SF WEST HISTORY

Newsletter of Western Neighborhoods Project

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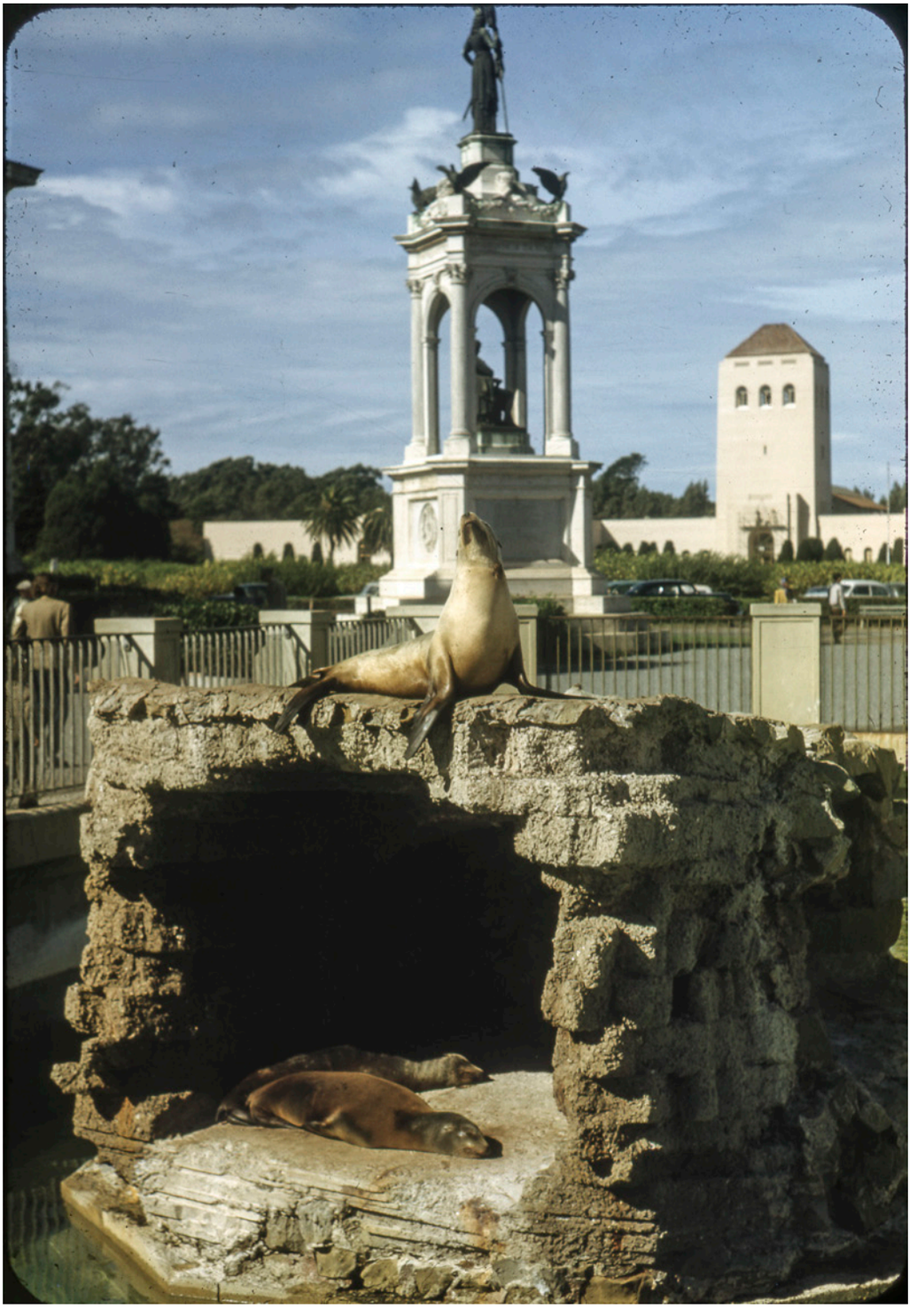



SF West History

Newsletter of Western Neighborhoods Project

January-March 2016: Volume 12, Number 1

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Cover

Academy of Sciences' sea lion grotto, with the Francis Scott Key Monument, and de Young Museum behind, circa 1950, (wnp25.1335, courtesy of a private collector).

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Inside the Outside Lands

Woody LaBounty

We history-minded people love round-number anniversaries. We had all of 2015 to commemorate the 100th anniversary of the Panama Pacific International Exposition (PPIE), and even though the fair took place outside of our geographical area of interest, Western Neighborhoods Project found a way to be involved. The year 2016, however, marks some zero and five anniversaries closer to our hearts.

In March 1866, an Act of Congress settled suits between the City of San Francisco, the federal government, and private claimants to the vast lands west and south of the set city boundaries. The "Outside Lands" were now inside city limits and the development of the western neighborhoods would follow. To commemorate the 150th anniversary of the Outside Lands Act, we will have a feature in each issue of *SF West History,* starting with our board member (and lawyer) **Arnold Woods** exploring the legal wrangling that led up to the Congressional intervention.

This year we can also note the 100th anniversary of the West Portal neighborhood. In anticipation of the Twin Peaks streetcar tunnel opening (which took place in 1918), Fernando Nelson & Sons bought a tract of land at the western portal from the Residential Development Company, and on it built the first houses of West Portal Park along Portola Drive. Seventy-five years ago another southwestern development had its start, as the first villa apartments were erected in Parkmerced in 1941 (the towers wouldn't come until the 1950s). With major plans now approved to re-imagine the massive apartment community south of Stonestown, this is an excellent time to remember how the "city within a city" was first envisioned. So keep an eye out for articles this year on both neighborhoods.

San Francisco History Days

By now I hope you have heard that the large fair of San Francisco history groups, organizations, and institutions will once again be held at the Old Mint on March 5–6, 2016. We weren't sure the sixth year of this event would happen, but the local history community rallied with help from city government and "San Francisco History Days" will include more groups, activities, and exhibits. We'll be there, and I hope you will too—it's free. Bring a friend, your grandkids, and that guy at the corner market who is always telling you what things used to be like. He'll enjoy himself.

Outside Lands San Francisco

We had a pretty good deal recording our weekly history podcast at Studio Trilogy, and having it edited by our friend **Marc Weibel**. Both the studio and Marc have to move on to other activities, but luckily we somehow have another sound engineer friend, and the podcast rolls on into its fourth year thanks to help from **Hadley Sound.** If you haven't had a chance to listen to David Gallagher and me ramble for twenty minutes each week (sometimes we have a guest who provides real historical facts), give us a try. You can subscribe with your mobile device or just listen to us right from your computer at outsidelands.org.

Welcome New Board Members

At our November board meeting we had the great pleasure to welcome back **Jamie O'Keefe,** fifth-generation San Franciscan and proud graduate of Lowell High School. Jamie earned her MA in Museum Studies from San Francisco State University and over the years has worked and volunteered with many local museums including the Fine Arts Museums of San Francisco, the Society of California Pioneers, and San Francisco Heritage. She currently works as the registrar at the Walt Disney Family Museum in the Presidio, and has already jumped into helping plan the WNP display at San Francisco History Days.

We also are delighted to add the multi-talented **Cammy Blackstone** as a new board member. Many of you might remember Cammy from her longtime work on local radio stations, but she has also served as an aide to four different San Francisco supervisors. She has a record of working in the neighborhoods, especially the Sunset District, on community projects. Cammy recently spearheaded the renovation of Larsen playground, which brought a jet-inspired play structure back to the park.

Adding both Jamie and Cammy are terrific wins for Western Neighborhoods Project as we grow and get more professional. And speaking of which...



Growing Up, and Perhaps Out?

We hit new highs in membership, web traffic, and event attendance in 2015, fulfilling our mission to share west side history with as many people as we can. We launched the OpenSFHistory program and took in thousands of historical photos, scanning and sharing them with the public for free. Perhaps this is all going to our heads, but success has us thinking big.

The lease on our office ends this December. While the space has served us well, it's becoming a tad cramped with more historical photos and volunteers coming in the door daily.

If we have to move, we'd like for it to be to an ideal a home as possible. We need space for our growing archives and photo collection, space for our work scanning and cataloging. And how great could it be to have a ground floor space in a visible area, where the community can interact with us more easily for events, exhibits, and the sharing of memories?

We'd love to have an area for locals and visitors returning to the neighborhood to meet, chat, and remember the history of the Sunset, Richmond, West Portal, and Ingleside. (I imagine rocking chairs—too cliché?) We see a place for researchers to work, and room for rotating displays and small gatherings and presentations. Not necessarily a museum or library, but some 21st Century version of both and more, a place for people to be physically in one place at one time, sharing and learning local history.

This is what we're musing on, envisioning. If you'd like to dream along with us, if you have suggestions, contacts, resources, or know of opportunities to help us create this home of west side history, get in touch. Maybe together we can make it happen. ■

Where in West S. F.?

Our congratulations to Maureen Daley, Tim Dineen, Charlie Figone, Bruce Moore, Jerry Morris, Jeanne Harvey Shore, Alan Thomas, Mark Van Raam, David Volansky and Loren Wilson for identifying our mystery photo from last issue. Fire station #39 still serves the public from its location at 1091 Portola Drive near Marne Avenue and Miraloma Drive. No more brick facade or tower, but the shape of the main building is still the same. We don't have a firm date on the photo, but most of us think it's the early-to-mid 1930s.

Ready to try again? Take a look at the view below and give us your best answer as to where and when. Although there have been some buildings added and removed compared to today, significant clues are in the photo. (Hint: streetcar tracks!) Email guesses to *woody@outsidelands.org* or send by post to our brick-and-mortar office:

Western Neighborhoods Project
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San Francisco Fire Department Station 39, mid 1930s.
(wnp26temp.1650, courtesy of a private collector.)



What year and what corner is depicted in the above streetscape showing San Francisco homes of different vintage? Send us your guesses and any memories or stories!

by John Martini

Sea Lions in the Park

Retired National Park Service ranger and WNP member John Martini is a volunteer helping us process our collection of historical San Francisco images. Visit **opensfhistory.org** *to learn more about our program to digitize and share our collection with the public (and see thousands of photos already online). John's excellent book on Sutro Baths is available on our website.*

The cover image of this issue, a scan of a color slide taken in Golden Gate Park in 1950, shows a somewhat disorienting landscape of the "old" de Young Museum, the Francis Scott Key monument, and a trio of sea lions reclining on mock Seal Rocks. Nothing is in its correct location—at least by 2016 standards. And the presence of sea lions inside the park is especially jarring.

As it turns out, there actually were sea lions in Golden Gate Park, in the courtyard in front of the Academy of Sciences, to be specific. This wonderful juxtaposition of San Francisco landmarks is the result of the repeated remodeling of the forecourt of the Academy of Sciences and the meanderings of the monument to Francis Scott Key, author of the "Star Spangled Banner."

Some background: the Academy of Sciences was built in sections starting in 1916. First constructed was the North American Hall of Birds and Mammals, followed by the Steinhart Aquarium in 1923. Contemporaneous with the Aquarium's opening, a trio of "seal and sea lion pools" were built directly in front of its main entrance. According to the Academy of Sciences website, "During the first years the Aquarium was open, the pools housed California Sea Lions, Steller Sea Lions, Fur Seals, and Harbor Seals."

As the Academy continued to grow, the seal/sea lion pools ended up in the middle of a U-shaped court yard bounded by more science buildings: the Simson African Hall with its dioramas of big game was completed in 1936, followed by the Morrison Planetarium in 1951, and the Science Hall in 1952. How well the pinnipeds fared in these tiny pools isn't recorded, nor how long the grot-



Sea Lion pools and Francis Scott Key monument circa 1923. The original de Young Museum building, a relic of the 1894 Midwinter Fair, is in the background. (wnp15.164, courtesy of a private collector.)

toes served as outdoor exhibits. In fact, the 1950 color photo is the only documentation I've found that the pools actually remained in use for more than a few years.

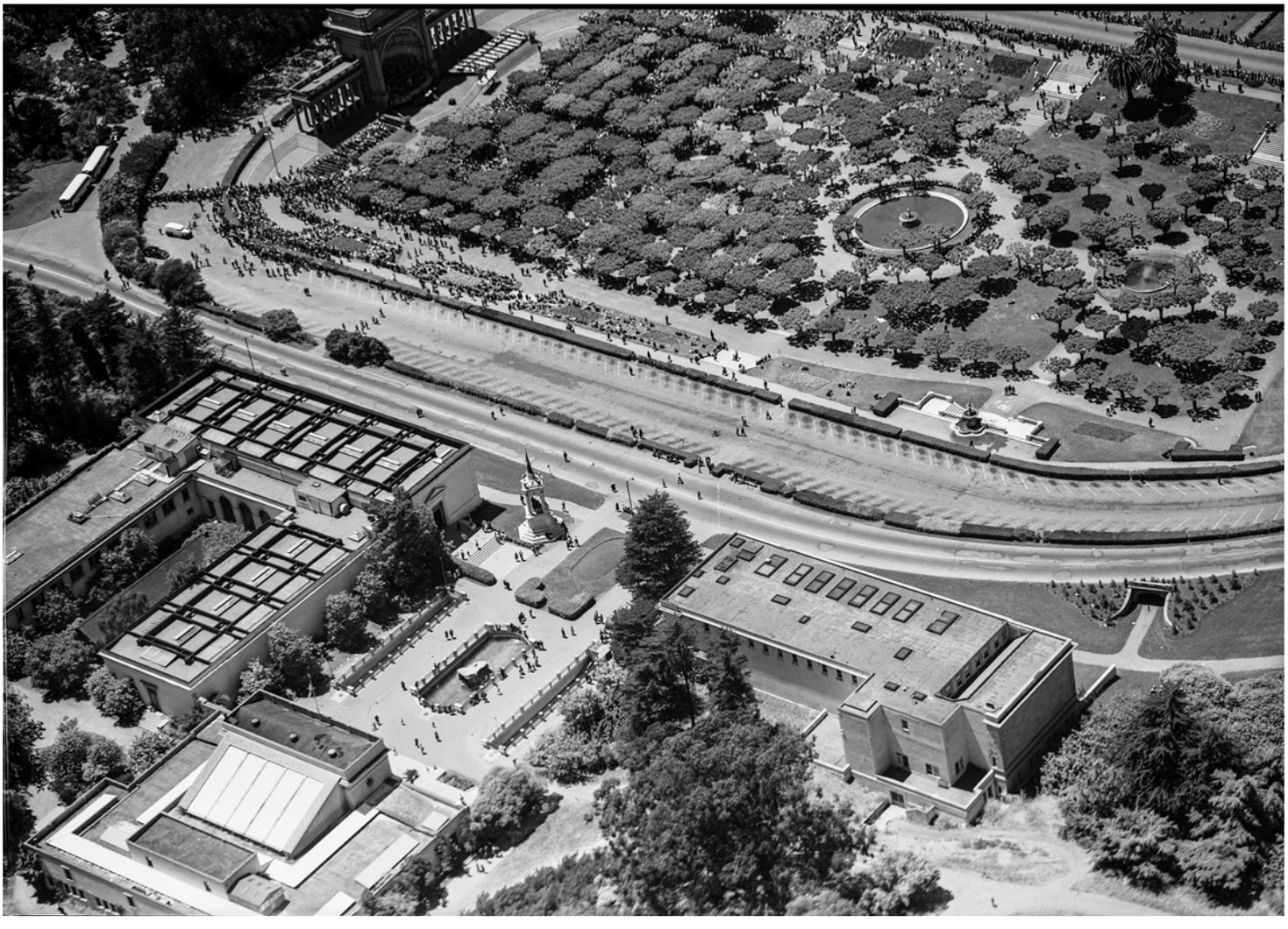
(This author remembers looking into the empty pits as a small child in the mid-1950s, and being told by his font-of-all-knowledge Auntie that the pools had also once housed otters.)

As for the Francis Scott Key monument, older San Franciscans will remember that the monument also once sat in the forecourt of the Academy. Actually, this was its second location. When dedicated in 1888, the monument was originally located across from the Conservatory of Flowers. When that area was redeveloped as tennis courts in the 1920s, Francis and his marble monument were moved to near the new sea lion pools, as shown on the construction photo on the previous page.

During the late 1950s, the courtyard was redesigned and the sea lion pools removed. In their place, a granite statue of two intertwined pilot whales was installed, surrounded by a circular fountain and bench. Originally displayed at the 1939–1940 Golden Gate International Exposition on Treasure Island, the much-loved whales were relocated to the front of the Steinhart Aquarium in March 1958, where they became a welcoming symbol to the thousands of grammar school children who annually visited the Academy on school trips.

In 1967, the Francis Scott Key monument had to be removed to make way for the final structure in the Academy of Sciences campus, Cowell Hall, dedicated in 1969. The monument ended up in storage for nearly ten years until it was re-erected in its present location at the east end of the Music Concourse.

The Academy of Sciences complex suffered extensive damage during the 1989 Loma Prieta Earthquake, and some of the exhibits had to be closed to the public. As plans were being made to rehabilitate the aging buildings to bring them up to modern code, it was decided to demolish the old complex and build a state-of-the-art Academy instead. Construction of the new $500 million Academy of Sciences began in 2005, and it reopened in its present form in September 2008. The pilot whales, unfortunately, were nowhere to be seen.■



This 1948 aerial photo clearly shows the sea lion pools, Francis Scott Key monument, and arrangement of the Academy of Sciences buildings. The reason for the off-center location of the Key monument in the courtyard is not known. (wnp14.2451, courtesy of a private collector.)

The Battle for the Outside Lands

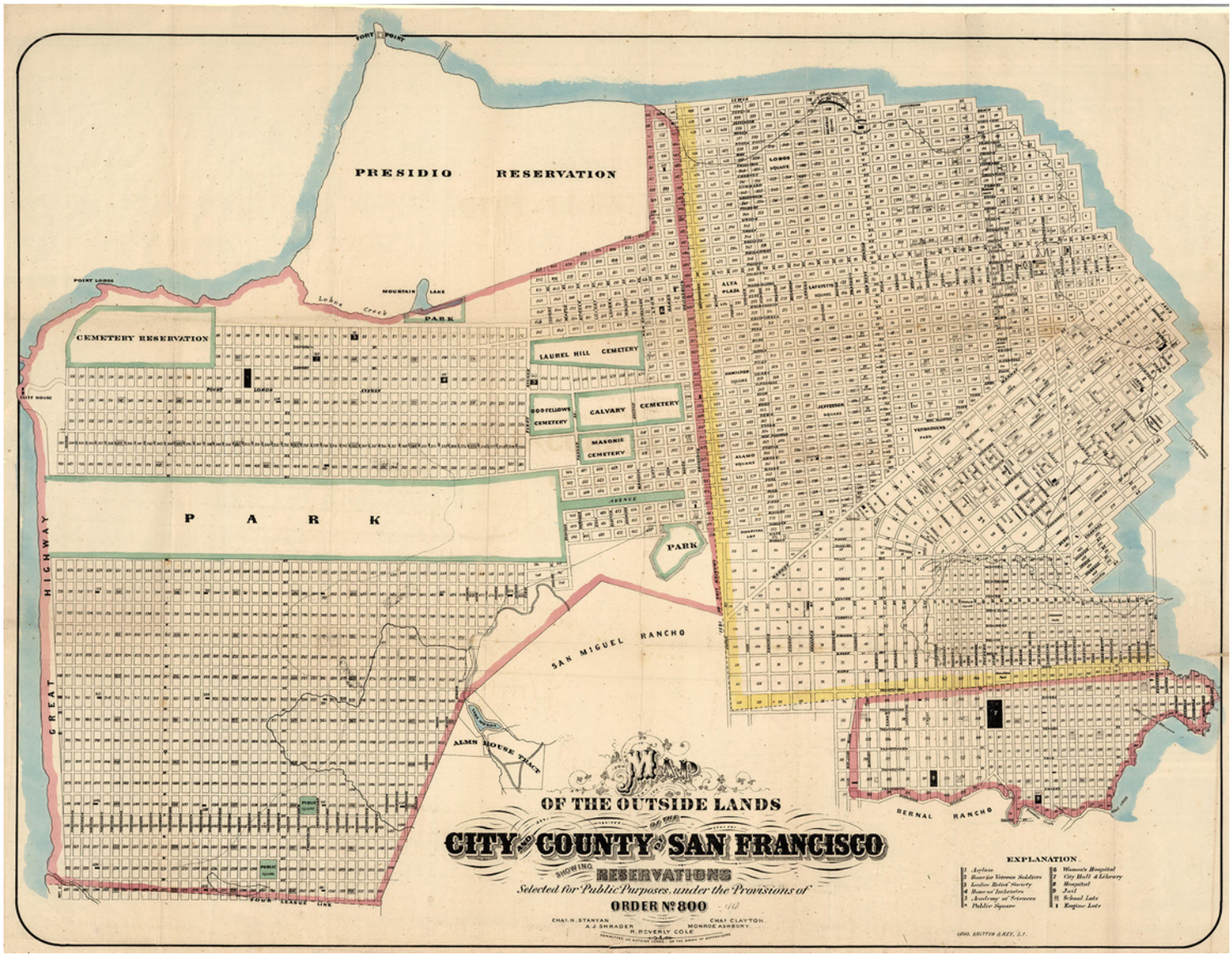
by Arnold Woods

2016 marks the 150th anniversary of a Congressional bill called "An Act to Quiet the Title to Certain Lands within the Corporate Limit of the City of San Francisco." That mouthful is better known as the Outside Lands Act of 1866. It was the means by which the City of San Francisco took ownership of all lands west of Divisidero Street on the upper peninsula. Those lands, largely sand dunes, were informally known as the Outside Lands or the Pueblo Lands, and the battle to include the area within San Francisco's corporate limits began long before the 1866 Act.

Spain initially colonized the San Francisco area in 1776, beginning with the construction of a fort near the entrance to the bay, the Presidio of San Francisco, and a mission at *Laguna de los Dolores,* commonly known as Mission Dolores. When Mexico won independence from Spain in 1821, and took control of what was then known as Alta California, there was still very little settlement within the modern day boundaries of San Francisco. However, Mexico opened up trade to ships from all countries and soon vessels from other countries, including the young United States, were making port in the burgeoning bay.

With the increase in trade, the Mexican governor Jose Figueroa and the territorial assembly established the pueblo of San Francisco in 1834. This basically consisted of all land from the Golden Gate down to what is now Palo Alto, but grazing disputes between Mission Dolores and the Presidio resulted in the drawing of a boundary line between the two. The Presidio's boundaries ran from the south side of Rincon Point on the bay to Lone Mountain and then to the south side of Point Lobos. This was the so-called "Vallejo line," named for General Mariano G. Vallejo, the commandant of the Presidio in 1834. North of the Vallejo line was governed by the Presidio and south came under Mission Dolores' jurisdiction.

About the same time, William Richardson, a former British



Map of the Outside Lands, 1868. (Courtesy of David Rumsey.)

captain and a naturalized Mexican citizen married to Governor Figueroa's daughter, asked to establish a new town at Yerba Buena cove, roughly the area between today's Montgomery Street and the Embarcadero. The request was approved and the first town council was elected in December 1834.

Under the administration of municipal magistrates known as alcaldes, land in the town of Yerba Buena was distributed in parcels to inhabitants for building, cultivation, and other uses. In 1839, an alcalde ordered that a town plan be devised by a Swiss immigrant named Jean Vioget. The Vioget map laid out largely rectangular blocks around already established homes and businesses in an area that is today covered by San Francisco's Chinatown and Financial District. Another survey was performed and map created in 1845, which nearly doubled the town's area.

With increasing numbers of Americans immigrating to California in the 1830s, it became an area of interest to the United States government. The U.S. attempted to purchase California from Mexico, but was rebuffed in its efforts. When James K. Polk was elected president and took office in 1845, the annexation of California was a high priority for his government. An upstart American Army officer, Captain John C. Fremont, moved faster than Polk. At Sutter's Fort near Sacramento, Fremont began encouraging Americans to form militias and incited rebellion against Mexico.

Fremont's instigation led to an American takeover of a Mexican garrison in Sonoma on June 14, 1846, which led to a declaration of a California Republic. The flag for the new republic had a drawing of a bear and a lone red star and the rebellion became known as the Bear Flag Revolt. The bear flag later served as a model for the California state flag.

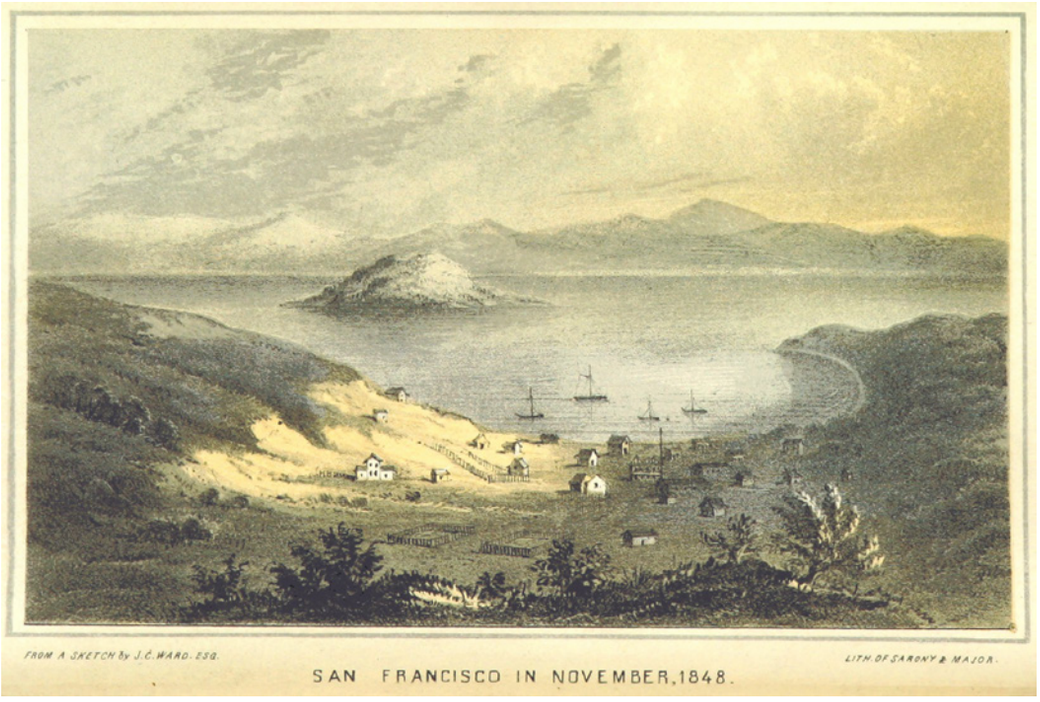
Fremont later took command of the rebellion and occupied the then mostly abandoned Presidio of San Francisco. Shortly thereafter, Fremont learned that the United States had declared war on Mexico (on May 13, 1846), and that U.S. forces had already conquered Monterey without a fight. As the Bear Flag revolt aimed to make California a part of the United States anyway, the newly declared California Republic quietly faded away mere weeks after being formed. The Treaty of Guadalupe Hidalgo, signed on February 2, 1848, officially ended the Mexican-American War and ceded California to the United States.

Before the war officially ended, an American magistrate issued an ordinance in January 1847, officially changing the name of the town from Yerba Buena, which he considered to be virtually unknown outside the district, to San Francisco. That same year, surveyor Jasper O'Farrell was commissioned to create a new plat of the town. His map established boundaries at Post, Leavenworth, Francisco Streets, and the waterfront. Another survey later that year extended the boundaries to Larkin and Eighth Streets.

After the discovery of gold at Sutter's Mill in 1848, California was fast-tracked to statehood by 1850. While that was happening, the United States military occupying the San Francisco area appointed individuals from the rapidly-increasing population to act as the alcaldes previously had, and make land grants to applicants. These American alcaldes were liberal in granting titles to lands, often without regard to ownership claims from landholders under the old Mexican regime.

Some individuals, however, found it less troublesome to simply appropriate land, claiming the right under homesteading principles and common law adverse possession rights. These people proceeded to take as much land as they needed, or could hold, and began making improvements on those lands. Thus, property throughout San Francisco had conflicting ownership claims by persons claiming under grants from the Mexican alcaldes, persons claiming under grants from the American equivalent of alcaldes, and persons claiming under homesteading and adverse possession principles.

In 1850, in one of the first cases to deal with the issue of conflicting ownership claims, the California Supreme Court decided in the matter of *Woodworth v. Fulton* that grants from American alcaldes prior to statehood had no validity. The court reasoned that grants from Mexican alcaldes were invalid once California had been ceded to the United States and there was no alcalde authority passed on to American alcaldes. The court further denied the existence of a San Francisco pueblo prior to California being taken over by the United States. As such, the court held that title derived from the purchase at a public auction was superior to title derived from any grant by an alcalde. This placed into doubt any claims of land ownership based on a Mexican or an American alcalde grant.



Lithograph of San Francisco in late 1848. Taken from *Eldorado; or, Adventures in the path of Empire: comprising a voyage to California, via Panama, life in San Francisco and Monterey, pictures of the gold region, and experiences of Mexican travel*, by Baynard Taylor and published in 1850.

Soon after the state government was organized, San Francisco was incorporated as a city by the legislature. The initial city boundaries stated in the charter were the waterfront to the north and east, and two miles to the south and a mile and half to the west of Portsmouth Square. In 1852, the California legislature reincorporated San Francisco and extended its boundaries by a half mile to the south and west. San Francisco, however, staked a claim for all the land, the four square leagues that had previously been a part of the town of Yerba Buena and the Presidio of San Francisco.

On March 3, 1851, due to ongoing disputes over land in California, Congress passed "An Act to Ascertain and Settle Private Land Claims" through which a board of public land commissioners would settle claims for land by cities. San Francisco, on July 2, 1852, presented a claim to the board seeking confirmation of ownership of the Outside Lands in order to extend its boundaries out to the Pacific Ocean.

While San Francisco pursued its claim for the Outside Lands, the question of land ownership inside the established city limits continued to be messy. Three years after the decision in *Woodworth*, the California Supreme Court reversed itself in *Cohas v. Raisin.* In that case, the court affirmed the existence of a Mexican pueblo in San Francisco and found that Mexican and American alcalde grants were valid. The court stated that San Francisco had a right to make grants of land within its boundaries and that the alcaldes were de facto officers of the town. Although both were California Supreme Court cases, the *Cohas* court stated that the *Woodworth* court had violated well-settled rules on these issues.

In December 1854, the board of public land commissioners only confirmed a portion of the land claimed by San Francisco, essentially the lands within its charter. Unhappy with the decision, San Francisco appealed to the United States District Court for the Northern District of California. The U.S. government also appealed, claiming that the city had no right to title of any land because California had been ceded by Mexico to the United States.

At that time though, the local U.S. District Court only had one judge, Ogden Hoffman, who served as the only federal judge in the district until 1891. As was learned later, Judge Hoffman had his own land in San Francisco that was subject to a decision in this matter, creating a conflict of interest. These issues probably explain why the case lay dormant for ten years after it was filed.

While this appeal was pending San Francisco, in 1855, enacted the Van Ness Ordinance as a means of dealing with squatters and competing claims for land within its charter area. The ordinance gave title to certain parcels of land to those in bona fide actual possession of the parcels, and title to other parcels of land to those who had received title from the old Mexican alcaldes and the later American alcaldes. The Van Ness Ordinance also provided that certain disputed lands not held by bona fide property holders would be relinquished to the city. The ordinance was confirmed by the legislature in 1858, but did little to stop the endless land squabbles.

Meanwhile, the California Supreme Court only served to further confuse the issue of land ownership. In 1857, despite the decision in *Cohas* that Mexican and American alcalde grants were valid, the Court, in *Welch v. Sullivan,* determined that the city of San Francisco was the heir to the pueblo of San Francisco and thus had valid title to lands within its charter area. Therefore, a party who obtained title to land from the city of San Francisco, pursuant to a sheriff's sale, held valid title to the land that was superior to anyone claiming title via grants from Mexican or American alcaldes.

The California Supreme Court in *Woodworth* held that grants of land by alcaldes were invalid and title derived from a public auction prior to statehood was valid. Then, in *Cohas,* the court ruled that grants by alcaldes were valid, as the alcaldes were de facto officers of the pueblo or town. Now, in *Welch,* the court reversed itself again, and found that title derived from a sheriff's sale would trump any grant of land by an alcalde.

While the issue of San Francisco's claim to the Outside Lands continued to languish in the federal court, the California Supreme Court jumped into the fray on *that* issue in 1860. In the matter of *Hart v. Barnett,* the Court found that there was conclusive evidence that Spanish and Mexican pueblos had been allocated four squares of land, and therefore San Francisco, as the successor to Yerba Buena, was entitled to possession of all former Yerba Buena lands from the bay to the ocean. This did not settle the matter of ownership of the Outside Lands though, as neither San Francisco nor the United States was a party to the *Hart* case.

Legal Ambiguities

The California Supreme Court issued conflicting rulings through the 1850s, confusing land titles in San Francisco and the Outside Lands.

1850: (*Woodworth v. Fulton*) Grants by American alcades are invalid, but public auction grants are valid.

1853: (*Cohas v. Raisin*) Reversing itself, court rules that grants by Mexican and American alcades are valid.

1857: (*Welch v. Sullivan)* Grants obtained from City of San Francisco are superior and override any given by Mexican and American alcades.

Hart would have other ramifications though. Justice Joseph G. Baldwin, writing for the Court, noted that the control over Yerba Buena's four square leagues of land was "to be held in trust for the purposes and objects specified in the laws or in the particular grant." In other words, property owners still owned their lands, subject to San Francisco's laws. The idea that San Francisco held these lands in a "public trust" for landowners was a vanguard decision.

Concurring in Justice Baldwin's decision was Chief Justice Stephen Johnson Field. Field would become the central figure in the on-going fight over the Outside Lands.

Per the Van Ness Ordinance, what constituted actual possession of land for the purposes of obtaining possession was a critical issue. That issue made its way to the California Supreme Court in 1861, in the case of *Wolf v. Baldwin.* The Court ruled that erecting a fence around a parcel of property without residing on the property, or without other improvements, cultivation, or other acts of ownership was insufficient to establish bona fide actual possession of property. As was noted in newspapers at the time, this was an important deci-

sion, as speculators were claiming large tracts of land in the Outside Lands having done nothing more than putting fences up. The *Wolf* decision was written by none other than Chief Justice Field.

Because of the on-going legal issues, Congress, on July 1, 1864, passed legislation entitled: "An Act to Expedite the Settlement of Titles to Lands in the State of California." This Act served several purposes. First, it relinquished all U.S. interest in the lands that were within San Francisco's charter area, thereby mooting the federal government's reasons for appealing the board of public land commissioner's decision. Second, it allowed federal District Court cases to be transferred to the Circuit Court for California—essentially a Court of Appeals from the District Courts, but which then also had original jurisdiction over certain types of cases—for matters where a District Court judge may have an interest in land that was part of a claim in an appeal from the board of land commissioners.

The part of the legislation regarding removal of the case from the U.S. District Court to the U.S. Circuit Court had been drafted by now U.S. Supreme Court Justice Stephen Johnson Field, who had learned that Judge Hoffman held land that was at stake in the long-pending matter of San Francisco's claim on the Outside Lands. Justice Field had been appointed to the Circuit Court by Abraham Lincoln on February 23, 1863, but a few weeks later was nominated and confirmed as a Justice on the U.S. Supreme Court. Field's friend, Senator John Conness of California sponsored the legislation that Field had drafted.

Since San Francisco was still seeking control of the Outside Lands, its appeal of the board of public land commissioner's decision was transferred to the Circuit Court as permitted by the new legislation. After ten years of nothing happening on the appeal, the matter was now moving quickly. At that time, all Supreme Court Justices also served as Circuit Court judges and returned to their circuits each year to hear and decide cases. Justice Field was in charge of the Circuit Court in California and he opted to take on the case during his yearly service. Field was supposed to hear the case along with another judge, but opted to hear and rule on it himself.

The case was tried and submitted to Justice Field and he issued his decision on October 31, 1864, finding that San Francisco had a valid claim for an area of four square leagues, which he described the boundaries thereof as being the San Francisco Bay on the north and east sides, the Pacific Ocean on the west side and "on the south by a due east and west line drawn so as to include the area aforesaid." There was a caveat, however. Justice Field ruled that San Francisco held these lands in public trust for the benefit of persons with valid claims for land ownership. He further excluded lands that were reserved or dedicated to public uses by the United States. After the U.S. government sought, and was denied a rehearing, Justice Field issued his final decree on May 18, 1865, confirming the decision he had made the previous October.

While the public trust doctrine had been a major part of the *Hart* decision by the California Supreme Court (that included Justice Field) in 1860, it was still an innovative concept at the time of the decision finding that San Francisco was entitled to the Outside Lands. The United States Supreme Court had first ratified the idea of a public trust doctrine in the case of *Martin v. Waddell* in 1842, but it was not until their decision in *Illinois Central Railroad Co. v. Illinois* in 1892, a decision also written by Field, that the public trust doctrine became a bedrock principle.

San Francisco was unhappy with Justice Field's decision that it held the lands in trust for the public, and that Field excluded some lands. The United States also objected to Justice Field's ruling as a whole, since it resulted in its loss of ownership of the Outside Lands. With both parties feeling aggrieved, each side pursued the case to the U.S. Supreme Court. Years of further legal battles seemingly awaited the parties.

The ongoing battle over the Outside Lands sparked much public discourse. *The San Francisco Bulletin,* which had long crusaded against "land grabs" in the Outside Lands, published a series of editorials after Justice Field's ruling which argued against large tracts being set aside for speculators and argued for small parcels, no larger than five acres, being made available to the public at large.

After his ruling, Justice Field was not content to leave its fate up to the whole Supreme Court. He therefore again drafted legislation sponsored by Senator Conness (again) and California congressman Donald C. McRuer. This legislation, enacted March 8, 1866, and entitled "An Act to Quiet the Title to Certain Lands within the Corporate Limit of the City of San Francisco," finally ended the battle for control of the Outside Lands. As noted at the outset, this Act became better known as the Outside Lands Act of 1866. Not surprisingly, given who drafted it, the Act followed Justice Field's decision. It relinquished the federal government's claim on the lands described in his decision to San Francisco, and included the public trust reservations that Field advocated. Further, the Act required San Francisco to convey land in the Outside Lands to parties "in the *bona fide* actual possession thereof," upon such terms and conditions that the California legislature prescribed.

The Outside Lands Act of 1866 put an end once and for all to the city versus federal government fight over the Outside Lands, and it stretched San Francisco's borders to the Pacific Ocean. At the time, the Outside Lands was mostly a sandy wasteland that few people were trying to make a life in. After the Outside Lands officially became a part of San Francisco in 1866, there was sporadic growth in the sand dunes, largely spurred by the creation of Golden Gate Park. Anyone who thought the long legal battle over the Outside Lands was over, however, was in for a rude surprise. The city's battle against the federal government had ended, but the fight between private individuals for ownership of tracts in the Outside Lands was just beginning. ■

Arnold Woods is a Bay Area attorney, and Western Neighborhoods Project Board Member, who has resided in the Outer Richmond District since 1996.

Sources for this article can be found on page 13.

Justice Stephen Johnson Field

Besides being almost single-handedly responsible for adding the Outside Lands to San Francisco, Stephen Johnson Field also had an interesting connection to an infamous Outside Lands event.

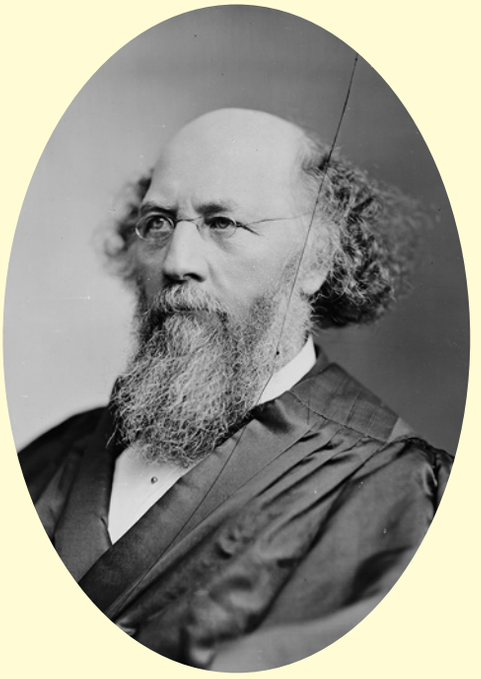
Field was a lawyer in New York, who moved to California in 1849 because of the gold rush. After briefly practicing in San Francisco, Field served as an alcalde under American authorities prior to California obtaining statehood. Thereafter, Field served a one-year term in the California State Assembly, made an unsuccessful run for the United States Senate, and practiced law in Marysville before getting elected to the California Supreme Court in 1857.

Two years after joining the California Supreme Court, Field took over as Chief Justice from David S. Terry. Many will recognize Terry's name as a participant and "winner" of the infamous Broderick-Terry duel near Lake Merced on September 13, 1859. Terry had lost his re-election to the state Supreme Court in 1858, which he had blamed on his former friend David Broderick. Their feud simmered until the duel ended it and Broderick's life.

Because of Terry's failed re-election, Field became the Chief Justice of the Court. Five years later, President Abraham Lincoln, who wanted a Californian on the U.S. Supreme Court to help his anti-slavery efforts, appointed Field, then the most eminent jurist in California, first to an open U.S. Circuit Court judicial position and then weeks later to the U.S. Supreme Court.

Field's connection with Terry did not end there. In the 1880s, a woman named Sarah Hill sought a divorce and a share of the assets of silver millionaire and former Nevada senator William Sharon. She intended to marry Terry when her divorce was final. The silver baron denied that he had ever been married to Hill. She claimed there had been a secret marriage, and had some documents signed by Sharon proving so. Hill won the case at trial, but Sharon appealed the verdict.

Before the appeal was heard, Sharon passed away on November 13, 1885. Hill and Terry then quickly got married on January 7, 1886. Sharon's heirs continued the appeal however, which was heard by none other than Justice Field, acting in his capacity as a judge on the Circuit



Justice Field, c. 1875, (Brady-Handy Collection, Library of Congress)

Court of Appeals, as was required of Supreme Court Justices at the time. During court proceedings on September 3, 1888, Hill stood up and accused Field of having been bribed by Sharon's heirs to rule in their favor. Field ordered that she be removed from the courtroom and a fight broke out during which Terry brandished his Bowie knife. Terry and Hill were both arrested and were jailed, Terry for six months. Field ruled in Sharon's favor, ending Hill's battle to recover some of Sharon's assets.

The following year, on August 14, 1889, Field and an entourage got on a train that Hill and Terry were on. At a stop in Lathrop (near Stockton), the train let passengers off to eat lunch. In the restaurant, Hill spotted Field and urged Terry to leave the restaurant. Some kind of altercation ensued, and Field's bodyguard, David Neagle, shot and killed Terry. Some witnesses claimed that Terry was unarmed and had not provoked the confrontation. Other witnesses alleged that Terry had attacked and slapped Field.

Neagle was charged with murder by California authorities, but brought a writ of *habeas corpus*—a claim that he had been unlawfully detained—in the federal courts. Neagle's case proceeded all the way to the U.S. Supreme Court, of which Field was still a member. In the case of *In re Neagle (Cunningham v. Neagle)* (1891), 135 U.S. 1, the court held that the government could appoint marshals to protect Supreme Court Justices and the marshals had the obligation of doing whatever was necessary to carry out their duties, even the taking of human life. The court determined that Neagle had acted to protect Field, and therefore could not be guilty of murder and affirmed a lower court ruling releasing Neagle from custody.

Field remained a member of the U.S. Supreme Court, despite bouts of senility and requests that he resign by other Justices, until December 1, 1897. Field had been determined to break the record as longest-serving justice and his resignation occurred 44 days after he had broken the previous record of John Marshall. (William O. Douglas later broke Field's record as the longest serving justice.) He died less than two years later on April 9, 1899.

Field played a hugely significant part in the Outside Lands becoming a part of San Francisco, but he may not have been in a position to make that decision if the Broderick-Terry feud had never occurred. Their dispute resulted in Terry losing re-election to the California Supreme Court and Field becoming Chief Justice. If Terry had been re-elected and retained his position, he might have been Lincoln's appointee to the U.S. Supreme Court. Instead, Lincoln appointed Field, who was then in position to wrest control of the Outside Lands away from the federal government and to San Francisco. ■

MEMORIES

Paul Judge

Born in 1950, WNP member Paul Judge went to Richmond District parochial and public schools before graduating from Washington High School. Family outings and walks with his father took him all over the city and Bay Area, and Paul made his own childhood ventures from Golden Gate Park, to China and Bakers Beaches, to the seawall at Fort Point. He still has a love of the natural world and volunteers for the National Park Service as a docent at the Lands End lookout. A full interview with Paul is posted on the WNP website as part of the "Tales from Kelly's Cove" program. Here he shares some memories of the Presidio of San Francisco.



My association with the Presidio of San Francisco began with stories I heard from my dad and uncles and my experiences growing up in the Richmond District up through the present time.

My dad and uncles, born during the period 1895–1908, grew up in the Western Addition. They shared accounts of rambling freely around town that included forays into the Presidio and Fort Miley.

My older uncles recalled the troops from the Presidio providing martial order and disaster relief to the people of San Francisco following the 1906 earthquake and fire. The Judge home on the corner of Turk and Broderick Streets suffered little quake damage and was west of the fire destruction zone. My uncles described the rows of tents and later earthquake shacks placed on public squares, parks, and open spaces around the city. The take-away impression I got from my uncles was the city remained calm, order remained in place, and the clean up and reconstruction was everyone's priority.



Paul, second from left, on 43rd Ave., 1950s.

The 1915 Panama Pacific International Exposition left a major impression on all four Judge boys. They recalled "The Fair" with dreamy and rapturous enthusiasm. Regarding military matters, they told of naval ships anchored off the northern shoreline, lit up and splaying their searchlight beams into the night sky, and the parades and drills of soldiers and mounted calvary and the many military bands that performed during the fair. Aerial acrobatics by Lincoln Beachey and other pilots were popular and captivated the public.

Getting around the city, the boys saved carfare for other expenses by walking everywhere. On one such occasion as they headed out to swim at Sutro Baths they were waylaid by gunnery practice at Fort Miley. They watched 12-inch diameter shells fired from a battery of mortars arcing towards towed targets miles off the entrance of the Golden Gate. To my child's way of thinking that sounded like a very cool thing to have seen.

During World War I, my Uncle Mike joined the Army and, as he put it, served "overseas." He was a quartermaster billeted to Fort Baker on the Marin side of the Golden Gate. After his leaves were over he'd "ship out" from home by ferry across to Sausalito to return to duty. He loved his time in the service.

During World War II, my Uncle Bud, who'd worked himself up from able seaman aboard sailing ships to become a shipping and passenger agent for Grace Lines, joined the Army Transportation Corps. He entered as a commissioned officer (a captain, and came out a major) and worked on logistical planning of troops and supplies. He was posted at first in Fort Mason due to his familiarity with the workings of the San Francisco waterfront. As the war in the Pacific progressed, he was sent to Hawaii to be closer to immediate logistical support of the island-hopping war strategy. Decades later it was Uncle Bud's Army identification card that would allow him to treat me to meals in various officers clubs, including the Presidio.

My own recollections of the Presidio began with family walks, picnics, and to-and-fro transits through various posts. The Presidio and most of its outlying posts were usually land open to the public. My family lived on a limited budget, so anything free such as walks and picnics along the headlands and shoreline of San Francisco and Marin were cheap, easy, and fun recreation. The abandoned harbor defense emplacements that ringed the coast and bay headlands offered open spaces with terrific views and lots of places to play and explore. Those opportunities were often turned into history lessons, such as when we explored the rows of tombstones in the Presidio's National Cemetery.

I was drawn to Natural History by being taught by my parents to observe the daily change of tides, the habits of shore birds and seals and sea lions at Bakers Beach. The geology and geography of the place we lived were pointed out in the rocks and forms of the landscape. The open spaces of the Presidio, Lands End, and Golden Gate Park invited exploration and curiosity.

Armed Forces Day Open House in the Presidio

I recall vividly attending Armed Forces Day in the Presidio when I was four or five years old. On the parade grounds, formations of

troops marched or performed rifle drills. We toured through one of the stately brick barracks along the main post open to show how the enlisted troops lived. My uncle, who'd been an Army officer, took a fifty-cent piece and flipped it in the air to land on one of the bunks, testing whether it was tautly made or not. The coin bounced and the soldier's bunk passed his inspection. On the parade grounds were displays of polished vehicles and weapons arrayed for public inspection. We passed on waiting in long lines that offered visitors rides in jeeps or in the backs of heavy trucks. Along Crissy Field we viewed a mock war-game of troops who came ashore from landing craft to assault an enemy force entrenched in foxholes. Soldiers fired blank cartridges that to me didn't sound the same as guns fired on TV or radio dramas. My dad leaned over into the cordoned-off battle zone after the war-game to pick up spent bullet casings and handed some to me. They were bright and shiny. Another memory of that day was being transfixed on my first tour of Fort Point, led by a smartly dressed Army officer. He guided us through the structure, which was massive yet still dwarfed by the span of the Golden Gate Bridge looming overhead. Probably along with every other kid on the tour, I was disappointed that there weren't any cannons or even cannon balls remaining inside the fort.

Fort Point was rarely open, but perhaps for Armed Forces Day open house or group field trips, such as when an olive-green army bus picked up my kindergarten class from Lafayette Elementary School and I went on my second tour of Fort Point.

The proximity of the Presidio and the many other military bases ringing the Bay Area imposed reminders on daily life.

Naval ships of all description routinely transited the offshore and Bay waters. When the Seventh Fleet sailed, it seemed yearly, into San Francisco the shoreline bluffs and hills of the city were lined with the public to catch a view. Open house aboard ships tied up along the Embarcadero was a big treat and drew many visitors. It was an occasion that I looked forward to.

The sound and sight of military aircraft, and in particular the small single and double engine planes and single and twin rotor helicopters from Crissy Airfield, were a routine presence.



Fort Scott troops at Lands End, circa 1941.



Looking east at Lobos Creek in the Presidio, 1915.

On occasion, military vehicles passed by on our block in transit to or from Fort Miley and the Veterans Hospital three blocks away.

To access the Golden Gate Bridge from the outer Richmond, the desired route was to use the 25th Avenue–Lincoln Boulevard approach to the toll plaza. Driving that route initiated or terminated any auto trip to the North Bay counties and beyond.

Local beach outings were usually destined to either Baker's or Fort Cronkite beach. Exploring and playing war and castle battles in and around the abandoned gun batteries along coastal bluffs and headlands were a highlight of childhood play. As we wove our way through Rodeo Valley I'd anticipate whether a red flag was flying atop the flagpole of the firing range. If it were hoisted we'd sometimes pull to the shoulder of the road and watch troops practice their marksmanship. Returning home later in the day I'd sometimes coax my dad to stop so we could collect a few spent cartridge shells.

During the very first mass I served as an altar boy at St. Thomas the Apostle Church midway through the service I was beckoned off altar by an army officer. I was nervous and flustered enough that I barely knew the Latin Liturgy and feared missing the cue to ring the Sanctus bells for the consecration of the host. Disappearing into the Sacristy, I faced an imposing-looking chaplain with the insignia of a paratrooper on his shoulder who drafted me into serving a simultaneous mass on the side altar. Sweating under my black cassock and white surplice, I followed the chaplain out of the Sacristy into the packed house of the 9:00 a.m. Sunday service. I knew that the congregation was wondering what was happening and watching us. I wanted to be anywhere but where I was. I contributed my feeble responses to the Mass in Latin while my eyes fixed on the chaplain's uniform tucked into his white-laced, black, glossy paratrooper boots. I agonized through that service. Later I learned from a parish priest that the chaplain had a twin, also a paratrooper, and they had both parachuted into multiple engagements in Europe during WWII.

Closer to my home neighborhood, school chums Jimmy and Monterey Morrissey's family lived at the San Francisco Marine Ex-

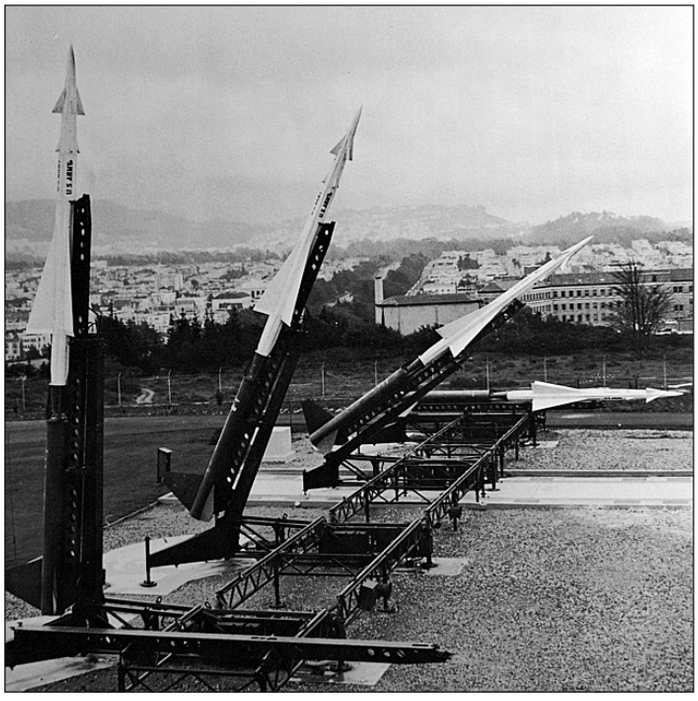
change Lookout above Lands End just outside West Fort Miley. Explorations and minor mischief ensued as we trespassed on abandoned yet fence-enclosed harbor defense bunkers. With nonchalance we routinely ate at the Fort Miley cafeteria and obtained comic books and *Mad* magazines affordable for pocket change. We'd retreat to a tree fort and zip line that the Morrissey boys had constructed in the forest by their home. Pine cone tossing wars were not unusual pastimes. The same forest is now host to the Adventure Ropes Course operating on site today.



Jimmy Morrissey at the Marine Exchange lookout, 1970s. (Dennis O'Rorke photo.)

The October 1962 Cuban Missile Crisis

The presence of past and active military bases in the Bay Area created a stage-set sense of normalcy. Imaginative kids could weave them as scenario props to play around in. This came crashing into scary reality during the Cuban Missile Crisis. Suddenly all the cool stuff and familiar places that one took for granted changed their countenance when the Army went on high alert. For the first time I saw armed sentries guarding gates and roadways in the Presidio. While we were accustomed to armed soldiers with German Shepherd dogs patrolling the perimeters of Nike missile and radar guidance sites, suddenly seeing armed troops guarding thoroughfares and facilities throughout the Presidio was a shock. This urban post park-like setting transformed to a foreboding atmosphere. At Nike batteries at Fort Funston and the Presidio, the surface-to-air missiles (SAMs) were brought up from underground and lifted into firing position. Such sights of transformation more even than seeing President Kennedy address the nation on TV brought the seriousness of the Cuban Missile Crisis home to me. Though our parents remained calm, more rosaries were added to our daily prayers. I overheard my dad suggest to mom that if civil defense sirens sounded she should hustle us kids up the hill to Fort Miley to give blood, make bandages, or volunteer our labor in exchange, maybe, for some modicum of protection. We were so fortunate that cooler heads and sound decisions prevailed to bring us back from the edge of oblivion.



Nike missles at Battery Caulfield, 1956.

I became school chums with guys from army families when I entered Presidio Junior High. I'd continue to meet "Army brats" onward through my years at George Washington High School. Sharing classes and lunch breaks together, it was easy making acquaintance with these fellows. Yet from year to year they'd disappear, relocating with their families to the next army assignment. I'd take the 28 Muni Bus into the Presidio or bicycle to meet up with John Adams, Nate Williams, or Monte Kahn—sometimes visiting their homes but mostly playing basketball, exploring trails in the Presidio, or buying snacks and playing ping pong or a pinball game at a post Rec Center.

During high school years in the mid-late '60s, attitudes and changes in society naturally rubbed off on some of the kids from the Presidio. Long hair, unconventional styles of clothing, and drugs were being experimented with. Axel was a quick witted, endearing guy who could riff the stand up TV routines of Richard Pryor, Dick Gregory, and Bill Cosby like nobody's business. At a weekend retreat of high school students at La Honda, Axel performed a spontaneous improve which had the entire dining hall of kids and staff in stitches. Years later, I learned that among a select few around campus it was known that Axel could get you LSD and Psilocybin mushrooms. Axel was practically above suspicion as a student officer in the school ROTC program and his father an officer on the staff at Letterman Hospital.

Something the public understood or learned quickly was that the Presidio was under strict Army control. Motorists did not speed on the roads and boulevards of the Presidio. There seemed to be Military Police (MPs), perhaps by the hundreds, everywhere. It was not unusual to see drivers pulled to the shoulder for traffic violations. Even today as I drive through the Presidio I'm looking around for the MPs.

One of the "secret" surfing spots in San Francisco was Fort Point when storm swells came through the Golden Gate. Entry

to the water required jumping down off the remarkable stonewall breakwater built by the Corps of Engineers to protect the shoreline on either side of Fort Point. Having completed time catching waves in the very cold, swift waters, surfers might find themselves confronted and arrested by MPs who enforced some kind of regulation beyond reason prohibiting trespass in the area. The dueling forces of military regulation and protocol went head to head with the free spirit minded, anarchist "'F -off" nature of many surfers. Sometimes surfers and their boards were hauled off to the long booking desk at MP Headquarters across from Letterman Hospital. Dripping wet surfer sans dry clothing and without I.D. supplied the desk officer with belligerent aliases such as, "Serramonte Boulevard," "Scrappy Fender," and "Ben Dover." The impasse rarely was more than an irritating waste of time for both parties. Few charges were actually pressed. The waves continued to bring the surfers out. The MPs would come to Fort Point to watch (many from landlocked states were amused if not awed) and sometimes someone got a hard-on, pissed the opposite party off, and the round up and haul off cycle began again. (See footage of surfing at Fort Point at the beginning and end of this short video: http://www.examiner.com/article/classic-1970-s-san-francisco-surf-footage)

In the declining years of America's war in Southeast Asia, and with changes in military strategy, Congress sought to reduce the defense budget. Consideration came into discussion of force reductions and base closures around the nation. Locally, it was recognized that historic military bases and land holdings abutted existing open spaces and public parklands. The constituency and desire arose to see surplus military holdings incorporated to create what would eventually become the Golden Gate National Recreation Area (GGNRA). This was literally a vision of swords to plowshares that is at the very center and purpose of the Presidio and GGNRA today.

In the mid '70s, I was employed as an environmental educator and crew leader with three residential Youth Conservation Corps programs operating from the Marin Headlands. Much of the work of the male and female teen YCC members was spent in "subtracting the non-historic footprint" of generations of military development. Literally miles of barbed wire and chain-link fencing strung along steep hillsides, across ridgelines and through valleys, were removed. Barrack buildings constructed of first-cut redwood lumber were manually dissembled and materials reused in construction of park facilities, trails, bridges, and erosion control devices. Working with older Corps members in the Young Adult Conservation Corps we replaced windows and repaired buildings on Alcatraz and the piers and warehouses of Fort Mason. WWII-era barracks on upper Fort Mason were reverse-constructed to provide building materials for trails and erosion control at Fort Funston and Lands End.

The Presidio, like the national, state, and regional parks that ring the Bay Area, serve millions of annual visitors. Whether offering cultural events, historical interpretation, or respite and communion with nature, these park units and open spaces provide a break from urban life and daily routines. It is with considerable pride that I acknowledge our son Sam is currently serving an internship with the Presidio Heritage Project. He and his fellow interns offer recreational, educational, and arts and crafts programs to preschoolers, classroom students, and families with young children in order to introduce the legacy of the Presidio and the Park to the public. ■



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Mike Smith
Ken Spielman
Jill Stensland
Susan Suval
Eric Theise
Liz Thompson
Maureen Tierney
Nicky Trasvina
Karen Ulring
Marian Urton
Tim Van Raam
Mark Van Raam
Jayeson Vance
Joanna Villavicencio
Kathryn Wagner
Bill Wallace
Kevin Wallace
Nancy Walters
Maurice A. Weinger
Elaine Weiss
Lee Wentworth
Barry Wertz
Margie Whitnah
Brian Wong
Pam Wright
Timothy Yip
Flavia Zaro
Ken Zinns
Elena Zusmanovich

Historical Happenings

San Francisco History Days at the Old Mint

March 5–6, 2016 (Saturday–Sunday) 11:00 AM–5:00 PM, 11:00 AM–4:00 PM

The first weekend of March 2016, the Old Mint becomes a pop-up museum of San Francisco history featuring more than 60 exhibitors at the San Francisco History Days.

Join community historians, archivists, genealogists, archaeologists, researchers, educators, reenactors and other history enthusiasts for a free Community Open House at this historic site. Past history weekends at the Old Mint have brought together dozens of organizations to celebrate and tell the City's unique history, and have attracted several thousand participants.

Western Neighborhoods Project is one of the organizers and we will be there with displays and information on WNP and west side history. Woody LaBounty, Nicole Meldahl, and David Gallagher will give a presentation, *100,000 Pictures*, about our OpenSFHistory program on Saturday, March 5, 3:00 PM.

The Old Mint is located at the corner of Fifth and Mission Streets in downtown San Francisco. The address of the building is: 88 5th St, San Francisco CA 94103. The main entrance is on Fifth Street, and involves a steep staircase. The accessible entrance is on Mint Plaza, on the northwest side of the building. Admission is free to the public. For more information, visit **http://sfhistorydays.org**



Inner Sunset Historical Pub Crawl

April 23, 2016 (Saturday) 2:30 PM–5:00 PM

Join us for a beer and learn some local history! The second WNP Historical Pub Crawl will visit landmark drinking establishments in the Inner Sunset District, with David Gallagher, Woody LaBounty, and Nicole Meldahl sharing historical stories along the way.

Learn about the 1894 Midwinter Fair, dynamite factories, "park bums" baseball, Doelger City, and a famous pot of baked beans—all while sharing a pint with your friends. Special pub crawl swag will be given to participants, and we're planning a post-tour pizza stop, if you'd care to join us.

Space is limited with a maximum number of 30 participants, so reserve your spot today.

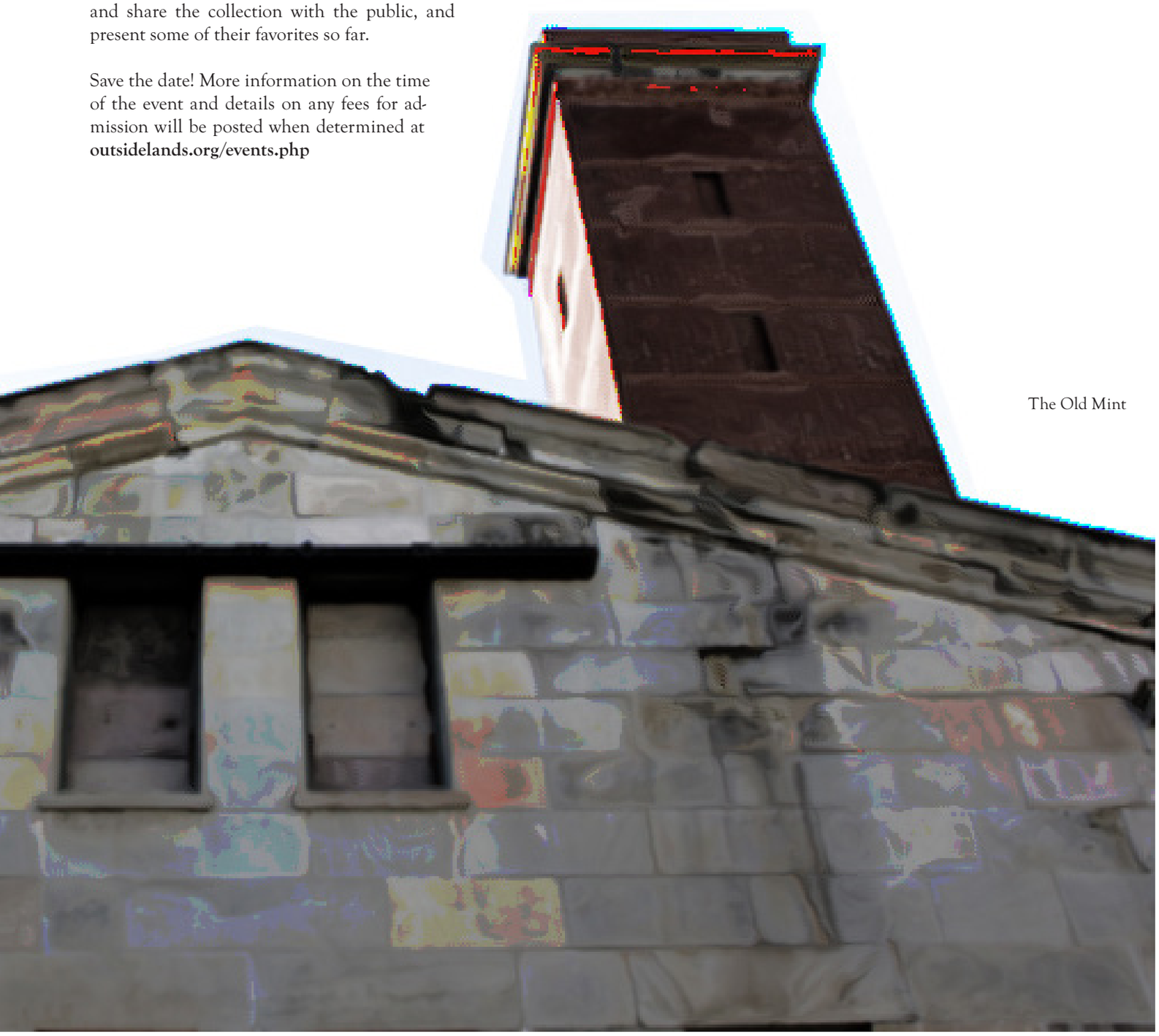
$20 for non-members and $10 for WNP members. For more information and to purchase tickets, visit: **http://outsidelands.org/pubcrawl**

100,000 Photos: the Best of OpenSFHistory

May 12, 2016 (Thursday) Time TBA
Mechanics Institute Library, 57 Post Street, San Francisco

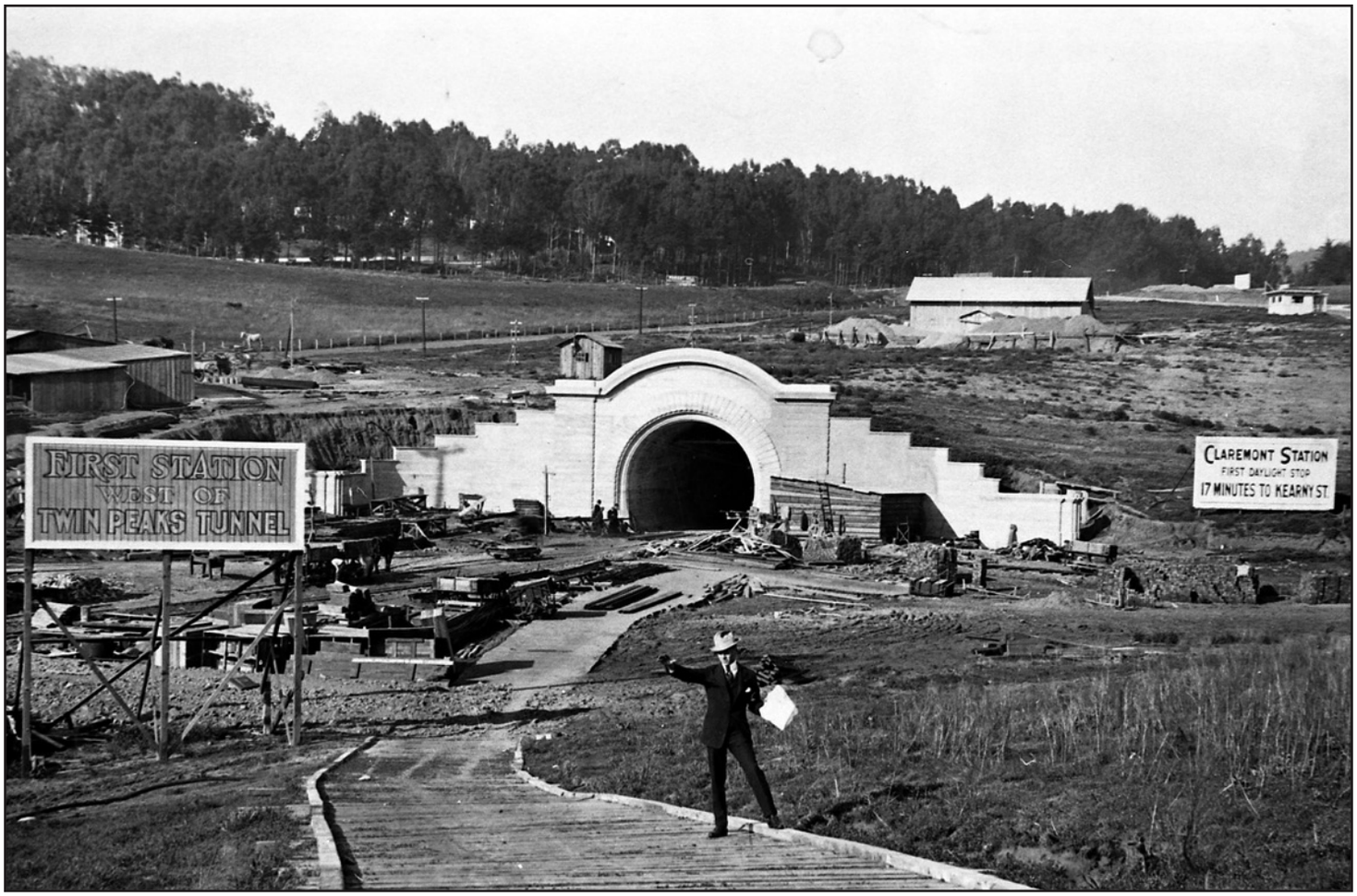
David Gallagher and Woody LaBounty will tell the story of how Western Neighborhoods Project became the repository of 100,000 historical images of San Francisco from a private collector, explain the WNP plan to scan and share the collection with the public, and present some of their favorites so far.

Save the date! More information on the time of the event and details on any fees for admission will be posted when determined at **outsidelands.org/events.php**



The Old Mint

The Last Word



(WNP photo wnp26temp.1192, courtesy of a private collector.)

Welcome to Claremont Station (West Portal)
Remember the mention of Claremont Court last issue? Muni could have had a Claremont streetcar station, if the real estate sellers of that subdivision had their way.

The sign on the right in this 1916 photograph was put up by Alfred L. Meyerstein and his partners, who filed their streetplan with the city for Claremont Court in 1914. Anticipation of thousands of new residents moving West of Twin Peaks after the opening of the Twin Peaks Tunnel spurred the subdivision of farm and forest land (note the horse grazing in the upper left) into neighborhoods such as St. Francis Wood, Forest Hill, and Claremont Court.

Situated beside the tunnel's western egress, Claremont Court fanned out like a slice of pie between Claremont Boulevard and Portola Drive, and included today's Dorchester, Allston, Granville, and Kensington Ways. The tunnel didn't open until 1918, and most homes weren't built until the 1920s.

The Claremont name gave way over the years, as "West Portal" became attached to the tunnel station, the main commercial avenue leading from it, and the larger residential development created to the west and south by Fernando Nelson & Sons.

Western Neighborhoods Project
outsidelands.org

Not a WNP Member?

SF West History is just one of the benefits of giving to Western Neighborhoods Project. Members receive special publications as well as exclusive invitations to history walks, talks, and other events. If you like what you've read, please join hundreds of other west side fans as a member. Visit our website at **outsidelands.org**, and click on the "Become a Member" link at the top of any page.