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Our First!

With this issue we inaugurate the Sutter County Historical Society Bulletin

Our aim in these pages will be very specific: to record the activities of the Society and of the individual members which lead to the preservation of the historical records of Sutter County.

Aim of the Society

1. To collect historical facts and records pertaining to Sutter County,
2. To utilize this material in preparing historical publications.
3. To establish a museum for the display and preservation of this material.
4. To foster good citizenship through the encouragement of interest in local history.

Officers

President	Mr. Noel Stevenson
First Vice-President	Mr. Frank Lamb
Second Vice-President	Mrs. Ida Doty
Secretary	Mrs. Bernice Gibson
Treasurer	Mrs. Harold Moore

Next Meeting

The next regular meeting of the Society will be on Monday, November 15, 1954 at 8 P.m. in the Supervisors Room at the Sutter County Court House.
BE SURE TO ATTEND

Directors

Mrs. Ethel Albertson
Mrs. L. D. Baun
Mrs. Ida Doty
Mr. Frank Lamb
Mr. Harold Moore
Mrs. Chester Reische
Mrs. Irmina Rudge
Mr. Noel C. Stevenson
Mrs. Liana Weber
Mrs. Andrew Witt

Membership Committee

Mrs. Eleanor Reische, chairman
Mrs. Hedwick Barr
Mrs. Faye Lamb
Mr. and Mrs. W. A. Glenn

Committee on Membership Cards

Mr. Earl Brownlee, chairman
Mrs. Irmina Rudge
Mr. Noel Stevenson

Emblem Committee

Mrs. Florence Arritt

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Sutterana

Members as well as non-members are invited to submit articles for publication in the bulletin. The editor will also consider fillers and other brief accounts pertaining to early California and Sutter county history and folklore. Contributors are assured that their work will be given careful consideration.

THE FIRST COUNTY SEAT

By Noel C. Stevenson

On February 18, 1850, an act of the first legislature providing for the subdivision of California into counties and establishing and locating county seats was passed.¹

Section 19 of this law describes the geographical boundaries of Sutter County and provides, "The seat of justice shall be at Oro."

Behind this prosaic wording of the statute establishing the location of our first county seat occurred a series of incidents so fantastic that a historian investigating this subject would laugh it off as an invention of a regular occupant of the local liars' bench--if the incidents were not supported by facts based on official records and other reliable sources.

The credit, if any credit is due, for establishing Oro as the first county seat of the newly organized County of Sutter can be given to General Thomas Jefferson Green, formerly of Texas, and Senator representing the Sacramento District. He is also credited with bringing about the branding of the august body he belonged to as "The legislature of a thousand drinks." This he accomplished by his frequent motion to adjourn and take "a thousand drinks," which motion usually carried.²

General Green's background discloses that he was a promoter without an equal. He had to be to succeed in locating a county seat in a town that existed only as a figment of his imagination.

But for a speech delivered by the Honorable Phil W. Keyser, Judge of the District Court, delivered at Hock Farm³ at an Independence Day celebration, General Green's promotion of Oro as the county seat would be lost to posterity. The best account of Judge Keyser's speech was fortunately reported in full in the local press.

"The first county seat was Oro, which was a noble city of broad streets, imposing buildings and splendid public squares--on paper, but in fact a tract of land fronting on the south bank of Bear Creek, and distant about two miles from the then and present site of the good old town of Nicolaus. The tract had been purchased from General Sutter by Thomas Jefferson Green, who, with others who had become interested with him in the enterprise, had had the land surveyed and laid off into streets and squared and lots; and who as state senator from the senatorial district of which Sutter county formed a part caused this paper city to be declared by the legislature the county seat of Sutter County. Green was a shrewd energetic man, of a fine, imposing presence, jolly, good-natured, frank, bluff-mannered, with pleasant countenance and persuasive tongue. It was necessary for him to bring all these advantages into play, in order to carry his point.

"Auburn, Nicolaus, Vernon and Yuba City were all aspirants for the honor and expected benefits of the county-seatship, while either was not only better fitted for it than Oro, which was utterly unfitted, but was well entitled, by situation, improvements and its apparent future, to claim the distinction. Each, therefore, made the best fight it could in the legislature against Oro and for itself; but the active, talkative, and merry mannered senator for the district won the day and Oro became the first county seat.

"A pleasant story, illustrative of the senator's modus operandi, is told in connection with the history of that contest. Bear creek--or river, as it was sometimes called--was in those days a small but pretty stream, quietly and lazily wandering through the foot-hills down to the plains, where it meandered between well-defined and well-wooded banks, its calm flow disturbed and impeded by trees and underbrush crowing thickly in the midst of its clear waters, to Feather River with which it formed a junction at a point a mile or two above Nicolaus. Of course it was unnavigable to all but small oar boats, while the large river steamers, of which the largest and the finest at that time was named the "Senator," could even at the highest waters scarcely enter its mouth. Green, however, in describing

during the discussion of the county-seat question, the advantages of his town of Oro, spoke of the splendid river on which it was situated, the waters of which (he asserted), when at the lowest stage of a long and dry summer, could be easily navigated. A brother senator, who knew Green's weakness for hyperbole, interrupted by asking him if he meant to say that the river steamers could navigate Bear River at its lowest stage of water. "I mean to say," replied Green, 'that the Senator can navigate it any time of the year.'" After adjournment some one accused him of having--to put it mildly--stretched the truth in saying that a steamer like the "Senator" could navigate Bear River. "I never said," answered Green, "that the steamer 'Senator' could; I said the Senator could, but I meant the Senator who had asked the impertinent question."

"Oro, however, enjoyed the honor--if it enjoyed it at all--but a short time. There was not a house nor a building in the town for any purpose, much less for holding Court, the transaction of County business, and the preservation of public records. Some preparation must be made by the owners of the town to enable the first term at least of Court to be held at the county seat; and to this end they erected, or rather placed upon the ground, a zinc-building, about 20 x 20 feet in size, with a floor of rough boards, a roof of zinc--if I remember correctly--and holes cut for the Court, the litigants, the witnesses, the jurors, and the air to enter, but without glass or shutters, for the windows, or doors for the entrances. Not a tree, or bush, or shrub grew near enough to give its shade to the building; a sun poured its rays upon that zinc building, until outside and inside it became almost as hot as the furnace of Shadrack, Meshack and Abednego. Law and equity, lawyers and litigants, jurors and witnesses, with a spontaneity of action that would astonish nothing but a salamander, rushed out of and fled that building never again to return."

The court resumed its session at Nicolaus, which place became practically the county seat and remained so until the latter was, by a vote of the people a few months afterwards, established at Auburn.

The facts contained in the report of Judge Keyser's speech are verified by contemporary official records of Sutter County in the custody of Albert B. Brown, County Clerk. The minutes of the first session of the Court of Sessions dated June tenth, 1850, read as follows:

"The Court in session for criminal business...It appearing to the court that there were not proper and necessary accommodations and buildings at Oro, the County seat, for the holding of the court and for the offices of the several county officer who are by law required to keep their offices open, it was ordered that for the future and until said building can be procured at the county seat, the courts and the county officers shall be held and kept open at Nicolaus; being the nearest point where such buildings could be procured."

The court resumed its session at Nicolaus, which place became the temporary county seat and remained so, until by vote of the people a few months afterwards, the county seat was established at Auburn.⁶

1. The Statutes of California passed at the First Session of the Legislature, San Jose, 1850. Chapter 15 passed February 18, 1850, Section 19, Sutter.
2. Sacramento Union, April 25, 1874, 8:4-7
3. The Marysville Daily Appeal, July 2, 1876, 3:1.
4. The Marysville Daily Appeal, July 11, 1876, 4:1-3.

4. (continued) Marysville Weekly Appeal, July 14, 1876 3:5-7
5. Minutes of the Court of Sessions of Sutter County, page 1, 1850.
6. Coy, Owen C., Guide to the County Archives of California, 1919, p. 541.
Marysville Daily Appeal, July 11, 1876, 4: 1-3.

An Invitation

An invitation to join our group is extended to all of you who are not already a member. Dues are \$2.00 a year. If you are interested in Sutter County history, send in your application for membership right away and be present at our November 15th meeting.

MEMBERSHIP APPLICATION

•c
Mrs. Bernice Gibson
Secretary, Sutter County Historical Society
Court House
Yuba City, California

Enclosed is _____ for _____ membership (s) in the S.C.H.S.

Name

Address