

PETITION
OF
JOHN A. SUTTER,

PRAYING

Compensation for land owned by him in California, and held under Mexican grants, which was settled upon and occupied by settlers from the United States, under the plea that it was public land, after the conquest of California, and indemnity for the seizure and destruction of large quantities of his live stock by parties of emigrants from the United States.

JANUARY 15, 1866. — Referred to the Committee on Claims and ordered to be printed.

To the honorable the Senate and House of Representatives of the Congress of the United States:

Your petitioner respectfully shows that he is a native of Switzerland, born of respectable family, enjoying independent circumstances; he received a good education, literary and military. In 1834 he left Switzerland and arrived in New York; from which latter place he immediately made his way westward through the State of Missouri; and whilst he sojourned at St. Charles, in that State, he made before the proper tribunals his declaration of intention to become a citizen of the United States of America. He then went to New Mexico, and returned to Missouri. When in New Mexico he met with different persons who had, as hunters or trappers, traversed "Upper California," and who described to him the beautiful valleys therein, which confirmed his previous impressions conceived of that land, and he resolved to make that Upper California the theatre of his future actions. The difficulties of crossing the mountains from New Mexico were represented as impracticable by any available means of the petitioner, and he determined, on his second return to Missouri, to reach the Pacific through some of the trapping expeditions of the American or English fur companies. Not being enabled to connect himself with such an expedition until April, 1838, when he, on the first day of that month, left Missouri with Captain Tripp, of the American Fur Company, and travelled with his party to their rendezvous in the Rocky mountains, from which point he, with six horsemen, crossed the mountains, and, after encountering the usual lot of dangers and hardships, arrived at Fort Vancouver. Having before learned that there was no known land communication with California from the valleys of the Columbia or Willamette that could be travelled in winter, and there being then a vessel of the Hudson Bay Company ready to sail for the Sandwich Islands, petitioner concluded to take passage in her, hoping to find a conveyance to California from those isles. But one of his men consented to accompany him. On reaching the islands he found no prospect of a convey-

ance ; and after having remained five months, as the only means of accomplishing his purpose, he shipped as supercargo, without pay, on an English vessel, chartered by some American citizens of those isles, bound for Sitka.

From this place, under the authority of the charterers of said vessel, the cargo having been disposed of to their full satisfaction, petitioner sailed down the Pacific coast, encountering heavy gales. He was driven into the bay of San Francisco in distress, and, on the second day of July, 1839, anchored opposite Yerba Buena, now San Francisco.

He was soon waited upon by an officer with an armed force, who ordered him to leave, informing him that Monterey was the "port of entry." Petitioner succeeded in obtaining permission to remain forty-eight hours to get supplies.

He arrived at Monterey, waited upon Governor Alvarado, and communicated to him his desire to settle in Upper California, on the Sacramento river. The governor expressed himself much gratified at petitioner's desire, particularly when he understood his wish to settle on the Sacramento, saying the Indians in that quarter were very hostile, and would not permit any whites to settle on it ; that they robbed the inhabitants of San José and the lower settlements of their horses, cattle, &c. He readily gave petitioner a passport, with power to settle any territory he should think suitable for his colony, and requested him to return in one year, when he should have his citizenship acknowledged, and receive a grant for the land he might solicit.

Petitioner returned to Yerba Buena and chartered a schooner, with some small boats, and started on an exploring expedition on the Sacramento river. Upon diligent inquiry, he could not find any one at that place who had ever seen that river, or who could describe to him where he could find its mouth ; they only professed to know that some large river emptied in one of the connected bays lying northerly from that place. Petitioner was eight days engaged before he found the mouth of said river. After ascending it to a point about ten miles below the site of present Sacramento city, he encountered the first large party of Indians ; there were about two hundred of them, all armed and painted for war ; they exhibited every mark of hostility, save an actual outbreak. Fortunately there were two among them who understood Spanish, and petitioner soon soothed them by assurances that there were no Spaniards (against whom they were particularly exasperated and hostile) among his party ; that he wished to settle in their country, and trade with them. He showed them his agricultural implements and commodities of trade which he had provided for the purpose, and proposed to make a sort of treaty with them, explaining the advantages they could mutually derive from each other. Pleased with this, they became contented, the crowd dispersed, and the two who spoke the Spanish language consented to, and did, accompany him up as far as the mouth of Feather river to show him the country. All other parties of Indians we saw fled so soon as they discovered our boats. After having ascended some distance up Feather river, a portion of petitioner's white men became alarmed at the surrounding dangers, and insisted upon returning, which petitioner was constrained to do.

On his descent he entered the mouth of the American river, and on the 15th day of August, 1839, landed at the point of the south bank thereof, where he afterwards established his tannery, in the present bounds of Sacramento city, and on the following morning, after landing all his effects, informed the disaffected whites that any or all who wished could leave him ; that the Kanakas were willing to remain, and that he had resolved to so, if alone. Three of the whites determined to leave, and he put them in possession of the schooner, to be returned to the party of whom he chartered her, and they left on that day ; and after three weeks petitioner removed to the spot upon which he afterwards erected Fort Sutter. In the early days of the settlement he encountered many troubles with the Indians ; they organized many secret expeditions, as he after-

wards learned, to destroy him and his party. Some of them were repelled by force; and by strict vigilance, with the instinct of some valuable dogs, directed by an overruling providence, and three pieces of cannon, we defeated or frustrated all their machinations, and those who at the beginning were his greatest enemies afterwards became his best and most steadfast friends.

In the fall of the year 1839 petitioner purchased of Señor Martinez, who resided below, three hundred head of cattle, thirty horses, and thirty mares. During that fall eight more white men joined his colony. When he commenced those improvements that resulted in the erection of that fort and his establishment there, he had much trouble in procuring suitable lumber and timber for the same. He sent to the mountains for some, which he floated down the American fork, and was compelled to send to Bodega, on the sea-coast, for others.

In August, 1840, he was joined by the five men who crossed the Rocky mountains with him, and whom he had left in Oregon. During the fall of this year the Mokelumne Indians, with other tribes, became troublesome by stealing petitioner's horses, cattle and stock, and by threatening an attack upon and destruction of his settlement, insomuch he was compelled to make open war against them; after which, he, with his forces, marched thirty miles in the night time to their camp, where they were concentrating large forces for a movement against him, and attacked them—some two hundred warriors—with such effect that they retreated, and, being so hotly pursued, they sued for peace, which was readily granted, and ever afterwards mutually maintained.

Shortly after petitioner purchased 1,000 more head of cattle and 75 horses and mares. His colony continued to increase by the addition of every American citizen or foreigner who came to the country—they sought his place as one of security. The trappers he furnished with supplies and received in exchange, or purchased, their furs; the mechanics and laborers he employed or procured them work. In June, 1841, he revisited Monterey, the capital, where he was declared a Mexican citizen, and then received from Governor Alvarado a grant for his land by the name of "New Helvetia," a survey of which he had caused to be made before that time, and which was annexed to and accompanied said grant, a translated copy of which is herewith filed, marked A, and made part of this petition. Thereupon he was honored with a commission from said Alvarado of "representante del gobierno en las fronteras del norte y encargado de la justicia."

Shortly after his return to his settlement he was visited by Captain Ringgold, of the United States exploring expedition, under Commodore Wilkes, with officers and men, and about the same time by Mr. Alexander Rotcheff, governor of the Russian possessions, "Ross and Bodega," who, during his stay, offered to sell petitioner the possessions of the Russian government, settlements and ranchos of Ross and Bodega. The terms were such as induced petitioner to start with Rotcheff for those possessions and examine the same; after which he made the purchase of the land and possessions at the sum of \$30,000—the personal property at a few thousand dollars more. The live stock there consisted of over 2,000 head of cattle, over 1,000 head of horses, 50 or more mules and over 2,000 head of sheep, the greater part of which were driven to New Helvetia, the residue left on the premises in the charge of an agent whom he kept on said property to maintain and hold possession of the same.

This increase of petitioner's resources, together with the natural increase of his stock, besides several smaller lots purchased from other parties, enabled him the more rapidly to advance with his settlement and improvements.

In the year 1844 he petitioned Governor Manuel Micheltorena for the grant or purchase of the "sobrante," or surplus, over the first eleven leagues of the land within the bounds of the survey accompanying the Alvarado grant, which the governor agreed to let petitioner have, but for causes growing out of political

troubles then disturbing the public repose, was not finally executed until the 5th day of February, A. D. 1845, during which time petitioner had rendered valuable military services, and advanced to the government large amounts of property and outlays exceeding in value the sum of \$8,000, to enable it to suppress the Castro rebellion; in consideration of all which he acquired, by purchase and personal services, the said lands called the *sobranste*, or surplus, a certified copy of which is herewith filed, marked B, and made part of this petition.

At that time your petitioner also received from the last named governor the commission of "Comandante militar de las fronteras del norte y encargado de la justicia." After this time the war between the United States and Mexico came on, and although your petitioner was an officer under the Mexican government, and bound to it by his allegiance, yet, upon all occasions, such was his respect towards the citizens and institutions of the United States, that whenever any party of American citizens, civil or in military service, visited him, his unbounded hospitalities were uniformly and cordially extended to them; and when the country surrendered to American forces, your petitioner, who had for some time been convinced of the instability of the Mexican government, upon request, did, on the 11th of July, 1846, hoist the American flag with good heart, accompanied by a salute of artillery from the guns of his fort.

Soon after, Lieutenant Missroon, of the United States navy, came up and organized a garrison for Sutter's fort, mostly of his former forces, of whites and Indians, and gave to your petitioner the command, which he maintained until peace. He then was also appointed by Commodore Stockton alcalde of the district, and by General Kearny Indian agent, with a salary of \$750 per annum, but a single trip in the discharge of his duty as Indian agent cost him \$1,600, which induced him to resign that office.

Those matters are merely referred to for the purpose of showing the position he occupied by those having at the time charge of the American interest.

Petitioner shows that his settlement continued to grow and he to prosper in the accumulation of property until the latter part of January, A. D. 1848, at which time he had completed his establishment at the fort; had performed all the conditions of his grants of land; had at an expense of at least \$25,000 cut a race of three miles in length, and nearly completed a flouring mill for the benefit of himself and the country near the now town of Brighton, and had expended towards the erection of a saw-mill near the now town of Coloma about \$10,000 more; had sown over a thousand acres of land in wheat, which promised a yield of over 40,000 bushels, and had made preparations for other crops; was then the owner of about 8,000 head of cattle, over 2,000 head of horses and mules, over 2,000 head of sheep, and over 1,000 head of hogs; was in the undisturbed, undisputed, and quiet possession of the lands so granted by the Mexican government, the right to which was respected by all, when, on the night of the 28th day of January, A. D. 1848, a Mr. Marshall, the millwright, at work for him on the said saw-mill, arrived from the mountains at the fort and informed petitioner that he had found in the mill-race dug for said mill some pieces of metal having the appearance of gold, which he exhibited, and petitioner applying the proper test to it, found it to be gold. As soon as petitioner could prepare himself he returned with said Marshall to the mill, where he remained until the 5th day of February, during which time he became satisfied of the existence of abundance of gold at that place. All the hands there at work were in petitioner's employ; he urged them not to speak of the discovery until he could return to his fort and have his grist-mill finished, which would require six weeks longer, and secure hands to finish planting his crops, for if the discovery should be known all his hands would desert him.

Petitioner returned to his fort, but at the end of a week or ten days a rumor had existed that a gold mine had been discovered at Sutter's mill; it rapidly spread, and soon the reality was known to all. Its subsequent history is largely

intermingled with the history of the times. The immediate effect was, that petitioner was deserted by all his mechanics and laborers—white, Kanaka, and Indian. The mills became deserted and a dead loss; he could not hire labor to further plant or mature his crops or reap but a small part after the grain had ripened. Few hands were willing to work for even an ounce of gold a day; the industrious could make more than that in the mines. Consequent to this discovery there was an immense immigration, composed of all classes of men, many of whom seemed to have no idea of the rights of property.

The treaty between the United States and Mexico guaranteed to the Mexican who should remain in the country a protection of his property. Petitioner regarded himself doubly entitled to that protection, either as a Mexican or as a citizen of the United States, which latter he became by virtue of that conquest and his original declaration, and that he held a strong claim upon his country's justice.

His property was respected for a season, but when the great flood of immigration which poured into California in the years 1849 and 1850 found that money could be made by other means than mining, many of the new-comers forcibly entered upon his land and commenced cutting and selling his wood and using his grass under the plea that his land was vacant and unappropriated land of the United States. Lawyers were found who sustained them in their trespass and advocated their rights, although there were none who came from any part of christendom but who had heard of petitioner's claims and large landed estate, the full justice given to and recognition of which by the Mexican government is shown by the following fact: When Don Andres Castillero, a senator from Mexico, visited petitioner, in company with the Californian authorities, they offered him, by authority and in the name of the Mexican government, either the sum of \$100,000 or the property of the mission of San José, with the live stock thereon, and orders for cash on the custom-house, in exchange for New Helvetia. Both of these, then very handsome offers, were declined by petitioner for the reason that, by giving up that point, New Helvetia, considered to be, and called by the Mexicans, "la llave de la California"—key to California—the American citizens and other immigrants would have lost all protection which petitioner's then considerable power and position vouchsafed to them.

Another class of men, without any pretext but that of power and address, commenced stealing his horses and butchering his cattle, hogs, and sheep; the first were taken off some distance and exchanged or sold; the meat was sold to the immigrants. Up to the first day of January, A. D. 1852, the so-called settlers, under the pretence of pre-emption claims, had occupied all his lands capable of settlement or appropriation; and the other class had stolen all his horses, mules, cattle, sheep, and hogs, save a small portion thereof used and sold by petitioner himself. One party of five men of this second class, as petitioner has been credibly informed and believes, during the high waters of 1849-'50, when his cattle were partly surrounded by water near the Sacramento river, killed and sold the beef of enough of them to derive \$60,000; after which they left for the States.

Petitioner further shows that, although the government of the United States promptly, by law, created a board of commissioners to determine and adjust the land claims of grantees under the Mexican government, yet a certain class of men have, until recently, interposed every possible obstacle to a final adjustment of the claims of petitioner in particular; but the State authorities in former years had imposed heavy taxes upon him, and he had then to pay on said land over \$32,000 in taxes, whilst the settler, who has been receiving the rents and issues of the same, was allowed to enjoy it free and without any taxes whatever thereon, under the plea of its being public unappropriated land. These, with other heavy burdens, together with the former support of his family, have involved petitioner in a large and oppressive debt; besides, he further shows that, in the year 1849, before the commission of the above-named depredations

relying upon the justice of his country and the security of his property by the laws of the land, and believing that, by his adventure, risk of life, his indefatigable energy, toil, and enterprise, he had acquired an estate ample for the support of himself and family, which estate was chronicled by the press of the country as the largest of any private citizen, he sent for his wife and children to Switzerland, and, at a heavy expense, succeeded in getting them to California in the year 1850.

Since that time all his resources have been cut off save a small and mortgaged remnant of the Hock farm. Many years since petitioner had been compelled to borrow money at an interest of 5 per cent. per month to pay interest on older debts and taxes on his property, to do which petitioner was compelled to mortgage Hock farm, a tract of land within said grants, which he had strove to secure to his wife and children for their separate support at a time he regarded his estate as very great. But his family necessities have been so imperious that his wife has been forced to unite with him in divers mortgages upon it to raise the supplies for absolute necessities, and every foot of which, save a very small piece, has long been sold by the sheriff, and the said small piece left is now at the mercy of the last mortgagee. By reason of the leagues of the settlers, great embarrassment ensued—the result of conditional contracts with faithless agents, never performed on their part—as, also, illegal sales under color of process and otherwise, and for taxes, having remained so long suspended from the final action of the courts until too late to be of any benefit to petitioner, and his title having become greatly discredited, and was thereby unable to get timely possession of some interests that were left, or to make sales or effect compromises so as to raise means to pay his debts or relieve himself from embarrassments which have become so great that he is no longer able to hire labor to work his farm; and his vast herds of horses and cattle are now reduced to but a few head.

Petitioner respectfully shows that he considers, without any vain boast, that he has been the agent in developing to his country the mineral and agricultural wealth of California; that his grants from Mexico establish an equity against the United States; that his second grant has been unjustly rejected, and that thereby certain early sales of some portions of land within the rejected grant had to be made good through some interests that were left in the first grant, and everything passed out of his hands; that he has been, and is, thus deprived of and kept out of his property by American citizens, the landed portion under color of laws designed to promote the settlement of the public domain; that whilst these things have led to his great embarrassment and complete ruin, they have greatly increased the national wealth and that of many thousands of individuals to whom his door was ever open in their hour of need, as well for repose as nourishment and refreshments; that upon all occasions when he heard of the distress or wants of the emigrants, whether surrounded by the snow-drift or flood, he was ever prompt with men, horses, and provisions, and hastened to their relief, without fee or award, save in the action.

From all which, petitioner respectfully contends he has an equitable claim, founded in justice and right, against the government of the United States, for some indemnity and relief, which he is now constrained to ask.

It may be that the rigid guardians of the national treasury will suggest that the courts of law are open for the protection of his property and defence of his rights. In old-established communities such a reference would be consistent and proper; but in a new country like California, with a population singularly floating, and where an individual is stripped of all resources by influences that rather make laws for his destruction than his protection, such a resort would be but mockery; besides, no suits can be maintained in California without money, and an appeal to litigation would be impossible to him. He expects that the patent to one of his claims will be ultimately issued, although it will be no more of any benefit to him, and he does not ask the government for any

relief in that respect; but for the injuries he has already sustained. Petitioner shows that, by a fair estimate of the value of his stock at the time of its loss, the injury to his possessions by the settler, destruction of his timber, the rejection of his sobrante grant, and his other losses consequent thereon, he has been injured in the amount of at least half a million of dollars; that his losses have enriched the nation; and petitioner therefore prays your honorable body to pass a law for his relief, with general and special relief, and he will ever pray, &c., &c.

A.

STAMP THIRD.—TWO REALS.

Provisionally authorized by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years one thousand eight hundred and forty and forty-one.

HIMENO.

ANTONIO MARIA OSIO.

[Translation.]

To his excellency the governor of this department :

John Augustus Sutter, a native of the Swiss republic, naturalized in the Mexican republic, and at present settled in this department, before the notorious justice of your excellency, with due respect says that since his arrival to this country, wishing to cultivate a portion of the many existing tracts of vacant lands, obtained your excellency's superior approval for the purpose to settle himself on the land which he now occupies, associated with some industrious families who were willing to follow him, and as an assiduous labor already promises flattering expectations to his settlement individually, and advantages to the department in general, considering that the good example of those who follow him has already awakened similar ideas in the other inhabitants of the country. At the same time this settlement, from its position, proves to be a strong barrier against the incursions of the savage Indian tribes into the villages, and as a school of civilization, either to the wild natives or to those under the care of the missions, who, during the long time they have been submitted, have not been useful members of society, as your petitioner at this time has the satisfaction that they are, which is due to his indefatigable exertions. For all these reasons he finds himself under the necessity of enlarging his enterprise by establishing twelve families, and to solicit the kindness of your excellency that you may be pleased to grant him eleven leagues of land in his establishment called La Nueva Helvecia, (New Helvetia,) situated towards the north, according to the land represented in the sketch, which he has the honor to present to your excellency. The land which is periodically overflowed in winter is not comprised in the aforesaid eleven leagues. Your petitioner protests to your excellency, and to the Mexican nation, that he shall keep faithfully the laws of colonization in force, and all those about the matter. Therefore, he supplicates your excellency that, exercising the power vested in you by law, you will be pleased to grant him his petition, and to interpose at the same time your powerful influence before the supreme government of the nation, that its superior approbation may be obtained. Your petitioner will receive a favor and benefit, and the country will improve its agriculture.

J. A. SUTTER.

MONTEREY, June 15, 1841.

Whereas Don Auguste Sutter, a native of the Swiss republic, and naturalized in the Mexican nation, has solicited, according to the law of 18th of August, 1824, and the ordinance of 21st November, 1828, for his personal benefit and that of twelve families, eleven leagues of land on the borders of the river Sacramento, in the vacant lands of the northern frontier, in order to colonize and foster them, for which end he has sufficiently proved his assiduity, good behavior, and all other qualities required in those cases; having already anticipated his increased efforts, his constant firmness, and his truly patriotic zeal in favor of our institutions, having reduced to submission a number of savage Indians born in those frontiers; and this government being sufficiently informed that the mentioned land does not belong to the property of any private individual, town, or corporation, and that in consequence thereof it is specified in the aforesaid laws, and in conformity with the power conferred on me, in the name of the Mexican nation, I have granted to the said Señor Don Auguste Sutter, by these present letters, for him and his settlers, the said land, called La Nueva Elvecia, (New Elvetia,) subject to the approval or disapproval of the superior government, and of the excellent the departmental assembly, under the following conditions:

1. He may fence it without injury to the crossings, roads, and servitudes, and, above all, to the trade and navigation of the river.

2. He shall maintain the native Indians of the different tribes on these places in the free enjoyment of their possessions, without troubling them, and he may only reduce them to civilization through prudent measures and a friendly intercourse; he shall not cause them hostilities of any kind, without previously obtaining authority from government.

3. The land of which donation is made to him is of the extent of *eleven sitios de ganado mayor*, (eleven square leagues,) as exhibited on the sketch annexed to the proceedings, without including the lands overflowed by the swelling and current of the river. It is bounded on the north by *los tres picos* (the three summits) and the 39° 41' 45" north latitude; on the east by the borders of the *Rio de las Plumas*, (Feather river;) on the south by the parallel of 38° 49' 32" of north latitude; and on the west by the river Sacramento.

4. When this property be confirmed unto him, he shall petition the proper judge to give him the possession of the land, in order that it may be measured, agreeably to ordinance, the surplus thereof remaining for the benefit of the nation for the convenient purposes.

Therefore I order that, this title being held as firm and valid, the same be entered in the proper book, and that these proceedings be transmitted to the excellent the departmental assembly. Thus I, John B. Alvarado, commandant general of the department of the Californias, have ordered and signed, to which I certify.

MONTEREY, June 18, 1841.

I certify the foregoing to be a true and correct translation of the foregoing Spanish documents filed in this office, in case No. 92, John A. Sutter.

GEORGE FISHER, *Secretary*.

B.

[Translation.]

Manuel Micheltorena, brigadier general of the Mexican army, adjutant general of the staff, governor-general-in-chief, and inspector general of the department of the Californias.

Whereas Dn. Juan Agustos Sutter, a Mexican naturalized citizen, and his son John A. Sutter, have solicited for the personal benefit of themselves and

family, the surplus of land within his rancho named New Helvetia, as laid down in the map which accompanies the grant, and the usual investigation and inquiry in relation thereto required by law and regulations having been complied with (satisfied,) by (in) virtue of the authority conferred upon me, in the name of the Mexican nation, and for the good conduct and services which the Señor Sutter has rendered and is rendering at the present time, I have conceded to them the mentioned lands, declaring in them the ownership thereof by these presents, subject to the approbation of the most excellent the asamblea departmental, under the following conditions :

1. They may enclose it, without interfering with the paths, roads, and servitudes, (highways.) They shall enjoy it exclusively and freely, appropriating it to the uses or cultivation which suits their convenience.

2. They can request the proper juez that he give them lawful possession, by virtue of this decree, so that the boundaries may be defined, at the limits of which there may be placed beside the landmarks some fruit trees or usual kind of forest trees.

3. The land of which mention is made consists of twenty-two square leagues, described upon the map which accompanies the grant.

4. The juez, who gives the possession, shall have the land surveyed, according to law, remaining the surplus that may result, at the disposal of the nation for its convenient uses.

5. Therefore, I command that these presents, investing the title in them, and holding the same as firm and valid, shall be handed in for record in the proper book, and shall be delivered to the parties in interest, for their security (safe-keeping) and other purposes. Executed on this ordinary paper, having no stamped paper appropriate, Santa Barbara, this fifth February, eighteen hundred and forty-five.

MANUEL MICHELTORENA.

JUAN CASTAÑEDO, *Secretary ad interim.*

I certify the foregoing to be a true and correct translation from the foregoing Spanish document filed in this office in case No. 92, John A. Sutter.

GEORGE FISHER, *Secretary.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES
FOR CALIFORNIA.

I, L. Upson, surveyor general of the United States for the State of California, and, as such, having in my office, and in my charge and custody, a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, as also the papers of the late board of commissioners to ascertain and settle the private land claims in California, by virtue of the power vested in me by law, do hereby certify that the nine preceding and hereunto annexed pages, numbered from one to nine inclusive, exhibit a true, full, and correct copy of the translation of the expediente and grant to John A. Sutter of the rancho of New Helvetia, together with a translation of the grant of the sobrante of the New Helvetia grant, as the same are on file in my office.

In testimony whereof, I have hereunto set my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this fourth day of October, 1865.

[SEAL.]

L. UPSON,
United States Surveyor General for California.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, October 6, 1865.

To the Senate and House of Representatives of the United States:

The bearer of this, Major General John A. Sutter, was one of the early pioneers of this coast, and by his industry, bravery, and indomitable energy, did more to subdue the savage tribes and encourage settlement than any other man. His name and fame is world-wide, not only in connexion with his early adventures, but also as being the cause of the discovery of gold in this State—gold having first been discovered in a mill-race which he was having constructed. His kindness and generosity to the early emigrants, who arrived here needy, was proverbial. Although possessed of large grants of land, (conceded to him by the Mexican government,) at the date of the acquisition of this territory by the United States, the delays and expenses incident to the legal adjudication of these titles have stripped him of all his property, leaving him, in his old age, comparatively penniless.

In view of these considerations this State, at the last session of the legislature, granted him an annuity of three thousand dollars per annum for five years. He now has it in contemplation to ask of Congress some recognition of his services, with compensation, and I earnestly commend his claim to the favorable consideration of Congress.

Very respectfully, your obedient servant,

FREDERICK F. LOW,
Governor of California.

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