

# Colonel Thomas Baker and Founding of Bakersfield

(By NAOMI E. BAIN)

For the purpose of reclaiming these lands, the persons mentioned above were granted the right and privilege to construct and operate three canals. The first was to extend from Tulare lake to the waters of the San Joaquin river, the second from Tulare lake to Buena Vista lake, and the third from Buena Vista lake to Kern lake. These canals were to be constructed of sufficient width and depth to enable convenient passage of vessel of 80 ton burden.

The grantees were given a right-of-way 200 feet wide on each side of the proposed canal and were to have the right to operate the waterway and collect the tolls for the first 20 years, after which it would pass to the state's jurisdiction. With this the grantees should also have all the odd sections in the tracts that had been reclaimed; and for every section therein which the state had theretofore disposed of, the grantees might select four even sections. Work must begin within one year and be completed within three years from the passage of the act in order to comply with the provisions of the grant. However, if the grantees failed to comply with the provisions of the act or any part of it, the grant was to be forfeited.

In 1862 the Legislature amended this by a provision inserted to the effect that out of the 200 feet of right-of-way on each side of the canal the public should be allowed the use of a highway and that even when the work was done the governor and the surveyor-general must certify to the reclamation of the land. The new provision provided an extension of one year and three years respectively from the time of the passage of the amended act—April 10, 1862.

But W. F. Montgomery found difficulty in interesting capital in this project, so for the sum of \$10,000 he deeded an undivided half-share each to Colonel Thomas Baker and Harvey S. Brown. With this went all the right, title and interest in the lands in question. They were able to buy for smaller sums the interests of other owners.

Kern river at that time followed a course which flowed very uncertainly over most of that portion of land between the general courses of the two south branches. The intervening land (between the two branches) was "overflow" land

known today as "where the old slough was" by many of Bakersfield's old-timers.

Colonel Baker's first step in reclaiming the swamp land was to set about locating enough capital and wherewithal necessary for the work. Probably due to the national stress caused by the Civil War, the prospects were as black for him as they had been for Montgomery. Baker then looked to the state Legislature of 1863 for another extension of time on his work. An amendment to the original grant was approved on April 25, 1863. By this action Baker was released and exempted from all obligation to construct and put in operation, for the purposes of navigation, the several canals referred to by the provisions of the original act. But no reduction in the reward for completion of the rest of the work was made.

Baker was to be entitled to the same quantity of land and all other rights and privileges as if he had not by the new act been released from all obligation to construct and keep in repair the canals. Another act provided that all interest due or unpaid, or that may come due within one year after the passage of the act, on all swamp and overflow, tide, and marsh lands which had been sold under the provisions of any act providing for the sale of said lands, should be remitted; provided that there should not, in any case, be more than one year's interest remitted by virtue of the act. All subsequent payments should be due on the same day and month of the year in which they should have been due, had not a year's interest been remitted.

The colonel was not to be daunted by what looked impossible, for meanwhile he had moved to Kern county with his family, hired 30 Indians from the Tejon reservation and set to work to reclaim a swamp of over 400,000 acres that spread over 150 square miles of wild and almost uninhabited country and was supplied by the waters of the two large rivers and a number of smaller creeks and streams.

Baker's future was actually not as black as it appeared, for meanwhile a number of things had been taking place which were destined to bring about an unexpected "catastrophe" which would save him from the anticipated ruin.

(Continued Tomorrow)