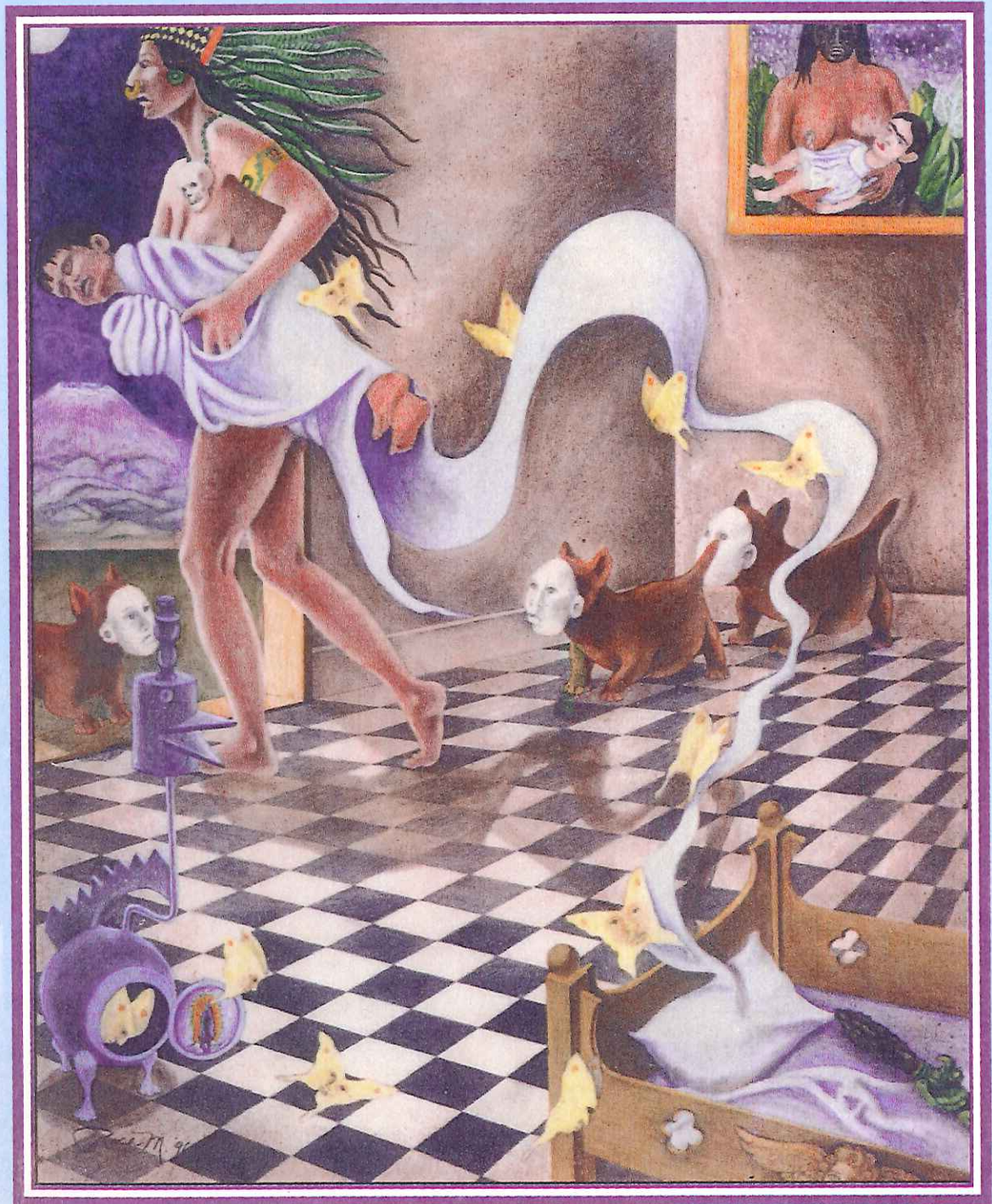


Chicana Literary and Artistic Expressions

CULTURE AND SOCIETY IN DIALOGUE



Edited by MARÍA HERRERA-SOBEK

*Modesta Avila vs. the Railroad
and Other Stories
about Conquest, Resistance, and Village Life*

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In 1889 Modesta Avila stood trial, accused of placing an obstruction on the Santa Fe railroad tracks laid approximately 15 feet from the door of her home in San Juan Capistrano, a former mission pueblo in Southern California. The obstruction, a heavy fence post laid across one rail, and another dug into the ground between the tracks, bore a sign that read:

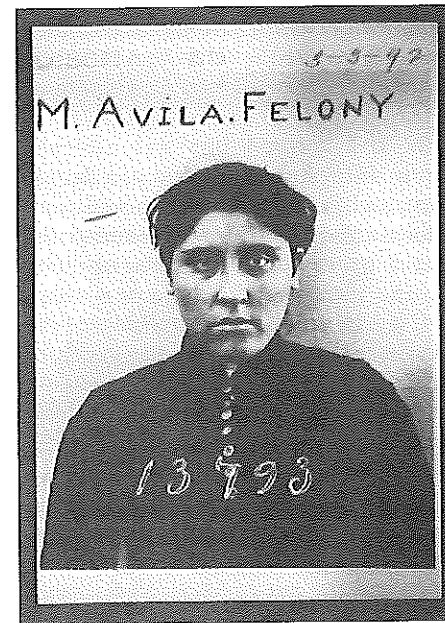


Figure 1.
Modesta Avila in San Quentin, 1892.
Modesta Avila placed an obstruction
on the railroad tracks. Sentenced to San
Quentin, she died there in her early
twenties.

"This land belongs to me. And if the railroad wants to run here, they will have to pay me ten thousand dollars." Max Mendelson, merchant, postmaster and express agent, awaited the daily train when he overheard two boys say they anticipated a crash. He ran up the line and quickly dismantled the obstacle. As he did this, Modesta Avila sat quietly watching him from her door. Mendelson reported that he told her not to do that as someone could get hurt. She responded "if they pay me for my land, they can go by."

Avila went to the bank in Santa Ana and asked the bank teller and bank manager about the best way to receive the \$10,000 she expected from the railroad. She told the Santa Ana sheriff about her victory over the railroad when she inquired about hiring a law officer to keep the peace at a dance she planned in Santa Ana to celebrate receiving money from the railroad. She held the dance and, in the early morning, a sheriff arrested her for breaking the peace. In court the next day she reported the railroad's payment to her to the Santa Ana City Attorney and Justice of the Peace.

Modesta Avila's story of compensation was false. She held the dance to celebrate money she never received from the railroad, and defiantly claimed land as her own that, in fact, no longer belonged to her family. Avila paid an extremely high price for her defiance. The court sentenced her to three years of prison in San Quentin. She appealed, but the California Supreme Court sustained her verdict. Modesta Avila died in San Quentin in her mid-twenties.²

Territorial Conquest

What motivated her actions? Born in 1867, toward the end of a decade when the vast majority of the Mexican descent and Indian populations lost their land in Southern California, Avila's actions represented the protest of a young woman from a generation who grew up with American territorial conquest. In the rural area that became Orange County in 1888, Californios and Californianas held title to most of the land in 1860 and owned approximately three-fourths of the goods or assets, much of it in cattle. A decade later, by 1870, they only held 11 percent of the total land value and 9 percent of the assets. In contrast, immigrants from Europe and Anglo-American migrants owned 87 percent of the land and possessed 90 percent the assets.³ The total value of land had increased dramatically.

National legal and economic conditions promoted this local land loss. The 1848 Treaty of Guadalupe Hidalgo that ended the Mexican American war and ceded California and the rest of Mexico's far north

to the United States, passed the U.S. Senate only after striking Article X, that recognized the validity of all Spanish and Mexican land grants.⁴ In 1851 the Anglo-Americans who formed part of California's gold rush migration secured a federal law that required Spanish and Mexican land grants to be validated by a special U.S. land court. While most grants ultimately received recognition and a patent, the process took an average of 17 years. In the meantime, as early as 1853, California state law began to give squatters the right to settle unpatented rancho and Indian land.

The federal government rarely recognized the land rights of California Indians. Land loss augmented the already severe conditions created by the violence and epidemics that plagued Native American society.⁵ Luiseños to the south-east of San Juan Capistrano received reservation land on some of their territory in the last decade of the nineteenth century, but the overwhelming majority of California Indians, including the vast majority of Achachemem who lived in San Juan's village and rural environs through 1860, lost all their rights to the village land and countryside they inhabited.

All sides—Californios, Native peoples, American squatters and other claimants—fiercely litigated over land; even as they did so, the law codified and sustained a new economic system whereby land itself became a major source of capital and profit for those with money to invest. Money, scarce in Mexican California, now proved crucial to sustain and improve ones position as landowner and farmer.⁶ Farming rose to dominance over the cattle industry.

In sharp contrast to land as a marketable commodity, Spanish and Mexican law and practice kept large land holdings in shares-in-common, possessed in indivisible units by family members. Male and female heirs tended to inherit land in equitable portions. In 1860, most ranchos in and around Santa Ana and San Juan continued to be held in shares-in-common. Unpatented land remained outside the market holding a consequently low monetary value, below the value of assets held in cattle and other goods. Once land titles cleared the American courts the ranchos became legally divisible. Compare the \$172,000 that represented the value of the land in this area in 1860 to its worth of \$591,021 by 1870. At the latter date, land valued more than the cattle, coinage, gold and silver, farm implements, and other goods possessed by individuals in this rural society. Californios and Californianas sold most of their land during the 1860s to cover the cost of endless land litigation and taxes, especially after the floods and drought of the early 1860s left an already money-scarce economy of ranchers and small farmers in serious debt.

Avila's actions protested the collective losses of the 1860s and openly defied those men who represented the new economic and legal authority of the American era by reporting to them her success at forcing the railroad to pay her compensation for crossing her land. She expressed an indignation not only over the loss of property but of place. Land formed the intersection of cultural and historical, family and community space. The widely shared sense of loss ran deep. Genaro Padilla discusses its presence in the oral testimonies of Californios and Californianas in the late nineteenth century. Their stories echoed a profound sense of loss over their homeland and the threatened loss of culture "stripped of its land and social economy, its language," its daily practices, and aesthetic production.⁷

Born in that house, Avila still resided there with her sister in 1889. Her father and other members of their family lived on the same property in another house some 300 to 400 yards from the tracks. Her father and two brothers worked as day laborers, her mother boarded a young child with the family. They probably tended a subsistence plot on the 3 acre lot across which the tracks ran. In 1880 the family's labor supported eight children. In the latter years of the 1880s the family sold the land, probably to secure cash in an emergency or to pay a debt, the most common reasons for the sale and forfeiture of land during these years in San Juan pueblo. They sold the land to the Jiménez family from Mexico, in-laws to the Avilas through Modesta's brother's marriage.⁸

The only person in her family who could read and write in English, Modesta Avila used her literacy to contest the new order of things. By writing "this land belongs to me. And if the railroad wants to run here, they will have to pay me ten thousand dollars" she consciously employed the power of literacy. Newcomers put the written word to their service during territorial conquest in their legal documents and court proceedings. Avila represented the growing literacy of her generation. In 1860, around 20 percent of Californianas over the age of fifteen and living in and around San Juan, could read and write. The percentage rose to 33 percent by 1880, counting Modesta among them.⁹ They grew up in a culture where orality predominated and provided a cultural system that conveyed knowledge, history, and collective memory through the spoken word. Informed by two cultural and linguistic traditions, Avila used literacy to inscribe and affirm her sense of entitlement to profit from (albeit lost) family land.

Gender Relations in Mexican Society

In unambivalently defining her property rights and demanding compensation for loss, Avila acted upon a tradition among Californianas and other women of the Spanish Americas who long exercised property rights. Women's sense of entitlement rested, in part, on the fact that Spanish and Mexican law gave women the right to control their property and wealth, and to represent themselves in court in cases related to their person, families, or property. Daughters had the right to inherit property equally with male siblings, and upon marriage, wives had the right to retain control over the property they brought into the marriage, and to inherit half the property and wealth accumulated during the marriage. Adult women could conduct their own legal affairs, write their own wills without the consent of their husbands, serve as attorneys for elderly relatives, be guardians of their own children and grandchildren after the death of their spouses, and adopt children with government permission.

Women played a role in public life. According to Sylvia Arrom, they "were neither confined to the domestic sphere nor defined exclusively as wives and mothers."¹⁰ Engaged at various levels of work and commerce from positions as diverse as landowner and servant, women

Figure 2.
Martina Espinoza, San Juan,
1907. Some town residents
referred to her respectfully as
Doña Martina the curandera
or healer. Others referred to her
as Chola Martina the bruja
or witch.



exercised their legal rights.¹¹ Unmarried and widowed women, especially, managed their property and others retained an astute sense of its value.

Angelina Veyna provides elaborate examples of the way *vecinas*, or women with the status of citizens in their respective settlements in colonial New Mexico, carefully defined in their wills what they owned and how they wanted their possessions distributed after their deaths.¹¹ These women came from diverse marital circumstances but the property that they willed to others included land, a house or rooms in a building, livestock, furniture, clothing, musical instruments, jewelry, religious objects, kitchen implements and tools for farming and stock raising. Each of their wills provided meticulous instructions about how they wanted to divide their properties, a care undoubtedly developed through the lifetime of work they performed individually and collectively, in the company of other women and family members. Veyna makes clear that they shared with other colonial women the common practice of buying, selling, and managing property, and of assertively settling their debts and accounts as they raised their own children and others they brought into their families.

Spanish-Mexican women negotiated their positions from within a complicated gender order. Spanish and Mexican law reserved two categories for women: virgins, nuns, "honest" wives and widows stood among "decent" women. The (purported) sexual conduct of "vile" women placed them outside the protection of law when it came to defending their rights against seduction, rape, and other offenses involving their persons or reputations. If deemed "vile" a woman could lose her right to child support, and a widow could lose the guardianship of her children and the inheritance she gained from marriage.

Racial status further complicated gender relations. As Antonia Castañeda argues, the categorical debasement of Indian women as a conquered people went "beyond the devaluation based on sex that accrued to all women irrespective of their sociopolitical (race, class) status."¹² Ramón Gutiérrez emphasizes how "Spanish" and "Indian" acquired meaning through constructed oppositions, and the relatively polar identities of *de razón* and *indio* defined the frontier for most of the colonial era. Indian women working as servants and slaves in New Mexican households "bore illegitimate children, failed to establish stable unions, were frequently sexually assaulted, and reputedly licentious." Spanish women, in contrast, conferred legitimacy, lineage, and purity of religious, ethnic, and racial background that, with land ownership, constituted the operative distinctions within the honor-status hierarchy that defined colonial society. "To be a Spanish woman, regardless of one's

class, was to be concerned for one's sexual purity and reputation."¹³ Spanish women conferred legitimacy, lineage, and purity of religious, ethnic, and racial background.

Deena González suggests that women who deviated from gender roles that subordinated them to male authority still found acceptance by their communities out of recognition for the work they performed and the functions they completed for their children and the collectivity of neighbors and the pueblo more generally. She provides the example of New Mexico's leading businesswoman Gertrudis Barceló who owned a saloon, gambled, drank, and entertained extravagantly. The richest woman in Santa Fe by her death in 1852, Barceló continued to make and manage her wealth after her marriage. She gave generously of her money and possessions to the church, her relatives, Spanish-Mexican families in need, and to her adopted children. Though her actions stepped out of all the prescriptions of women's subordination to husband, father, brother, and confessor, she held a respected place in Santa Fe society.¹⁵

González also found that unmarried women constituted about 10 percent of the adult population in Santa Fe between 1850 and 1880. Many headed their own households and 90 percent had children without marrying their children's fathers. Though their behavior constituted a sharp divergence from the norms of a community regulated by the three important commitments to religion, marriage, and motherhood, González suggests that women who fulfilled two of these three significant roles, may have done enough to be well regarded.¹⁶

Writing against models that assume male dominance and female subordination, Sarah Deutsch describes fairly egalitarian gender relations in rural New Mexico in the mid-nineteenth century. In village society, Deutsch states, "relations between the sexes in the family were characterized not by rigidity and hierarchy, but by flexibility, cooperation, and a degree of autonomy" for both sexes.¹⁷ Society considered arbitrary male behavior deviant. Husband and wife made major decisions together. The extended family participated in raising the children. Child rearing practices prepared children for a companionable, not rigidly hierarchical marriage. Women engaged in multiple kinds of production and expected their work to be acknowledged. They performed crucial responsibilities and held control over food production and exchange. The informal economy governing food production gave them an important position at the village center.

Similar to women in New Mexico, Californians encountered a range of gender experiences that differed according to their social position and status as landowners. California's pueblos grew substantially

between 1830 and 1850, as did the rural population. Over sixty-six women petitioned for and received ranchos in the Mexican period, and many more women shared title to a rancho with a brother or another male relative. Women also held title to plots of land in towns. The number of women who possessed rural and urban land grew as each generation inherited family land.

Village Society

The protest of Avila and other women not only grew out of a tradition of women acting in the public sphere to define and defend their interests, but out of the work they performed that made it possible for their communities to survive in San Juan, where they remained the majority of the village population into the twentieth century. Californianas experienced the successive loss of land in the American period as owners and family members. They continued to farm on ever smaller parcels in places like San Juan Capistrano. They usually dry-farmed unimproved acreage. They also traded produce and other goods, sold fruits, vegetables, nuts, beans, and honey in the local market. Yet the rise of the citrus and nut industries increased land value and taxes, diverted water, and shifted trade relations. As a result, after 1910, even families who still owned land also worked for Anglo-American and European farmers.

Under these conditions land, even a few acres or a town lot, guaranteed an often poor but still viable means of subsistence that made it possible to work in jobs that brought respect and fostered close social ties among individuals based on mutual obligation. Regional Mexican communities persisted in the American period in part because Spanish-Mexican and Indian women throughout the Southwest fought to retain land and farmed. Subsistence agriculture enabled the families of workers who were laundresses, seamstresses, cooks, domestic workers, laborers, and artisans to survive. In communities like San Juan throughout the Southwest, women from distinct social strata interacted with each other at work and survived through systems of patronage and obligation, and extensive networks of trade and sharing. Their farming and other labor sustained their families and community.

Espíritu Olivares presents the case of a widow who administered a rather poor farm on eleven acres of unimproved land for her extended household of in-laws. Her story depicts how many San Juan villagers' lived through the early 1890s and illustrates the tensions and dissolution of poor Californio farming families in the late nineteenth century. Antonio Olivares, the original grantee of the land, bequeathed one-eighth to each of his children, including Espíritu's husband, at his death

in 1877. Following Spanish and Mexican law, the heirs held their portions in shares-in-common. When Espíritu married they lived for three years with her mother where Francisco farmed, and then they moved onto Francisco's family's land, and resided in a two-room adobe with his three sisters. Another of his sisters lived with her husband on another house on the property. This sister maintained a large vegetable garden to contribute to the family's subsistence.

Six years later, in 1886, Espíritu's husband died and she assumed responsibility over the cultivation of the farm. Its poor yield suggests the difficult conditions of farming on partially irrigated land in a cash-poor economy. In the first year after her husband's death Espíritu hired Lucio Yorba to sow a crop of corn on a share basis. They each received half the crop, which amounted to one wagon load of corn for each party. The next year she hired Diego Mendoza to sow the crop in exchange for living and eating at the Olivares' home. The following year she hired Ramón Padilla to sow the crop on a share basis. All of these Californio laborers shared the farmers' relatively poor yield and moved on to other jobs, sometimes to the American towns nearby, to secure better paying work—all except José Higuera, who sowed corn and barley under Espíritu Olivares' administration for two years.

The record of this farming household comes to light because most of the heirs sold their share of the farm in 1891 to Mendelson (the town merchant who had been critical in the accusations against Avila) and Oyharzabal (a prosperous Basque sheep raiser and farmer.) Only Espíritu and a second heir did not sell. The purchasers sued Espíritu for possession of their parcels. She argued for full title to the land by virtue of having managed it.¹⁸ She lost, and the merchant Mendelson and his partner Oyharzabal won possession to their shares. Espíritu and another heir retained title to their portions. The rest of the family moved to Santa Ana, the American town, to find work. Espíritu continued to farm on her portion of this property for at least a decade thereafter to support her three sons.

Rosa Pryor also administered a farm from her widowhood in the latter part of the 1870s through at least 1910. Pryor's husband died in the mid-1870s. She and her children became heirs to 6658 acres of land and an outstanding debt of \$1,000 for taxes. Her husband had secured a loan to pay the debt by placing a mortgage on the land. Perhaps this and other debts accounted for the decline in Pryor's land holdings to 463 acres shortly thereafter. On this land she farmed with the help of three Californio workers, her two sons and one daughter.¹⁹ Rosa Pryor made the decisions over the planting and purchasing of goods. Her story comes to light because she was brought to court for an alleged two-year

debt accumulated for goods at a local store. Pryor didn't read or write in English or Spanish, but her children wrote up her orders for food and goods and they, or her workers, went to the store to deliver the orders and pick up the purchases. As many farmers did, she bought these goods on credit, and she alone settled her accounts, yet Mendelson, the merchant, recorded the purchases in her account book. Sometimes she brought him the book a month or so after she made the purchases. Pryor reached adulthood in a society in which one's word, rather than a written account, was binding. In her dealings she seems to have expected their verbal exchange to be sufficient to seal a transaction. Pryor lost the suit but paid the stated balance of her accounts without losing any property.²⁰ The incident marks the vulnerability of relying upon older forms of business practice, such as privileging the word over the contract.

Delfina Manríquez de Olivares' story provides yet another view into the social organization of this rural society. Manríquez de Olivares' great-grandfather settled in San Juan and, on both sides of her family, her relatives owned land in town and its vicinity into the twentieth century. Delfina's immediate family acquired 70 acres of homestead land and remained one of the few from among the Californio and Indian homesteaders who continued to farm into the twentieth century. The relations of patronage and obligation, and the family's seasonal wage work in agriculture sustained them. Despite their land ownership "the people were awfully poor; we all were poor...but we always had enough to eat."²¹ Born in 1896 on her family's ranch, she grew up with her father planting beans, corn, tomatoes, chiles, and other vegetables for the family's subsistence. With the help of an Indian woman named María Gómez, Delfina's mother canned their field and orchard products for the family's consumption. María Gómez worked for a portion of this produce.

Unlike prosperous farmers, the Manríquezes did not own cattle or sheep. M. A. Forster, for whom Delfina's father sometimes worked, lent them a cow or two so they would have milk, cheese, and butter. The Manríquez family made little, if any, money from the farm. The family primarily secured their cash income during the walnut season, as did most of San Juan's Californio and Indian families by 1900. With that money, Delfina's family traveled by wagon to Santa Ana, stayed overnight with an aunt, and bought shoes and clothes for the year.²² Delfina's mother worked as a midwife and usually received her payment in kind. She learned midwifery from her mother, who long had cared for ill villagers.²³ Midwives drew on inherited knowledge that continued to be valued and to sustain the community into the twentieth century.

Relationships often involved significant tensions within this long established community, and Indian mothers and grandmothers transmitted their memories of injustice to their descendants. Most Achachemem people abandoned San Juan and its rural society after an 1862 plague killed hundreds, and their lack of proper land titles left them without property. In the rural villages where Juaneños relocated far to the east and south of San Juan, they continued to farm subsistence and marketable crops, and persisted in gathering acorns and herbs. But Achachemem, Luiseños, and other Indians from this region remained connected to family in Mexican towns like San Juan. Individuals and entire families moved from and between rural villages and towns for work and residence throughout the late nineteenth century.²⁴

The story of María de la Luce Lubo de Robles, an Achachemem woman whose family moved to Pala Indian reservation some time after the 1862 plague, provides an excellent sense of how the social world of San Juan continued to be shaped by the Indian population. María de la Luce Lubo married Robles through an arrangement made by her parents with Robles. She moved from Pala to San Juan because Robles resided there, but she remained closely connected to Pala where she owned land. She spoke Juaneño among her relatives in Pala, and Spanish to her children and grandchildren in San Juan. María de la Luce Lubo de Robles worked for the mission priest to help sustain her four children's lives but never forgot the injustices of the colonial relation between Indians and the church, passing a strong sense of contestatory history to her granddaughter.

María Robles nursed her neighbor, José Felix, through his illness and death and Felix left her his house and land in San Juan. She moved her family onto this property, and one of her daughters' family lived in another house on the lot where her grandchildren were raised. The property passed on to one of these granddaughters, who raised her family there. The grandmother's inheritance, gained through her neighborly caring for Felix in his illness, helped to sustain more than one generation.²⁵

On another small lot near the center of town Victoria Doram, an Achachemem woman, raised her children. She inherited the lot from her Indian godparents. Victoria Doram's husband, fifty years her senior, worked as sheep shearer from the late nineteenth century through the 1920s. He left San Juan with her godfather and four other men and moved north through Bakersfield, to the Oakland-San Francisco area, on to northern California, swung into Nevada, Idaho, Wyoming, and Montana, and back through Nevada and eastern California to Arizona and Caléxico. He might travel six months at a time, while she raised

eight children and worked as a laundress, taking in laundry at home. She also washed dishes at the Mission Inn restaurant. The family ate well because she raised a vegetable garden, chickens and ducks for meat and eggs, and goats for meat, milk, and cheese. The whole family picked apricots, peaches and walnuts seasonally with their mother, uncles, and cousins.²⁶

Men frequently migrated for ranching and agricultural work, creating a relatively high number of women-headed households for at least part of the year. Widows comprised fifty-seven percent of the Californiana and Indian female heads of households; single and married women, in almost equal proportions, comprised the rest. In contrast, widows constituted 90% of the Anglo-American and European female household heads. Living in smaller households than Californianas, they tended to reside with immediate family members, to be older, and to work in urban employment and new forms of agriculture tied to expanding national markets. While primarily working as dressmakers and milliners, one woman taught school and another worked in an orchard. This work brought higher wages than those received by Californianas. The children of the Anglo-American and European households generally worked as artisans, in urban occupations, and in managerial positions. They lived in American towns well connected to the expanding sectors of the economy. Only the widows whose sons or boarders worked as farmhands occupied a position in rural society resembling that of Californiana and Indian women heading households, whose children and extended family tended to work as laborers in the rural economy or washing, cooking, and doing other forms of service work in towns.²⁷ The type of work that women and children undertook in these female headed households points out the distinct material conditions of life among the long-established population from Mexican California and the economically dominant settlers who arrived during the American era.

Gender and Conquest

Conquest created a dramatic geographic, social, and cultural restructuring of Mexican California, and changed the terms for negotiating gender rights. Californianas and Indian women acted out of a historical sense of entitlement. Many women also newly exercised their rights to defend their children and themselves against land loss and the racial ideologies of Anglo-American settlers.²⁸

A final story speaks to both the development of women's articulation and use of their rights, and to the racial politics of conquest they confronted. When still an unmarried woman in 1886, Josefa Serrano de

Ríos purchased land in San Juan township. She planted fruit trees and crops. After four years she went to the bank to look at her deed and found she no longer owned the land. Her brother sold it to Arcanio Domínguez, who gave the Pacific Improvement Company (a land company and subsidy of the Santa Fe railroad) the right to cross it with a rail line. Years earlier, in 1877 during the sale of their Rancho Cañada de los Alisios near San Juan, Ríos gave her brother power-of-attorney over her transactions. He subsequently used it to sell her farm.

Serrano de Ríos sued her brother J.C. Serrano, the new owner, and individuals from the Pacific Improvement Company for possession of her farm.²⁹ She lost this case but filed another one, this time against the Southern Pacific Railroad. In the second trial she sought damages from the Southern Pacific for cutting down her fruit trees, for payment of rent on the land they crossed, and for a share of their profits. Not surprising in light of the political weight of the railroad, Josefa Serrano de Ríos lost her suit.

Serrano de Ríos, as Avila and other Californianas, acted to recover profit from land they claimed yet the court trial focused instead on the character of both women. One attorney referred to Serrano de Ríos as being "of the Mexican race, (she) is illiterate, ignorant, and helpless, and unable to read and write."³⁰ These accusations, of course, contrasted quite sharply to her own astute sense of property rights, but they formed part of the legal record against her.

Avila's unconventional gender behavior also formed part of the record against her and illustrates her vulnerabilities before the court. Attorneys addressed her "reputation" more than once during the hearings. A sense of mockery pervaded the English language newspaper accounts of the trial. The English language paper announced her appeal to the California Supreme Court on the front page under the headline "Modesta Again." The article welcomed the fact that the courts denied her appeal.³¹ Avila's obituary in this paper declined to state how she died or provide substantive knowledge about her life. Instead, it taunted, "the boys in Santa Ana will miss her." The prosecution also filled his case against María Espiritu Olivares with insinuations that she lived immorally because of an illicit relation with Higuera, the man who farmed for her.

The contemporary courts and the press attempted to deny the legitimacy of the objectives of women who dared to speak and act in public without apology and on their own terms. Hubert Bancroft, historian of California, rarely drew on the words of Californianas to write his histories. He did so only to supply "facts" rather than perspective or content informed by their sense of the past. Bancroft discussed

Californianas in relationship to their husbands and as objects of male sexual desire and derision. He not only left their self-representations out of his *California Pastoral*, but the book's longest accounts about women are drawn from the words of foreign men who began to forge lasting stereotypes as early as the 1830s.³²

Bancroft's travel journal of his journey through California depicts the logic of the gendered politics of conquest, embedded in his interpretations of women/morality, race/intelligence. Bancroft referred to Californios as "native Californians (greasers)." To explain his parenthetical reference to "greasers" he described Californios as "the pure blood of old Castile, already somewhat mixed with that of the descendants of the people of Moctezuma, was still further reduced by occasional unions of Mexicans and California Indians." Somewhat later in this text he stated "whiteness was the badge of respectability, and the white Anglo-American could take his choice from among the rich dusky daughters of Mexican descent ... a too close scrutiny of the blood with which they allied themselves is not always palatable to the fathers of dark complexioned children."³³ Families made their daughters available to Anglo-Americans and Europeans, according to Bancroft, because they sought an authentic "whiteness."³⁴

Bancroft not only described the features and color of Californios and Indians at length, but he never described the skin color or features of Americans. He described Colonial Cave Coutts, a southerner from the United States Army and Indian agent married into the elite Bandini family, and Don Juan Forster, an Englishman married into the elite Pico family, as "the autocrats of the region." But he took careful note of their Californiana wives. Mrs. Forster's features, he stated, "have rather an Indian cast though not unpleasing nor lacking intelligence." He described Mrs. Bandini as a "pretty Mexico-California relic."³⁵ Bancroft frequently called Californianas "relics" as if they embodied the end of Mexican society. He depicts Californios as beaten men and living symbols of loss and debasement, rather seeing the loss as shared by men and women, and recording the emergence of a new society out of the old.

The classic and most widely disseminated portrait of a Californiana is in Helen Hunt Jackson's novel, *Ramona*. The Californiana is singled out as the most evil figure, a matriarch who is to be feared. This portrayal should not be surprising: Californianas' very sense of entitlement to property derived from social practices unfamiliar to many Anglo-Americans. Prior to 1850 American common law deprived married women of direct ownership of land in their own name; widows held land by virtue of their connection to their deceased husbands. In the area that became the United States, women landowners could be found

primarily in the former French and Spanish territories, and among Indian women. Most Anglo-American women saw their family's land passed down from the control of the father to the possession of son.³⁶

Informed by distinct traditions, Anglo-American writers and settlers poorly interpreted the roles that Spanish-Mexican and Indian women had in public life. They created a gendered politics of conquest that made particular (mis-)readings of men and women central to the creation of maligned assumptions and ideas about Mexican and Indian peoples, regional history, and society. In turn, Californianas and Indian women negotiated more than one gender system in the American period and experienced a greater vulnerability because of the racialized interpretations of their behavior.

María Amparo Ruiz de Burton, who wrote a novel that depicted and protested the politics of territorial conquest titled *The Squatter and the Don*, understood well the prejudice against Californios that undermined their civil and property rights.³⁷ That a Californiana wrote the first treaties on behalf of the regional elite reaffirms their prominent place in the defense of land rights. In the novel Ruiz de Burton presented an extremely astute analysis of land politics, defining the state and federal laws that brought rancheros into constant litigation, and that encouraged and often protected the interests of the many squatters who claimed rancho lands. Simultaneously, she drew a very explicit picture of the corruption that gave the railroads and other corporations legal and economic dominance.

Ruiz de Burton wrote the novel under the pen name *C. Loyal* to affirm her affinity with the United States, and gain the sympathy of the Anglo-American elite for the regional California elite. To gain the sympathy of an American audience for Californios plight, she established the elite standing of Californios through the patriarch Don Alamar, and through her portrayal of the Alamar women. The elite Californianas and American women in her novel recognize in each other a behavior that follows class norms. The Alamar daughters are virtuous, obedient, and protected. One American woman retorts to a squatter's derogatory remarks about the fictional Alamar family "Inferior? It is enough to see one of those Alamar ladies to learn that they are inferior to nobody."³⁸ Unlike most Californianas and Ruiz de Burton herself, the fictional Alamar women do not work or handle land and farm. Their distance from the capitalist marketplace enabled them, through their behavior, to maintain the family's elite standing long after the family lost their land and money. The Alamar men, in contrast, either commit suicide or became maimed and disabled working as farmers and day laborers. Ruiz de Burton, as Bancroft, offered a

gendered history of Californios' plight in the American era.

Ruiz de Burton emphasized the common European origins of the Californio and American elite in order to build greater sympathy for Californios. Her references to "Spanish people," "native Californians of Spanish descent," and "Spano Americans" submerged the complex social and racial ordering of the society. The only characters from Mexican California in her novel are Californianas, Californios, and male Indian vaqueros. She leaves Indian and Mexican women, and Mexican males, out of her portrayal of the Californio countryside, thus eliminating the possibility of racial mixture and again affirming the European lineage of the regional elite.

Ruiz de Burton wrote *The Squatter and the Don* while living in a small, rented house in San Diego. She died virtually propertiless in 1895 nearly a decade after the novel's publication. While this story is her own tragedy of land loss made into collective biography, Ruiz de Burton created her female characters in sharp distinction to her own life. Ruiz de Burton defended her title to land she inherited and attained as a homesteader with her husband beginning in the 1860s. She held land on both sides of the border where changes in land ownership and tenure patterns occurred with the internationalization of capital. In 1871 she won her claim to the rancho Ensenada de Todos Santos from the Mexican courts, but Mexico's 1883 Law of Colonization enabled part of this rancho to be claimed by the international land developing firm of George Sisson and Luis Huller. She finally won claim to most of that land, but the Supreme Court of Mexico reversed her title in 1889. In 1876 she received a patent to her rancho Jamul in San Diego, California, but subsequently lost almost all of this land to the 160 squatters and creditors who filed suit for title during the 1880s. Throughout these years she appeared in local and state courts over land title disputes. She pleaded her case in the U.S. Supreme Court and in the highest courts in Mexico, and traveled to Washington, D.C. to lobby Congress in defense of the land titles of the regional elite.³⁹ Her novel presents the political complexity of Californios and Californianas side of territorial conquest to a national public.

Conclusion

Women responded forcefully to the losses their families and communities experienced during territorial conquest. Their reactions took many routes: Modesta Avila waged a symbolic protest against the new order, others went to court to defend their rights and perceived rights. Ruiz de Burton formed part of that group of women who defended her land

rights through the courts. Her novels offered the most eloquent and sustained record of the transformations wrought in California due to conquest as seen from the perspective of Californianas and Californios. Ruiz de Burton defended elite interests. The majority of Californios did not share her elite status even when they were rancheros and landowners. Most women's defense of their world found expression in the rigorous farming and other work they undertook to sustain a family economy under conditions of encroaching propertilessness and poor paying jobs. In doing this, they also sought to defend a world where other kinds of knowledge and skills, such as that held by the midwife, continued to be valued by the community.

Californianas and Indian women acted on gender rights they held in Spanish and Mexican society that they had seen unmarried and widowed aunts, mothers and other female relatives employ. Those rights most readily extended to women considered "decent." Familiar with restraints on their behavior, women from Mexican California also had other models in society and folklore that offered respect even to women who did not conform to every gender norm. With territorial conquest, these women confronted American gender norms. Writers like Bancroft, those who gave testimony in courts, and newspaper reporters often echoed the negative stereotypes of Mexican women that developed as early as the 1820s and 1830s in English-language writings on California. Helen Hunt Jackson built those views into her portrayal of the landowning matriarch in her much-read *Ramona*. Recognizing the strength of those views, Ruiz de Burton fashioned female characters who followed Victorian norms of respectability rather than reflecting the actual lives of women in Mexican California after 1848.

Her novels, as most sources, remain silent about the roles women like herself played to defend their land, assets, and/or community against the swift and drastic changes in this region that continued through the late nineteenth century. Without attention to their actions, however, the story of conquest fails to reflect the very specific gender dimensions of change. It leaves unrecorded the new roles women assumed after conquest, and the violence of American gender norms as they influenced the position of Mexican and Indian women in the conquered territory.

Notes

- ¹ Modesta Avila, Criminal Case #6; October 15, 1889, Superior Court of Orange County.
- ² *Santa Ana Weekly Blade*, February 13, 1890.
- ³ Unless otherwise specified, I have developed all of my statistics from an analysis of the Federal Manuscript Census' for the years 1860–1880, 1900–1910. The story is more fully developed in Lisbeth Haas, *Conquests and Historical Identities in California, 1769–1936* (Berkeley: University of California Press, 1995.)
- ⁴ See Richard Griswold del Castillo, *The Treaty of Guadalupe Hidalgo* (Norman, Okla.: University of Oklahoma Press, 1990): 189–90, and article X, p. 95. Albert Camarillo offers the classic study of this loss, carefully examining trends in Santa Barbara and elsewhere in Southern California. See Albert Camarillo, *Chicanos in a Changing Society* (Cambridge, Mass.: Harvard University Press, 1979.)
- ⁵ Albert Hurtado, *Indian Survival on the California Frontier* (New Haven: Yale University Press, 1988.)
- ⁶ See Doug Monroy, *Thrown Among Strangers: The Making of Mexican Culture in Frontier California* (Berkeley: University of California Press, 1990): esp. 173–277.
- ⁷ Genaro M. Padilla, *My History, Not Yours: The Formation of Mexican American Autobiography* (Madison: The University of Wisconsin Press, 1993): 229. See Rosaura Sánchez, *Telling Identities: The California Testimonios* (Minneapolis: University of Minnesota Press, 1995.)
- ⁸ I've reconstructed much of the story of Modesta Avila and her family from information contained in the Federal Manuscript Census, 1860–1910, and the Tax Assessment Records for San Juan Capistrano, 1877, 1886, 1889. Orange County Archives.
- ⁹ Source: Federal Manuscript Census' for 1860, 1870, and 1880. The statistics reflect the literacy figures for Californiana female heads of household and every Californiana who was the oldest woman in each household in San Juan and Santa Ana townships during these years. According to later censuses, literacy had risen to 40 percent by 1900 and 70 percent by 1910. My understanding of orality is influenced by Walter Ong, *Orality and Literacy: The Technologizing of the Word* (New York: Routledge, 1988): especially pp. 20–57.
- ¹⁰ Silvia Marina Arrom, *The Women of Mexico City, 1790–1857* (Stanford: Stanford University Press, 1985): 61–62.
- ¹¹ Miroslava Chávez found that women of every social status appeared in court, usually as plaintiffs. Miroslava Chávez, "Pongo mi demanda: Challenging Patriarchy in Mexican Los Angeles, 1830–1850" in Valerie Matsumoto and Blake Allmendinger, eds. *Over the Edge: Remapping the American West* (Berkeley: University of California Press, 1999): 272–290.
- ¹² Angelina Veyna, "'It is My Last Wish That ...' A Look at Colonial Nuevo Mexicanas through their Testaments" in Adela de la Torres and Beatriz Pesquera, eds. *Building with our Hands*: 91–108, esp. 94–98.

- ¹³ Antonia Castañeda, "Sexual Violence in the Politics and Policies of Conquest: Amerindian Women and the Spanish Conquest of Alta California" in Adela de la Torre and Beatriz Pesquera, eds. *Building with Our Hands: New Directions in Chicana Studies*. (Berkeley: University of California Press, 1993): 15–33, p. 26.
- ¹⁴ Ramón Gutiérrez, *When Jesus Came the Corn Mothers Went Away* (Stanford: Stanford University Press, 1991): 190.
- ¹⁵ Deena González, "La Tules of Image and Reality: Euro-American Attitudes and Legend Formation on a Spanish-Mexican Frontier," in Adela de la Torres and Beatriz Pesquera, eds. *Building with Our Hands*: pp. 75–90, esp. 77–88.
- ¹⁶ Deena González, "The Widowed Women of Santa Fe: Assessments on the Lives of an Unmarried Population, 1850–1880," in Ellen DuBois and Vicki Ruiz, eds. *Unequal Sisters* (New York: Routledge, 1990): 34–50.
- ¹⁷ Sarah Deutsch, *No Separate Refuge* (New York: Oxford University Press, 1987): 48.
- ¹⁸ Mendelson and Oyharzabal v. Olivares, et. el. Civil Case #636, Orange County Court, December 9, 1892.
- ¹⁹ Tax Assessment Records, San Juan Capistrano, 1875, 1877, 1886.
- ²⁰ Mendelson versus Rosa Pryor, Civil Case #94, Orange County Court, February, 1890.
- ²¹ Delfina Olivares, Interview with Suzanne Jansen, August 3, 1971, California State College, Fullerton, Oral History Program, Oral History 711, pp. 2–3.
- ²² Delfina Olivares, Interview with Suzanne Jansen, p. 18.
- ²³ American census takers did not record most forms of women's work, and rural subsistence activity, and drastically underrepresented Indian women. Informed sources in 1910 New Mexican villages, for example, counted 79 females workers to every 100 male workers, but the census takers did not count or acknowledge most of the women's work. See Sarah Deutsch, *No Separate Refuge*: 54.
- ²⁴ See Florence Connolly Shipek, *Pushed into the Rocks: Southern California Indian Land Tenure, 1769–1986* (Lincoln: University of Nebraska Press, 1987,) and Florence Shipek, Delfina Cuero: *Her Autobiography* (Menlo Park, Ca.: Ballena Press, 1991).
- ²⁵ Evelyn Villegas, Interview with author, February 16, 1992.
- ²⁶ Don Doram, Interview with author, February 16, 1992.
- ²⁷ Federal Manuscript Census' for 1860–1910. High figures for female heads of household existed elsewhere in the United States for many ethnic groups, though the profile for each group has to be set in relationship to race relations. For comparative studies of females heads of household see Deena González, "The Widowed Women": 38. Elizabeth Blackmar, *Manhattan For Rent, 1785–1850* (Ithaca: Cornell University Press, 1989): 54. Suzanne Lebsock, *The Free Women of Petersburg* (New York: W.W. Norton and Co., 1984): 103–104.
- ²⁸ See Reginald Horsman, *Race and Manifest Destiny* (Cambridge, Mass.: Harvard University Press, 1981) and Peggy Pascoe, "Race, Gender, and Intercultural Relations: The Case of Interracial Marriage," *Frontiers: A Journal of Women Studies* 12 (1, 1991): 5–18.

²⁹ Josefa Serrano de Ríos v. Arcano Domínguez, et. al., January 31, 1891, Case 325, Orange County Municipal Court.

³⁰ Josefa Serrano de Ríos v. James Miller, George Hayford, and the Southern Pacific Railroad Co., November 10, 1891, Orange County Municipal Court. Case 506.

³¹ *Santa Ana Weekly Blade*, February 13, 1890.

³² Antonia Castañeda examines the most significant travel pieces in "The Political Economy of Nineteenth-Century Stereotypes of Californians," in *Between Borders: Essays on Mexicana/Chicana History*, ed. Adelaida R. Del Castillo (Encino: Floricanto Press, 1990): 213–238. Herbert Howe Bancroft, *California Pastoral, 1769–1898* (San Francisco: 1899). Genaro Padilla provides multiple examples of the differences between women's self-representation and their representation by Bancroft and others, see *My History*: 115–116, 129, 137.

³³ Herbert Howe Bancroft, *Personal Observations During A Tour Through the Line of Missions of Upper California* (n.d. C–E 113 manuscript): 32, 84.

³⁴ Rosamaría Tanghetti (complexity of marriage) and Louise Pubols, (reasons why).

³⁵ Herbert Howe Bancroft, *Personal Observations*: 42, 55, 69–71, 85, 87.

³⁶ Joan Jensen, *Promise to the Land: Essays on Rural Women* (Albuquerque: University of New Mexico, 1991): 1 and Lee Virginia Chambers-Schiller, *Liberty a Better Husband, Single Women in American: Generation of 1780–1840* (New Haven: Yale, 1984.)

³⁷ C. Loyal, *The Squatter and the Don: A Novel Descriptive of Contemporary Occurrences in California* (San Francisco: C. Loyal, 1885.) All quotes are taken from the original edition. Also see Rosaura Sánchez and Beatrice Pita, eds. *The Squatter and the Don* (Houston: Arte Público Press, 1993). Also see Amelia Montes, "Es Necesario Mirar Bien": *Letter Making, Fiction Writing, and American Nationhood in the Nineteenth Century*, Ph.D. dissertation, University of Denver, June, 1999.

³⁸ C. Loyal, *The Squatter*, p. 222, and see "Es Necesario Mirar Bien": *Letter Making, Fiction Writing and American Nationhood in the Nineteenth Century*, Ph.D. dissertation, University of Denver, June, 1999.

³⁹ Katherine Crawford, "María Amparo Ruiz Burton, The General's Lady" *Journal of San Diego History*, 197–; 198–211; 198–202.