

The Riot Revisited

An exploration of
historic anomalies
following the 1850
“Squatters’ Riot”

by Andrew McLeod

The Story We Know

- “Squatters’ Riot” was a violent uprising in 1850.
 - Gold Rush created huge pressure for land here.
 - Settlers opposed Sutter land claim & evictions.
- Settlers’ Association organized the resistance
 - Led by Dr. Charles Robinson and James McClatchy
- August 14-15: Eight people killed at 2 locations.
 - Dead included city’s sheriff and assessor
 - Mayor Bigelow wounded, left office, died in SF

Who Were the Settlers?

- Many passed through Sacramento. Some stayed.
- Population was mainly young men – tended to arrive in late summer with depleted finances.
- Immigrants often arrived in tight-knit groups.
 - Home-based mutual aid networks formed en route.
 - Watched out for each other, including when evicted.
- Some opposed Mexican grants in general, but others were focused on the flaws of Sutter's specific claim.

Who Were the Speculators?

- Everyone speculated, more or less.
- Tamara Venit Shelton's *A Squatter's Republic* notes that many Settlers also speculated.
- Mark Eifler's *Gold Rush Capitalists* identifies two dozen "great speculators."
- Speculators had effective control of the city.
 - Gov't activities focused on facilitating land sales.
 - Sam Brannan was key player in unofficial role.

Why All the Excitement?

- Sutter's received an 1841 grant from Mexican governor Juan Alvarado. (2nd grant invalid)
 - He fell into debt, left his son in charge of affairs.
 - Sam Brannan proposed a land sale for “the grid.”
- Valid grants would have been honored by the treaty that ended the U.S. war with Mexico.

The Back-story

- December 1849 – Chapman eviction and trials
 - 3 hung juries before he was convicted and evicted
- Settlers saw themselves in increasingly revolutionary terms as conflict escalated.
 - Saw a lack of legitimacy in government.
 - Preferred strategy was collective legal defense.
- Speculators were already faltering before riot.
 - Barton Lee's Aug. 5 bankruptcy shook city
 - Eifler: "house of cards was falling rapidly"
- Economy and population collapsed post-riot.

The Big Story

- Prelude: Some Bad Mapping (1842-1864)
 - Led up to United States Supreme Court case.
- 1857-60: Lewis Sanders and William Muldrow
- Battle Royale – The Ejectment Suits of 1868
- Missing Persons in Sacramento History:
 - Gen. Lucius Foote
 - Dr. Charles Robinson & James McClatchy
- 1886: Bancroft's Revised History (& Footnote!)

My Story

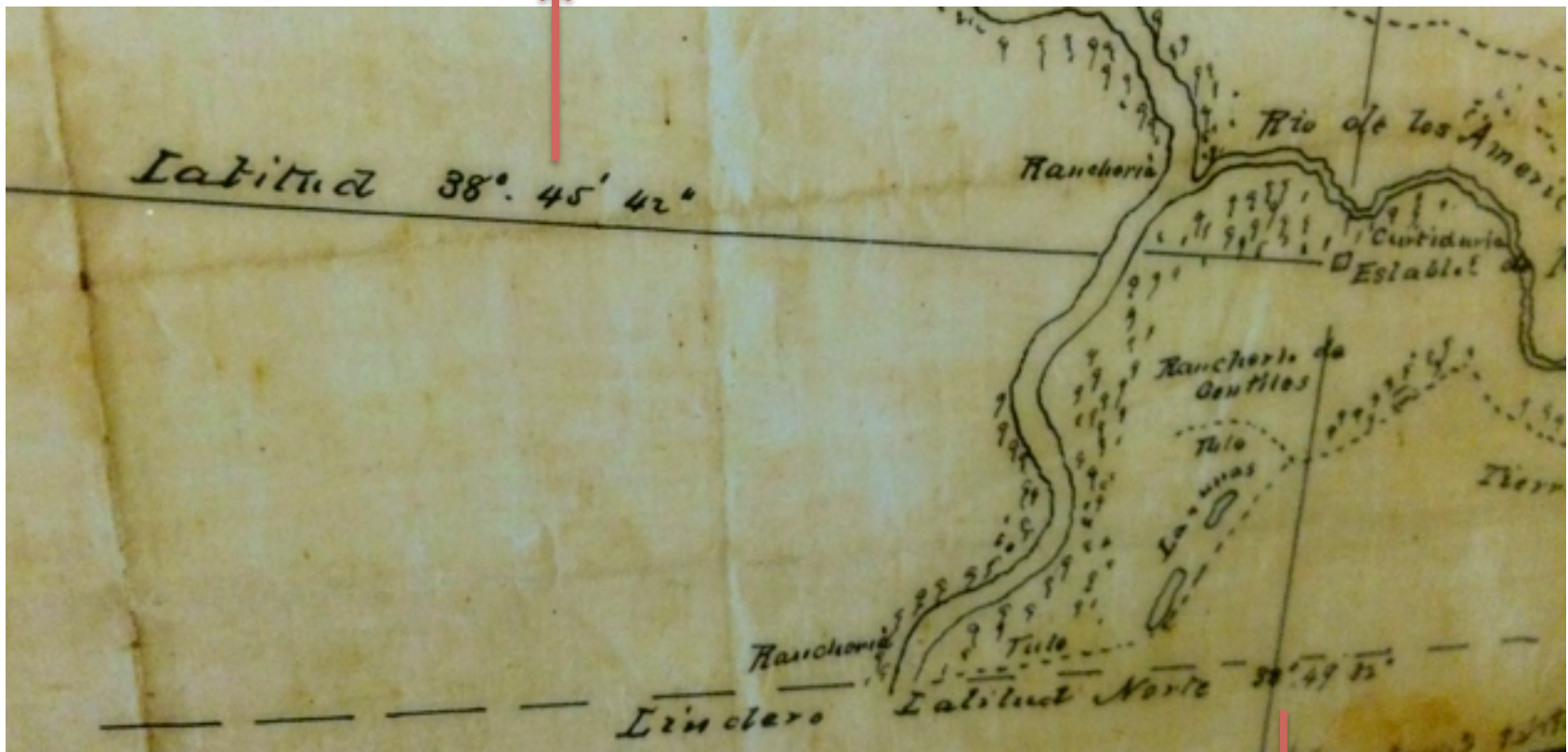
- 20+ years in cooperative movement
- Master in Mgmt – Co-ops & Credit Unions
- Research on cooperative history includes:
 - *Holy Cooperation!* (Wipf and Stock, 2009)
 - Catholic co-op movements in Spain and Italy
 - Mormon Commonwealth of late-19th Century
 - Self-help co-ops during the Great Depression
 - Co-ops in the Civil Rights Movement
 - Sacramento's Cooperative History

What did Mexico grant to Sutter?

- Sutter claimed to have lost the paperwork.
- John Plumbé, of Settlers' Association, got a copy from Monterey during the Chapman trials.
- **Grant text:** "It is bounded on the north by Los Tres Picos [the Sutter Buttes] and $39^{\circ}41'45''$ north latitude; on the east, by the borders of the Feather River; on the south, by the parallel of $38^{\circ}49'32''$ of north latitude; and on the west, by the river Sacramento."

Something Doesn't Add Up

38° 45' 42"



38° 49' 32"

A Few Problems

- This map was of great legal importance.
 - Presented as evidence that Sacramento was Sutter's.
- The Sutter Claim latitude error was very large.
- It is plausible that an incompetent surveyor might have been 15 miles off, but very unlikely.
 - Jean Jacques Vioget surveyed SF for Mexican gov't.
- Could it be that the 1842/1855 New Helvetia map error was intentional, and intentionally obvious?

This is a Job For the Courts!

- A series of suits led up to U.S. vs Sutter (1864)
- Attempted to establish what was actually Sutter's land in the area.
- It was called "A most embarrassing case" in the court's published summary report.
- Acknowledged that Sutter "gave away even more land than he supposed he owned."
- Tried to come up with least bad solution.

Something Still Doesn't Add Up

$$38^{\circ} 4 \ 42'' = 38^{\circ} 45' 42'' ?$$

THE SUTTER CASE
to face p 364
- 2 Wallace

MAPA
de los
TERRENOS PARA LA
COLONIA DE
NUEVA HELVETIA



A Tangled Web of Titles -tighten

- Sacramento economy can be seen as a casino.
- Titles were sold, divided, bundled and resold.
- *SF Bulletin* described title chains as “mixed up promiscuously.” (10/29/1869)
- It was more or less impossible to clearly and conclusively establish legal ownership.
- Mesick title chain was especially troublesome.
 - Ex-assessor acquired from Sutter Jr. in Acapulco.

- “(The Mesick title) passed and re-passed, was conveyed and re-conveyed, in great numbers and small numbers and blocks and lots, and was segregated into fourths, two-thirds of a fourth, one-twentieth, etc., until it is impossible for anyone but a searcher of abstracts to follow it through many of its mazes.”

– Sacramento Union (4/29/1868)

The Sanders Blackmail of 1857

- On January 21, Lewis Sanders, Jr. announced intent to auction much of Sacramento's land.
- As trustee for Sutter he claimed rights to lots not sold, and also waterfront, streets & alleys.
- His claim was based on the Mesick titles
- The *Sacramento Union* argued against auction.
- City launched lawsuit against Sanders.
- Sanders' auction was postponed indefinitely.

William Muldrow's Lawsuits

- On April 16, 1868, the *Union* reported that Sutter creditor Muldrow had filed 17 lawsuits to eject occupants of land he claimed to own.
- Most of the city was included in the suits, as well as much land surrounding it.
- Some suits were for 60 or even 90 city blocks.
 - D to F, G to I, I to L, M to O, P to R, S to U & V to X
 - Also most of riverfront south of I Street
 - Also the land north of C Street to American River

The Ejectment Suits

- “Everybody seems inclined to bring suit against everybody else.” – *Union* (4/17/1868)
- “...expected that by midnight last night about two hundred more complaints would be filed.” (4/18)
- May 2 *Union* listed 700+ suits – ¼ of print space!
- By that point a collective response had emerged.
- Additional suits filed in Sixth Circuit Court (SF)
 - San Francisco defense much harder to fight.
 - 60+ such suits filed by Lucius H. Foote of Illinois

Who Was General Lucius H. Foote?

- Son of Lucius Foote (of Illinois)
- Arrived in Sacramento in 1853.
- His local obituary described him as “a courtly and courteous gentleman.” (*Union* 6/8/1913)
- Listed as “poet” on his primary catalog card at state library.
- Sketch appears in 1901 edition of *Bench and Bar of California*.

Foote's Biographical Sketch

“General Lucius H. Foote, who has had such a long public career, marked by uninterupted good fortune, was a practicing lawyer . . . He was Justice of the Peace in [Sacramento], in 1856-57-58; Police Judge in 1859-60; collector of the Port of Sacramento, appointed by President Lincoln, in 1862-63-64; State adjutant-general, under his warm personal friend, Governor Newton Booth, in 1872-73-74-75, and a delegate to the Republican National convention which nominated Hayes and Wheeler, in 1876.”

Foote's Interruption (1865-71)

- Was still Sacramento police court judge in 1868-9.
- He filed more than 20 ejectment suits, and conveyed titles to at least 2 other plaintiffs.
- Inspired resolution passed at defendants' meeting:
 - “we the citizens, taxpayers and voters of the city of Sacramento do hereby express our disapproval of the conduct of L. H. Foote, and do hereby request him to resign the judicial office he seeks to prostitute to his own base personal ends.” (*Union* 5/19/1868)
- 8-10 of Foote's suits were still in process late '69.

After the Interruption

- Commanded the California National Guard under Gov. Newton Booth (1871-5)
- Delegate to 1876 Republican Convention.
- After Democrats returned to power, Foote served as diplomat in Chile and then Korea.
- He also conveyed titles to Eli Mayo, who filed a total of 101 ejectment suits at Sacramento
 - One reached the CA Supreme Court in 1875.

What Happened to Key Settlers?

James McClatchy was influential but problematic

- Established *Sacramento Bee*
- Served as Sacto sheriff
- *A Squatters' Republic* shows his great influence in radical anti-monopolist thinking.
 - Henry George, labor radical with anti-Chinese ideas
 - Terence Powderly, leader of Knights of Labor union

What Happened to Key Settlers?

Dr. Robinson had illustrious career

- One of 3 Sacramento representatives to first assembly following statehood
- Re-launched medical practice in Mass.
- Recruited for Abolitionist efforts in “Bleeding Kansas” border wars.
 - Used nonviolent tactics somewhat similar to those seen in Sacramento (pre-riot)
 - Elected governor of Free State
 - Elected first governor of State of Kansas
 - (*Bleeding Kansas* by Alice Nichols)
 - (*Bleeding Kansas* by Karen Zeinert)

Epilogue: How Could This Happen?

- Economic context of further unrest
 - Financial crises common in 1870s & 1880s
 - 7 killed in Mussel Slough “tragedy” May 11, 1880
 - Elites perhaps wanted “squatterism” behind them
- Key revisions by Hubert Howe Bancroft, who wrote an encyclopedic history of California.
- Bancroft glossed over the “squatter outbreak at Sacramento”
 - The book’s narrative contained several serious errors
 - Fortunately, someone left us a 6½ page footnote

Bancroft's Scrambled Account

History of California, vol. 6, p. 328

- “The squatter party was composed chiefly of men from the Missouri border, who had no knowledge of Spanish grants...”
 - Missouri border seems to refer to the so-called “border ruffians,” who happened to be Robinson’s adversaries in the Kansas border war of later years.
 - Spanish grants hadn’t been issued since 1821 Mex. independence, 20 years before Sutter grant.
 - Settlers and community as a whole seem to have had an avid interest in minutiae of grants, which were often parsed in the *Placer Times* newspaper.

“I append an account” (pp. 329-35)

- Highly-inaccurate dismissal of squatters was followed by detailed and citation-rich note.
- 6½ page account refers to many news articles.
- Reproduces Settlers’ Assn. title certificate.
- Describes years of widespread “squatterism.”
- Concludes: “It would have been better for Sac. could (the squatters) have maintained their position; for how could a city hope to prosper surrounded by a country to which no one could for a long time obtain clear title?”

Frances Fuller Victor, Rebel Historian?

- Victor was part of Bancroft's staff of writers.
 - Bancroft histories were for-profit, subscription-based.
 - Writers were anonymous, Bancroft took credit
- She was Bancroft's only staff with prior reputation.
 - She produced 1/3 of volume in question.
- Subject to micromanagement at times.
 - She later presented portions of Bancroft's *Works* with attributions added, at SF Winter Fair.

(Hubert Howe Bancroft, John Walton Caughey)

“History is written by the victors.”

- This suggests that American ideals lost in Sac.
 - People have been struggling for justice since 1848
 - Which specific victors wrote Sacramento’s history?
- Here we face an apparent counter-revolution.
 - Launched right here in Sacramento
 - Promoted speculation over settlement
 - Resulted in severe disruption of property rights
 - Large-scale deception and revision of history

What Did We Lose?

- And how can we recover it?
- Numerous research questions present themselves:
 - When and how were the bad maps accepted?
 - What was the end result of all those lawsuits?
 - Who were Sanders and Muldrow?
 - Who wrote that footnote? What else did they write?

More information available at:
www.sactoconfluence.com