

## **Lawyer lured by gold, stayed to become top judge**

**By Sabine Goerke-Shrode**

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One name tied to early Solano County history is that of Judge John Currey. In our area, he made his name during the 1850s as a lawyer, working with many of the settlers in solving their legal issues surrounding the Mexican land grants and the ensuing settlement disputes.

In later years, he owned a ranch in the Dixon area; Currey Road is named after him.

John Moore Currey was born on Oct. 4, 1814, in Cortlandtown, Westchester County, N.Y. He and his twin brother, James, were the sons of Thomas and Rebecca Ward Currey. The couple had nine children altogether.

Currey grew up in Peekskill on his father's farm. He was educated at the local district school, followed by the Peekskill Military Academy, the Amenia Seminary at Amenia, N.Y., the West Poultney Academy at West Poultney, Vt., and for a short period, Wesleyan University at Middletown, Conn.

In 1839, he began a three-year study of law in the office of William Nelson. He was admitted to the New York bar in 1842 and immediately started practicing in Peekskill with partner Edward Wells.

On Sept. 11, 1845, Currey married 27-year-old Cornelia Elizabeth Scott. Their first child, Montgomery Scott, was born July 17, 1846.

News of the Gold Rush enticed John Currey to travel to San Francisco via Panama. He arrived on a steamer on Aug. 18, 1849. He spent a short time in the gold mines, but found the work too hard for him to bear. A stint in a timber project on the Sacramento River similarly proved unsuccessful. In addition, he became severely ill and had to return to San Francisco.

After his recovery, he opened a law office with Richard V. Groat and James S. Carpenter. He quickly made a name for himself as a promising lawyer. In January 1851, President Fillmore nominated him for the office of United States District Judge in California. Currey's strong anti-slavery views led to his not being confirmed.

In February, he returned to the East Coast to fetch his wife and son, returning on June 24, 1851. Their second child, Robert John, was born in California on Dec. 30, 1851. He

was followed by Julia Augusta, born in Benicia on Dec. 20, 1853. Their last child, Charles, was born Aug. 23, 1855 and died in 1860.

On his return in June 1851, Currey found that the San Francisco fires earlier that year had destroyed much of his office and scattered his clientele. Rather than rebuild his practice, Currey decided to move to the prospering town of Benicia. By that time, the disputes surrounding the Spanish and Mexican land grants offered much work for him.

In 1907, Judge Currey wrote a recollection of parts of his life which was republished in the Dixon Tribune Centennial Edition of Oct. 10, 1968. About his early years in Solano County, Judge Curry remarked:

"I have been asked to give some account of things in Solano County, and the country round about in the early days of the settlement of this part of the State, by incoming immigrants of 1849 and a few years afterwards.

"I came to Benicia in the Summer of 1851, driven out of San Francisco by the destruction of that year, which laid that city waste, and for a time suspended the work of the practice of my legal profession, which I had followed there from the Autumn of 1849.

"Benicia then was an incorporated city of great expectations. It was the headquarters of the Pacific division of the United States Army. It was the depot for ships of the Pacific Mail Steamship Company, where they could by fresh waters of the Suisun Bay become relieved of the barnacles that had accumulated on their bottoms, without great expense to that company. Then the steamship company had extensive shops, for the repair of their ships, and for that purpose employed an army of workmen. S. Clinton Hastings, the Chief Justice of the Supreme Court of the State, resided there. ...

"Dr. William F. Peabody was the physician of the place. There my son, Robert J. Currey, now and for more than 30 years a farmer of Solano County, was born. In the year 1852, as I remember, Solomon Hydenfeldt, a justice of the Supreme Court, made Benicia his residence, and Hugh C. Morrison, who was the Chief Justice of the Supreme Court, resided there with Justice Hydenfeldt."

At the time, Benicia was the county seat and, for a short time in 1853, also the capital for the State of California. The concentration of lawyers and judges helped Currey in establishing a professional network.

The 1852 census lists the Currey family, albeit with a couple of small mysteries. The census names John Currey, aged 37, as a lawyer; his wife Cornelia, aged 31, although she was born Sept. 11, 1818, and thus was 34 years old. Their children are listed as

Montgomery, age 6, and - interestingly - Charles J., age 1. Charles J. would not be born until 1855, the child mentioned here had to have been Robert J.

Even more mysterious is the fact that the same family is listed again underneath the entry for "Currey" as another family named "Curry." The information is exactly the same, with the exception of that little "e" dropped in the last name.

For the next 10 years, Currey practiced law in Benicia. In his 1907 recollection, he gave a sketch of the people who came to California during that period:

"The Seventh Judicial District, at that day (1852), consisted of the counties of Contra Costa, Solano, Napa, with Lake County, Sonoma, with Mendocino, and Marin.

"Of the legal profession of these counties, there were many lawyers, a few of whom were of respectable learning and ability. These counties, except Lake and Mendocino, had large populations, made up mostly of young men and women, under the age of forty-five. There were those who had come to California during the Forties. There were only a few well-educated people among them, the greater proportion having no more than a common school education of early times, yet were fairly well-informed of the events of the times. Of the older men I remember a goodly number, of strong natural ability and excellent moral character.

"The farmers who lived on their own farms were a substantial class of men. In those days all the younger men of the population were actively enterprising and generally law-abiding, except perhaps the squatters, mostly immigrants from the Western and Southwestern states. They were no respecters of Mexican land titles, which covered the best land of the county where located. They came in great numbers into the Counties of Contra Costa, Solano, Napa and Sonoma."

Currey became the foremost lawyer in our area to deal with the recurrent squatter problems in the courts. Among his clients were General Mariano Vallejo, Chief Solano, Jose Francisco Armijo and other well known early pioneers.

I will continue the story of Judge John Currey in my next column.

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