Justice Jesse William Curtis

*John W. Shenk*

**Effective** January 1, 1945, Jesse William Curtis voluntarily retired from the office of Associate Justice of the Supreme Court of California, a position he had occupied since January 1, 1926. He is the first member of that court to avail himself of the retirement provisions authorized by the constitutional amendment adopted November 6, 1934, and provided by a statute in 1937. He had served six years of the twelve-year term to which he was elected in 1938.

An appreciation of the character and work of Justice Curtis cannot be properly outlined apart from his family and professional background. He comes from pre-revolutionary stock and his forebears made their way to Indiana. His grandfather, Jesse L. Holman, became one of the early Justices of the Supreme Court of that state and was later appointed by President Jackson as Judge of the United States District Court for Indiana, a position he held until his death in 1842. His uncle, William S. Holman, served more than thirty years in Congress from Indiana. His grandfather, I. C. Curtis, was a prominent member of the bar of Marion County, Iowa, and represented that county in the state legislature for several terms. His father, William Jesse Curtis, was born near Aurora, Indiana, August 2, 1838. In his early childhood the family moved to the territory of Iowa where his father practiced law in the city of Pella. In 1861, William Jesse Curtis married Frances S. Cowles, of a family since well known in California. In 1864 he set out with his wife and their year old son, Holman, across the plains to California, traveling as members of the historical group known as the "Pella Company". After months of vicissitude and privation they arrived with the rem-

*Associate Justice, Supreme Court of the State of California.*
nants of the party in San Bernardino. There, Jesse William Curtis, their second son, was born on July 18, 1865. The father, William Jesse Curtis, first became a teacher, then studied law and was admitted to the bar. He was associated for many years with other prominent lawyers in San Bernardino and carried on the law tradition of the family. After a long and successful career at the bar and in partnership with his son, Jesse William Curtis, he retired and lived in good health and comfort until he was eighty-eight years of age. He undoubtedly would have lived much longer but for a tragic accident on October 13, 1926, when he was struck down and killed by an automobile when he was taking his evening walk near his home.

Among the members of this distinguished family are Colonel Merritt Barton Curtis, a nephew of Justice Curtis, an alumnus of Boalt Hall, a member of the bar of California, and now serving in the armed forces as a colonel in the United States Marines, and Elmer Davis, of the Office of War Information, one of Justice Curtis’ cousins. Many others could be mentioned.

Justice Curtis spent his boyhood and youth in the beautiful San Bernardino Valley under the shadow of the surrounding mountain crests befringed with tall pines and sloping canyons and ravines leading to the fertile and rapidly developing fruit lands below. He attended the University of Southern California from which he graduated in 1887 with the degree Ph.B. Later, in 1926, that institution conferred on him the honorary degree of Doctor of Laws. In 1928 an LL.D. degree came from Southwestern University. In 1891 he received his law degree at the University of Michigan and was admitted to the bar of California on October 12 of that year. He began the practice of the law with his father in San Bernardino. During the course of his practice he was associated with Frank F. Oster, later a Judge of the Superior Court of that county, and with Samuel W. McNabb, who subsequently became United States Attorney for the Southern District of California. Justice Curtis was elected District Attorney of his county in 1898 and served until 1903. In 1914 he was elected Judge of the Superior Court and held that office until his appointment to the District Court of Appeal (First District, Division One) on March 26, 1923. He served on that court with Nathaniel P. Conrey and Frederick W. Houser, both of whom later became his associates on the Supreme Court. He was appointed to the highest court in the state on January 1, 1926, to fill the vacancy caused by
the appointment of William H. Waste on the same day as Chief Justice.

For many years Justice Curtis has been and still is a trustee of the Berkeley Baptist Divinity School. He has had a lifelong and active interest in that denomination and in the Young Men’s Christian Association. These are but a few of the many non-secular activities in which he is engaged. He has been a trustee of the University of Redlands since 1909.

On the trial court Justice Curtis gained an enviable reputation for diligence and dispatch in the transaction of judicial business, for courtesy to lawyers and litigants alike, and for a firm but humane application of the law.

His service as a judge of the reviewing courts has put him in a conspicuous place as one of California’s outstanding jurists. By his one hundred opinions in the District Court of Appeal during the nearly three years of work on that court (and without a dissenting opinion following any of them), and seven hundred seventy-seven opinions in the Supreme Court he has made a valuable contribution to the body of the law in this state. These opinions are record evidence of clear thinking and sound judgment. His labors were characterized by thoroughness and an intelligent understanding of the legal principles involved in the manifold problems presented to the courts for solution. A never failing honesty of purpose and natural good sense charted his course in all of his undertakings. His learning, his easy mode of expression, his tolerance for the views of others, his calmness in discussing controversial matters, fitted him in a preeminent degree to complement the work of his associates on the bench. Nature has endowed him with great vigor of body and mind. In temperament he is quiet and self-possessed, but he never avoided the presentation of his views with readiness and zeal when the occasion required. In executive conferences, of which there are many in the Supreme Court, his quick and penetrating analysis of the question under consideration was very helpful in arriving at a proper solution. In his judicial work he was invariably the champion of the defenseless and the oppressed, and was an outspoken and relentless foe of injustice. In his outlook on questions affecting the public welfare he was always forward and ready to discern the necessity for changes in the law to meet changing conditions. He was insistent, however, in applying constitutional restraints on public and private action. He
was stalwart in his defense of the right of the individual to improve
his condition in response to legitimate ambitions.

No one who has been close to Justice Curtis in his official and
personal relationships can fail to be touched by the warmth of his
friendliness. Always a gentleman, courteous, considerate and gener-
ous, he possesses a keen sense of humor and a ready natural wit. His
life has been blessed by his marriage on June 23, 1892, to Ida L. Sey-
mour, the charming daughter of E. C. Seymour, who represented
San Bernardino and Orange Counties in the State Senate during the
30th Session of the Legislature. They have three children, Jesse Wil-
liam Curtis, Jr., a graduate of the University of Redlands and Har-
vard Law School and now a successful practicing lawyer in San
Bernardino; a daughter, Margaret, a graduate of the University of
Redlands and Radcliffe College and the wife of Dr. H. M. Chadwell,
for many years a professor of chemistry at Tufts College and within
recent years in association with Dr. James B. Conant in war chemis-
try work in Washington, D.C.; and a daughter, Helen, a graduate of
Miss Head’s School at Berkeley, a former student at the University
of Redlands, and the wife of J. B. Shepardson, a prominent young
business man in San Bernardino. Justice and Mrs. Curtis celebrated
their golden wedding two years and a half ago. They have seven
grandchildren.

In 1934 Justice Curtis received the Asa V. Call Achievement
Trophy, awarded annually to the alumnus of the University of Sou-
thern California who has brought the greatest honor to his alma mater.
He is also a member of the Order of the Coif, the Phi Beta Kappa
and the Phi Delta Phi fraternities in that university. Truly he exem-
plifies the qualities ascribed to the Trojan Knight by that institution:
“Faithful, Scholarly, Courageous, Ambitious.” Those who have
served with him on the bench have been profoundly impressed by
his breadth of knowledge, his wide sympathy, his rugged honesty,
his fundamental integrity, his genuine modesty, his unswerving loy-
alty to his friends, and his devotion to his tasks, whether of a public
or a private nature. He is admired and beloved by all who know him
and he leaves the court with many happy recollections on the part of
those who served with him. He goes to his home in San Bernardino
with every indication of continuing good health, and in anticipation
of the relaxation and happiness which he so richly deserves.