

History of the Port of Oakland: 1850-1934

Chapters 1 - 6

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Chapter 1: The Waterfront in 1850

An evil-smelling strip of muddy tide lands with an occasional strip of sandy beach; on one side a flotsam-filled creek and on another a vast bay of salt water; on the shore a few scattered shacks and dusty rutted roads.

Nothing to conjure visions of wealth and splendor; no suggestion of commercial activity; nothing to call up dreams of ships wet from the seaways. carrying cargoes of perfumes and spices. guano and pig iron, rocking chairs, rifles and the myriad accoutrements of a vigorous civilization.

No grating roar of winches. no staccato spat of wharf tractors, no hooded acres of echoing warehouses. This was the Oakland waterfront in 1850.

Three young men tied their fortunes to this, in the days when Alameda County was a cattle range. Three young men, two of them educated in law, and the other schooled in the trading posts of the early west. A trio who had rounded the Horn under canvas. seeking fame and fortune in a new land, answering the world- resounding cry of California gold.

There was Andrew J. Moon, a lawyer but also a man of action and commonly referred to as "Old Andrew" to distinguish him from his nephew, though he must have been a young Ulan in the fifties.

There was Edson F. Adams, calling himself a trader—a Connecticut Yankee born, canny, and with a sixth sense in matters of land values and investments. He was twenty-six, the same age as the third member of the group, and proved to be an able lieutenant to Horace W. Carpentier.

Young Carpentier hailed from New York. He was a graduate of Columbia with the class of 1848 and two years later appeared in California. He had made the law his profession, or rather his business, and it was his shrewd legal mind which brought forth many an ambitious plan the trio were to execute later.

It is known that Adams and Carpentier had been fellow passengers for five days on a sloop that carried miners and supplies between San Francisco and Sacramento, five days

on a journey that today requires but twenty minutes by air. This time may have been well spent in cementing a friendship which possibly had its beginning on the long voyage around Cape Horn.

The world went very well in those days. but "manana fashion," for Don Luis Maria Peralta owned it. Don Luis considered the little band of squatters was beneath his notice. They were the hated gringos with no background save the oaks that stood behind their tents and cabins; foolish Druid-like people who believed that trees were of more use to them than the favor of kings.

But the Peraltas were passing. A new order was emerging from the economic chaos of the early 1840's. Gold had been discovered. San Francisco across the bay. was growing. There was need for lumber. The gringos had come to stay.

The Peraltas had never fouled their fingers with commerce. Fighting was more to their liking. As became the haughty scion of a noble race, the Don chose to ignore the squatters on the mud flats. They were not as much bother as the coyotes, nor so amiable as his cattle. To the grandee the three young men and their confederates were of much less importance than his dogs.

However, there is no evidence that the first settlers along the estuary were greatly concerned over Senor Peralta's disdain. They were no more interested in Don Luis Maria Peralta than he was in them. They had made the woods their chief interest. not because they loved the woods but because the lumber from the redwoods and oaks could be traded for gold and they proposed to get their gold with the axe and saw instead of pick and pan.

Soon after the beginning of the gold rush, men disappointed in their search for the precious metal drifted back to San Francisco, usually exhausted physically and financially, unable to engage in business in the growing metropolis. Many moved to more remote areas where food and shelter could be obtained by labor and for the most part without money.

A few crossed the bay in whaleboats and settled in what is now Oakland. Others arrived at the same destination by driving around by the way of San Jose.

Among the first was Moses Chase, a sea captain who squatted near what is now Thirteenth Avenue. He gained his livings by fishing in San Antonio Creek (the estuary) and hunting in the Contra Costa hills. He was about to return to San Francisco when the three Patten brothers, Robert, William and Edward of sturdy Maine stock. landed their rowboat where Twelfth Street now borders on Lake Merritt.

They found Chase ill in his cabin and eloquent in his pleadings to be taken back to San Francisco. The Pattens, after reconnoitering the surrounding country, decided to stay and invited Chase to do likewise. This he agreed to do. They leased a large area from Peralta and commenced extensive lumbering operations.

Soon after the arrival of the Patten brothers came Adams, Moon and Carpentier, but it was not their purpose to engage in the arduous labor of felling trees or running whipsaws. Adams had been to the gold fields and had met with some success. The other two were also provided with capital, and it was their plan to add to their fortune by acquiring and developing real estate.

Carpentier, the leader but perhaps not the richest of the three, had made the acquaintance of Senator David C. Broderick, early San Francisco capitalist and politician. Their friendship grew and through Broderick's influence, Carpentier was appointed enrolling clerk in the State Legislature at Benicia.

The appointment proved advantageous for the group. It put them in close contact with the political and financial leaders of the day, smoothing the way for the asking and receiving of favors from the law makers.

The Patten brothers were not the first to see the possibilities of lumbering in this district that is now Oakland. That honor seems to go to a man whose name has been lost in the musty annals of time and is now known only as "The Frenchman".

The Frenchman and his crew, however contented themselves with hand tools, cutting the logs into planks with a whipsaw and drawing shingles with a hand knife. The Patten's installed power saws and established the first lumber manufacturing company here on anything like a modern industrial basis. They were followed by others and by 1850, there were six saw mills operating in the timber nearby. This lumber was hauled to the old Peralta embarcadero in the Brooklyn basin.

Evidently no one had thought of establishing a town on the west side of the bay until Adams, Moon and Carpentier arrived. It is hard to believe they visualized a great metropolis rising as the results of their activities regardless of what they may have told those to whom they wished to sell real estate; but the fact remains that they were the first to see the advantages of organizing a community on a permanent basis. They had also the political and physical ability to develop business and commerce in an orderly manner.

Their first move in this direction was simple and direct. They each filed claim to a section of waterfront land, (land that was claimed by Peralta). Adams occupied the 160 acres lying on both sides of what is now Broadway, and his partners claimed 160 acres on either side of him.

This will seem audacious when it is remembered that Don Luis Peralta acquired title to the land in question by about the same procedure. A Spanish mariner had seen it and had claimed it for the King of Spain. The King had handed it to the Don and none had given any consideration to the Indians who had inhabited it originally and thought it belonged to them.

However, Don Luis Peralta proved less tractable than the Indians. While the gringos were contented to remain squatters they were beneath his notice, but when they began claiming

his acres, Sacre Dios! That was quite another matter. And to make it even worse they proceeded in a way which was particularly irksome to the open-handed Spaniard.

When the Peraltas received their grant from the King they were content with generalities. The boundaries of their holdings were described as beginning from the mouth of the creek, running easterly to some prominent mountain peak. thence along the ridge to some other natural monument and back to the sea again.

The appropriation of land by Adams, Moon and Carpentier on the other hand. was so careful and exact that it must have seemed picayunish to the Spaniard. They proceeded to survey their claims and measured them foot-by-foot. They set up stakes and stone monuments, which in effect said to Senor Peralta that he might claim the rest of the world if he wished. but at these new lines his rights ceased.

This move and others which soon followed have caused real estate holders and the city to spend many years and many dollars straightening out property titles, sometimes as the result of Don Luis Peralta's indifference to accurate description and sometimes because of the Yankee love for detail, while not infrequently the cause of the trouble has been a curious combination of the two.

Nor were the differences always cured in the decorous atmosphere of the court room. There is a tale about how the fiery Don Luis gathered several score of vaqueros about him. All were heavily armed and in the mood for fighting. With the Alcalde at their head, they rode to the little settlement on the mud flats where they were met by Edson Adams, apparently alone.

Adams carried a rifle in the hollow of his arm but showed no disposition to use it. His peaceful attitude was explained somewhat when he informed the visitors that the other residents of the camp had gone to San Francisco. It seemed. Adams was in a difficult position and a great deal of earnest talking was necessary to avert trouble. He talked long and pleadingly as became a man in his predicament. Finally the Alcalde wheeled on his horse and the cavalcade departed, not satisfied. perhaps. but in peace.

The decision was a wise one but the Spaniards did not realize how deep was their wisdom until some time later. For in time they learned that while Adams was doing his best pleading each vaquero was covered by a rifle down which the eye of a squatter or logger squinted, ready to defend the rights of the gringos as they saw them.

On another occasion Moon and some two hundred residents of the little town rode up to the Peralta hacienda near what is now the Fruitvale district and informed the Alcalde that they had come to "reason" with him. Don Luis and his vaqueros seemed to have the stronger "argument" this time however and the visitors returned to their homes to await a more propitious occasion.

But. as previously suggested. the day of the Dons was passing. A change was taking place. It was one of those changes which perhaps cannot be justified by any of the

ordinary rules of equity but which is periodically inevitable and eventually is adjudged fair in the light of results.

The United States government was not more than mildly interested in Don Peralta's troubles. The three original homesteaders were tenacious in advancing their claims and skilled in prosecuting them.

Perhaps it was due as much to sheer weariness as to the actual legal defeat but whatever the real reason, the Peralta opposition gradually became less potent and the three young men, Adams, Moon and Carpentier, emerged from the fight as the owners of three-quarters of a section of land on which a city was to be built.

Chapter 2: Squatters, Pioneers, Town of Oakland is Born

"Squatters' rights" was a live topic in the early 1850's in Oakland, and the entire county as well. Such pioneers as Andrew Moon, Edson Adams and Horace Carpentier had their battles with old Don Luis Peralta. The battles were of a varied sort, sometimes waged by diplomatic wiles; sometimes gold; and sometimes rifles.

But there were others in those fights besides the three principal pioneers. There were so many of them that they formed, in 1851, what was known as a "Squatter's League," to which each member contributed five dollars, The main demand of the league being that no individual should adjust or settle titles to land without first consulting the league. It was the old Three Guardsmen policy of "all for one, one for all."

A former California governor, Don Picot a distinguished and far-sighted gentleman, had issued a proclamation in the 1840's that foretold how things were likely to go in California, and of course that included Oakland. The governor's pronunciamiento said in part:

"We find ourselves threatened by hordes of Yankee immigrants who have already begun to flock into our country, and whose progress we cannot arrest. Already have the wagons of perfidious people scaled the almost inaccessible summits of the Sierra Nevada, crossed the entire continent and penetrated the fruitful valley of the Sacramento. What that astonishing people will next undertake I cannot say, but in whatever enterprise they embark they will be sure to be successful. Already these adventurous voyagers, spreading themselves over a country that seems to suit their tastes, are cultivating farms, establishing vineyards, erecting sawmills with which to saw lumber and doing a thousand other things that seem natural to them. "

Governor Pico was right. He struck the nail exactly on the head. The "squatters" were determined to do the very things he deplored. They were ambitious for the things he hated. They proposed to develop a city patterned after those on their eastern seaboard.

Their first job was to secure land. Incidentally they wanted a valid title to that land refused to take the Spaniards' claims seriously. Their job was a long and arduous one, but

they stuck to it. Some lost and others won but at no time was a Yankee's loss a Spaniard's gain.

The squatters and their associates knew well that pioneers in other parts of the country had struggled along. Their forefathers had wrung a livelihood from the soil. Oakland was merely at the rear of the procession. They proposed to lead if possible,

In those years hustling "Yankees," as Governor Pico called them, were on the job at Pleasanton, Hayward, Livermore, Alvarado, Centerville and elsewhere in the county. Their doings and their successes were not unknown to Moon, Adams, Carpentier and their fellow townsmen.

Over in the Livermore valley grazed more than fifty thousand head of cattle and horses. Robert Livermore, the first Anglo Saxon to settle in this part of the state, owned them. He had arrived in 1835, and had built a fine wooden house, the material for which came around Cape Horn.

William Hayward was another pioneer who did well in the county. He was one of those "gold rush men" who had tried mining and failed. Then he visited what is now Alameda County; looked upon the Livermore valley; squatted there but gave up his claim when it was proved to him to be illegal. He then pitched his tent in the present town of Hayward, lived there and prospered and built a hotel of one hundred rooms in the town which bore his name,

If things could go thus well out in the country with scores of Americans, why couldn't men in the little village on the creek do well? They tried it and many of them succeeded.

Squatters were not the only people in possession of this land. Most of it was bought and sold then as it is today.

Vincente Peralta, a son of old Don Luis, sold a section of land around what is now called Temescal, for \$100,000. His brother, Jose, disposed of a tract farther north for \$82,000.

Moon, Adams, Carpentier and their associates employed a surveyor named Kellersberger to make a map for them. The map became famous and was used in many suits over titles.

There is, also, the classic story of how a man named Colonel Henry S. Fitch found Oakland in its virgin state, by accident. He saw its possibilities and determined to buy a section of it from Senor Peralta.

Fitch, a free-born soul, had started from San Francisco with a party of fellow adventurers headed for Marin County. Through some error in navigation their sailboat finally came to anchor in the Oakland estuary.

The party was amazed and delighted. They had supposed, from long distance observations in San Francisco, that the mountains back of Oakland extended down to the

bay. On discovering their error and finding the plateau covered with oak trees through which ran many streams of water, they were more than well pleased.

Senor Peralta was found, and was persuaded to sell about 2,400 acres bounded by what is now known as Lake Merritt and running to the nearest tideland in a westerly direction.

The money was to be paid in fifteen days. Peralta refused to sign "option" papers, feeling, no doubt, that "his word" was sufficient. Fitch then began the job of getting the \$8,000 which he, himself, did not possess. He found a Colonel Whitney in San Francisco and persuaded him to advance the money. Fitch's remuneration was to be half of whatever might be realized as profit in the sale of the land in the next three years.

At once these two men visited Oakland. Whitney seemed delighted with what he found. Only one thing disturbed him. The two men found a small shanty near the point of debarkation. The occupant was a squatter. He told them he didn't know who owned the land, but if they wanted him out, he'd get out.

Whitney weakened, as many a real estate buyer has weakened, at the critical moment. He doubted if there was any real title to the property. Six times they set out on the trail to Senor Peralta's home, with Fitch arguing eloquently. When finally they came within sight of the Peralta home, Whitney balked. He wouldn't buy. Fitch told Whitney that the latter would in time regret his decision, and, as the story goes, would die tearing his hair because of the blunder. Fitch's prediction was literally fulfilled. Whitney did die, bewailing in an insane fit of rage his failure to "buy Oakland" for \$8,000.

Governor Pico's predictions were soon on their way to fulfillment. The hamlet became a village and the populace was much more interested in commerce than in the bull fight, the bearbait or the fandango.

Trade at that time was the shipping of hides, brick, lumber and vegetables to San Francisco. A brick kiln existed then at the right arm of Lake Merritt, and there was a little wharf where scow-barges could come up the estuary and take on bricks.

Historical records tell of the activities of one Antonio Foute, once a sailor, who had arrived in the early 1850's, and used a whale boat to ship milk to San Francisco. A minor business activity, of course, but fairly typical of Oakland's commercial beginnings.

The town thought it was booming then, though present day Chambers of Commerce might smile at the size of the "boom". Citizens came in ever increasing numbers. In 1852, they numbered about seventy and in 1853, about twice that number. If it wasn't really a "boom" it was growth. most certainly .

Family names were given to some of the streets, Alice Street honored Horace Carpentier's only sister, Madison Street was then called "Julia" Street, for Adam's only sister.

The Kellersberger map endorsed by Carpentier and Adams showed Broadway to be 110 feet wide. Other streets projected were eighty feet wide. Blocks were from 200 to 300 feet long. The town's boundaries were 1st, 14th, Market and Fallon Streets.

The village was ripe, in Carpentier's opinion, for incorporation in 1852, so when the legislature convened at Benicia, he proceeded thence, armed with the Kellersbereer map and immediately hunted up his friend and fellow New Yorker, David C. Broderick, who had been elected assemblyman from San Francisco.

Through Broderick, Carpentier placed his bill for incorporation before the legislature. The usual petition, signed by residents of the area affected, was not among the legal exhibits, and even more audacious, Carpentier, representing no one but himself proposed to change the name of the settlement from Contra Costa to Oakland.

Broderick sponsored the bill in committee and remained its friend. Even the elements seemed to conspire in Carpentier's behalf. The Capitol had just been moved and while the lawmaking bodies were in session the rain fell almost continuously. Legislators waded about in mud, boot-top deep, and the roofs of the Capitol building leaked miserably.

The efforts at lawmaking were a farce. Leaky roofs do not help men to be thoughtful of the public good. At none of the sessions was there a full attendance and frequently the sergeant at arms had to be sent to round up a quorum. This chaotic condition probably prevented a serious discussion of Carpentier's bill which, of course, could not have displeased Carpentier.

Then there were other bills for the incorporation of other towns. The legislators were in favor of progress, at least as a rhetorical proposition, and in the same way that a lover favors love or a sinner favors sin. The desire to incorporate a town was taken as evidence of progress per se and was therefore regarded as good. So the bill was passed; the village became a town. Contra Costa became Oakland and the legislators "wrung the water from their socks" and called it a day.

Chapter 3: Town of Oakland Becomes City of Oakland

No sooner was the town legally incorporated than Adams. Moon and Carpentier swung into action. An election was promptly held, The three with A. W. Burrell and Amadee Marier. were elected trustees. It should be interpolated, however, that the election was nearly as secret as the act of incorporation.

At the first meeting of the new board of trustees. held on May 17, 1852, Marier was elected chairman and Carpentier failed to qualify. This seemingly strange action is explained by subsequent events.

He had evolved a plan to seize the entire Oakland waterfront and had he qualified as a trustee, he could not have accepted this gigantic "gift" lawfully.

The meeting passed virtually unnoticed because few of the residents were even aware that Oakland had been incorporated, but the business transacted was destined to occupy the attention of the citizens of Oakland and the courts of the state for the next sixty years.

After the board was duly organized and various minor affairs were disposed of, Burrell introduced an ordinance which actually inaugurated the history of the Port of Oakland. This ordinance, probably written by Carpentier, was titled: "For the disposal of the waterfront belonging to the Town of Oakland and to provide for the construction of wharves ." This ordinance gave to Carpentier and his legal representatives the entire Oakland waterfront including all the land in Oakland between high tide and ship channel for a period of thirty seven years.

The ordinance also gave Carpentier the "exclusive right and privilege of constructing wharves, piers and docks" within the corporate limits of the town, and the right of collecting wharfage and dockage at such rates as he deemed reasonable.

In return, Carpentier's only obligations were that within six months he was to provide a wharf at the foot of Main Street at least twenty feet wide, and extending toward deep water fifteen feet beyond the then existing wharf; and within one year to construct a wharf at the foot of F Street or G Street, extending out to ship channel, and also within twenty months, another wharf at the foot of D Street or E Street. In addition Carpentier agreed to pay the Town of Oakland two per cent of all wharfage receipts and to build a public schoolhouse.

At the second meeting of the town's new board, ten days later the ordinance was read by the clerk for a second time in compliance with the legal requirements and was passed immediately thereafter by the trustees, thus enacting into law a policy of private ownership and development of all the town's water-shipping facilities,

At the third meeting of the board which was held on the last day of the same month, Carpentier again appeared before the trustees and held long and earnest council. What was said by him and the replies made by the several members of the board is a matter of conjecture. The records are silent.

It is a matter of record, however, that Carpentier emerged from the meeting with a deed to the entire Oakland waterfront. Not only was he deeded the tide lands relinquished by the state to the town but so magnanimous had the trustees grown under the spell of his oratory that they extended his holdings out into the bay as far as ship channel. The consideration was five dollars.

In later years learned judges had much to say about this particular piece of largess on the part of the trustees,

The wharves were built and provided much needed shipping facilities for the six saw mills and other lumber activities in the vicinity, and as a result soon began producing large revenues, ninety-eight per cent of which went to Carpentier,

Whatever may be said of Carpentier's business methods, he was undoubtedly a man of keen vision, for it is quite apparent from the time he first conceived the idea of incorporating the Town of Oakland, he had planned to secure the waterfront for himself.

Perhaps he could visualize the future of San Francisco Bay, and particularly the part that the Port of Oakland would play in years to come. This is indicated in the fact that he was mainly responsible for the Act of Incorporation which authorized the town to "build bridges, wharves and piers. "and provided that , "all lands lying between high tide and ship channel should be retained by the town as common property, or (this is important) disposed of for the purposes aforesaid."

The words, "or disposed of for the purposes of aforesaid," were the nub of the transaction and were nicely hidden away in a vast assemblage of words that enabled Carpentier to secure the Oakland waterfront for the thirty-seven year period. In the light of all the circumstances, it is improbable that the burial in surplus verbiage was an accident.

He apparently lost no time in getting things done, for in December of the same year he had an ordinance passed by the Board of Trustees accepting a wharf at the end of Main Street. And granting to him an extension in time for the building of the other two.

Continuing the terms of his contract, Carpentier. in July, 1853, made a written report to the board in which he blandly set forth that he had completed a "substantial. elegant and commodious" schoolhouse which was free. well attended and in operation at his own expense. that he "transmitted herewith to the Board," a deed of reconveyance covering the schoolhouse and grounds, and trusted that the buildings met with their approval.

In August of the same year, Carpentier appeared before the trustees and declared he had spent about \$20,000 for the wharves and desired to discontinue wharfage charges if the town would undertake to keep all the wharves in good order and repair "perpetually."

Whether this proposal was for record purposes only or made in good faith is not known but the suggestion was not approved. and another was set forth which proved more to the liking of the trustees and as a result an ordinance was introduced and subsequently passed providing that on completion of the wharf at the foot of Main Street (Broadway) and satisfactory arrangements made regarding the others and the schoolhouse, the waterfront of Oakland would be taken from the public and granted to Carpentier "in fee simple forever."

Thus all restrictions contained in the previous deed had been removed and the town through its trustees had renounced all claim to its waterfront.

With this act, the conclusion of the first legal chapter of the history of the Port of Oakland was written into the town records. The curtain had been rung up on sixty years of a drama of intrigue and legal warfare.

Chapter 4: Town of Oakland becomes the City of Oakland

Incredible as it seems, the town had been incorporated, the city council duly elected and the waterfront appropriated by Carpentier before most of the residents were aware that Oakland existed.

The village had always been called Contra Costa. To be sure, the name was merely a Spanish term meaning "the opposite shore," but it had a musical lilt which somehow appealed to the Yankee settlers, even though most of them were opposed to anything Spanish as a matter of general policy.

There may be some poetical and sylvan significance to the name of Oakland, but those who first heard it, liked it not at all. To begin with, the name impressed itself upon their consciousness in a peculiar manner. Strangers, traders and casual callers would, from time to time, bring news that a new town had been incorporated, which was called Oakland. When inquiry as to its exact location was made of anyone living in the village of Contra Costa, usually he would shake his head and look blank. No one knew where the new town was to be found. Their chagrin can be imagined when it dawned upon them that they were indeed residents of the mysterious and somewhat mythical Oakland.

Naturally such a discovery would incite a spirit of adventure. The town had come upon them unawares, so to say, and even the most tractable and unimaginative were at once curious to learn what else had been thrust upon them—or taken from them.

The days that followed the discovery that Oakland and Contra Costa were identical proved warm and sultry for the newly elected city council. The reasoning of the citizenry was flawless. If the town was incorporated without the consent or knowledge of the people who lived there, it must have been done for no good purpose and through fraud and chicanery, and if that were so, those who claimed to hold office in the city government must have been parties to and beneficiaries of this fraud.

Flawless as their reasoning may have been, this probably was not true. In the 1850's as in the present day, the seats of the mighty had an irresistible attraction for many and when such a signal honor as a place at the council table of a city was offered, it was not particularly difficult to find candidates who had little or no notion of the responsibilities or dangers which are requisite to the honor.

Natural surprise and perhaps disgust at the trick that had been perpetrated on the village in changing the name to Oakland seemed to appeal to the citizens as evidence that no good was intended to the town. Matters were brought to a climax of indignation when the news became general that the first act of the trustees of this new Oakland was one which some people called "theft".

Enraged citizens who felt that the board of trustees had overstepped the bounds of their authority, set out to see what could be done about it. They rose in their majesty and demanded from the board that legal proceedings should be instituted forthwith to recover the waterfront which they believed belonged to them.

A petition to this effect was filed but never acted upon. In September, 1853, on recommendations made by the committee to whom the matter had been referred, the petition was refused by the board of trustees.

In the meantime, Carpentier was anything but idle. In fact, he apparently was bringing into play all the tricks of his profession, for the Oakland waterfront began changing hands, part of it becoming the property of one, Harriet Carpentier, a niece in New York. The waterfront of Oakland in time became quite a Carpentier family affair, since Edward R. Carpentier appeared too, and he acquired a large portion of the waterfront which was subsequently purchased by Harriet.

Later still, and by devious routes not to be traced in any legal records remaining, one John Watson, on August 16, 1855, sold the entire waterfront property to Harriet Carpentier, again for the sum of \$6,0000. How it ever passed into the hands of Mr. Watson, however, is a matter of the profoundest mystery; no official records divulge the secret, nor why these inscrutable transfers should have taken place.

To go back to the original trio: In December, 1853, Horace and Edward Carpentier executed a lease to Edson Adams and Andrew Moon for twenty years. The lease was for a two-thirds interest in a large beach and water lot at First and Broadway, for the sum of \$2,000.

In this transaction, Edson Adams and Andrew Moon appeared in the roll of lessees, although it was generally acknowledged that the former claimed one-half of the entire property, and, indeed, did eventually obtain his share by forcible measures, subsequently selling it to the Central Pacific Railroad Company for a large sum.

Not to be so easily checkmated, Oakland's first citizens proceeded to the waterfront in a truculent mood and went to work in November of that year. The records reveal that the president of the board laid before the trustees a certified copy of summons and complaint, made by Carpentier against the Town of Oakland, in a suit for \$4,500 damages to the plaintiff's property from a mob of riotous assemblage; to which, on the motion of Moon, an answer was directed to be filed.

There were no newspapers in those days and there is no record of the form the mob violence took, but the citizens were so thoroughly aroused that there was no likelihood of an unprejudiced hearing, so the case was transferred from Alameda County to the City of San Francisco, but in February an ordinance was passed compromising the suit.

Oakland's enraged citizens petitioned the trustees to seek legal means for the recovery of the town's waterfront. When this petition failed more riots followed. On October 22,

1853, the Board of trustees ordered the town clerk to remove the town records to a place of safety. This was done, which may account for the disappearance of several very important documents,

Oakland was growing. More men were coming from the gold fields to work in the less spectacular but more stable lumber industry. More sailors, deserting their ships at San Francisco, were arriving in whaleboats. Married men sent for their families and the unmarried men sent for their sweethearts and became married men. However, it is doubtful if the unbiased observer would have found the hustling, thriving young metropolis that prideful citizens believed it to be"

After two short but eventful years as a town, Oakland took on the dignity of a city. On March 25, 1854, the Town of Oakland became the City of Oakland, according to law if not in fact, for it was on that day that the first city charter was granted.

In accordance with the city charter, an election was held early in April. On April 17, 1854, the election returns were canvassed at a meeting of the trustees. Those dignitaries found that there had been 368 votes cast, which caused some consternation inasmuch as it generally conceded that this was more, by a considerable number, than the total adult population.

Carpentier was elected mayor.

Soon the air was thick with trouble again. The newly elected city council was decidedly at odds with the mayor. To add to the dilemma, the original board of trustees was unwilling to transfer the papers and public money to the new body, although they eventually did so in a confused and incomplete condition, for the treasury had been attached by Colonel John G. Hays and a legal process was necessary to release it.

Then the brewing storm burst upon the city. On August 5, 1854, at the meeting of the city council, Alderman A. D. Eames presented an ordinance to provide for the construction and maintenance of a wharf in the City of Oakland.

In substance this ordinance provided for "facilitating the commerce of the city and travel to and from it," by the establishment of a street and wharf from a point on the Encinal" in the southerly part of the city limits to the nearest deep water, on condition that the city would grant a franchise to the highest bidder. The holder of the franchise was to build a wharf and to collect wharfage therefrom. The franchise included possession of a land and water lot, one hundred yards in width along the line of the proposed wharf from the beach to the boundary line of the city and the franchise holder was to have the right to form an "association and stock company" for the construction and operating purposes.

The ordinance concluded by specifically asserting that it did not recognize any claims of private individuals to the waterfront and that its enactment should not be so construed.

On August 6, 1854, the ordinance was passed and on the 19th, four separate petitions signed by one hundred and seventy citizens were received in favor of building the wharf on the southwestern corner of the Encinal. The document was sent to Mayor Carpentier for his signature and approval.

The people had spoken, both through their representatives and by direct petition. A publicly owned waterfront was without doubt their edict. Did Mayor Carpentier heed their demand? He did not. He returned the ordinance to the council unsigned.

Chapter 5: Life on the Waterfront in the 1850s

In returning the ordinance to the council without his approval, Carpentier let it be known that his veto was not of the perfunctory sort. Hostility does not exactly cover his attitude. His motions passed through all the delicate shadings from chagrin and deep personal affront to benign indignation and pity for a citizenry who would so far forget its duty to its neighbor as to propose such a piece of legislation. "Preposterous" was one of the milder terms he applied to it.

In times of stress the cleric turns naturally to his rosary and in similar circumstances, Carpentier, the lawyer, turned to his law books. He found that the ordinance would involve the city in costly litigation. It would make the city liable for damages. But worst of all, it disregarded the rights of private citizens. The rights referred to, incidentally, were his own claims to the waterfront.

The note which accompanied the ordinance on its return contained many pages of carefully penned foolscap and has since become a classic in Oakland's legal literature. It is printed here (in part) without apology, not only because of the importance of its text, but because it reveals traits of character in the man better than any collection of words objectively written could portray them.

Perhaps Carpentier laughed to himself as he wrote his lines but to the populace he presented only a stern and outraged dignity.

His reply read:

"To the Common Council—a Bill for an ordinance entitled 'An Ordinance to provide for the construction and maintenance of a wharf in the City of Oakland,' has been presented to me and is herewith returned without my approval.

"My objections to the ordinance go both to its form and its substance; to its form because it is careless and illegal in its terms and contains no provisions of safeguard to the city; to its substance, because, first it is calculated to involve the city in long and costly litigation, and exposes her to ruinous losses by way of awarded damages, and secondly, because it is in open violation of private rights and in contempt of that good faith which should mark the transactions of corporations as well as individuals.

"So bald is the whole thing of any guarantees of remuneration to the city, or of performance on the part of the grantee as to induce the belief that the ordinance was artfully drawn and imposed Upon the city council under specious pretexts by some designing person whose only object is to involve the city in an expensive litigation with some of her own citizens under the hope of gaining large advantage from the losses of others....

"There are unfortunately persons in every community not particularly distinguished for enterprise or attention to their own business, who are always eager to agitate and embroil under the hope that out of confusion there will come spoils".

The council failed to be intimidated by the mayor's pronouncement. The matter was delegated to a special committee, which took the matter up with an attorney in San Francisco. The opinion of the attorneys (one of many lost documents) was presumably in favor of the city, for at the council meeting, September 13, it was moved and carried that the ordinance providing for the construction and maintenance of a wharf be taken up. This was done, notwithstanding the veto of the mayor, who on the 23rd communicated the following, together with an enclosure, no trace of which is to be found.

"To the Common Council—Herewith is transmitted to you a copy of a communication from the owners of the waterfront concerning the wharf lately constructed at the foot of Washington Street, formerly E Street, in this city.

"I have carefully examined said wharf and I find it to have been well and substantially built from the shore to deep water, a distance of five hundred feet, according to the terms and within the time specified in the contracts providing for its construction, and I have accepted it on behalf of the city and in full and final satisfaction and discharge of the terms and conditions of the ordinances, grants and contracts for the sale, disposal and conveyance of the waterfront of the town of Oakland."

In effect, Carpentier looked upon the wharf that he, himself, had built, and found it good. At this juncture the tables were completely turned, and the Carpentier faction was elated, for pressure was brought to bear upon the council so that on December 9, 1854, they repealed the ordinance to provide for the construction and maintenance of a wharf which had been passed finally on the previous 15th of September. Two days after the council meeting Carpentier signed the repeal ordinance with a flourish and without resorting to oratory.

At a special meeting of the city council, held January 24, 1855, the mayor gave official information that an outrage had been perpetrated on the previous evening, which took the shape of an attempt to destroy or abstract the whole or a portion of the records of the city.

Mayhap it was in the confusion consequent upon this violent proceeding that the several important documents mentioned were lost, and it is a remarkable coincidence that nearly all of the missing papers refer to this question of the waterfront. A reward of a thousand

dollars was offered for the apprehension and conviction of the perpetrators, but whether they were ever arrested is a matter clothed in the profoundest mystery.

At the election of March 5, 1855, Charles Campbell succeeded Carpentier as Mayor, and a new council was chosen. There now entered into the policy of the city council an evident desire to put their house in order and at once strike at the root of the evil, for on June 6, 1855, Alderman Giggons presented to the council "An ordinance repealing an ordinance entitled 'An Ordinance Concerning Wharves,'" passed October 29, 1853, which abrogated all concessions made in regard to the waterfront.

The next move of the council, which seemed bent upon giving a deathblow to monopolies, was directed against an ordinance passed in April, 1853, granting to Edward R. Carpentier, brother of the former ex-mayor, exclusive right of ferry privileges between Oakland and San Francisco.

Thus was war declared on Carpentier's waterfront claim. To support their action in repealing the ordinance regarding wharves, the following August the committee on streets and buildings was authorized to advertise for proposals to build a wharf at the foot of Bay Street. The jetty was not to be less than eight hundred and fifty yards long with a T at the end, one hundred feet in length and fifty feet broad.

This proposal had the effect of launching the city on a program of active opposition to the claims of the Carpentier interests.

The contract to build the Bay Street Wharf was awarded to Rodman Gibbons, who commenced construction with but little interference from the waterfront owners.

The waterfront problem now laid dormant for some time. On March 4, 1857, Andrew Williams was elected mayor, and in his message to the council, the waterfront problem was again discussed. He said in part:

"The question of the city's title to its ten miles of waterfront property is of paramount importance. Certain individuals are claiming this property. We believe these claims to be without foundation. But there is a question as to its ownership by the proprietors of the Mexican grant of the opposite shore. To remove all these claims I recommend an immediate unit to quiet title to our entire waterfront property."

In April, a resolution was adopted instructing the attorneys to take such steps as they deemed necessary to obtain from the proper court the appointment of a receiver of the rents and revenues of the property involved in the suit. Carpentier had secured passage through the legislature of "An Act to amend an Act, entitled an Act to Incorporate the City of Oakland," confirming all the ordinances passed while Oakland was still officially designated "Town". At its next session the legislature repealed the amendment. The waterfront dispute remained in status quo for some years to come.

Chapter 6: Life on the Waterfront in the 1850s

A picture of the waterfront of the early 1850's is a picture of the town itself in its cradle days. Oakland was a typical American small-port village, clustering mainly about lower Broadway, called Main Street in 1854.

Two wharves jutted out into what was then the ship channel, with only two and a half feet of water at high tide. One of these wharves was at the foot of Main Street; the other, owned by William Taylor, was located close to the foot of Washington Street. Here ships were loaded and unloaded, resting on dry hardpan at low tide so that wagons could be driven alongside to handle the cargoes. Ferry service, if it could be called that, was at best irregular, and it was necessary for the captain and wharfinger at the Carpentier wharf where the ferry landed, to study tide tables to decide when the ferry could land and depart. When these calculations were finished, a boy would be sent through the streets blowing a horn and announcing the time of departure.

This job was one of high honor in the opinion of the village youth, and there was keen competition for it. The wharfinger's job, at one time held by a relative of Andrew J. Moon, was not exactly a sinecure, for he was chief stevedore and longshoreman as well as boss of the ferry line.

Vegetable growers daily brought produce from their farms along San Antonio Creek in flat-bottom boats, propelled by oars and sail. Upon arriving at Oakland the vegetables were put on the ferry to San Francisco. When the tide was out a rope had to be lowered to the boat and boxes of carrots, cabbages, turnips, corn and other vegetables in season, had to be hauled up to the dock by the wharfinger.

When at night the tide was extremely low, wharfinger Andy Moon would row down to the bar, near what is now Peralta Street, and place a lantern on a piling to direct the captain of the ferry up the channel. Often, in spite of this precaution, the boat would be stranded on the bar and its landing delayed for hours. Meanwhile the wharfinger would patiently await the arrival of the boat, which was announced by blasts of its whistle summoning those expecting the return of members of their families who had gone to "the City."

The Carpentier "schoolhouse," located at 4th Street between Washington and Clay, had quite an attendance. When school was out the boys made for the swimming pool between Broadway and Franklin Streets. The area, as then described, was a sandy beach and a perfect swimming place. Also, there was clam and oyster digging and hunting in the fields a few blocks back from the waterfront.

The waterfront was the heart of the village existence. Here was the center of what business there was, the ferry to San Francisco, Taylor's Wharf, where cargoes of hides

were loaded for export, a lumber yard and planing mill, and sand for the plaster and mortar of the first brick buildings.

On Sundays religious services were held at the waterfront. Baptisms frequently took place on sunny afternoons at the foot of Washington Street. A wooden runway from the three foot bank to the beach was used for the candidates and their minister. On the beach stood the singers, and on Taylor's wharf, the congregation.

More and more as the town grew the growing boys found work on the waterfront, digging oysters, packing and shipping freight by ferry to San Francisco. The erection of new buildings was begun and this brought lumber schooners to the wharves, giving work to stevedores. The noonday whistle of the planing mill became the symbol of industrial growth. However, Oakland was still a sleepy village when the first trains started running from the bay at the foot of 7th Street to Broadway.

As the town gradually spread back from the waterfront, new activities developed. Wagons began hauling sand from the cove between Broadway and Jefferson Streets, where good white sand was found in quantity. This materially aided the growth of the city, supplying the sand necessary for the mortar and plastering in new construction.

Ships brought in brick from a plant near where Napa now stands, and as the town progressed so did the harbor. The cattle industry in the back country took a step forward, and herds in the Livermore Valley and the Valley of Diablo were increased. Warehouses at the foot of Broadway were packed with hides for shipment around the Horn to New England. Very early small quantities of wheat for export began to reach tidewater.

Moon, Carpentier and Adams were active on the waterfront, increasing their holdings and powers, and at that time definitely aiding the growth of the town itself. Perhaps they felt instinctively that the railroad would some time come to Oakland and be compelled to seek terminal facilities.

The foresight and energy of this trio were booming things along mightily, although discontent over their waterfront deals was beginning to be felt. However, jobs, then as now, were necessary and they were the men who supplied them.

The first rumbles of the great waterfront battles were in the wind, and jobs or no jobs the peace and quiet of the little village was soon to be torn by hatred and violence.