Stolen?

Introducing the Sutter land claim, and perhaps the largest theft of public property in our history.

A GIS presentation by Andrew McLeod
A Little History

- During the 1830s and 40s interior California was home to a large population of Native Americans, very few Europeans.
- Johann Augustus Sutter arrived here in 1839, applied for Mexican citizenship in 1840 and received a grant in 1841.
- “Nueva Helvetia” was an extensive operation, both inside & outside of grant boundaries, including Sacramento area.
- US conquered Alta California from Mexico in spring of 1848.
- Sutter fell into debt, as he often did over his career. Late in 1848 he left his son in charge of his affairs while away.
- Large debt + large holdings = obvious solution!
Brannan’s Big Move

- Unfortunately, the most valuable land wasn’t really Sutter’s!
- Sam Brannan manipulated Sutter Jr. to platt out “the grid” – parcels stretched from both rivers to Broadway and Alhambra.
A Little More History

- Sacramento lots originally sold for $250, but spiked 1000% or more under speculative pressure from the Gold Rush.

- Inflated property was used as collateral by merchants.

- Sacramento Settlers’ Assoc. applied homesteading law under leadership of Dr. Charles Robinson, originally of Boston.

- Conflict led to 1850 bloodshed and years of legal struggle from Chapman case (1849) to U.S. Supreme Court (1864).

- “(H)e made very numerous grants to great numbers of persons; grants of vastly more land, as it turned out, than he owned.” (from federal report 69 U.S. 562)
What did Mexico grant to Johann Augustus Sutter?

- Sutter’s land claim is based on a purported 1841 grant from Mexican governor Juan Alvarado. This grant would have been honored by the treaty that ended the U.S. war with Mexico.

- “It is bounded on the north by [the Sutter Buttes] and 39°41'45" north latitude; on the east, by the borders of the Feather River; on the south, by the parallel of 38°49'32" of north latitude; and on the west, by the river Sacramento.” (Alvarado grant)
In 1841 Gov. Alvarado granted Sutter ~76 square miles within this perimeter encompassing 500+ square miles – approx 15% of this area.
How much land was Sutter actually granted?

- Alvarado grant eventually upheld at “11 leagues.”
- League = 4,428.4 acres; measurement apparently used in 19th Century Mexico, including California.
- 11 Leagues = 48,712 acres = 76.11 sq. mi.
- Looking at a map from 1843, we can identify Sutter’s area of operations, which implies a claim.
Sutter’s Land Use in 1840s

Vioget, Jean Jacques (1843)
Source: www.raremaps.com
NEW HELVETIA RANCHO
finally confirmed to
JOHN A. SUTTER

1/3 sold by Brannan

Von Schmidt, A.W. (1859)
Source: www.raremaps.com
Sutter's Evolving Land Claims: 1841-1859

Legend
- American River
- Feather River
- Sacramento River
- 1841 Alvarado Grant latitudes
- Sutter's original northern claims (approximate)
- 1859 Von Schmidt survey
- overlap 1841 to 1859

Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
What overlaps?

- Lot 4 (in orange, E of Feather R.) is only 28% of the total land confirmed in final settlement. Most of Sutter’s original grant is literally off the map.

- Sutter declared to have owned approximately as much land as when he started, but this new land was much better than his original holdings.

- The Supreme Court threw in an extra 116 acres over the original Mexican grant of 48,712.
But one minor detail...  
(suggesting further research!)

Note
Lot No. 5 connecting Lots No. 142 returned from the preliminary survey made in 1855 contains 6.733 ½ Acres which area is not included in the final survey.

- Sutter was retroactively granted the whole eastern riverbank, stretching all the way from Sacramento to the northern lands.
- What was the legal status of this “Lot 5” area?
- What was the real impact to owners?
What did this settle?

Official Map of Sacramento County (1885)
By Fred Shepherd. Source: www.loc.gov
What did this settle?

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What did this settle?

• Why was this boundary chosen?
• Who pushed in which direction? Why?
• What impact was felt by landowners on either side of the settlement line?
• How could a single parcel lie both inside and outside of the boundary?

Official Map of Sacramento County (1885)
By Fred Shepherd. Source: www.loc.gov
An unsettled matter:

- 1851 District Court: “The case is one rather for the 'arbitrium boni viri' than the subject of a judicial determination proceeding upon fixed and absolute rules.”

- Sutter’s actual claim was well north of Sacramento, so therefore it is illegitimate (albeit legal) title for land in Sacramento.

- At least in some cases (esp. in Sacramento), it seems the Supreme Court settlement had no practical effect on land ownership.
Further research ideas?

- Preliminary findings supported by GIS work:
  - Sutter grant bore little resemblance to settlement.
  - Brannan’s ploy seems to have succeeded.
  - Legal system did little more than provide cover.

- Confluence projects will include GIS mapping as tool to help unearth Sacramento’s hidden history.
  - Southern Sacramento settlement boundary.
  - Downtown redevelopment history.
  - Georeferencing to identify geographic anomalies.

- More at www.sactoconfluence.wordpress.com