Burton, Merriewood and Fairview, though within the rancho, are included within the Lafayette School District. Miramonte High School within the unincorporated area of Orinda, and Campolindo High School of Moraga are within the Acalanes High School District. By Spring Semester of 1975, three elementary

schools and one intermediate school were servicing about 2,663 pupils.

Moraga Valley has the distinction of being the site of the first accredited college to be established in Contra Costa County. St. Mary's College was first established in San Francisco near College Avenue and Mission Road above the present Alemany Boulevard. The Christian Brothers, a teaching order of the Catholic Church, came to California in August, 1868 to assume the responsibility for Saint Mary's College founded in 1863 by the diocesan clergy. Brother Justin (Stephen McMahon), president of the college, secured a charter from the State of California in 1872 and was empowered to award degrees. He was succeeded as president of Saint Mary's College by Brother Betelin.

Inclement weather, and the distance from the center of population in San Francisco, was blamed for a change of site. On the suggestion of Reverend Petrick William Riordan who succeeded Archbishop Alemany December 28, 1848, the Brothers bought eight acres on twenty-Eighth Street in Oakland. Archbishop Riordan laid the cornerstone of the new building in October, 1887 and the dedication ceremonies were performed August 11, 1889. The structure was gutted by fire September 23, 1894 and the rebuilt structure suffered severely from the earthquake in 1906. It was again damaged by fire in 1918. The Christian Brothers then acquired 405 acres in the Moraga Valley from the Moraga Company in 1927. The college was moved to its present location in 1928.⁴⁹

During World War II, Saint Mary's College was chosen by the Navy as a pre-flight school for its fliers and trained nearly sixteen thousand men. After the war, the college returned to its original status as a boy's school but it became co-educational in the fall semester of 1971.

Post Offices

In the development of the west, the post office has assumed many guises. It may have been a Wells Fargo Express office, a general store, a barroom or a private home. The first post office on the Moraga Ranch was talked of for years; it was a black walnut tree from which hung a rawhide bag into which mail was dropped for delivery. A vaquero, or anyone else so inclined, who happened by would take the bag with the mail in it to the nearest post office in Lafayette.

The first official post office for the Moraga Ranch was established May 5, 1886, with Harry Bird as postmaster. The post office was discontinued July 21, 1887, and the valley was served by the post office in Lafayette. The Moraga post office was reestablished in 1915. The post office was moved, in succession, to a private home, a cook house and the Sacramento Northern depot at the Moraga Townsite. The latter served as a post office from 1947 to December 1, 1955, when Moraga's first post office built exclusively for mail was dedicated with Mrs. Elinor Dickenson as the postmistress. She had been appointed to that office September 30, 1954. The building is now being used by the Wallace Realty Company.

Moraga dedicated a newer and larger post office November 5, 1966, one block south of the former one. The ceremonies were attended by a large gathering of people from all parts of the Bay Area. Raymond R. Germain, assistant to the Regional Director of the San Francisco Postal Region, and Jerome R. Waldie, Member of Congress, were two of the principal officials to direct the ceremonies.⁵⁰ Mrs. Dickenson served in the new post office until her retirement March 5, 1975. She was followed in office by Robert Wyman who was appointed July 5, 1975.

A post office was established at Sequya, a railroad flag stop in Redwood Canyon, August 23, 1922. Woodward J. Martinez was appointed postmaster. Due to confusion with the post office in Sequoia National Park, the name was changed to Canyon June 16, 1927. The post office was under the supervision of Mrs. Harrington in 1966 who was succeeded by Mrs. Gadsen. Madeline Bratt was serving as postmistress in 1976.

St. Mary's College has had its own post office since May 1, 1928. Brother Florinus (Richard J. Doyle) was postmaster at that time. He was succeeded in turn by Brother Aloysius, Brother Nicolas, Brother Josephus and Brother Anselm. Mrs. Mary Kallos followed Brother Anselm and she was succeeded by Salvatore J. Montalban who was serving in 1966.⁵¹

The youngest post office to be established in the valley is at Rheem Center. It was dedicated September 29, 1956, with Bernice Williams as postmistress.

Water⁵²

It may be interesting to note at this time that William F. Boardman, The United States Deputy Surveyor, who made

the final survey of Rancho Laguna de los Palos Colorados in 1867 had become convinced that water in quantity could be found by boring into the hills above Oakland Near the summit. William J. Dinee, founder of the Piedmont Springs Water Company acted on Boardman's convictions in 1891. He bored a tunnel on the south side of Moraga Peak about one thousand, one hundred and thirty-four feet above sea level and the tunnel, christened the "Boardman Tunnel", was soon producing 200,000 gallons of water a day.

Between 1866 and 1928, there were about eighteen water companies organized in Alameda and Contra Costa Counties. A few of them materially affected the Moraga Ranch. The Contra Costa Water Company, incorporated by Anthony Chabot, did more to develop the water resources of the East Bay than any of the others until the formation of the East Bay Municipal Utilities District by a vote of the people in 1928. Chabot's company acquired the California Water Company in 1867; the Oakland and Alameda Water Company in 1868; and between 1899 and 1906, it acquired four other companies. It was, itself, absorbed by the Peoples Water Company on January 2, 1907.

The Peoples Water Company acquired much of the southern portion of the Moraga Ranch south and east of Redwood Canyon which it later sold to the East Bay Municipal Utilities District. Another company which influenced water development on the rancho was the East Bay Water Company under whose direction the Upper San Leandro Reservoir was created. The northern portion of the reservoir lies within the southern boundary of the rancho.

Four water districts were formed to supply water to the people who had settled upon the rancho. The Lafayette Water District was formed October 13, 1913, and included a portion of the northern reaches of the rancho; the Orinda Water District was created February 4, 1932, and occupied a portion of the west. Two districts were formed whose boundaries were entirely within the rancho; the North Moraga District covered the northern part of Moraga Valley, and the South Moraga District covered a portion of the east and central parts. All four districts were absorbed by the East Bay Municipal Utilities District.

By 1967, the East Bay Municipal Utilities District had three mains servicing the entire rancho. One leaves the Orinda pumping plant near Orinda, passes through Orinda Crossroads and follows Moraga Way to the Moraga Townsite. It supplies water for the Oak Springs pumping plant near the crossroads, the crossroads tank and the Glorietta tank,

the Laguna pumping plant and tank, then connects with the St. Mary's main which feeds from the Diablo pumping plant. The St. Mary's main enters the rancho through Tice Valley and follows St. Mary's Road and Moraga Road and terminates near the end of Camino San Pablo. The third main leaves Lafayette along Moraga Road and connects with the Orinda main by way of Rheem Boulevard and Glorietta.⁵³ There are about twenty tank-type reservoirs and pumping stations in the system which could accommodate the projected expansion of population for a number of years.

Electricity⁵⁴

The Great Western Power Company, incorporated September 18, 1906, brought electricity to Moraga Valley in 1909. The company was a descendant of a California corporation formed March 24, 1902, as the Western Power Company. It was the first of a group of corporations to build dams in the northern part of the Sierra Nevada.

Julius M. Howells, a civil engineer from Los Angeles, conceived the idea of using the Feather River as a source of hydro electric power. He made a reconnaissance of the river and met with James D. Schuyler, a hydraulic engineer who introduced him to Edwin T. Earl, a fruit shipper, newspaper publisher and a capitalist. Realizing the potential value of Howell's conception, Edwin T. sent for his brother, Guy C. Earl, an Oakland attorney. The two brothers commissioned Arthur H. Breed, an Oakland real estate broker, to go to the Feather River basin and secure options on land and water rights. During the winter of 1901-02, Breed traversed the area near and around Big Meadows with Augustus R. Bidwell obtaining options.

Before the Earl brothers' Western Power Company could exercise its options, it passed into the control of Colonel Frank H. Ray, vice president and organizer of the American Tobacco Company; A. C. Bedford, who became president of Standard Oil of New Jersey in 1916; James H. Wallace, president of the Central Trust Company of New York and Philip Stockton, a future president of the Old Colony Trust Company of Boston. These men formed the Great Western Power Company. Guy C. Earl was vice president and Edwin T. Earl was a director.

The first power house erected by the company was located at Big Bend on the Feather River, about sixteen miles upstream from Oroville, and the first generators were put in service about December 23, 1908. With the addition of a few more units, it was considered the largest hydro elec-

tric plant west of the Mississippi River. The power from this plant reached Oakland through the Moraga Valley in 1909 but as the company could not secure a franchise, its only customer was the Pacific Gas and Electric Company. Great Western Power Company was eventually absorbed by the Pacific Gas and Electric Company through a transfer of stock.

Sanitation⁵⁵

The primitive out-house of the Chic Sale variety was sufficient for the disposal of sewage for many years in the rural environs of Contra Costa County but with the increase of population, modern sewer systems became a necessity. Several sanitary districts were formed in the several parts of the county but as the county grew, the small sanitary districts proved inefficient and expensive. To provide an efficient system, the Central Contra Costa Sanitary District was formed July 15, 1946, under the Sanitary District Act of 1923. Previously, Orinda and Moraga Valley had been partially served by local sewer systems located in the watersheds of the San Pablo and Leandro Reservoirs of the East Bay Municipal Utilities District. Two pumping stations were operating in Orinda, with forced mains to Charles Hill. Two others were placed in Moraga Valley which serviced four mains within the valley and to Saint Mary's by 1950. A trunk line was installed from Saint Mary's to Lafayette.

Sewage treatment facilities had been installed at the college when it was built with a capacity for a population of approximately nine hundred. When the Navy established its pre-flight school at the college in 1942, it renovated and enlarged the treatment plant.

The Central Contra Costa Sanitary District has kept abreast of the sanitary needs of the rancho as home building has expanded by enlarging and extending its facilities, its mains and service lines.



Chapter VI

Canyon

The present community of Canyon began during the real estate boom which followed the construction of the Oakland, Antioch and Eastern Railroad in 1913. Several subdivisions were laid out and a number of lots were sold. Moraga Subdivision Number Three (called Valle Vista because of the railroad station of that name nearby) was planned by the C.A. Hooper Company and the Moraga Company as a joint venture in 1912. Alder Dell was recorded by A.T. Lydikson. Pinehurst was laid out in 1916; Canyon City was approved, and the map was filed by Fannie E. Martinez in 1919. In 1921, Villa Sites Developing Company filed maps for Moraga Redwood Heights and Moraga Redwood Heights Extension. The last subdivision to be filed in the Canyon area was Hillside Vista Acres, May 5, 1925.

During the height of the railroad era, there were more than one hundred houses, five flag stops and two large parks with outdoor dance floors in the canyon. The parks and dance floors were maintained by the railroad company which operated special excursion trains periodically to Pinehurst and Madrone Parks.

After the first short period of sales, the market slowed. Peoples Water Company, incorporated August 30, 1916, bought a major part of the watershed at the south end of Redwood Canyon. This purchase included many of the lots in the several subdivisions. East Bay Water Company, incorporated November 13, 1916, absorbed Peoples Water Company and was, in turn, absorbed by the East Bay Municipal Utilities District (created by vote August 25, 1923) on December 8, 1928. In order to protect as much of the watershed as it could, the District bought more of the area as it was put on the market.

The Oakland Tribune reported on November 22, 1964, that the East Bay Municipal Utilities District had been buying all available land in the upper San Leandro watershed. The report suggested that the District had tried to acquire some of the land by condemnation. Spokesmen for the District had been quoted as claiming that "Since there were sources of contamination to the San Leandro Reservoir existing in the area, they wished to convert it into a watershed

free from contamination." The efforts of the District to buy the entire watershed caused the people of Canyon to fear the ultimate destruction of the village and its environs, only to be replaced by a number of expensive subdivisions. This, the District was quick to deny and indicated a willingness to cooperate with the East Bay Regional Park District to create a park in the watershed.

Another problem threatened the tranquility of the settlement in Redwood Canyon during the latter part of 1966. For well over three decades, the people of Canyon had built and maintained their homes well within the limits of reasonable construction and health standards, even when there was no county building code. In order to protect the health of their families and neighbors, they observed reasonable care in disposing of water, waste and sewage. Many of the land sales in the canyon during the 1960's tended to introduce into the community people of a different cultural background. These newcomers appeared to be reluctant about conforming to the county codes. Some expressed the feeling that the building and safety codes interfered with their personal rights of self-expression. As a result, a number of the "dwellings" were said to conflict with all reasonable health and safety standards. This situation worsened during 1967 when a new element entered the canyon. A group of non-conformists, referred to in the vernacular as "Hippies", established a community at and near the old store and made a half-hearted attempt to make it habitable. Their expression of "personal rights" and their antagonism toward what they loosely called the "establishment", was demonstrated in the "houses" and in their methods of disposing of sewage and waste.

This apparent total disregard for reasonable health and safety standards was brought to the attention of the County Building Inspector late in 1967. He made an effort to apply the building code to the repairs which the hippies were attempting to make on the old store. This problem was solved when a pipe line nearby which was carrying high test gasoline was dynamited. The resulting fire burned the old store and some of the crude shacks near it. The hippies seemed to have suffered a defeat, but they appeared in greater numbers. Complaints again reached the Building Inspector and the initial action to abate the nuisance was begun in July, 1968. Subsequent investigations revealed possible violations of the State Health Code and the County Health Department was asked to investigate. Their findings were such that when they reached the County Board

of Supervisors, the Sheriff was asked to investigate the presence of runaway minors and the possession and use of narcotics.

The entire problem was eventually turned over to the housing section of the Building Inspector's office for a general review of the situation. One man was assigned full time just to check illegal construction. There were found about twenty-two extreme violations and a number of lesser ones of different degrees. A plan of procedure evolved which was broken down into three phases. Phase one was aimed at close policing of new construction. This would, it was hoped, assure that all new construction in Canyon would conform to the county building code. Phase two would exercise all legal means within the county structure to bring all old construction up to code. Phase three was meant to prevent any structure from entering phase two through age and neglect.

The County Board of Supervisors held public hearings at the request of the people involved. The attorney for the alleged violators suggested the individual cases be heard before a hearing officer or referee for adjudication. This suggestion was taken under consideration by the Board but the problem was finally abated almost completely by a stringent enforcement of the existing health and safety codes supplemented by other laws where needed. The change of attitude among the hippies and the deletion of their numbers also helped.



FIRST AMERICAN MAP,

APRIL 30, 1855

COMPLETED LESS THAN TWO MONTHS BEFORE DEATH OF JOAQUIN MORAGA WHO HAD ORDERED IT TO DETERMINE LOCATION OF ACREAGE TO BE PAID TO LAW FIRM WHICH PROVED HIS TITLE VALID.

Chapter VII

Horace W. Carpentier to Russell Bruzzone

The construction of the California and Nevada Railroad suggested to Angus A. Grant, his brother John, and James A. Williamson the possibility of developing the rancho as homesites. They contracted to buy the rancho from Horace W. Carpentier on June 1, 1889, and incorporated the Moraga Land Association July 24, the same year. They began immediately to subdivide a portion of the rancho near Glorietta into plots ranging from homesites of one third of an acre to twenty acre farm lots. The map of the subdivision was filed as "Plat B" in 1891. The success of the venture depended upon the success of the California and Nevada Railroad.

The corporation published and distributed a prospectus which advertised the qualities of the area and the advantages of the location: "A railroad, known as the California and Nevada, is now being constructed from Oakland directly through Moraga. Another railroad is being surveyed, making a circuit of the estate, covering all of its valleys and making within easy access all of the subdivisions. This railroad will make a second junction with the California and Nevada on Walnut Creek."⁵⁶

The prospectus also described the advantages of "pure air and pure, free water," the agricultural possibilities within the valley and its nearness to the markets of Oakland and San Francisco. Appended to the quite extensive description was a list of the tenant farmers. Among those listed were Philip Lamp, E.G. Reynolds, Henry Harwood, George Williams, Oliver Hamlin, A.D. Williams and John Carroll. In spite of the prospectus and an intensive sales program, buyers were not attracted and when the Santa Fe Railroad Company acquired the right of way of the California and Nevada, the Moraga Land Association development failed. The Grant brothers, apparently disappointed in their Moraga venture and seeking better prospects in the southern part of the state, abandoned their investment and moved to Los Angeles; whereupon, the County Sheriff attached the rancho for delinquent taxes and Horace W. Carpentier

was able to redeem it at the sheriff's sale for \$43,000.

Between 1896 and 1913, Carpentier began to liquidate his land holdings in Contra Costa County. Perhaps he was influenced by a suggestion made twenty years previously that he should seek a more healthful climate. He began by selling rights of ways to the Oakland and Antioch Railroad and the Great Western Power Company. A land speculator and farm operator in Contra Costa County, C.A. Hooper, bought what remained of Carpentier's holdings on the rancho July 19, 1912.⁵⁷ He immediately transferred his title to the C.A. Hooper Company which he had incorporated December 28, 1906, with himself, F.F. Burrell, Sumner Crosby, A.G. Jewell and W.E. Creed as the board of directors.

Wissington W. Creed, a lawyer, who became president of the Pacific Gas and Electric Company July 28, 1920, was legal counsel for Peoples Water Company of Oakland. He was the president of Columbia Steel at Pittsburg, The Contra Costa Bank at Pittsburg and the C.A. Hooper Company Wholesale Lumber. He also served as a director of Wells Fargo Bank and the Union Trust Company of San Francisco and of the East Bay Water Company.⁵⁸

Shortly after C.A. Hooper purchased Rancho Laguna de los Palos Colorados from Carpentier, James Irvine, with Arthur H. Breed, Guy C. Earl, Rudolf J. Taussig and R.N. Burgess incorporated the Moraga Company in October 1912 and bought 6,600 acres of the rancho from Hooper.⁵⁹ They bought the remaining 4,333 acres in 1923, and another period of development began for the rancho.

During the period of joint ownership, the two companies were able to develop that part of the rancho in the near vicinity of the Orinda Crossroads and a portion near Lafayette but all attempts to develop the interior as homesites failed. In 1913, the two companies commissioned H. Hanson to "sectionalize" the rancho by dividing into lots averaging about forty acres each with the idea that this would expedite sales. Three years previously, R.N. Burgess surveyed and laid out the Moraga Townsite and filed the map with the County Recorder in 1914. In spite of an intense sales campaign, few homesites within the townsite were sold and that venture also failed.

Other attempts were made. The Moraga Country Club Sub-division No. 1, filed March 2, 1915, was laid out on a portion of the present campus of Saint Mary's bounded on the north by St. Mary's Road and on the east by Bollinger

Canyon Road but none of the lots were sold. Several homesites were sold in the area bounded by Larch Avenue on the north and Camino Pablo on the south. These sales were probably influenced by the Oakland and Antioch Railroad and by the introduction of fruit and nut trees into the valley by James Irvine.

The 158 acres awarded to the Williams estate by the articles of partition in 1887, were purchased by San Glazer. The southern portion was subdivided as Oakland Sunland Unit No. 1 and the map was filed August 4, 1926. This venture failed and the land was sold to Donald Rheem who built a home on the land and lived there until he sold it to the Province of Brothers of the Christian Schools July 19, 1961. They, in turn, transferred it to the De La Salle Institute September 6, 1963. The Moraga Park and Recreation Authority bought it in 1973. The remainder of the property to the north became Rheem Center.

Donald Rheem entered the field of real estate development shortly before the United States entered World War II. His first venture was the Orinda Theater which opened for business in December, 1941. He has also been credited with the construction of several commercial structures in the business district of Orinda Crossroads. Soon after the Utah Construction Company purchased the holdings of the Moraga Company and began to develop the rancho, Rheem recognizing the potential of the eight hundred acres he had bought from the Moraga Company a number of years before, began to develop the area of the southwest corner of the intersection of Moraga Road with Rheem Boulevard. The San Francisco Examiner reported in 1954: "Rheem admits he is building a modern shopping center in the area where there are no residents in the immediate vicinity. But he pioneered the same thing at the Orinda Crossroads; and as he says, 'Events proved that a good shopping center built better than any other will bring people to it'."

The C.A. Hooper Company, after liquidating its holdings on Rancho Laguna de los Palos Colorados, confined its efforts to land rentals and speculation in the northeastern and central portions of Contra Costa County with its main office at Pittsburg. The corporation was dissolved about June 3, 1959 but not all of its real estate was sold. What was left was held by shareholders as tenants-in-common. These lands were finally sold to V.P. Baker of Baker, Rodi and West Company on September 1, 1959.⁶⁰

Under the guiding hand of James Irvine, the Moraga Company developed plans for the rancho with the help of a San

Francisco firm of engineers, Punnot, Pelz and Hutchinson. Feeling the need of help from an engineering firm closer to the property, the Moraga Company turned to Wilson Company in 1925. The Wilson Company performed all of the necessary engineering chores for the Moraga Company until the rancho was sold to the Utah Construction Company in 1955. Early in the planning years, the Moraga Company contracted with Fairchild for an aerial survey of the lands. An airfield was located near the southeastern corner of Redwood Canyon Road and Camino Pablo to expedite the survey. Mr. Frank Draeger of Wilson Company said that it was perhaps the first experiment in Aerial photography in the United States for the purpose of land surveying.61

James Irvine, a student of agriculture, introduced the culture of fruit and walnut trees into the valley and, for a while, a new industry. A Japanese plum which he introduced did not thrive. Most of the trees have been replaced by subdivisions.

The Moraga adobe was acquired by Mrs. Katherine Brown White Irvine through her husband in August, 1941. After having it renovated, she made it her home. The Argonaut for September 15, 1844, described the house as one of the most charming places in the area. The old house has several unusual features such as carved woodwork around deep-set windows. The stairs at the west side of the house permit access to the attic. The one and a half storied adobe has a wide veranda with pillars supporting an overhanging roof. The lean-to, which has been described in testimony before the United States Board of Land Commissioners has been restored and a portion of it houses a modern kitchen.

When Mrs. Irvine died, the house passed to her grandson, William Thornton White III, who lived there until he sold it to Donald and Jean Manuel in October, 1964. The Manuels extensively remodeled the interior by preserved the exterior walls and much of the feeling of the house. The Manuels sold the old adobe to Dean Claxton in December, 1976.

In a ceremony held on the grounds of the old house on May 3, 1954, the Contra Costa Historical Society fastened a bronze plaque to the front wall of the house and dedicated it as a State of California Historical Landmark.

Not long after the earthquake of 1906, James Irvine moved to Orange County and established his family on a large ranch there. His father had come from Ireland in 1864 and came west with the gold rush. He entered the grocery business

and began to invest in real estate. James Irvine senior joined with Benjamin and Thomas Flint and Llewellyn Bixby to acquire two Mexican grants and a portion of a third in 1866. Rancho Santiago de Santa Ana was granted to Antonio Yorba by Governor José Arrillaga in 1810; Rancho Cerrito de las Rmas y las Bolsas de San Joaquin was granted to Teodosio Yorba by Governor Juan Bautista Alvarado in 1837; and El Rancho de Santiago was granted to José Andrés Sepulveda by Governor Pio Pico in 1846.⁶² James Irvine Junior inherited this property from his father and incorporated the Irvine Trust Company which became the James Irvine Enterprises after his death in 1947. The corporation is now heavily involved in developing its vast holdings as townsites.

Perhaps the corporation, wishing to concentrate on the southern properties, felt that it would be advantageous to dispose of the Moraga Ranch, or perhaps a bid was offered which they could not refuse. In any event, the Moraga Company sold what remained of their holdings of Rancho Laguna de los Palos Colorados to the Utah Construction Company December 28, 1953.⁶³ A new era began for the rancho with this sale which set off what was to become the most turbulent period in the history of the rancho since Horace Walpole Carpentier attempted to take possession of it. The events which developed soon after the sale set the stage for a conflict which was to sweep the greater part of the county.

The purchase of five thousand plus acres still remaining to the Moraga Company represented an investment of more than four million dollars. A spokesman for the Utah Construction Company said that the company planned to develop the "most desirable city in California", at a cost of more than \$140,000,000 among the rolling hills of this old Mexican grant.

The Utah Construction Company started in 1869 as a freight line organized by G.L. Corey and his brothers, Warren W., Charles J., and Amos B., together with their nephews Edmund O. and William H. Wattis. They entered the field of railroad construction in the 1880's under a partnership called the "Corey Brothers and Company". The Corey brothers left the company in the 1890's and, in 1900, new people joined the company to contribute working capital. The firm was later incorporated as the "Utah Construction Company" with Thomas Dee, president; William Wattis, vice president and general manager; and James Pingree, secretary and treasurer.

Among the many large construction jobs the company has successfully completed was the Western Pacific Railroad from Salt Lake City to Oroville which goes through the Feather River Canyon and involved forty-five tunnels and seven hundred and twenty-five miles of track. The line was shifted when the Oroville Dam was built. The company worked on the Denver and Rio Grande and the Oregon Short Line and built the Northwestern Pacific from Willits to Eureka. It built the Arizona Eastern Railroad from San Diego to El Centro blasting for twenty miles on a canyon and cutting through granite through the dramatic Carrizo Gorge. The company also built the \$6,000,000 O'Shaughnessy Dam for San Francisco's High Sierra Water supply.⁶⁴

In 1923, the company secured the contract to complete a connection of the Southern Pacific Railway Company's system to Ferrocarril Nacional de Mexico at Guadalajara. The route consisted of 110 miles of track over the rugged Sierra Madre Occidental between Chihuahua and Sonora Mexico which required the construction of thirty-five tunnels and as many bridges. All of the work, done with hand tools and Mexican labor, was completed in 1927.

Shortly after Utah Construction Company announced its plans for developing the rancho, a dispute, centering around its plans, was fanned into new heat by its request to the Contra Costa Planning Commission for rezoning in advance of a master plan. The company wished to introduce controlled manufacturing into the valley. The residents objected on the grounds that the access roads were not sufficient to accommodate the traffic which would result. The area is, in effect, one of single dwellings and such an increase in traffic over the existing roads would, it was feared, create problems for the residents.

The opposition was led by the Women's Planning League of Contra Costa County, the Lincoln Estates Property Owners, the Orinda Association and the Ranchito de Moraga Home Owners. All objected to the fact that Utah had not presented a master plan for the development of the area before asking for rezoning. To them, it appeared that Utah's plans were indefinite in general and those which had been firmly expressed would lead to overcrowding the valley and, eventually, to slum conditions.

At the time of the rezoning request, there was a panel of eight experts from the Community Builder's Council, one of the sub-groups of the non-profit, independent Urban Land Institute of Washington, D.C., making a study leading to a master plan. The ideas expressed at a public hearing

in Martinez, appeared to the opposition as quite vague, and they insisted upon clarification on some points.

The directors of the Orinda Association requested on January 27, 1955, that the master plan for the entire Moraga area be completed before zoning was attempted and that the Moraga master plan be coordinated with the master plans for Orinda and Lafayette. A master plan, with zoning for Moraga Valley was approved by the Planning Commission April 27, 1955. The zoning plans provided for 1,000 acres for agriculture; 1,558 acres to be divided into one-half acre lots; 180 acres into one-sixth acre lots; controlled manufacturing on 103 acres; commercial on 14 acres and neighborhood businesses on 28 acres. The remaining property, owned by Donald L. Rheem, the Rheem Development Company and Saint Mary's College was already zoned or too steep for development. The zoning of the Moraga Townsite was postponed until the route for the proposed Shepard Canyon Freeway had been determined. Twenty-two years later the route is still in doubt.

Unlike the efforts made before to develop the rancho, the efforts of the Utah Construction Company were based upon years of experience in heavy construction and in home building. An increased population, more efficient means of transportation and a changing economic climate did much to increase Utah's chances of success. The company did not plan to do any of the home construction. Its function was to plan the development and let the local contractors build to those plans.

In the decade between 1955 and 1966, Donald Rheem developed a thriving commercial center at the intersection of Rheem Boulevard and Moraga Road. The area bounded by Rheem Boulevard on the north, Moraga Road on the east, on the south by Moraga Way and westerly by Hall Drive had been subdivided except for the steepest slopes and a considerable portion at the intersection of Moraga Road and Moraga Way. This area, since 1966 has been developed into a sizeable shopping and commercial center. Some development had been completed east of Canyon Road between the Moraga Townsite and Camino Pablo and development was progressing for some distance along Camino Pablo and Larch Avenue.

Since 1966, there were periods of slack development caused, perhaps, by high interest rates or the changing social and economic conditions but some building did go on. By 1976, much of Saint Mary's Road to Bollinger canyon had been developed south from Lafayette and the

builder had begun to move west along Moraga Way. Russell Bruzzone had purchased the undeveloped lands still held by Utah Construction Company and began to extend his operations as the need developed.

The increase of housing and population in the valley and the apparent growth of Lafayette on the north and Orinda on the west began to concern a group of people in the valley. They could see the possibility of a loss of identity as the neighboring towns slowly encroached so they began to agitate for incorporation. After a long and controversial campaign, an election was held November 5, 1974. Seven days later, the canvass of the votes showed the vote to be in favor of incorporation by 1,140 votes and the Town of Moraga was officially formed. The city council members chosen to form the first city council were William G. Combs, Michael T. Cory, Merle D. Gilliland, Barry Gross and Susan H. McNulty. The county census report for 1975 showed Moraga had a population of 14,418.

Appendix
A Documentary History

Note

The following documents or portions of documents are felt to be important to the history of Rancho Laguna de los Palos Colorados because they explain much which is not included in the text.

The Roll of Honor

Basis for a list of the officers, segeant, soldiers and settlers, with their respective families, who by order of His Excellency the Viceroy, have been conducted by Juan Bautista de Anza, Lieutenant-Colonel of Calvary and Captain of the Royal Presidio of Tubac, in the province of Sonora, to the Presidio of Monterey in California, to be delivered to its commander, Don Fernando de Ribera y Moncado.

Soldiers of the Presidio

Lieutenant Don José Joaquin Moraga. He came without his wife and family, which he left at Terrenate, where he lived, because his wife was ill. 1

Sergeant Juan Pablo Grijalva; María Dolores Valencia, his wife. Children: María Josepha, María del Carmen, Claudio. 5

Domingo Alviso; María Angela Chumassero, his wife; Children: Francisco, Xavier, Juan Ygnacio, María Loreto. 6

Valerio Mesa; María Leonor Borbe, his wife. Children: Joseph, Joaquin, Joseph Ygnacio, Joseph Dolores, Joseph Antonio, Juan, María Manuela. 8

Ramón Bojorques; María Francisca, his wife. Children: María Gertrudis, María Michaela. 4

Carlos Gallegos; María Espinosa, his wife. 2
Juan Antonio Amezquita; Juana Gaona, his wife. Children:

Salvador Manuel, María Josepha, María Dolores, María Matilde, María de los Reyes, Rosalia Samora, wife of Salvador Manuel. 8

Ygnacio Linares; Gertrudis Rivas, his wife. Children:

Joseph Ramón, Salvador Ygnacio, María Gertrudis, María Juliana. 6

Justo Roberto; María Loreto Delfin, his wife. Children: Joseph Antonio, Joseph Mathias. 4

Gabriel Peralta; Francisca Manuela Valenzuela, his wife. Children: Juan Joseph, Luis María, Pedro Gertrudis. 5

Soldier Recruits

Juan Athenasio Vasquez; Gertrudis Castedo, his wife. Children: Joseph Tiburcio, Joseph Antonio, Pedro Joseph, María Antonia Bojorques, wife of Joseph Tiburcio. 6

Joseph Antonio Garcia; Petronila Josepha, his wife.

Children: Joseph Vicente, Joseph Francisco, Juan Guillermo, María Graciana, María Josepha. 7

The San Francisco Colony

- Antonio Aceves; María Feliciana Cortes, his wife.
Children: Joseph Cipriano, Juan Gregorio, Juan Pablo,
Joseph Antonio, María Petra, María Gertrudis. 8
- Philippe Santiago Tapia; Juana María Cardenas, his wife.
Children: Joseph Bartolome, Juan Joseph, Joseph Cristoval,
Joseph Francisco, Joseph Victor, María Rosa, María Antonia,
María Manuela, María Ysidora. 11
- Ygnacio María Gutierrez; Ana María Ossuna, his wife.
Children: María de los Santos, María Petra, Diego Pasqual. 5
- Agustín Valenzuela; Petra Ygnacio Ochoa, his wife.
Children: María Zeferina. 3
- Luis Joachin Alvarez de Acevedo; María Nicolosa Ortiz,
his wife. Children: María Francisca, Juan Francisco. 4
- Ygnacio Soto; Barbara Espinosa, his wife. Children:
Joseph Antonio, María Francisca. 4
- Pablo Pinto; Francisca Xavier Ruelas, his wife. Children:
Juan María, Joseph Marcelo, Juana Santos, Juana. 6
- Joseph Antonio Sotelo; Gertrudis Peralta, his wife.
Children: Ramón. 3
- Pedro Bojorques; María Francisca de Lara, his wife.
Children: María Agustina. 3
- Santiago de la Cruz Pico; María Jacinta Bastida, his
wife. Children: Joseph María, Joseph Dolores, Joseph
Patricio, Francisco Xacier, María Antonia Thomas, María
Josepha. 8
- Joseph Manuelo Valencia; María de la Luz Muñoz, his
wife. Children: Francisco María, Ygnacio María, María
Gertrudis. 5
- Sebastian Antonio Lopez; Phelipa Neri, his wife.
Children: Sebastian, María Thomass, María Justa. 5
- Juan Francisco Vernal (Bernal); María Soto, his wife.
Children: Joseph Dionisio, Joseph Joachin, Joseph Apolonar-
io, Juan Francisco, Thomas Januario, Ana María, María
Theresa. 9
- Joseph Antonio Sanchez; María Dolores Morales, his
wife. Children: Joseph Antonio, María Josepha, Ygnacio
Cardenas, his adopted son. 5
- Joachin Ysidro Castro; María Martina Botillér, his wife.
Children: Ygnacio Clemente, Joseph Mariano, Joseph Joachin,
Francisco, Francisco Antonio, Carlos Antonio, Ana Josepha,
María Encarnación, María Martina. 11
- Vicente Felix; widower. His wife died on the road on
the morning of November 25, from childbirth. Children:
Joseph Francisco, Joseph Dorotheo, Joseph de Jesús, Joseph
Antonio Capistrano, María Loreto, María Antonia, María
Manuelo. 8
- Juan Salvio Pacheco; María Carmen de Valle, his wife.
Children: Miguel, Francisco, Bartholome, María Gertrudis.
Barabara. 7

Manuel Ramirez Arellano; María Agueda Lopez de Aro, his wife. Children: Mariano, Mathias Vega his adopted son. 4

Settlers who are not
Soldiers

Joseph Manuel Gonzales; María Michaela Ruiz, his wife. Children: Juan Joseph, Ramón, Francisco, María Gregoria. 6

Nicolas Galindo; Theresa Pinto, his wife. Children: Juan Venancio. 3

Casimiro Varela, husband of Juana Santo Pinto. 1

Ygnacio Anastacio Higuera, husband of Michaela Bojorques. 1

Christoval Sandoval; María Dolores Ontiveros, his wife. 2

Nicolás Antonio Berreleza; María Ysabel Barreleza. These two are brother and sister and are unmarried. 2

Pedro Pérez de la Fuente, Marcos Villela, Don Francisco Muñoz. These three are bachelors. 3

Feliciana Abello, widow; María Thomasa Gutierrez; María Eustaquia. These three are without husbands. 3

The foregoing lists were taken from Anza's California Expeditions, Volume IV, Father Font's Complete Diary of the Second Anza Expedition. Translated by Herbert E. Bolton, University of California Press.

Author's note: Bolton appears to have anglicized some of the names, they do not appear to follow the generally accepted Spanish or Mexican spelling.



SECTIONALIZATION SURVEY OF
 RANCHO - COMPLETED: JAN. 13, 1913

The following group of documents appertain to the Mexican grant, Laguna de los Palos Colorados given to Joaquin Moraga and his cousin Juan Bernal. The originals, or copies of the originals, may be found in Bancroft Library, University of California at Berkeley entitled Land Case No. 590, 276ND.

Expediente

Record of proceedings instituted by the citizens
Joaquin Moraga and Juan Bernal in solicitation of the
place known by the name of Laguna de los Palos Colorados.

1841

Stamp Third

No. 249

Two Reales

Provisionally authorized by the Administration of the
Maritime Custom House of Monterey of Alta California for
the years 1834 and 1835.

(signed) Figueroa

(signed) A. Ramirez

For the Superior Political Chief:

The citizens Joaquin Moraga and Juan Bernal, residents
of the pueblo of San José before your honor, as best they
may in law, appear, and represent that having addressed
to your predecessors the petition for the place named
Laguna de los Palos Colorados in the jurisdiction of San
Francisco, which petition is thought to be in the archives
of Monterey, whereby they have suffered some damage and
not wishing to weary your superior attention, I wish this
present would be made valid to me so as to prosecute the
petition for the mentioned land, the plat (diseño) whereof
I annex so that you may concede to us, for the security of
our real property whereupon depend the substance of our
families. Wherefore your honor is humbly beseeched to
decide in favor of the petitioners. From which I hope yet.

Pueblo of San José Guadalupe, August 20th, 1835.

(signed) Joaquin Moraga
Juan Bernal

Monterey, 10th September 1835.

In conformity with the laws and regulations on the matter let the Ayuntamiento of the pueblo of San José Guadalupe report whether the interested party in this petition has provided the requisites to be attended in this their petition, whether the land they petition for is compressed in the twenty border leagues or ten littoral leagues mentioned in the law of the 18th August 1824, whether it is irrigable, arable or watered; whether it belongs to the property of some particular individual, mission or pueblo with all other information which it may deem conducive to illustrate the matter, this being accomplished, the petition shall be referred to the Reverend Father Minister who will please report that which may occur to him on the subject matter. The Señor Don Castro, first member (vocal) of the most Excellent Territorial Deputation and Political Chief ad interum of the Territory of Alta California thus orders, decrees and signs in testimony whereof.

(signed) José Castro
Francisco de Castillo Negrete,
Secretary

This Ayuntamiento being assembled on today's ordinary session, there was reported a representation of the citizens Joaquin Moraga and Juan Bernal petitioning for the land named Laguna de los Palos Colorados, and in compliance with the supreme decree of the Superior Political Chief, this Ayuntamiento reports the following: that the petitioners possess the requisites to be attended to in their petition; that the land which they petition for is not compressed in the 20 border leagues; that it is not irrigable but it is arable and watered; that it does not belong to any private individual, corporation or pueblo; wherefore it is of the opinion that the land in question can be granted to them.

Pueblo of San José, 26 September 1835.

(signed) Antonio María Pico, Leandro Rohen,
Ygnacio Martínez

José Berreyeza, Secretary

Let this expediente be referred to the Reverend Father Minister of the Mission of San José.

(signed) Pico

For the Superior Political Chief of this Territory.

The land which is petitioned for in these proceedings (expediente) has not belonged until this day to any individual and as at the same time it does not seem to be necessary or useful to this corporation I will highly commend that you grant it to those who petition for it, who besides being Mexicans have rendered very useful services to the country.

Moreover, as in this land is compressed a portion of the range of mountains (sierra) the only place where wood can be cut, I hope from the beneficence of your honor that on the issuing of the title of possession to these gentlemen you will command that there be expressed in them (the letters) that at no time shall they hinder the mission in the cutting of wood it may need.

With regard to the qualities of the land and other things concerning this matter, it seems to me there is nothing to add to that which the illustrious Ayuntamiento of San José Guadalupe has reported.

This, Superior Political Chief, is the only things that occur to me in giving information to your honor agreeably to the supreme decree of the 10th instant.

(signed) Father José María de Jesús Gomez.

Stamp Third

Two Reales

Provisionally authorized by the administration of the Maritime Customs House of Monterey of Alta California for the years 1834 and 1835.

(signed) Castro

(signed) Angel Ramirez

Monterey, October 10, 1835.

In consideration of the petition which gave rise to these proceedings, (expediente) the information of witnesses and all that is found proper belonging thereto, in conformity with the laws and regulations on the matter, I promised the citizens Joaquin Moraga and Juan Bernal ownership in fee of the land named Laguna de los Palos Colorados, they subjecting themselves to the conditions that may be stipulated.

Let this expediente be referred to the Most Excellent Deputation for its deliberations and when it shall be approved, let the corresponding patent be issued which shall serve as title to the interested party to whom this decree shall be known.

The Señor Don José Castro, first member (vocal) of the Most Excellent Deputation and Political Chief ad interum of Alta California thus orders and decrees and signs in testimony whereof.

(signed) José Castro
Francisco de Castillo Negrete
Secretary

Monterey, 10th October 1835.

In today's session it was agreed by the Most Excellent Deputation that this expediente be referred to the Commission on Vacant Lands.

José Castro, president

Most Excellent Señor:

The commission on Vacant Lands having taken cognizance of the expediente which was ordered to be investigated upon the petition made by the citizens Joaquin Moraga and Juan Bernal for the land named Laguna de los Palos Colorados, not finding any objection to make thereto, it being entirely in conformity with the laws of 18th August 1824, and also with the 5th Article of the Regulations of 21st November 1828, offers to the deliberation of your Excellency the following proposition.

The concession made to the citizens Joaquin Moraga and Juan Bernal of the place names Laguna de los Palos Colorados, made on the 10th October 1835, is approved.

Monterey, 12 October, 1835
Salvio Pacheco

Monterey, 12 October, 1835

In session today, the Most Excellent Deputation approved the preceding decree with its proposition.

(signed) Manuel Iomeno

(signed) José Castro
President

Juan B. Alvarado, Constitutional Governor of the
Department of the Californias:

Whereas the citizens Joaquin Moraga and Juan Bernal have solicited for their personal benefit and that of their families, and obtained by decree of the 10th October of the year 1835, the concession of the place known by the name of Laguna de los Palos Colorados, bounded on the north by the Arroyo San Pablo, in a straight line, the east by a spring of water including the same, which is adjoining the old corral, on the south by the establishment of San José, on the west by the range of mountains (sierras) as far as the summit, and on the east by the Cuchillo de las Trampas; the proper steps and investigations being previously had and taken as provided by laws and regulations, using the poers conferred upon me in the name of the Mexican Nation, I have conceded to them the land mentioned, declaring unto them the ownership thereof by these presents; they subjecting themselves to the following conditions:

1st. They may enclose it without doing injury to the cross roads, roads and easements, they may enjoy it freely and exclusively destining it to the uses of cultivation which may best serve them, but within one year they shall build a house and it shall be inhabited.

2nd. They shall solicit of the respective magistrate to give them judicial possession in virtue of this patent, by which shall be marked out the boundaries, they shall place beside the same marks some fruit trees or forest trees of some utility.

3rd. The land mentioned is three square leagues more or less; the magistrate who shall give possession shall cause it to be measured conformably to ordinance, leaving for the nation the surplus (sobrante) resulting therefrom for its convenient uses.

4th. If he contravenes these conditions he shall lose his right to the land and it shall be denounceable by another.

In consequence, I command that this title be held as firm and valid; entry be made of it in the corresponding book and that it be delivered to the interested party for his security and other ends.

Given in Monterey on the
31st July, 1841

Note

The following document, the United States Patent which finally confirmed the Joaquin Moraga-Juan Bernal title to their heirs and representatives is included because it explains much which was not included in the text because of its technical nature. It was copied from the records on file in the office of the County Recorder in Martinez, Contra Costa County, California, in Book 3 of Patents beginning on page 516.

The United States of America

To all to whom these presents shall come, Greetings;

Whereas it appears from a duly authenticated transcript filed in the General Land Office of the United States that pursuant to the provisions of the Act of Congress approved the third day of March one thousand eight hundred and fifty one, entitled "An Act to ascertain and settle the Private Land Claims in the State of California", Joaquin Moraga, as claimant filed his petition on the fifteenth day of February A.D. one thousand eight hundred and fifty three, with the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, and that said petition, on motion of the above petitioner was subsequently amended on leave granted by said Commissioners on the seventeenth day of January A.D. one thousand eight hundred and fifty four, by inserting the name "Incaración Soto Bernal, widow of Juan Bernal, deceased, Guadalupe Bernal, Nicholas Bernal, Juan Bernal and María Reyes Bernal, children of Juan Bernal, deceased, as joint owners and petitioners", in which said petition, as amended, they claimed the confirmation of their title to a tract of land known by the name of the "Laguna de los Palos Colorados", situate in the then county of Contra Costa, and State aforesaid, said claim being founded on a Mexican grant to Joaquin Moraga and Juan Bernal made on the tenth day of August A.D. one thousand eight hundred and forty one, by Juan B. Alvarado, then Constitutional Governor of the Department of the Californias.

And whereas the Board of Land Commissioners aforesaid on the twenty third day of January A.D. one thousand eight hundred and fifty five, in the cause entitled "Joaquin Moraga et. al. vs. the United States" rendered a decree of confirmation in favor of the claimants, which decree or decision having been taken by appeal to the United States District Court for the Northern District of California, the said District Court, at a stated term, on the twenty fourth day of March A.D. one thousand eight hundred and fifty six, in the cause entitled "The United States vs. Joaquin Moraga et. al." rendered its decision as follows, to wit;

This cause coming on this day to be heard upon the transcript of the proceedings and decision of the Board of Land Commissioners and the papers and evidence on which the same was founded and the pleading filed in this court, and counsel having been heard on the part of the United States and for the complainants. In consideration of all which the court is of opinion that there is no error in the decision of the said Board and that the same should be and hereby is affirmed and the court doth adjudge, order and decree the title of the said complainants to the land described in said transcript is valid and the same is hereby confirmed.

The land of which confirmation is made is situate in the County of Contra Costa, and is known by the name of "Laguna de los Palos Colorados", being the same that was granted to Joaquin Moraga and Juan Bernal by Governor Juan B. Alvarado, on the 10th of August, 1841, and which has been claimed by the present claimants since that time and which said land has the following boundaries, to wit: on the northerly the Arroyo San Pablo, a straight line east, so as to include the spring of water near the Corral Antiguo, at the south by the establishment of San José, at the west by the summit of the sierra and on the east by the Cuchilla de las Trampas, containing three leagues, more or less, and for a more particular description reference is had to the original grant and map contained in the expedients filed in the case, copies of which are contained in the transcript, and provided that the said lines be in conformity with the agreement between Joaquin Moraga and Caldelario Valencia, a copy of which is attached to the original title on file in this case.

And thereto, the Attorney General of the United States having given notice that the appeal would not be prosecuted in the above entitled case, the aforesaid District Court, on the eighth day of April, A.D. one thousand eight hundred and fifty eight, ordered, adjudged and decreed that the claimants have leave to proceed under the decree of this court heretofore rendered in their favor as under final decree, whereby proceedings of this court upon the title became final.

And whereas, at a stated term of the aforesaid District Court, held in the city of San Francisco on the twentieth day of October, A.D. one thousand eight hundred and sixty two, the following decree was rendered, to wit:

The United States
vs
Joaquin Moraga, et. al.

No. 276

It appearing to the court that, at the time of the entry of the final decree of confirmation herein, Joaquin Moraga and Juan Bernal, the grantees of the Rancho claimed in this case, were both deceased, and on filing a stipulation consenting thereto, it is ordered that the final decree of confirmation herein is amended as of the date of its original entry, by the substitution of "the heirs and representatives of Joaquin Moraga deceased and Juan Bernal deceased", as claimants and confirmees and that all subsequent proceedings be had in the name of the said heirs and representatives.

And whereas it further appears that pursuant to an order of the aforesaid District Court made on the third day of December A.D. one thousand eight hundred and sixty, directing the United States Surveyor General for the State of California to return into said court his official survey and plat of the land finally confirmed in the above entitled cause, known as Laguna de los Palos Colorados, and in accordance with the subsequent proceedings had in the matter of the survey and location, the District Court of the United States for the District of California, on the twenty seventh day of July A.D. one thousand eight hundred and seventy four, in the cause entitled Joaquin Moraga et. al. vs. the United States rendered its decree as follows, to wit:

This cause having come on to be heard at this time on appeal from the decree of the District Court of the United States for this District made and entered on the twenty seventh day of July A.D. 1874, and having been argued by counsel and the court having ordered the said decree of the District Court be affirmed.

Therefore, upon consideration thereof, exception having been taken to the survey of the Rancho Laguna de los Palos Colorados confirmed to the claimants in this case, which said survey was approved by the United States Surveyor General for California, November 19, 1860, and a certified copy of which is on file in Said District Court, and the said survey having been duly ordered to be returned into said court and duly returned in pursuance to such order, and the exception to said survey having been argued by counsel for the respective parties and the said District Court having given its opinion rejecting said survey and an order having afterward been

made modifying the order to be entered rejecting such survey and leave having been given to the parties thereafter to apply to the said District Court for such modifications as they might be advised of the order to be entered in such further modifications and having duly considered and determined said matters and this court having re-examined and fully considered the decision of said District Court thereon. It is now ordered, adjudged and decreed that the said survey be and the same is hereby disapproved, rejected and set aside, and it is further ordered that the Surveyor General for California immediately cause a new survey to be made of the said Rancho Laguna de los Palos Colorados in conformity to this order. It is further ordered, adjudged and decreed that said Rancho be surveyed in a compact form and in one entire tract so as to contain three square leagues of land and no more, that the location thereof be selected by the claimants within the following exterior boundaries of the grant heretofore confirmed to the claimants herein, to wit: On the north, by a line drawn from the source of the San Pablo Creek to the outlet or overflowing of the spring of water near Corral Antigua, on the south, by the establishment of San José, on the west, by the summit line of the sierra, on the east by the Cuchilla de las Trampas, provided however, that the claimants at their election, locate the tract of one thousand acres, more or less, known as the Redwood Tract and heretofore sold and conveyed by Joaquin Moraga to Elam Brown, as a separate tract or parcel of land, the said tract to be located within the said exterior limits of the rancho hereinbefore mentioned and described, and in case the claimants shall elect to make a separate location of the Redwood Tract, as aforesaid, then the remainder of the said land confirmed to the claimants and to the extent, including said Redwood Tract, of three square leagues and no more, shall be located within the said exterior limits at the election of the claimants but in a compact form, and in one entire tract and provided further that neither of said surveys and locations shall include any lands embraced within the final survey of the Rancho Acalanes finally confirmed and patented to Elam Brown. And provided further that neither of said surveys shall include a certain tract of land to the extent of one hundred varas square to be located near the spring as described in the depositions of Martínez and A.M. Peralta on file in said District Court, and to which reference is hereby made, whereby the proceedings of the court upon the survey become final.

And whereas, under the thirteenth section of said Act of the third of March, A.D. one thousand eight hundred and fifty one and the supplemental legislation, and in accordance with the proceedings had pursuant to said Act and supplemental legislation, there has been deposited in the General Land Office a return with the descriptive notes, certificate of advertisement and plat of the survey of the said claim confirmed as aforesaid, authenticated by the signature of the United State Surveyor General for the State of California, which descriptive notes, certificate of advertisement and plat of survey are in the words and figures as follows, to wit:

U.S. Surveyor General's Office
San Francisco, California

Under and by virtue of the provisions of the 13th section of the Act of Congress of the third of March, 1851, entitled "An Act to ascertain and settle Private Land Claims in the State of California", and of the 12th section of the Act of Congress approved the 31st of August, 1852, entitled "An Act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes"; and whereas the U.S. District Court for the Northern District of California, rendered a decision whereby it recognized and confirmed the title and claim of the heirs and representatives of Joaquin Moraga, deceased, and Juan Bernal, deceased, to the tract of land designated as Laguna de los Palos Colorados as appears from the certified copy of the final decree of the said District Court, a copy of which is hereto annexed, the said tract of land was surveyed in conformity to the grant thereof and the said decision, and I hereby certify that the accompanying map is a true and accurate plat of the said tract of land as appears by the field notes of the survey thereof made by W.F. Boardman, Deputy Surveyor of this office, which field notes having been examined and approved, remain of record herein.

In testimony whereof I have hereunto signed my name officially and caused my seal of office to be affixed this twentieth day of December A.D. 1877.

(SEAL)

(signed) J.W. Ames
U.S. Surveyor General for
California.
U.S. Surveyor General's Office
San Francisco, April 21st, 1876.

I hereby certify, that by virtue of the provisions of the Act of Congress, approved 1st of July, 1864, entitled "An Act to expedite the settlement of titles to lands in the State of California, notice of the plat and survey having been made of the Rancho Leguns de los Palos Colorados, in Alameda County, (sic) finally confirmed to Joaquin Moraga and the heirs of Juan Bernal, deceased, surveyed by W.F. Boardman, U.S. Deputy Surveyor in 1875, has been advertised in accordance therewith in two newspapers, to wit: the Oakland Transcript, published in the County of Alameda, State of California, being near or where the said land is located; the first publication being on the 29th day of December, 1875, and the last on the 26th day of January, 1876, and that the plat of said survey was retained in this office subject to inspection thereof from the date of the first publication.

(SEAL)

In testimony whereof,
I have hereunto signed
my name officially,
and caused the seal of
office to be affixed
in the City of San
Francisco, this twenty
first day of April,
1876.

H.G. Rollins
U.S. Surveyor General
for California

Note: the second newspaper
was not mentioned.

Tract Number One

Beginning at the established southeast corner of the Acalanes Rancho, the corner common to sections thirty one and thirty two of township one north, range two west, of Mount Diablo Base and Meridian, (the description follows in bearings and distances). Containing twelve thousand, eight hundred and eleven and seven one hundredths (12,811.07) acres and designated on the official plat of the public surveys as lot number forty five of township one south, range two west; lot number thirty nine of township one south, range three west; and lot number thirty nine of township one south, range two west all of Mount Diablo Base and Meridian.

Tract Number Two, or Redwood Tract

Beginning at a redwood tree, fifteen inches in diameter marked P.C. XIII standing on the east bank of Redwood (San Leandro) Creek, which runs southeast, from which the oak XLVI, at station 61 of the survey of Tract Number One, bears north seventy seven degrees, forty seven chains distant and running thence, near the base of a range of hills between Indian Valley and Redwood Canyon, according to the true meridian the variation of the magnetic needle being sixteen degrees and thirty seven minutes east, (bearings and distances follow). Containing five hundred and five and eighteen one hundredths (505.18) acres, and designated on the official plat of the public surveys as lot forty of township one south, range two west, and lot number forty of township one south, range three west, both of Mount Diablo Base and Meridian.

U.S. Surveyor General's Office.
San Francisco, California, Dec. 6, 1877.

I, J.W. Ames, Surveyor General of California, do hereby certify that the foregoing is a full, true and correct copy of the original as the same remains of record and on file in my office.

Attest

J.W. Ames

U.S. Surveyor General for California

Now know ye, that the United States of America, in consideration of the premises and pursuant to the provisions of the Act of Congress aforesaid of the third of March Anno Domini, one thousand eight hundred and fifty one, and the legislation supplemental thereto, have given and granted and by these presents do give and grant unto the said heirs

and representatives of Joaquin Moraga, deceased, and of Juan Bernal, deceased, and to their heirs and assigns the tract of land embraced and described in the foregoing survey, but with the stipulation that in virtue of the fifteenth section of the said Act, neither the confirmation of this said claim nor this patent shall affect the interests of third persons.

To have and to hold the said tract with the appurtenances unto the said heirs of Joaquin Moraga, deceased, and of Juan Bernal, deceased, and to their heirs and assigns forever with the stipulation aforesaid.

In testimony whereof, I, Rutherford B. Hayes, President of the United States, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

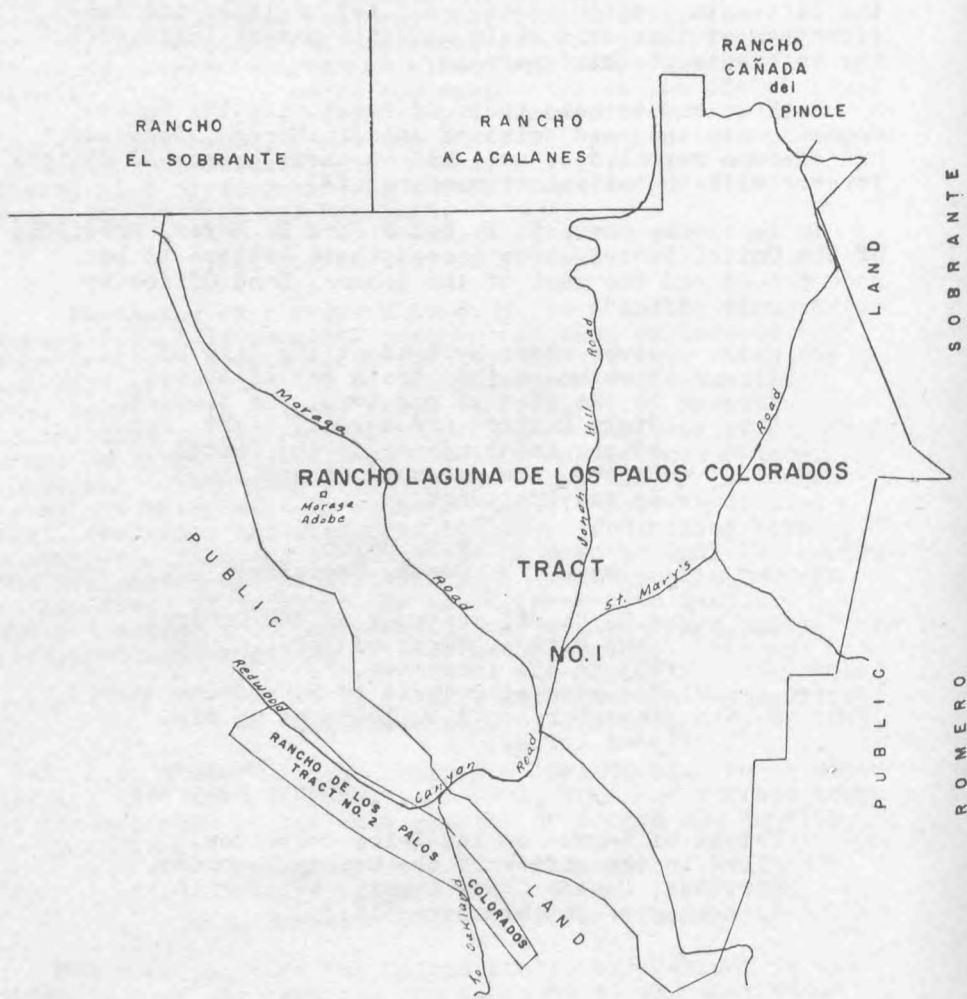
Given under my hand at the City of Washington this tenth day of August, in the year of our lord, one thousand eight hundred and seventy eight, and of the Independence of the United States, the one hundred and third.
By the President

R.B. Hayes
by Wm. H. Crook, Secretary

S.W. Clark, recorder of the General Land Office, recorded Vol. 10, pp 453 to 484 inclusive.
Recorded at request of H.W. Carpentier, December 18, A.D. 1885, at 45 min. past 1 P.M.

J.J. Cousins
County Recorder

Patent of Laguna de los Palos Colorados, filed in the office of the County Recorder, Martinez, Contra Costa County, California, in Book 3 of Patents page 516.



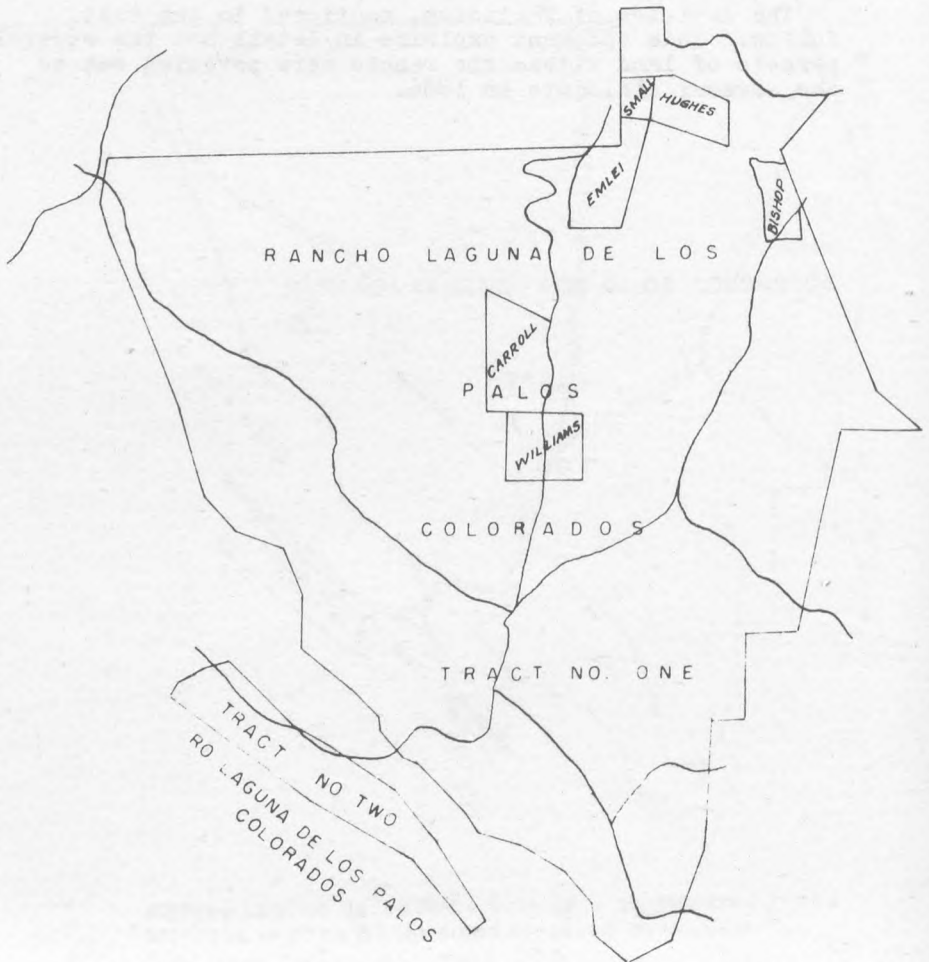
Rancho Laguna de los Palos Colorados as patented to the Moragas and the Bernals and surveyed by William F. Boardman, Deputy Surveyor, 1875.

Containing 13,316 Ac.

Note

The Articles of Partition, mentioned in the text, follow. This document explains in detail how the several parcels of land within the rancho were parceled out to the several claimants in 1886.

RANCHO
LAGUNA DE LOS PALOS
COLORADOS
AT THE TIME OF FINAL PARTITION
1886



In the Superior Court in and
for the County of Alameda
State of California

Marie Hall:

Plaintiff

Albert B. Williams

Administrator etc., et. al.:

Defendants

Final Decree in
Partition

This case coming on regularly for hearing and consideration and it appearing from the pleadings, records, papers, files, trial proceedings had, adjudications made and reports filed that action is brought for the partition of the tract of land known as the Rancho Laguna de los Palos Colorados, or the Moraga Rancho, situate in the counties of Alameda and Contra Costa, State of California and particularly described in complaint. That the plaintiff and all the defendants herein who have any right, title or interest in said lands or any part thereof are co-tenants having or holding undivided estate of inheritance in and being in possession as tenants in common of said lands.

That all the co-tenants and persons having any estate or inheritance therein or having or holding possession or having any right, title, estate, or interest of, in or to said lands are parties herein and that a partition thereof can be made amongst the several owners and tenants in common therein and according to the respective rights of the persons interested therein, without prejudice to any owner or tenants in common or parties interested therein or parties thereto. That the summons herein was directed to all joint tenants and tenants in common and all persons having an interest in or liens of record by mortgage, judgements or otherwise upon the property and generally to all persons unknown who had so claimed any interest in the same. That immediately after filing the complain in this court, the said plaintiff to wit; on the 7th day of August, 1883, filed with the County Recorder of Alameda County and recorded in the office of the Recorder of said Alameda County in Book 1 Page 80 of Lis Pendens, a notice of the pending of this action, containing the

names of the parties so far as known, the object of the action and a description of the property to be affected thereby. That the said summons was duly served upon Jesse H. Williams, Oliver Emlei, Lizzie Emlei, John E. Hughes, Mary A. Hughes (sued as Mary E. Hugges), Daniel Small, Walter Van Dyke, Wm. M. Chapman, Gabriel Moraga, Endocia Van Dyne, Denis Van Dyne, John Van Dyne, Joaquin Moraga, Francisca Silva, Francisco Silva, Francisca Brengada, Endocia Moraga, Dolores Moraga, John L. Avila (sued as John Abila), Alexander G. Abell, Natividad Moraga, Gilberto Moraga, Catherine Sharp, L.L. Baker, R.M. Hamilton, Martha Amerita Hutchinson, John A. Fulton, Lewis C. Wittenmeyer, Anrea J. Bryant, E.A. Lawrence, Aurella Hough, Emma L. Hough, George L. Hough, Frank L. Hough, William H. Hough, Carrie M. Hough, Fletcher M. Bishop, Mary Ann Carroll, Mary Ann Williams and Gomecinda Abila (sued as Mary Doe), and John Van Dyne Jr.

That since the service of said summons, Jesse H. Williams died and said proceedings were duly had in the Superior Court of the County of Contra Costa, that on the 20th day of October, 1885, letters of administration upon his estate were issued to Albert B. Williams. That said Albert B. Williams duly qualified as such administrator and ever since has been and is now the duly qualified and acting administrator of the estate of the said Jesse H. Williams, deceased. That the complaint herein has been amended, substituting the name of said Albert B. Williams, administrator, etc., in the place of Jesse H. Williams. The defendants John H. Carroll, Thomas P. Carroll and Mary E. Carroll were minors and such proceedings were duly held in this court, that on the 11th day of September, 1883, Mary Ann Carroll was appointed guardian ad litem for said minors. That defendants Endocia Van Dyne and Denis Van Dyne were minors and such proceedings were duly held in this court, that on the 24th day of October, 1883, John Amoup was duly appointed guardian ad litem for said minors. That the following named defendants duly appeared and filed answers herein; John L. Avila (sued as John Abila), Gomecinda Avila (sued as Mary Roe, by name of Gomecinda Abila), L.L. Baker, Fletcher M. Bishop, Mary Ann Carroll, John H. Carroll, Thomas P. Carroll, Mary E. Carroll, (the last three by Mary Ann Carroll, guardian ad litem), Hugh Carroll, H. W. Carpentier, Wm. H. Chapman, Oliver Emlei, Lizzie Emlei, John A. Fulton, R.M. Hamilton, John E. Hughes, Mary A. Hughes (sued as Mary E. Hughes), Aurella Hough, E.A. Lawrence, Gabriel Moraga, Francisco Silva, Francisca Silva, Endocia Moraga, Dolores Moraga

Natividad Moraga, José Moraga, Daniel Small, Walter Van Dyke, Endocia Van Dyne, Denis Van Dyne (the last two by John Amoup, their guardian ad litem), Charles F. Wait, Albert B. Williams administrator of the estate of Jesse H. Williams, deceased, and George E. Lawrence (under the name of John Roe), and John Van Dyne.

That the following named defendants duly appeared and filed demurrers to the complaints herein, which were afterwards, by the court, overruled and the time for answering thereafter, and after due notice in writing thereof, having fully expired, to wit; Catherine Sharp, Solomon Sharp, Eva Sharp, Arthur M. Sharp, Caroline Sharp and Mary Ann Williams. That the following named defendants were each duly and personally served with said summons as hereinbefore stated, and having each and all failed to appear or plead herein, and time allowed for that purpose fully expired, their defaults were duly entered, to wit; Alexander G. Abel, A.J. Bryant, Francisca Breganda, Emma L. Hough, George L. Hough, Frank A. Hough, William H. Hough, Carrie M. Hough, Martha Amerita Hutchinson, Gilberto Moraga, Josefa Moraga, L.C. Wittenmeyer and John Van Dyne Jr.. That the defendants Walter Van Dyke, Wm. H. Chapman, Gabriel Moraga, John Van Dyne Jr., James L. King, administrator of the estate of E.A. Lawrence, deceased, Endocia Van Dyne, Denis Van Dyne, John Van Dyne, Joaquin Moraga, Francisca Silva, Francisco Silva, Francisca Breganda, Endocia Moraga, Dolores Moraga, John L. Avila Alexander G. Abell, Natividad Moraga, José Moraga, Gilberto Moraga, Catherine Sharp, Solomon Sharp, L.L. Baker, R.M. Hamilton, Martha Amerita Hutchinson, John A. Fulton, Charles F. Wait, Lewis C. Wittenmeyer, Andrew J. Bryant, E.A. Lawrence, Amella Hough, Emma L. Hough, Carrie M. Hough, George J. Hough, Frank A. Hough, William H. Hough, Josepha Moraga, Mary Ann Williams, George E. Lawrence, and Gomecinda Avila have not, and at the commencement of this action had not, nor has or had either of them any right, title, interest, lein, mortgage or claim to or upon said land described in the complaint or any part thereof. And the court having on this 15th day of September, 1886, made and entered its interlocutory decree, wherein was settled, adjudged and declared the rights, interests and proportionate shares of the parties hereto respectively in and to the premises described in the complaint, and by which decree partition was ordered and adjudged to be made according to the respective interests as therein determined and by which decree William F. Boardman was appointed sole referee to make partition of said land and promised in accordance with the direction therein contained, and the said referee having proceeded in accordance with said

directions and having made a division, allotment and partition of said premises and having allotted, separated and set aside in severalty to the several owners of their respective shares and having also laid out the roads as therein directed; and the said referee having on the 29th day of November, 1886, made and filed in this court, his written report of his proceedings specifying therein the manner in which he executed the duties imposed upon him by said interlocutory decree and setting forth descriptions by metes and bounds, courses and distances, the roads by him laid out, and the parcels into which said lands were divided, and specifying and designating to whom said parcels were segregated and allotted, and accompanying which report was a map showing roads and parcels. And said report coming regularly on this day for hearing and consideration, and no exceptions or objections to said report having been made or filed except on the part of Marie Hall the plaintiff, and the defenant Horace W. Carpentier, which were withdrawn on motion of Henry Norman Esq., attorney for the plaintiff. It is ordered, adjudged and decreed that the said report of said referee be and the same is in all respects ratified, approved and confirmed, and that the laying out of the roads and the partition and allotments be made, and the same are hereby dedicated, laid out and confirmed as public roads upon said lands, to wit; pieces of land being twenty five feet on each side of the following lines, (the said roads being fifty feet in width and said lines being the center lines of said roads).

1st. Beginning at a point in the center of the traveled way in the southwesterly boundary of the Rancho Palos Colorados (sic) from whic an oak tree three feet in diameter marked XZ in the external survey of said rancho, and standing on the south side of Indian Valley Creek, bears S 31 degrees 30 minutes E, distant 2170 chains, and running thence along the center of the present road as follows:

(description in courses and distances follows).

2nd Beginning at a point in the center of the traveled way in the northwesterly boundary line of the Redwood Tract, so called, from which a redwood tree 2 feet in diameter marked P.C. XIII and standing at the most northerly corner thereof bears N 62 degrees E, distant 1.30 chains, and running thence along the center of the present road down the valley as follows:

(Description in courses and distances follows).

3rd. Beginning at a point in the center of the traveled way leading from Hayward to Moraga Valley, with the intersection with the south boundary of the above mentioned rancho, from whic an oak tree 3 feet in diameter marked XXX in the external survey of said rancho bears S 49 degrees

and 45 minutes E, distant 9 chains, and running thence along the center of the present road as follows:

(description in courses and distances follows).

4th. Beginning at a point in the center of the road heretofore described, leading from Moraga Valley to Lafayette, from which the southeast corner of the school house bears S 22 degrees W. distance 12.85 chains and running thence along the center of the present road as follows:

(description in courses and distances follows).

5th Beginning at a point in the east boundary line of Acalanes Rancho at the northeast corner of the land of Emlei, and running thence S 69 degrees and thirty minutes W, 47.57 chains.

(Description in courses and distances follows).

to station in north line of road leading from the Moraga Valley and passing Walnut Creek.

And it is ordered, adjudged and decreed that the defendant Daniel Small is the owner in fee and severalty of the following tract of land. (Description follows), excepting therefrom the portion included in said road and which road is herein before described, and containing 40.49 acres of land, and marked upon the map hereto attached "Small".

And it is orderdered, adjudged and decreed that the defendant Albert B. Williams administrator, etc., is the owner in fee and severalty of the following tract of land. Commencing at the intersection of a fence on the north line of land in the possession of said Williams with the west line of the new road hereinbefore described, at which point is set a large post marked W on the south side, and C on the north side, and from which a willow 4 inches in diameter bears N 12 degrees W, distance 121 links, thence (description follows). Excepting therefrom the portion included in said road, and which road is hereinbefore described. Containing 158.87 acres of land and marked upon the map hereto attached "Williams".

And it is ordered, adjudged and decreed that the defendant John E. Hughes and Mary A. Hughes are the owners in fee and severalty of the following tract of land. (Description follows). Excepting therefrom the portion included in said road, and which road is hereinbefore described. Containing 104.93 acres of land and marked upon the map hereto attached "Hughes".

And it is ordered, adjudged and decreed that the defendant Oliver Emlei and Lizzie Emlei are the owners in fee and in severalty of the following tract of land, (Description follows). Excepting therefrom the portion included in

said roads, which roads are hereinbefore described, containing 163.83 acres of land and marked upon the map hereto attached "Emlei".

And it is ordered, adjudged and decreed that the defendants Mary Ann Carroll, John H. Carroll, Thomas P. Carroll, Mary E. Carroll and Hugh Carroll are the owners in fee and severalty of the following tract of land. (Description follows). Excepting therefrom the portions included in said road and which road is hereinbefore described, containing 188.65 acres of land and marked upon the map hereto attached "Carroll".

And it is ordered, adjudged and decreed that the defendant Fletcher M. Bishop is the owner in fee and severalty of the following tract of land. (Description follows). Excepting therefrom the portion included in said road and which road (or roads) are hereinbefore described, containing 54.145 acres of land and marked upon the map hereto attached "Bishop".

And it is ordered, adjudged and decreed that the plaintiff Marie Hall and the defendant Horace W. Carpentier are the owners in fee and severalty of all the rest and remainder of said lands and premises described in the complaint and sought to be partitioned herein except the portions hereinbefore set apart for roads and specially set apart to the defendants Daniel Small, Albert B. Williams, administrator, etc., John E. Hughes and Mary E. Hughes, Oliver Emlei and Lizzie Emlei, Mary Ann Carroll, John H. Carroll, Thomas P. Carroll, Mary E. Carroll and Hugh Carroll and Fletcher M. Bishop as hereinbefore mentioned and adjudged.

And it is ordered adjudged and decreed that the parties hereto and each of them do, on or before the last day of February, 1887, surrender and deliver up the possession of any and all portions of the land described in the complaint which they respectively possess or occupy which has not been allotted and set off to them in severalty by this decree, to the party or parties hereto to whom such portions are hereto allotted respectively and that in default thereof, writs of assistance will issue out of and under the seal of this court in favor of the party or parties to whom such allotments have been respectively made and against the party or parties who shall neglect or refuse to deliver possession of any part of said premises in accordance with the directions of this decree.

And that the defendants Daniel Small, Albert B. Williams administrator etc., John E. Hughes, Mary A. Hughes, Oliver Emlei, Lizzie Emlei, Mary Ann Carroll, John H. Carroll, Thomas P. Carroll, Mary E. Carroll, Hugh Carroll and Fletcher M. Bishop may have until the first day of February, 1887, in which to remove any improvements constructed or purchased by them upon the premises in their possession. And the referee herein having made and filed a claim for the services amounting to the sum of \$1,322.50, and it appearing that said claim is just and proper, it is ordered that the same be allowed.

And it is ordered, adjudged and decreed that the parties hereto found to be owners of the partitioned premises pay to William F. Boardman, the said referee, their respective shares of said sum of \$1,322.50 within 30 days from date, and which shares are adjudged to be as follows.

Plaintiff Marie Hall and defendant Horace W. Carpentier, \$1,238.50; Daniel Small, \$10.00; Albert B. Williams, administrator etc., \$16.00; John E. Hughes and Mary A. Hughes, \$420.00; Oliver Emlei and Lizzie Emlei, \$16.50; Mary Ann Carroll, John H. Carroll, Thomas P. Carroll, Mary A. Carroll, and Hugh Carroll, \$19.00; and Fletcher M. Bishop, \$12.50. And that said William F. Boardman is hereby adjudged to have a lien upon the parcels of land set apart to said parties respectively for the said amounts, and in case the same is not paid within the said 30 days, he is entitled to an execution thereof, running against any of the said parties not paying their respective amounts.

And it is ordered, adjudged and decreed that the defendants Daniel Small, Albert B. Williams administrator etc., John E. Hughes, Mary A. Hughes, Oliver Emlei, Lizzie Emlei, Mary Ann Carroll, John H. Carroll, Thomas P. Carroll, Mary E. Carroll and Fletcher M. Bishop, within 30 days pay to plaintiff Marie Hall and defendant Horace W. Carpentier, their proportionate shares of \$8,080 money found by the interlocutory decree to have been expended for the common benefit and of the costs and disbursements of this action taxed at the rate of \$750, amounting to the sum of \$8,830.00 and which proportionate shares are adjusted to be as follows: Daniel Small, the sum of \$66.30; Albert B. Williams administrator etc., \$106.10; John E. Hughes and Mary A. Hughes, \$132.65; Oliver Emlei and Lizzie Emlei, \$109.40; Mary Ann Carroll, John H. Carroll, Thomas P. Carroll, Mary E. Carroll and John Carroll, 4126.00; Fletcher M. Bishop, \$82.90; and said Marie Hall and Horace W. Carpentier are hereby adjudged to have a lien upon the parcels

of land set apart to said defendants respectively for said amounts, and in case the same are not paid within the said thirty days they are entitled to execution therefore, running against any of the said parties not paying their said respective amounts.

Dated this 3rd day of January, 1887
(endorsed) January 3, 1887
Charles T. Boardman
Deputy clerk

W.E. Greene
Judge

(This document is filed in book 51 of Deeds
on page 165, Recorder's Office, Martinez,
Contra Costa County, California.)

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F R O M

T H E B O O K O F B R A N D S

(C O N T R A C O S T A C O U N T Y)

" THE BRAND OF JOAQUIN MORAGA IS HEREBY RECORDED AS
SHOWN IN THE MARGIN, THE SAME BEING MADE ON A PIECE
OF RAWHIDE AND FILED IN THIS OFFICE. "

RECORDED JUNE 27, 1864, AT THE REQUEST OF

FRANCISCO GALINDO,

G. P. L O U C K S,

RECORDER

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