The San José Settlers’ War of 1861
Tamara Venit-Shelton
Associate Professor of History, Claremont McKenna College
George Henry Preble Lecture, NAVA 50, San José, California 2016


An armed standoff took place between the sheriff of San José and squatters occupying the Rancho Yerba Buena, owned by Antonio Chabolla.

Introduction to the San José Settlers’ War of 1861

The “San José Settlers’ War” of 1861 was a short-lived armed standoff between the San José sheriff and squatters occupying the Rancho Yerba Buena, seven miles east of San José. Officially, the ranch belonged to Antonio Chabolla, a native Californian, who claimed ownership under a Mexican private land grant, which had been confirmed by the U.S. government, but his claim was contested by squatters, who stubbornly persisted in believing the land was public and therefore open to their occupancy and use.

The Settlers’ War was one of many conflicts over land rights in mid-nineteenth-century California. The discovery of gold in Coloma in 1848 created not only a Gold Rush but also a land rush. Gold prospectors became land speculators. Yet the United States, which formally acquired California from Mexico that same year, had agreed to honor Mexican private land grants. American settlers who rushed to California wittingly and unwittingly defied that agreement, squatting on Mexican-owned land and claiming it for their own. Antonio Chabolla was one of many Mexican land grantees who struggled to hold onto their property in the two decades after conquest. But Chabolla’s land troubles were distinct in that they coincided with the outbreak of the American Civil War in April of 1861, and this coincidence endowed the conflict with some unique attributes.
Local newspapers and county histories would later call it the “Settlers’ War”, and it illustrated the power of secession anxiety in California. Californians thought a lot about secession in the earliest moments of the Civil War. Though they were thousands of miles distant from the theater of war, Californians still worried that secessionist forces might cause their state to break apart into North and South or simply sever all relations from the United States to form an independent Pacific Republic.

Californians also worried a lot about squatter’s rights. Californians were, like all nineteenth-century Americans, inculcated in the political culture of Jeffersonian agrarianism, and they had long believed that small, independent landownership among true cultivators guaranteed the success of the American republic. Squatters had a tradition of moving West, locating seemingly empty land, and claiming the right of ownership through their occupancy and use. In the 1850s, squatters helped launch the Republican Party, which promised to champion squatter’s rights on public lands. By 1860, the Republican Party would be the party of Abraham Lincoln, whose election had triggered the secession of the Lower South.

Secession anxiety temporarily but dramatically altered the discourse around squatter’s rights. For some Californians, that anxiety overwrote the San José squatters’ political allegiances to the Republican Party. Through the lens of the emergent Civil War, the squatters resisting eviction from the Rancho Yerba Buena began to look like rebels and traitors.

At the same time, the sectional crisis gave squatters a new language with which to defend their land rights as essential to the survival of the American republic.

Secession anxiety forced squatters on the Rancho Yerba Buena to articulate their ideals in no uncertain terms. They had to prove their fidelity to the Union through public acts and declarations. The squatters, at gunpoint, had to make concrete that abstract connection between national loyalty and land rights. And in doing so, they justified the dispossession of Mexican landholders like Antonio Chabolla.
Two reasons this incident became interesting to me as a historian:

a. First: The Settlers’ War offers a wealth of sources from the squatters’ perspective. Squatters on the Rancho Yerba Buena wrote letters to the governor, to newspapers, and they staged public demonstrations to defend their right to remain on the ranch and to deny accusations of secessionism.

b. Second: This example of secession anxiety in California gives historians a new way to think about the Civil War and the Far West. The main question for historians studying California and the Civil War has been what influence, if any, the sectional crisis over slavery had on California, which was a free state. The scholarly consensus seems to be that California politics and society were a “microcosm” of the country, a reflection/recapitulation of national trends and sectional allegiances. The Settlers’ War suggests something different. It suggests that in California, the sectional crisis collided with the question of whose property rights should receive precedence in a conquered territory. What emerged from that collision was a reevaluation of the relationship between squatters’ land rights and the American republic that, at least to the participants on the ground, had no overt connections to the crisis over slavery. The events on the Rancho Yerba Buena illustrate a fundamental truth about western history: that it is simultaneously embedded in national narratives and separate from them.

For the flag historians in the room, there will be a flag.

The Story

The story does not begin in April of 1861. We have to go back a few years to February of 1848, when the Treaty of Guadalupe Hidalgo ended the Mexican-American War. Mexico formally ceded to the United States a vast region, covering present day California as well as Arizona, Utah, Nevada, and parts of New Mexico, Texas, and Colorado, and the United States promised to uphold the private property rights of Mexican citizens living there. The adjudication of Mexican land rights followed different paths in the different parts of the ceded territory, which resulted in varying degrees of dispossession for Mexican landholders.
In the case of Texas, which had been independent for nearly a decade before annexation, the state acquired new territory south and west of the Nueces River. Trans-Nueces Texas was well populated by long-established Mexican ranchers, many of whom had close ties to Anglo-American business partners and families. In the decade after the war, Congress gave the Texas state legislature authority over foreign land claims, and the Mexican elite in South Texas were mostly successful at using their connections to stave off American squatters and protect their land and wealth.

In New Mexico, on the other hand, competition for land among Indians, Mexicans, and Americans was, at least initially, mitigated by the territory’s relative remoteness. Ultimately, the land problems in Texas and New Mexico did not approach the scale of the crisis in California because in California, there was a gold rush.

In 1848 and 1849, nearly one hundred thousand new migrants arrived in California. They went to the hills to hunt for gold, of course, but they also staked out claims to farming land and town sites, much of which was encompassed already by Mexican private land grants. Congress planned to subject each grant to a formal review process, to confirm its validity as it had in other acquired foreign territories. But that process did not get underway until 1851.

Meanwhile, squatters in California hoped the government would treat them with the same liberality it had applied to settlers in other territories annexed in the nineteenth century. In Louisiana, Florida, and Oregon, the government had confiscated or broken up the largest foreign estates and extended generous grants to pioneering families and individuals. The new Californians hoped that the federal government would legalize squatting by permitting individuals to occupy and use the land before it was surveyed. Under federal preemption laws, a squatter needed only to locate an unoccupied section of public land, erect a shelter, fence, or make any other improvement, and file a claim with the nearest land office. At the end of a proving up period, the squatter had the right of preemption—or first purchase—before a public auction. Preemption was attractive because it required only small initial costs for a filing fee and improvements, and a squatter could earn an income from working the land without paying property taxes until he had proved up.

But California was far from empty, and the land open to preemption was not as abundant as would-be preemptors would have liked. Two obstacles stood between California squatters
and the land they aimed to occupy and use: Indian land rights and Mexican private land grants. Between the two, squatters felt more oppressed by the Mexican land grants, which seemed to encompass the most desirable land and could extend up to 48,000 acres, an area larger than some eastern counties.

From the squatter’s perspective, Mexican land grant holders like Antonio Chabolla looked a lot like land monopolists. Upholding Mexican land grants betrayed the Jeffersonian agrarian ideal of small, independent freeholds.

Antonio Chabolla and his family were long-time residents of the area around San José. His father and brother both owned orchards and ranches in the area, and Antonio had been grazing cattle on the site that would become the Rancho Yerba Buena since 1825 or 1826. In 1840, Mexican governor Juan Bautista Alvarado officially granted Chabolla 24,342 acres bounded on the north by the Evergreen Hills and the south by the Coyote River, approximately seven miles from San José. In 1852, four years after California had become part of the United States, Chabolla filed for a confirmation of his land grant with the American government, and it was approved in 1858. In the intervening years, however, Chabolla was forced to sell much of his land to pay his attorneys. By the time he received the patent, Chabolla likely held the rights to only ten percent of the original grant, about 2,400 acres. And that was swarmed by squatters, who used his land without paying rent or property taxes.

The conflict on the Rancho Yerba Buena began in 1858 when Chabolla sued to evict thirteen squatters from his land. It is not clear why Chabolla named these thirteen men among what newspapers estimated to be the five hundred people unlawfully occupying the Rancho Yerba Buena. Demographically, nothing distinguished the defendants from other squatters on the ranch. The 1860 United States Census manuscript identified them as mostly native-born—although not natives of California—or immigrants from Western Europe, who worked as farmers and farm laborers. Some lived with their families while others lived with fellow workers. Each of them claimed some assets, in land or personal property, but no more or less than their neighbors.
Perhaps the thirteen squatters were occupying land Chabolla had not sold and planned to use. The evidence to support that conjecture is scant, but a deed indicates that one squatter named as a defendant in the case had constructed a fence on Chabolla’s property.

Chabolla won his lawsuit at the end of 1860, but the defendants remained on the ranch until March of the following year. On March 18, the county sheriff, John Murphy, made his first attempt to evict them and reported that the squatters chased him off with “arms and force”. Returning to San José, the county seat, Murphy set about mustering reinforcements.

In the meantime, a large crowd began to gather at a schoolhouse near the ranch. The Sacramento Daily Bee estimated that there were 2,000 to 2,500 people assembled, including 800 who were armed. When Sheriff Murphy returned to Yerba Buena on April 15, he was met by a veritable “squatters’ army”. Murphy retreated to San José, with the army close behind, driving buggies and large wagons. Murphy stopped in the center of Washington Square, now the site of San José State, where he gave a speech capitulating to the will of the people (at least for the moment). The crowd cheered and peacefully dispersed.

But the conflict did not end there.

Sheriff Murphy appealed to the state for help. He wrote to Governor John Downey for military reinforcements. His appeal reached a sympathetic ear. Downey was involved in extensive land speculation near Los Angeles. He had married a woman of Mexican descent and was the owner of two Mexican land grants for Rancho de San Pedro and Rancho Santa Gertrudis. Downey was inclined to help Chabolla if he could.

The governor wrote directly to the defendants. He encouraged them to leave the ranch voluntarily or submit to forced eviction by the state. The Governor dispatched a commissioner, William G. Morris, to go to San José and arbitrate a peaceful resolution to the dispute.

William Raymond, one of the squatters named in Chabolla’s case, wrote to Downey as well. In his letter, he employed a rhetoric of agrarian freeholding inherited from previous generations of Jeffersonians. Raymond claimed that the squatters were engaged in battle to protect a higher law that extended natural rights of ownership to squatters and protected traditions of small freeholding in California. He wrote: “We do most sincerely regret with you that we as good, law-abiding citizens are forced by circumstances beyond our control to defend
ourselves and our homes against a grasping monopoly of land speculators.” Raymond accused Chabolla of being a land monopolist, whose purpose was to dispossess small farmers of their claims. Since small farmers were popularly believed to be the moral backbone of the American republic, Chabolla’s attempts to evict the squatters undermined the democratic foundations of California society. Raymond’s letters were peppered with references to home and family, and these references effectively reinforced the squatter’s claim to uphold patriarchal traditions of agrarian democracy.

Raymond gave the letter to Morris, who opened it and described its contents to Downey, saying: “It needs no comment save you are openly defied.” Nonetheless, Morris remained in San José to mediate a peaceful agreement, and it seemed as though things were moving along in that direction. On April 25 Chabolla drafted a set of propositions from which to begin negotiations with the squatters. He offered to rent the land to them at one dollar per acre and to extend limited rights to cut timber for their personal use.

At another time, the conflict might have ended there, in a détente between a horde of squatters and an outnumbered Mexican land grantee, but in April of 1861, the Yerba Buena squatters had the misfortune of sharing newsprint with increasingly dire reports from the southern states. On April 12, Confederate forces seized Fort Sumter, signaling the outbreak of the war, but news did not reach the west coast until April 24. All the while, California newspapers had been monitoring the mounting tensions at Fort Sumter and commented daily throughout the month of April on the growing popularity of secessionism in the southern states. The public preoccupation with the approaching Civil War inspired a new interpretation of squatterism on the Rancho Yerba Buena. “Squatter” became synonymous with “secessionist”.

It did not matter that only one of the thirteen squatters named in Chabolla’s suit hailed from a slave state. And it did not matter that the Republican Party (the party of the Union) had made itself the champion of squatter’s rights. Secession anxiety overwrote all of that.

The California press played a large part in applying the new vocabulary of war to local land disputes. Newspapers like the Sacramento Daily Union and Daily Alta California began to spread rumors that “secessionists” had joined ranks with the Yerba Buena squatters. By doing so, the press elevated the stakes of the land dispute between Chabolla and the squatters,
exacerbated tensions between the squatters and state authorities, and perpetuated a baseless secession anxiety in California.

After news of the attack on Fort Sumter reached California, the hope for peaceful arbitration at Yerba Buena seemed lost to secessionist conspiracy theories. Chabolla withdrew his propositions for negotiation and again demanded that Sheriff Murphy evict the squatters. Murphy wrote to Governor Downey requesting back up of three thousand troops. The governor, in turn put the wheels in motion and asked the state legislature for an appropriation to pay for sending militia to Santa Clara County.

The threat of force compelled the Yerba Buena squatters to prove their allegiance to the Union. They staged an elaborate public demonstration of their patriotism by unfurling an enormous American flag, measuring six by ten feet and made of silk. On its canton was a United States coat of arms with thirty three stars painted in gold and silver by Antoine Claveau. As you can read on the Zaricor Collection website, it is one of the few flags to survive from this period of California history. On the obverse, the combination of the national arms and the stars was used by some militia flags from the American Revolution to the Civil War. Indeed, this was the flag of the local militia company from Santa Clara County, the Evergreen Home Guard.

Flag of the Evergreen Home Guard (reverse and obverse), Zaricor Flag Collection item ZFC0001.

Evergreen was the name of the district in which the Rancho Yerba Buena lay, and by wrapping themselves in the flag of the “home guards”, the Yerba Buena squatters assumed the mantle of a noble militia, defending family, hearth, and home. The reverse of the flag read “Settlers’ Rights and Union Forever”. The Daily Bee applauded the squatters’ display: “This national ensign is the best reproof to those who have designedly set the report afloat that the Settlers are Secessionists”. The performance was intended to remind the public of the traditional connection between the squatters’ agrarian ideals and the survival of the American republic.

Across cultures and across the centuries, flags have played important, highly visible roles in public demonstrations. Flags have been carried and waved, burned or otherwise desecrated, and—in the case of the Yerba Buena squatters—wrapped around the bodies of protestors. To wrap oneself in a flag is to declare one’s citizenship and belonging, one’s right to take shelter under the institutions that flag stands for. In the nineteenth century and up until today, protestors have wrapped themselves in the American flag to reclaim protections their government has denied them. The complaint might be quite personal as in the 1899 case of Mattie Rich, who cloaked herself in an American flag as she was being extradited to Mexico to stand trial for murdering her husband in Ciudad Juarez. This example, which Katherine Unterman analyzes in her book, Uncle Sam’s Policemen, shows an individual protesting a federal policy.
Mass demonstrations also have made effective use of flag-wearing. Flashing forward, in the 1970s, members of the American Indian Movement made use of this tactic as they protested broken treaties that led to their own dispossession.

Photo Credit 1: Shawano City-County Library Digital Collections, 1975.
Photo Credit 2: Bettman Collection, Getty Images, 1972.

More recently, I saw this image of a demonstrator wearing the EU Flag in Trafalgar Square following the Brexit Vote. These images are reminders of the powerful, visual impact of flag-wearing.

Photo Credit: Justin Tallis, Getty Images, 2016.

Meanwhile back on the Rancho Yerba Buena, the squatters continued to resist accusations of secessionism. In a letter to the Sacramento Daily Union printed on April 30, Chauncey Barbour, one of the thirteen defendants in the Chabolla case, explained that the squatters’ opposition to land monopoly expressed their ardent, unshakeable unionism. Identifying himself as a “settler” on the ranch, Barbour wrote of his fellow squatters: “A more loyal, union loving people can nowhere be found. As for secession, they will hardly tolerate its discussion, much less suffer themselves to be inveigled into its support.” Barbour described the squatters on the Rancho Yerba Buena in terms borrowed from the American agrarian tradition, wherein cultivation enhanced the laborer’s virtue. “They are all permanent”, Barbour insisted, “Many of them old residents and heads of families…
They are farmers and without exception men of quiet and pacific habits, never having been engaged in any acts of violence and very few of them ever having kept firearms about their premises prior to the present difficulties.” Barbour made clear that, without the bonds of Union, federal preemption laws would not have been extended to California. Squatters depended on federal governance to secure their homesteads. Such men, Barbour reminded his readers, could not wish for disunion.

In the first week of May, rumors of impending military intervention on the Rancho Yerba Buena ran wild. In a panic, William Raymond again wrote to the governor to insist that accusations of secessionism were not only unfounded but also dangerous. In his appeal to Downey, the vocabulary of agrarianism mingled with the new language of union and secession. As he had in his first letter to Downey, Raymond insisted that the squatters’ cause was anti-land monopolism and the defense of small freeholding. He wrote: “We have banded ourselves together for what we consider justice and rights and have merged every other consideration into the leading ideas of defense of our homes and our country.” Raymond insisted that the squatters’ loyalty to the United States ran so deep that even if Downey unleashed troops upon them, they would still defend the Union. He wrote: “To call upon the military to enforce this writ of ejectment no matter what the end may be, should our homes be burned, our [crops] destroyed, our families dispersed, and ourselves treated as outlaws, that then, even then, we, or so many of us as may survive, will be ready to throw all other considerations aside and if necessary combine with our persecutors in proving to the world at large the loyalty of Californians to the federal laws and Constitution.”

Ultimately, the appropriation from the state legislature to pay for Sheriff Murphy’s back up did not materialize. On May 7 Commissioner Morris returned to Sacramento, and, by the end of the month, Antonio Chabolla had given up. He decided not to exercise his writ of restitution, and Sheriff Murphy ended the standoff on the Rancho Yerba Buena when he withdrew his request for three thousand soldiers.

Local newspapers and county histories dubbed the standoff on the Rancho Yerba Buena the “Settlers’ War” of San José and remembered it as a colorful but ultimately harmless event in California’s “frontier” history. Indeed, for the defendants in Antonio Chabolla’s suit, there
seemed to be no negative repercussions. At least two of the defendants went on to become prominent members of the community. Thomas B. Farnsworth became as a trustee of the Evergreen School District in 1866, and John Aborn amassed a large estate south of the Rancho Yerba Buena where a street is now named after him. A map of the ranch and its subdivisions from the end of the nineteenth century shows that four of the original defendants, Farnsworth, Aborn, William McClay, and Andrew Gehringer, remained in residence as owners and tenants nearly forty years after the Settlers’ war.

The conflict was not, however, harmless to Antonio Chabolla and his family. Legal battles with squatters sapped Chabolla of his energy and resources, and, as many other native Californians had, he found himself with no choice but to seek a peaceful coexistence with the trespassers on his land. Chabolla died in November of 1865, six months after the last Confederate troops surrendered.

But amidst this story of dispossession, there is also evidence of the resilience of the Californio family. A late nineteenth-century map of the Rancho Yerba Buena shows that Chabolla’s children and grandchildren owned 2,200 acres in the northeastern part of the ranch, which suggests that, forty years later, the Chabolla family retained control of nearly all the land their patriarch, Antonio, possessed at the end of his life.

It is not clear what role, if any, race or nationality played in galvanizing public support for the squatters and against Chabolla. In the accounts of the conflict, there are no explicit or implicit mentions of what nineteenth-century Californians would have perceived as a “racial” divide between Chabolla and the defendants. In their writing, the squatters rarely referenced Chabolla, and when they did, it was never in terms of his race. Instead, they referred to him as a speculator, a monopolist, and a “land shark”, the same terms they used to describe Chabolla’s Anglo lawyers.

Yet even if notions of racial or national difference were not explicitly expressed, the language and actions that squatters used to defend their land rights over those of Chabolla, the ways in which they equated their identities as Americans with natural rights of ownership, demonstrate the ways in which the entwined categories of race and citizenship stratified the system of landownership in the mid-nineteenth-century United States.

**Conclusion**

The outbreak of the Civil War and the spread of secession anxiety in California leant a new urgency to defining and defending squatter’s rights as a central ideal of the American republic.

But California’s secession anxiety proved to be shortly lived. By the summer of 1861, concerns that local land disputes would escalate into a new civil war seem to have largely evaporated. In the following year, armed confrontations between squatters and Mexican land grantees erupted up in San Mateo, San Joaquin, Sonoma, and Solano counties, and with the exception of one conflict in Healdsburg where the squatters really were Confederate sympathizers, most did not inspire theories of secessionist conspiracy or provoke (or nearly provoke) military intervention by the state.

Perhaps, as the Civil War gathered steam in the East, Californians realized their place in the Union was more secure and the state’s secessionist movement less potent than they had imagined it to be.
Or perhaps the Yerba Buena squatters had succeeded in reminding Californians of the close ties between traditions of anti-land monopolism and democracy in the American republic. In remembering that connection, Californians may have come to the conclusion that it was not fair to equate squatters with secessionists.

In 1862, just a year after the conflict, the Republican-dominated federal government rewarded western squatters for their support with the passage of the Homestead Act, which gave settlers essentially free gifts of public land. The Homestead Act was a public declaration of the government’s commitment to Jeffersonian agrarianism. Only with the benefit of hindsight do we recognize the emptiness of the gesture.

The irony of the “Settlers’ War” was that the victors ultimately became the vanquished. While the squatters prevailed in their battle over whose land rights would receive precedence and protection in post-conquest California, they lost the war over whose ideals would shape the American political economy moving forward.

The true legacy of the Civil War-era Republicans turned out to be their agenda of national economic activism, which propelled the country toward large-scale industrial capitalism and away from the agrarian ideals that the Rancho Yerba Buena squatters so ardently defended.