

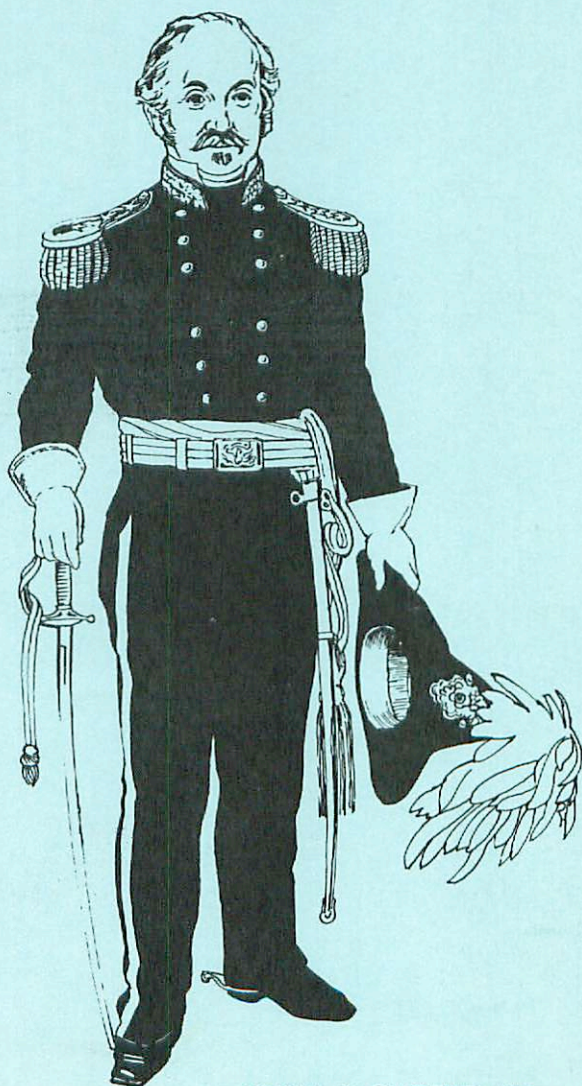
Sacramento County Historical Society

# GOLDEN NOTES

VOL.14

JAN. 1968

NO. 2



JOHN A. SUTTER SR.

Additional Light on Sutter: A Selection of  
Hitherto Unpublished Sutter Items

In this issue of Golden Notes are published for the first time a number of papers relating to the life of John A. Sutter. The manuscript originals of most of these items are to be found in the California State Archives. Notes in brackets are by W.N. Davis, Jr.

\* \* \*

Sutter's Biographical Statement of 1850

[On July 17, 1850, at his dwellinghouse in Sutter County, John A. Sutter made a deposition for "Burnett et. al. vs Mayhall, et. al.," which case was then pending in the District Court in Sacramento County. The deposition, printed below, is the earliest known autobiographical statement in full of Sutter's early life in California. It antedates all other such statements except Sutter's diary entries of 1847-48. (#512, 1st Series, MS, State Archives)]

John A. Sutter of lawful age being produced, sworn and examined on part of the plaintiffs....

He answers that, He arrived at Monterey in the month of July, 1839. He then and there made his declaration of his intention to become a citizen of the Mexican Republic. At the same time he wished to procure a grant of land, and the Governor told him that he could not procure a grant at that time, but must wait one year and then he could become a citizen and receive a grant. At the same time, he (the Governor) gave him a Pass port and permission to select and settle upon any lands in Sacramento Valley; he then proceeded to San Francisco and thence he set out in search of the Sacramento, which search continued eight days before he was able to discover the entrance of the Sacramento River. He had engaged in that expedition one Launch and a Schooner and a boat and fourteen men exclusive of himself and Capt. Davis and his crew, said Davis being the commander of the Schooner, "Isabella," which he, John A. Sutter Senr., had chartered for the trip; the launch and the Boat were his property and the men employed thereon were engaged in the service of

himself, J. A. Sutter Senr.—After discovering the mouth of Sacramento River, he extended his explorations as far as the mouth of Feather River, and then on account of a mutiny he was compelled to abandon his researches and return to the American River and landed at the old Tannery, near the North East corner of Sacramento City, on the 15th day of August 1839. He then made his camp and mounted his cannons, and soon after cut a Road to Sacramento River to a point near the ground now occupied by a Zinc House, standing in Sacramento City, which point he continued afterwards to use as a Landing. In the Fall of the same year he moved to the spot now occupied as the Fort and immediately commenced the building of the same. The following spring he cultivated some fifty or sixty acres upon which Sacramento City now stands. During this time he continued the building of the Fort, his cattle were pastured on all parts [of] the ground occupied by Sacramento City, and also from the American down to a point now called Sutterville and continued so to do up to the time of the laying out and settling of said Sacramento City; he named all the tract of Land that is contained in the Plat of ground accompanying his grant which he afterward obtained from the Government, "Nueva Helvecia."

He further states that on the 18th of June, 1841, he obtained a grant for the above lands from Juan B. Alvarado, Governor of the Department of California, which grant is hereto annexed, Marked (A) [this document is not in file] and that the same was signed by Juan B. Alvarado, Governor as aforesaid, and "Manl Jimeno" Secretary" in his presence, and that the said "Manl Jimeno" was at the time Secretary of State of the said Department.

He settled upon the lands contained in the grant, twelve Families; that he fully complied with the requirements contained in the second condition of the said grant to the great satisfaction of the Government as testified to him in his correspondence with said Government.

From the time of his first landing at the above

mentioned Point, he has been in possession by himself and those who held under him, of the above mentioned lands.

In the Fall of 1848 he sold out conveyed to his son, John A. Sutter Jun, all the lands granted as above described, and in the winter following, his said Son holding under him, caused to be surveyed and laid out, Sacramento City, into Blocks, lots, streets and alleys and caused to be made a Plat of the same, and previous to the 1st [of] November 1849 his said Son sold and conveyed lots, in every part of said City; afterwards his said Son reconveyed to him the unsold property of said grant.

He further states that the Mexican Government sent to him an express through Senator D<sup>n</sup> Andres Castellero, Genl. D<sup>n</sup> José Castro & Lieut Col Prudon for the purpose of purchasing the Fort and all the lands South of the American River included in his grant, and offered him in the name of the Mexican Government, one hundred Thousand Dollars for the same, which he for several good reasons declined to accept.

That a duplicate plat of the lands cont[aine]d in said grant was made out, one was deposited in the archives of the Mexican Government and the other was delivered to himself, and that the one delivered to him as aforesaid, he is not able to find, although he has made diligent search and inquiry for the same, where he thought it most likely to find the same.

The land upon which Sacramento City stands, is included in the lands petitioned for by him and also in the Plat accompanying said grant.

That from [the] time of his becoming a citizen of the Mexican Government, he held office under said government, and has been at great expense and trouble in the performance of the duties attached to said office, and has never as yet received any compensation or reward for the same.

He further states that between the years of 1841 & 1846, there were revolutions in the government of California as frequent as the change of the Seasons,

and that he was the only officer, civil or military in North California, up to the time of the hoisting of the United States Flag. (Signed) J. A. Sutter

\* \* \*

Sutter Puts Leidesdorff Into Possession of  
Rancho Rio de los Americanos

[In a deposition made in 1858 for "Natoma Water and Mining Co. v. John Clarkin, et. al.," Sutter describes how he gave juridical possession of Rancho Rio de los Americanos to William A. Leidesdorff in 1844. The grant lay south of the American River immediately east of Sutter's New Helvetia grant and extended beyond the site of present Folsom. Leidesdorff came to California in 1841, engaged in trade at San Francisco, and in 1845-46 served as U. S. vice-consul. Under Mexican law, the local alcalde put a grantee into juridical possession of granted land by escorting him on a symbolic survey and fixing of bounds. (#3844, 2d Series, District Court, Sacramento County, MS, State Archives)]

Statement of Genl. John A. Sutter

Question by Deft. counsel: Were you acquainted with Wm. A. Leidesdorff in his life time and with the land described in the Expediente hereto annexed and marked "A.P.C. & J.H.M.K." No. 1?

Answer: I was acquainted with him and with the land therein described. I was authorized by the Mexican Government to give juridical possession of lands in the Northern Part of California during the years 1844, 1845 & 1846.

Question by deft. counsel: Did you give juridical possession of the land mentioned to Leidesdorff and if so when was it, and who was present?

Answer: I did to Capt. Leidesdorff himself in presence of Capt Wm. Hinkley sometime in the year 1844 I think after the issuance of the grant.

Question by deft. counsel: According to the grant what is the Eastern boundary of the said Rancho?

Answer: The "Lomerias" or Low Hills.

Question: Did you give juridical possession to Leidesdorff on the East according to that description?

Answer: Yes Sir.

Question: Did Leidesdorff accept of possession according to that description on the East?

Answer: Yes Sir.

Question by deft. counsel: Look at the map presented to you and marked A.P.C. & J.H.M.K. No. 2 and state whereon upon it the "Lomerias" or Low Hills are located.

Answer: I can not be certain. We were not very particular but we gave possession on the East to the "Lomerias or Low Hills." They appear to be as near as I can judge the first Hills marked on the Map towards the East.

Question by the deft. counsel: What use did Mr. Leidesdorff intend his Ranch for when he petitioned for it?

Answer: He wanted it for a cattle Ranch. He was not very particular for agriculture. This was a long time before the gold was discovered and he particularly wanted to join me.

Question by Plaintiffs counsel: How far did you ride with Leidesdorff and Capt. Hinkley above the place now called Alder Creek?

Answer: A good distance above. It may have been five miles or not more than two or three.

Question: How far did you ride to the South?

Answer: Five or six miles.

Question: Did you ride into the foot Hills?

Answer: Yes Sir. We were riding from morning until night and arrived late in Fremont's Camp which was near where Brighton now is. When we gave juridical possession we gave it by "vista de ojo" (view of the eye) and not by measurement of instruments. I designed to give him possession of a piece of land lying on the American River to the Eastward of my land four leagues long and two leagues wide according to grant.

Question by Pltff. counsel: What do you understand by "Lomerias"?

Answer: It means a great many hills, a hilly country, a chain of Hills. Where the hills first commence to rise to the mountains.

Question by Pltff. counsel: Did you give Leidesdorff juridical possession of the land on that occasion, which you rode over lying Eastward to your Ranch, and described in the "Expediente"?

Answer: I did.

\* \* \*

Sutter as Trader, Labor Recruiter, and  
Disseminator of Intelligence

[The following two letters touch upon commercial relations between the Sacramento interior and the coast in 1845, and show the established entrepreneurs' reliance on the overland immigration as a source for skilled help. Alpheus B. Thompson had come to California in 1825; his trading operations were based at Santa Barbara. Jacob R. Snyder arrived in California with the Swasey-Todd party in 1845. He was a member of the Constitutional Convention of 1849 and a state senator in 1852-53.]

New Helvetia 16th October 1845

A. B. Thompson Esqre

Dear Sir!

You requested me a few Months ago to procure you a proper Person to take charge and Direction of your Machinerie, I can recommend you the bearer of this Mr. J. R. Snyder which is a very able and gentlemanly Man, and no doubt of great experience in his business; he could you the same time procure the other necessary mechanicks out of the Emigrants, I hope you can make an arrangement with him.

Mr. Snyder had three letters of introduction & recommendation from some of my friends in different places in the U. States, and speak very highly of him. Nearly all of these Emigrants are very respectable people, and the larger part have some Money and other things to begin with, even plenty of tame Oxen and fine Cows and Bulls of the Durham breed. A good many of Mechanicks of all Kinds and good farmers. My Establishment made a good Acquisition of a good Doctor who is well provided with Medicines and Instruments, and a good young Clerk from Boston, and some good and necessary Mechanicks.

I am very sorry that I have to suffer so much about the Launch, and particular of the injustice of Celis, against which I have a Damage Account which amounts to more as what I am owing him, and until the affaire of Yates is settled I feel myself not inclined to pay him anything. I hope that Mr. Forbes and the Russians will deliberate her very soon, and

when she comes I shall send you a good supplie of Shipbread or Biscuit, if possible I will send a Cask in the Boat of Capt. Leidesdorff; but I think it will be hardly Room enough, on account a number of Passengers wanted very bad to go below, what a great Derangement is this not to my business, that I cannot have the use of the Launche at present, and so much to do for her.

In a few days the whole 5000 lb of Biscuit are ready to send to you.

I remain very respectfully

Your

Most Obedient Servant

J A Sutter

P. S.

As I have only a few Sheets of paper, for a few letters, and have a great deal of writings to do, you would do me a great favour to send me a small supplie of two Qualitys some fine and some ordinary, I would send you the amount for by return of the Launch.

\* \* \*

New Helvetia 22d Nov. 1845

A. B. Thompson Esqre

Dear Sir!

By this present I give you notice that the next Monday I dispatch Mr. Forbes' Launche and send you so much Shipbread or Biscuit as she can take.

So soon as the Whale boat arrives I shall go down in her, and I shall have the honour of seeing you.

I remain respectfully

Your

Most Obedt Servt.

J A Sutter

\* \* \*

## Wittman's Overland Journey to Meet Sutter's Family

[In April 1848 Sutter was under the impression that his family was on its way overland from the States. The items below tell of Sutter's plan to have Jacob Wittman (Wittmer), a Swiss teamster employed at the fort, escort the party to California. Actually Sutter's family did not leave Europe until late 1849, arriving in San Francisco by sea on January 21, 1850. Wittman's suit against Sutter in Yuba County in 1850 provides an insight into the conduct of affairs at Sutter's Fort in the spring of 1848. Instead of the \$40,000 Wittman sought, the court awarded \$1500 and \$81.50 costs. (#3353, Supreme Court RG, MS, State Archives)]

Jacob Wittman of the County of Yuba complains of John A. Sutter of the County of Sutter for that whereas on or about the first day of May A. D. 1848, the plaintiff entered into employ of the defendant at his request and under the circumstances following that is to say, the said defendant having a (wife) or Friend & family whom he the defendant expected were about to start if not then on their way from the states over the mountains by the South pass (so called) to California. That the defendant was very anxious to employ some one who would undertake the journey of going to meet his the defendants Friends & Family, and be their guard to California when the defendant was ready and anxious to meet them. That the plaintiff at the request of the defendant & with the direct promise of said defendant that for all his labour he should be paid well the plaintiff undertook the journey. That to prepare for the trip the plaintiff purchased two horses, two mules, Riding & Pack saddles, provisions etc. etc. necessary for the journey aforesaid at his own cost and expense and at the request of the defendant. That in going to & returning from the states he the plaintiff was one year & two months or thereabouts. That he started from the defendants on or about the first of May A D 1848; arrived in the states on or about the first of September 1848, and arrived in California on his return on or about the first of July A. D. 1849. That he the plaintiff was on the trip finding himself providing the two horses & two mules at his own expense four hundred & twenty five

days or thereabouts, and that for such service the defendant though often requested hath neglected & still does neglect & refuse to pay, to the damage of the plaintiff forty thousand dollars & for which sum the plaintiff demands judgement.

\* \* \*

The Plaintiff called on John Parker as a witness who swore, that he knew the parties, he was at the Fort of the deft when Pltff was about to start for the states in the Spring of 1848 to wit the sixteenth day of April. Pltff was about to leave when deft came out of his room and came to the Fort gate and handed Pltff some letters to carry to the states. Deft then said if the plaintiff met his defendants family on the way from the states to California come back with them. Sutter said hurry all he could and let him know. I heard Sutter say he would pay him plaintiff well for going. I went with Plaintiff all the way to the States and got there the 28th day of June A. D. 1848; Plaintiff found his two mules & provisions on the way. He left the states for California the next season. I would not have gone myself & found my mules & provisions for less than forty dollars a day. The gold discovery was but little known then. Wages was tending upwards. I never heard Sutter converse before about the matter of plaintiff going to the states, nor since. What I state was all that was then done or said. The letter presented is one of the letters Sutter handed to the plaintiff.

\* \* \*

Substance of letter

New Helvetia Ap. 1848

To.

The bearer of this Mr. Whitman [sic] has been in my employ and worked for me for one year. He is one his way to the States. Should he meet you on this side of the mountain he shall come back a courier to me to bring the glad news, for which I promise to pay him well. You have my blessing, etc.

\* \* \*

Steinhart, John Rose, M C Nye & A Parks swore

they were in California in the Spring of 1848. Wages that season was high. It had not begun to raise much by the middle of April. About two months after everything went up. The gold discovery was not generally known then. For a man to find two mules & find himself it would be worth about twelve dollars a day to go on such a journey.

\* \* \*

S. Keybertz [Kyburz], sworn for defendant, said he lived with defendant more than a year before Pltf left for the states in 1848. I was residing with deft at the time he left and in his employ as principal overseer and Superintendent. About a week or two before Pltf left, one evening in defts room, pltf said to deft, I have a good chance to go with Mr. Gray to the states and am going to leave you. Deft said he was sorry to lose him, but he supposed he would have to part with him. Plaintiff said that there was a good opportunity to go with Capt Gray. He said Gray was to pay him \$25 per month and he find his own animals. Sutter said he was expecting his family and requested Plaintiff if he should meet them and return to tell him he would give him some land on Bear River & pay him well besides. Can't say whether it was a mile or a quarter section deft would give Pltf. I heard the Plaintiff speak about going to the states before this conversation. Wages was then from \$25 to \$50 per month.

\* \* \*

E. Bray called for the defendant, said he was in the employ of Capt. Sutter in 1847 & 1848, was at his House when the plaintiff left for the states. I heard the plaintiff tell the other hands he was desirous to go to the states and that he was going on his own business. He said if he met Capt. Sutter's family he was to hurry back. I heard the Captain tell plaintiff when he handed him the letters as he was about to start, that if he should meet his family on the way to hurry back & let him know & he would pay him well. He did not come back with Sutter's family.

\* \* \*

## Sutter's Sale of the Fort

[The November 1967 issue of Golden Notes told of A. S. Bayley's purchase of the main building at Sutter's Fort from Captain Sutter in the fall of 1848. The judgment roll of "Sutter vs. Bayley and McClellan" in the State Archives contains one of the original notes Sutter received in the transaction. The document is printed below. (#124, 1st Series, District Court, Sacramento County, MS)]

\$2000

On or before the first day of May A. D. 1850 We or either of us promise to pay John A. Sutter or order Two Thousand Dollars in coin or gold dust at Sixteen Dollars per ounce Troy weight for value received this 15th day of December 1848, to say in part payment for the Hotel property in Suter's [sic] Fort as per contract of this date

A. S. Bayley

M. T. McClellan

\* \* \*

## Sutter's Fort Offered to the State in 1852

[In April 1852 A. S. Bayley offered to sell Sutter's Fort to the State of California. Bayley's offer, printed below, gives us a picture of the premises as they existed at the time. James H. Ralston was senator from Sacramento County. The Legislature took no action in the matter. (Legislative Papers, MS, State Archives)]

Mr. Ralston, Sir: You are hereby authorized to offer to the State of California, for a Lunatic Hospital, the larger portion of the property in this vicinity known as Sutter's Fort, for the sum of \$5000 cash or its equivalent in State Scrip.

The property included in the above proposition embraces  
1st A tract of land within the walls of the Fort 160 ft square, on which is situated the Main Central Building of the Fort about 70 ft long by 35 ft wide, containing Basement, Middle and Attic Stories—the middle Story contains nine furnished rooms fit for immediate use, and a very small outlay will adapt the whole to the purpose proposed.

- 2d A large Bake House and three Store rooms in the rear of the Main Building.
- 3d A Coral, say about 80 ft square, also two good wells of water.
4. Three Lots lying out side of and adjoining the walls--each 80 by 160 ft lying side by side,- possession given as soon as desired.  
Title perfect.

A. S. Bayley

\* \* \*

Land Description in the Sacramento Area in 1850

[In July 1850 John A. Sutter was a party plaintiff in an action of trespass and ejectment against James S. Allen. In the day before the precise lines of the township and section surveys had come into use, a tract of land was described by metes and bounds. Note the detail of historical interest in the description of the land involved. (#128, District Court, Sacramento County, MS, State Archives)]

That certain tract or parcel of land situate lying and being in Sacramento County and State aforesaid, and known and described as follows: to wit; Commencing at a tree about fifty yards above the Mill-dam on the American Fork River in said County and State, and some seven miles above Sacramento City, which tree forms the boundary line on said American Fork between said Sutter's original purchase and land formerly owned by William A. Leidesdorff, running thence down said American Fork to and including the old grist mill site and houses at the outlet of said Mill-dam race, some three and one half miles below on said American Fork, thence in a direct line to the lower boundary of the town of Sutter (late Sutterville) on the Sacramento River, thence down said Sacramento River to the lower or eastern boundary line of said Sutter's land on said Sacramento river, just above the town of Webster, at or near a slough; thence in a direct line along said eastern boundary line to the American Fork at the place of beginning, excepting such lands in the above tract as were conveyed and granted previous to the date aforesaid.

Printed By  
Brownies Blueprint Co. Inc.  
1119 G St.  
Sacramento, Calif.