

# SAN JOAQUIN HISTORIAN

PUBLISHED QUARTERLY BY SAN JOAQUIN COUNTY HISTORICAL SOCIETY  
P. O. BOX 21, LODI, CALIFORNIA — 95240

VOLUME VII

JUNE, 1971

NUMBER 3

## SHERIFF THOMAS CUNNINGHAM by Theodosia Benjamin

The period between March 4, 1872, and January 19, 1899, brought many changes to San Joaquin County, but during all that time the county had only one sheriff—Thomas Cunningham.

He was born August 17, 1838, in County Longford, Ireland, the youngest of seven children. Some of his sisters had emigrated to America and when Thomas Cunningham was ten years old he traveled to New York with relatives. There he was apprenticed as harness-maker with his brother-in-law and for several years he worked at his trade in Brooklyn; he also attended night school. In 1855 he came to California by way of Panama, leaving New York on the steamer, Illinois, and arriving in San Francisco June 16, 1855, on the steamer, Sonora. He went directly to Stockton where his sisters, Elizabeth (Mrs. Charles DeWitt Benjamin) and Catherine (Mrs. Hartman Littebrandt) were already living.

In Stockton, Thomas Cunningham worked as a harness-maker until 1857 when he went to British Columbia during the excitement about discovery of gold on the Fraser River. However, he soon returned to Stockton where he worked for two or three firms. (The Stockton City Directory for 1856 lists Thomas Cunningham's occupation as saddler, but incorrectly states that he came from New Jersey.) In 1860 he bought out J.W. Scott and set up in business for himself on Main Street near El Dorado.

The following year he married Miss Catherine Quirk, a native of the Isle of Mann. They had three daughters, Margaret, Lily (Mrs. S. Confer), and Catherine (Mrs. Frank S. Boggs). Mrs. Cunningham died in 1875 and Thomas Cunningham never remarried.

The harness shop prospered and Cunningham took an active part in civic affairs. He was a member and chief of Eureka Engine Company No. 2 and during 1864-66 was chief of the Stockton Fire Department. He was twice elected as alderman from the Third Ward—in 1865 and again in 1870.

In 1871 the Republican Party nominated Thomas Cunningham as candidate for sheriff of San Joaquin County; he was elected and took office on the first Monday of March, 1872. A year later he sold his harness business. Although some people had predicted that the "harness-maker" would not be successful as sheriff, he became one of the best-known and respected peace officers in the state. As the Stockton Independent stated in its issue of November 27, 1900, "Criminals soon learned to give the county a wide berth and few ever escaped from him, once he set out on their trail."

Sheriff Cunningham believed that all men, even criminals (after their arrest), should be treated with sympathy. Early in his career as sheriff, he decided that he would never take a human life unless it was unavoidable, although he had been known to shoot the horse upon which a fugitive rode. Once, years later, Del Keagle who had been one of Cunningham's deputies, recalled how the sheriff had never used a gun in making an arrest and added, "Mr. Cunningham just said, 'You come with me,' and the man always came."

"Now-a-days you hear people talk about Tom Cunningham," Keagle once said, "but no one called him Tom. He was always Mr. Cunningham."

As sheriff, Cunningham took part in the pursuit or capture of many outlaws, including Tiburcio Vasquez, Black Bart, and the train robbers, Evans and Sontag. He was with the party which tracked Vasquez to his last hide-out near Tejon Pass.

Not long after the arrest of Vasquez, some of Sheriff Cunningham's friends wished to show their appreciation of his efforts. Knowing that he admired and wished to own a beautiful iron grey saddle horse which belonged to a Stockton attorney, they bought it and also a silver-mounted saddle of elaborately carved black leather with a horsehair plume attached to the cantle. This splendid outfit was tied across the street from the courthouse and a messenger was sent to the sheriff asking him to come at once as something suspicious was going on. When he responded he found forty or fifty friends gathered about the saddled animal, and when he asked who owned the horse, one of them stepped forward and made a speech of presentation.

This saddle was often seen at the head of parades in Stockton when its owner acted as marshal, and was said to have seen action during the Moquelemos "war." During World War I the saddle was auctioned off at the Lockeford Picnic for the benefit of the Red Cross, having been donated by Thomas Cunningham's daughters. The purchaser, Alex Inglis, later sold it to Cunningham's nephew, R.J. Benjamin, whose son, Robert, gave it to the San Joaquin County Historical Museum in 1968.

At the time the saddle was presented to the sheriff it was remarked that while in disguise he had often fooled his friends, but that day they had caught him napping. Once a nephew almost failed to recognize the sheriff. During the 1870's a favorite pastime of Stockton boys was hitching rides on trains. The only time Rob Benjamin tried it, a stranger on the train cautioned him, "Sonny, that's dangerous." It was then he realized that the stranger was his own Uncle Cunningham in disguise, setting out to trace some lawbreaker.

Until the new jail at San Joaquin and Channel Streets was completed in 1893, the county jail was a small two-story brick building on the north side of Market street between Hunter and San Joaquin Streets. Meals for the prisoners were prepared by the Cunningham family's own Chinese cook in their own kitchen and delivered by wagon to the jail. At that time the home was also located on Market Street, between American and Stanislaus Streets. About 1894 a new home was built on the northwest corner of El Corado and Acacia Streets.

One incident often cited to show Cunningham's quiet way of keeping peace was during the depression of 1894. A large group of unemployed men, referred to as the "Coxey Army," had gathered at Sacramento with the intention of going to Washington, D.C. to present their demands. The people of Sacramento were disturbed by the presence of these men, some of whom caused trouble, and they were ordered to leave. When the men headed for Stockton, the people of San Joaquin County became alarmed. Sheriff Cunningham went before the Board of Supervisors to ask for a small sum of money which was granted. When the marchers arrived at the county line they were met by the sheriff who provided lunch and wagons to carry their baggage. On their arrival at Banner Island, they were given a hearty meal and were then taken aboard two barges drawn by a tugboat for a free ride to San Francisco.

Sheriff Cunningham's handling of the Moquelemos Grant trouble prevented possible bloodshed. Squatters had occupied the lands of Bailey and Carpenter in that area, and when the sheriff went there to serve writs of attachment to levy on the growing crops, the settlers threatened to resist. The sheriff telegraphed the governor asking for the militia, and when the Stockton and Emmett Guards appeared this show of force was enough to discourage the settlers. The "war" ended without a shot being fired.

In 1899, after having served for twenty-six years and ten months, Sheriff Cunningham retired. Soon he was campaigning energetically for S.D. Woods, a candidate for Congress. When asked why he was working so hard, the ex-sheriff said that for many years S.D. Woods had been his legal adviser but would never accept a fee; now that debt was being repaid.

Woods was elected along with other Republicans, and Thomas Cunningham attended a victory celebration in Angels Camp where the crowd cheered him. He had planned to attend a ratification meeting at Sonora the next day, November 26, 1900, but on the road he became ill and at Tuttle-town he suffered a fatal heart attack.

The feelings of the people of San Joaquin County toward the man they returned to office term after term, was expressed by a prominent citizen at the time of the "Coxey Army" affair: "Sacramento may have her railroad shops and her state capitol, but Stockton has her Tom Cunningham."

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