

Auburn, the County Seat of Sutter County

Recently two of the authors of the book *Early Auburn* were queried about the accuracy of this statement which appears in the introduction to their book.

“Another factor that influenced the growth of Auburn was its designation as the Sutter County seat over Ophir, Nicolaus and Miner’s Hotel in 1850. By an election, thought to be influenced by ballot stuffing, Auburn became the county seat. A contemporary newspaper man R. J. Steele wrote: The favorable location of Auburn, its preponderance of population and the inexhaustible powers of voting possessed by its citizens and partisans decided the contest in its favor by a majority considerably exceeding the entire population.”

Was Auburn, in fact, ever the county seat of Sutter County?

It might seem a minor point except for the fact that most historians are in agreement with R. J. Steele and other early writers that Auburn’s selection as county seat of Sutter County was a significant factor in preventing Auburn from fading away like so many other gold rush towns.

The authors like to think they’re judicious with the statements they make. So what are the sources supporting the author’s statement? The first reference is from the *Placer County Directory of 1861*, R. J. Steel, pg 7.

“In the first division of the state into counties, Auburn came within the boundaries of Sutter, the county seat being at Nicolaus ... The mass of the population being in the nearer vicinity of Auburn upon the North Fork of the American, and among the various dry diggings adjacent, the removal of the county seat was demanded and order obtained for an election submitting the question to the people. Four ambitious precincts entered the lists for the honor-Auburn, Nicolaus, Ophir and Miner’s Hotel (Franklin House).”

The second source is more lengthy and appears in the *Thompson and West History of Placer County*, Myron Angel, 1882, pgs. 92-94.

In the organization of the counties: “The Legislature passed an act, approved February 18, 1850, segregating the state into twenty-seven counties, ... Sutter County included within its limits that portion of territory, subsequently organized into Placer County, ... and a place called Oro, on Bear River, ... was the county seat.”

“The Legislature named the first Monday in April, 1850, for the election of county officials... The first meeting of the Court of Sessions held June 10, 1850, at Oro, the county seat ... Upon it appearing to the Court that there were not proper and necessary accommodations and buildings at Oro, the county seat, for the offices of the county officers who are by law required to keep their offices open, it is ordered that, for the future, ... the courts and county offices shall be held and kept open at Nicolaus ...”

“The mass of the population of the county was in the vicinity of Auburn, ... these demanded the removal of the county seat, ... The result (of the election) was the selection of Auburn as the county seat of Sutter County ...”

These then are the standard references for this early period in Auburn’s history. How are we to evaluate the veracity of these statements? Both R. J. Steel or Myron Angel offer almost nothing in way of supporting evidence. Angel provides just one primary source, a portion of Judge Philip

Keyser's Centennial address at Hock Farm in 1876 regarding the celebration of the removal of the County seat to Auburn. (*History of Placer County*, pg 94. *Marysville Daily Appeal*, 11 July 1876, complete address)

"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 the public records. ... The court resumed its session at Nicolaus (June 11, 1850), 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 present county-seat of Placer county."

Aside from this one primary source, a thorough review of sources including both the California Digital Newspaper Collection and Newspapers.com initially revealed nothing in support of the comments of these three authors. This wasn't surprising considering Angel's acknowledgement in Thompson and West that there was no record for the first election in Sutter County, "*minute-books, dockets, assessment rolls, etc*" were used to determine names of a number of the newly elected officials. Their sources remain an open question. However, several related articles did turn up. Such as the following:

Contrary to the comments of R. J. Steel, the first election held by the newly created counties on the first Monday of April 1850 apparently generated little interest in this area that became Placer County.

"At the 'Half-way House', where the polls were also open, so few votes were deposited that it is doubtful whether there are enough to give the election there legal effect-thirty votes being the number required by law." (3 April 1850 *Sacramento Transcript*)

If the Sutter County seat did not move, other than from Oro to Nicolaus, then we might expect to find articles to that effect - which we did.

On 2 June 1850 Sheriff Echols was shot by Samuel Stewart in Auburn. Stewart was arrested and removed to Nicolaus for lock up in de facto recognition of that location as the County seat (seat of justice). (13 August 1850 *Sacramento Transcript*) Articles pointed to other county offices located in Nicolaus. (See Endnote on this article.)

On July 2 1850 Deputy Assessor, Sam B. Smith, sent out a notice from Nicolaus to property owners in Oro. (4 July 1850, *Sacramento Transcript*)

Months later, on 10 Sept 1850 H. S. Mesick, Treasurer of Sutter County, sent out a Collectors Notice from the Treasurer's Office, Nicolaus. These notices appear up to early November. (*Sacramento Transcript*, 9 November 1850) By law "*Each county Treasurer shall keep his office at the seat of justice for his county ...*" (*Marysville Daily Herald*, 30 Aug 1850)

Appearing in the 7 November 1850 copy of the *Sacramento Transcript* was a notice for the District Court of the Eighth Judicial District, Judge Wm. R. Turner, Nicolaus, Sutter County Oct 11, 1850.

A Sutter County Sheriff's Deed filed 16 January 1851 was the result of an attachment and judgement out of "*Justice Court in the Town of Nicolaus*" ... 16 Dec 1850 and sold at auction in front of the "*court house in Nicolaus*" on 14 January 1851. (Sutter County Deed Book A, pg. 298)

Similar Sheriff's deeds were filed on 15 and 16 January 1851 (Book A, pg. 196 and pg 297) resulting from the "*public sale in front the Court House in Nicolaus.*"

In the short period before Placer County was created by the State legislature, the only notices of transactions for Sutter County business point to Nicolaus, not Auburn. Until the following:

“Administrators Notice.

All the persons having claims against the estate of the late firm of Post & Ripley, of Auburn, are hereby notified that the same must be presented to me within ten months from the date hereof, at my office in Auburn. And all persons indebted to said estate are notified that immediate settlement must be made, or payment will be enforced by law. SAM'L B SMITH, Public Administrator of Sutter Co. (8 Feb 1851, Sacramento Transcript”

Thus, it at first appeared that the Sutter County seat did in fact move to Auburn between the last weeks of January and the first weeks of February. However we then had to further revise our understanding at the receipt of the following.

We received from the California State Archives a copy of a petition submitted to the state legislature, dated December 26, 1850, requesting the creation of a new county and containing conclusive evidence of the county seat move to Auburn sometime before December 26th.

Furthermore, a Sutter County Sheriff's Deed filed 13 March 1851 was the result of an attachment and judgement out of *“6th Judicial District Court in and for Sacramento County”* ... 10 January 1850 and exposed to public sale in front of the *“court-house in the town of Auburn”* on 13 March 1851. (Sutter County Deed Book C, pg. 54)

One month later *“... on April 25, 1851, an Act was passed dividing the State into counties ... by this Act the counties of Placer, Nevada and Klamath were created.... The county seat was fixed by the same Act at Auburn... an election to be held in Placer ... on the 26th of May ... for county and township officers.”* (Thompson and West, pg 95)

A number of the afore mentioned primary sources establish the fact that Auburn was indeed the county seat for Sutter County, if only for a short period of time.

Placer county elections were held on the 26th of May for county officials. (9 June 1851, *Daily Alta California*) However, it would be some months before some Sutter offices were moved to Vernon. Meantime Nicolaus was back to being the Sutter County seat.

On 23 July 1851 the Public Administrator for Sutter County, Sam B. Smith, posted a public notice from his office in Nicolaus. (23 July 1851 *Sacramento Daily Union*)

“All persons having claims against the estate of Raymond Shinn, deceased, late of Nicolaus, Sutter County, will present the same to me at my office at Nicolaus, within ten months from the date hereof. Sam. B. Smith, Public Administrator Sutter Co. Nicolaus, July 1st 1851.”(*Sacramento Daily Union*)

Many years later, John Boggs, Auburn 49er, provided his own take on the County seat story in his reminisce published in the *Placer Herald*. (18 January 1908)

“After Placer County was cut off from Sutter by the Legislature, an election was held for the County seat, the towns competing for the honor being Auburn, Ophir, Yankee Store on Secret Ravine, and Franklin House, and a few scattering votes for other places. The Wild Cat Ranch got three or four votes. The election took place in Gwynn's store. There was a hole cut out of the side of the store and a man had to reach up with his ticket, the Election Board being inside and they could not see when he voted, so he kept putting in

votes. Auburn carried for the County Seat by a larger majority than there were votes in the county, according to the pool-tax returns."

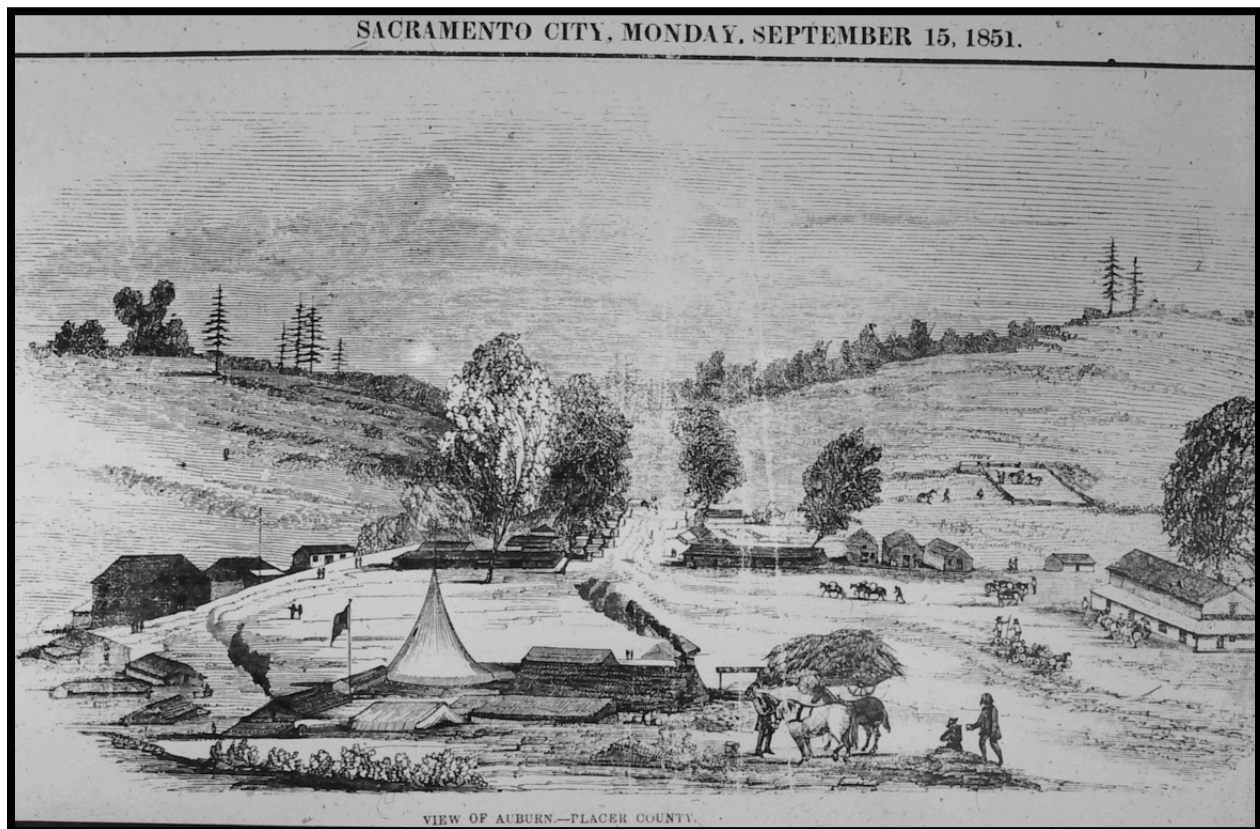
In this account we read of elements similar to those which appear in accounts of R. J. Steel and Myron Angel, but here they are connected to the election of May 1851 and not some earlier special election. However, Boggs continues, "*Court was held at that time in Post & Ripley's round tent. ...*" implying both an earlier date and thus a Sutter County court and county seat in Auburn. He was right, but just a little confused in the telling. And what happened to the first court house in Auburn?

Willard Post and George W. Ripley, both 40 years of age, both traders and both from Texas appear in the Auburn area of Sutter County in the 1850 Census. Sutter County acquired their property prior to February 8, 1851 ... sold it in July ... and their names are seen no more.

Placer County Deed Bk A, page 11.

"Know all men by these presents that I Saml B. Smith Public Administrator of Sutter County for and in consideration of fourteen hundred and fifty dollars to me in hand paid by Wm. Gwynn of Auburn, County of Placer and State of California ... have this day bargain, sold and conveyed until the said Wm Gwynn ... the following property ... a certain house and lot formerly belonging to and occupied by the late firm of Post and Ripley ... together with out house ... to him the said Wm Gwynn ... Witness my hand and seal this 30th day of July A D 1851, Saml B. Smith Public Administrator of Sutter Co."

Post & Ripley's round tent. Auburn's first court house when it was the county seat of Sutter County.



Endnote:

It is ironic that this article which lends credence to the veracity of Myron Angel's narrative would simultaneously alert us to an error in another part of the same narrative. It was this young man, Sheriff Echols, that was the first sheriff of Sutter County and not John Pole as stated by Myron Angel (*History of Placer County*, pg 94). And the evidence for this assertion?

John Echols and his eldest of six children, Randall, left Vanderburgh County in Indiana for the gold fields of California in 1849. John Echols was well known to others that had recently arrived from Indiana as he had just completed his term of office there as sheriff and his name had often appeared in the news. Therefore it was not surprising to see his name and Randall's in letters home appearing in the *Evansville Daily Journal*. The following are selections from a number of these letters. The one written on April 18th is most important as this was less than 3 weeks after the election of April 1st. The others provide some context to the Echols early days in California.

J. Neely Johnson (4th governor of California from 1856 to 1858)
California Correspondence
Sacramento City, Upper California
September 12th, 1849

"... Concerning the company which left in the winter via of the Isthmus, Etty and Cuples alone have arrived at the mines. I have not seen either of but am told they are something like one hundred miles from here at work. The remainder of the company I understand are at San Francisco. Randall Echols is at work 45 miles from here and doing tolerably well. He was here a few days since but I did not see him ..." (*Evansville Daily Journal*, 24 Nov 1849)

W. H. W.
Letter from California
Dry Diggings, on the North Fork of the American River, 45 m. N. E. Of Sacramento City, near Auburn. January 25th, 1850

"DEAR BROTHER: - After you left the Dry Diggings, James and I, moved three miles down the creek and lived, or stayed, under the tent fly, doing about as as we were at the time of your departure, but we were compelled to make different arrangements to protect ourselves against the incessant rain that began to prevail. We procured a mule from Randell Echols, (who at the time was killing a lot of beeves at Auburn.) and moved our tent, provisions and baggage to the small flat one mile and a half below the town, and our tools and tent-fly up to the same spot, and arranged things for more comfortable living, without have struck upon a prosped for digging, more flattering than when you were with us, concluding if we could find no better diggings than those we had been working, we would take it more easily and await patiently for Spring. ... John Echols is at Sacramento. Randell at Auburn." (*Evansville Daily Journal*, 21 March 1850) (beeves - plural of beef. John Echols' profession in 1850 census Indiana was butcher.)

From California
From a letter bearing date of April 18th, received by Wm. N. Johnson, of this city, from his brother, J. Neely Johnson, in Sacramento City, Cal., we are permitted to make the following interesting extract:
"Mr. John Echols and his son Randall are about 50 miles from here. Randall is elected Sheriff of the county in which he lives. I have not seen, or heard recently from any of Captain Stephens' company." (*Evansville Daily Journal*, 5 June 1850)

Elections were held April 1, 1850

California Correspondence
MARYSVILLE, CAL., April 29, '53

"John Echols is at Auburn, thirty-six miles from Sacramento. I went up and paid him a visit, "Old Molly" and amiable family were delighted to see me, and had me to prolong my a couple of days at their house - the National Hotel - and asked me in the meantime, a thousand questions about the old "stamping ground," old friends and old subjects generally.

Both of the young ladies are married, and, as a natural consequence, have responsibilities in their arms. Old "Molly" keeps the National and is doing a driving business, has, as he ever had in your city, hosts of friends. The building cost him \$6,000, and he also owns a ranche at the town of Nicolaus, on Feather River, worth \$4,000. He told me he thought he was worth \$12,000. When he landed at San Francisco, less than two years ago he had not a dollar in the world, and owed \$500 on the passage of his family from the Isthmus up. He will never remove to the States again ..." C. T. C. (*Evansville Daily Journal*, 31 May 1853)

The words of his contemporaries add to the sources supporting the legitimacy of Echols' service as sheriff of Sutter county.

U.S. Federal Census Mortality Schedule, Sutter County, 1850
R. A. Echols 25 Born Virginia Profession Sheriff Cause of Death Gun Shot

San Joaquin Republic, 5 Mar 1853

"... The district court of this county has just adjourned. The only cause of interest on trial this term was the prosecution of one Stewart, for the murder of young Eckles (Echols), in 1850. Mr. E was sheriff of the county at the time, ..."

Trial: Placer Co. Court of Sessions, 1852, #50, District Court, 1853, #83

There were a number of individuals that provided written testimony, these two specifically state Echols was sheriff.

Testimony of Wm. Gambol - *"Eckols (Echols) came up in his capacity as sheriff, and spoke about breaking the peace and demanded the pistols..."*

Testimony of J. B. Crawford - *"Jas B. Crawford being duly sworn says ... knew one R. A. Eckle (Echols) about that time, he was sheriff of Sutor Co., about the first of June he Eckeles (Echols) was shot, it occured near Gwynn's store ..."*

What then of John Pole that Myron Angel thought was the first sheriff of Sutter County? If not the first sheriff, then perhaps the second? If he was, then it was only for a short time, between when Echols was killed in June and when Joseph Hopkin's name as sheriff began to appear on various deeds in November of 1850 (Sutter County Deed Bk A, pages 236 and 237).

The man that Angel was referring to was most likely John H. Pole, John Echols' partner in the bar in Auburn where the Echols shoot out occured. Several years later this John H. Pole married William Gwynn's sister, Ellen, in Sacramento. They took up residence there and Pole died at his Arcade Ranch in 1859. Ellen would eventually return to live in Auburn, a short way up Park Street and only hundreds of feet from her brother's store and the location of the Echols murder.

John Knox and April McDonald, 2025