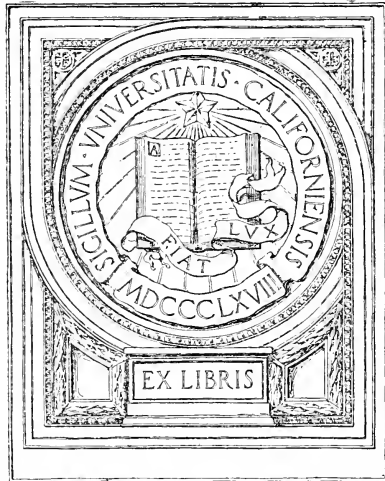




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I

IN MEMORIAM: THEODORE HENRY HITTELL¹

Born April 5, 1830—Died February 23, 1917

The California Academy of Sciences was bereaved of one of its most illustrious members in the death of Mr. Theodore Henry Hittell, February 23, 1917. He would have been 87 years old in two months. For nearly 30 years he had been an uncompromisingly loyal and assiduous member of the Academy, and in the future history of this institution, the value of his personal attachment and fidelity will grow ever clearer and stronger.

What a span of life was his! He was born April 5, 1830, and it is true to fact to say that the world has traveled farther since that year than during all its previous recorded history. In 1830 the echoes of the battle of Waterloo had hardly died away. Napoleon had been dead scarcely nine years. Charles X was King of France, but the Fates had decreed that within the next few months he was to give way to Louis Philippe. William IV this year succeeded George IV as King of England, and Victoria's memorable reign was to begin seven years later. The United States had but fairly started in the second half century of its experiment as a Republic. Andrew Jackson was President and the brewing of Nullification in South Carolina was raising the shadow of the coming Rebellion over States' Rights and Slavery. Railroads were in their infancy. The

¹ Read at the regular monthly meeting of the California Academy of Sciences, August 15, 1917.

first practical locomotive to run in America was delivered the previous year; and the first American locomotive was made in the year 1830.

Gauged by the tremendous sweep of Science since that period, it is fair to say that Science was then just starting on its real career. It will probably not be disputed that the age of Darwin is a sharp dividing line between ancient and modern science. Present methods of research and generalization are now so commonplace that the older limited, narrow systems seem to belong to the distant dark ages. And yet in the year 1830, Charles Darwin was an undergraduate in Cambridge University, which he had entered in prospect of being a clergyman. He was now becoming fascinated with natural science, and his history-making voyage in the "Beagle" was to begin the following year.

What was to become Hittell's beloved California, was in 1830 but an obscure province of Mexico, known as Alta California. Its northern boundary was San Francisco Bay. The Missions were already withering under the threatened blow of Secularization. There were about 30,000 Indians here, who were reduced in a few years to 10,000. The white people were few and almost wholly Spaniards. The mode of life of the Spaniards was, in description, charming. It had an ease, a hospitality, a gaiety unequalled. There was but little industry beyond the raising of cattle, which were killed in immense numbers for their hides which were sold to the occasional sailing vessels which came to the Coast. It was not until four years later that Richard H. Dana was to start on that voyage from Boston to California, which called forth *Two Years Before the Mast*, a book which W. Clark Russell has termed "the greatest sea-book that was ever written in any language." John A. Sutter did not come to California until 1839. San Francisco was not. Yerba Buena was the bay "which came up to Montgomery Street" and was very seldom visited by sailing vessels. There was a dilapidated Presidio, and several miles distant was the already waning Dolores Mission. The major portion of California was a vast desert for the greater part of the year. The Sierra Nevada Mountains were but little known, and most of the civilization was on or near the Coast. There was but one Custom House, which was situated at Monterey. The coast was bleak and repelling, though relieved in the spring

season by a few oases of green. "On the whole coast of California, there was not a light house, a beacon, or a buoy, and the charts were made up from old and disconnected surveys by British, Russian and Mexican voyagers." At that time, California, except for a short season, was substantially a vast, forbidding, unlovely waste. Its possibilities were not suspected. It awaited the magic touch of Anglo Saxon civilization.

It was on April 5, in this year of 1830, that Theodore H. Hittell was born, in Marietta, Lancaster County, Pennsylvania. As would naturally be expected of one of his strong and versatile character, his ancestors were sturdy, thrifty and solid people. His paternal great grandfather, Peter Hittel, was a Protestant, brought up in Rhenish Bavaria, and driven into exile by religious persecution. He, with a brother, escaped into Holland, thence coming to America in 1720, and settled down in Upper Milford Township, in Lehigh County, Pennsylvania, where he passed the remainder of his life as a farmer. He was successful, progressive and energetic, and was a forceful, and useful member of the community.

Peter's son, Nicholas Hittel, the grandfather of Theodore, remained on the farm in Upper Milford Township. He was a man of prodigious physical strength, and was an industrious and successful farmer, and, it is said, came to be regarded by his neighbors as a sage. He married Susanna de Vesqueau, or Wesco, as the family name was later called. Her father, Francis de Vesqueau, was a French Huguenot, and was driven by religious persecution from his home in Alsace, and came by way of Holland to Pennsylvania. He and his two sons served in the American Revolution, Francis being in the Second Battalion, Second Company of Northampton County, Pennsylvania. Nicholas Hittel also served in the American Revolution in the Northampton County Militia, from 1778 to 1782. The family of Nicholas and Susanna consisted of eleven children.

Jacob Hittel was the eighth son and the last child of Nicholas. He was the father of Theodore and was as remarkable a man as his son. He was brought up as a farmer's boy, and at fifteen years of age, he could speak only in Pennsylvania German. He hungered for an education and began attendance at an English school. This was three miles and a half from his home, and he walked to school and back every day, whatever

the weather or the condition of the roads. When sixteen years old, he walked to Philadelphia, a distance of forty-seven and a half miles, to go to a better school. He found a good family where he worked each half day for his board, and went to school the other half day. He bought an English dictionary, which he studied incessantly. In carrying out his steadfast purpose, he would work and save until he had accumulated a small sum of money; then he would devote himself to school until the money was exhausted. Thus, by intense industry and unremitting frugality, he acquired a good English education. When he was twenty years old, he decided to become a physician, and began studying in the office of Drs. Benjamin and James Green, at Quakerstown, Pennsylvania. The next year, he entered the College of Physicians and Surgeons at Philadelphia, but at the end of two years his funds were exhausted. In those days, it was the custom of medical students, if they so desired and felt competent, to enter upon practice before final graduation; and therefore, in his twenty-third year, the young doctor opened an office at Segersville, Lehigh County. This same year he married Catherine Shertzer, of Millerstown. Her ancestors came from Germany, and settled in Pennsylvania, and were successful and influential people. Catherine Shertzer became the mother of Theodore Hittell. She lived to be over ninety years old. She was an unusual woman, of great personal charm and intellectual gifts, and her son always spoke of her with a keenness of appreciation that denoted the greatest of affection.

The newly married couple settled down in Segersville, where, due to his energy and ability, supplemented by the popularity of his accomplished wife, Jacob Hittell gained at once a large practice; so that in less than a year, he had accumulated enough money for his final year in the Philadelphia college. Thus, when about twenty-four years old, he received his medical diploma from what was then perhaps the most prominent institution of its kind in the United States.

After practicing in several small towns in that region, he removed, in 1825, to Marietta, in Lancaster County. Remaining there five years, he was attracted by the prospects of success in Ohio, Indiana and Illinois. These states were then becoming a magnet, like California in later times. The fertility of soil, beauty of scenery and cheapness of public lands were drawing

many pioneers to this "new West." Therefore, in 1831, Dr. Jacob Hittell started for Illinois with his wife and three children; but because of the health of his youngest child, Theodore, he changed the destination, and settled in the famous Miami Valley, at Trenton, Ohio. From the beginning he was successful and his increasing practice induced him to remove to the more important town of Hamilton, about ten miles distant, and a few miles north of Cincinnati. This became the permanent family home, and so remained for thirty-four years. Here Dr. Jacob Hittell's professional skill, activity in business investments and energy in public matters made him a very prominent and influential citizen. Realizing his own tremendous difficulties in obtaining an education, he took a special interest in the public school and the Female Academy at Hamilton, and assisted and encouraged his children in obtaining a good education.

Thus, though born in Pennsylvania, Theodore Hittell's conscious life began in Hamilton, Ohio, he being only a year old at the time of the family removal. At the earliest possible age he was sent to school, because it was an understood rule in the family that each child was to be given the best education attainable in the country, and should be obliged, unless prevented by sickness, to keep on steadily at work in acquiring it. The boy was "father of the man," and his studies were characterized by great industry and thoroughness. All his life, he made it a rule to carry out to a finish what he had once begun, and to do everything in the very best manner it was possible for him to do it. Concentration on the work in hand and carrying it to completeness were among the most marked secrets of his success in life. He early became a "prize pupil" in algebra, geometry and trigonometry. He was handy with tools and very ingenious; he also worked in his father's drug store, where he learned considerable about the technical parts of the business. At about fifteen years of age he was sent to a Catholic school, then to a select school to study Latin and Greek. Meantime he had read many books, and all of them he "chewed and digested." His boyhood was pleasant and happy, and very busy. Though absorbed in his work, none turned to amusement and recreation with more zest than he.

In 1845, at the age of fifteen years, he entered Oxford College, afterwards known as Miami University. Here he had the usual studies of Latin and Greek, and mathematics. Characteristically he applied himself devotedly to his books, and became especially proficient in mathematics. He joined a literary society, but as he had no idea of ever becoming a public speaker, his activity was confined to written addresses on literary subjects. He read indefatigably, especially history and biography. He left the college because of the students' "snowball rebellion" against the faculty, which rebellion virtually caused the temporary ruin of the institution.

From there he went to Center College, at Danville, Kentucky, where he stayed during his junior year. He was not satisfied with the educational advantages of the institution and determined to go to Yale College, where he achieved the unusual distinction of gaining admittance to the senior class of Yale from the junior class of a small western college; due largely to his proficiency in mathematics and originality in working out theorems and problems. In 1849 he graduated from Yale College with the degree of Bachelor of Arts.

He was now nineteen years of age. In the following year he began reading law in the office of Charles Fox, at Cincinnati, and was admitted to the Ohio bar in 1852.

He had now earned and won a good education and admission to the profession of the law. He was in his twenty-third year, in perfect health, with an upright and incorruptible character, a widely varied and valuable experience, and a trained and industrious mind. For several years he practiced law at Hamilton, Ohio, but the life became irksome to him. His father, and all of his ancestors, were pioneers, and the call of his inheritance was strong in his veins. His brother John had come to California in 1849, and Theodore could not longer resist the lure of the Golden West. On October 5, 1855, he came from New York to San Francisco by way of the Isthmus of Panama. Thus, in her early history, did California feverishly dig her gold, which was her supposed only treasure, and send it to the East, to be rewarded by the return of far more priceless treasures—resolute, virile citizens.

Upon reaching San Francisco, Mr. Hittell plunged into the life of one of the strangest, busiest and most romantic cities

on the face of the earth. Twenty years before, Yerba Buena was not even a village, and had no existence. Nine years before, Yerba Buena had started on its career and had two hundred people. Eight years previously, the name was changed to San Francisco. The discovery of gold created a city almost overnight, and San Francisco now had a population of 50,000. Five great fires had successively destroyed it, but the buildings were now more numerous and enduring than ever. In such a seething mass of gold seekers, adventurers and real pioneers there were inevitably mingled much lawlessness and crime. At least a hundred murders had been committed in the previous year without a single execution. It was not safe to walk the streets after dark, while by day and night incendiarism and burglary were common. Allied with this individual crime was political corruption. Though the city had been partially purged by the Vigilance Committee of 1851, the baser elements were again in control. As usual in modern times, the good men did not vote and the bad men never failed to vote. In his *History of California* Hittell phrased the situation thus: "There probably had never been in the United States a deeper depth of political degradation reached than in San Francisco in 1854 and 1855." In spite of bad government and prevalent crime, nothing was able to prevent the town from forging ahead. The golden stream from the mines, the dawning realization of the immensely varied agricultural resources of the State, the first fruits of foreign commerce, revealed to the sagacious eyes of the pioneers the splendid destiny of this city and State. These good citizens could not yet control the development of the civic and material resources; but they were dazzled by the vision of the future, and hopefully consecrated their souls and energies to the building up of the new community.

When he started for California from the East, Mr. Hittell intended to go to the mines. As soon as he reached San Francisco, and saw its activities and gauged its prospects, he was easily convinced by his advisers that this city should be the theatre of his future career. Though a thoroughly educated lawyer, he seems at first to have avoided the practice of his profession, and with his literary tastes and training he naturally gravitated towards the newspaper business. The

financial failures of the year before, and the speculative transactions of each busy and exciting day, resulted in an immense amount of litigation. News from the outside world was scant, and except for world events of sensational magnitude the people depended for their news on local happenings and the developments of the courts. In consequence, the local editors of the newspapers were of unique importance, and the court news was greatly sought after by the public. Mr. Hittell began by reporting law news for a German paper published in San Francisco. His previous training now became of great value. The accuracy of his reports, the inclusion of all of the essential points of a judge's decision, the fidelity to facts, soon attracted the attention of the editor of the "Bulletin." This paper was founded by James King of William in the latter part of 1855, and by its fearlessness in attacking criminals and dishonest men in public life, and by its decency and vigor, in a short time reached the distinction of being the leading newspaper in the city. Mr. Hittell soon became the law reporter for the Bulletin and was such at the time of the assassination of James King of William and the revival of the famous Vigilance Committee in 1856. Though not personally a member of the Vigilance Committee, he was their staunch supporter, their reliable chronicler. He logically became the local editor of the Bulletin, which was a position of great responsibility and importance during these stirring times. He prided himself upon the accuracy of his columns, and no news was printed that was not true and trustworthy.

He retained his connection with the Bulletin until 1860. The rising tide of disunion had brought California actively into the national contest. In the State were many of Southern birth or with Southern sympathies, of great energy, resources and influence. Mighty and successful efforts were made to keep California in the Union. These were the historic days of Baker, Broderick and Starr King. For a year previous and during the first part of Lincoln's campaign, Mr. Hittell was the local editor of the San Francisco Times. He was very patriotic in sentiment, an ardent Union man, and gave valiant service for the cause of human liberty.

During this period, on June 12, 1858, he married Miss Elise Christine Wiehe. She was the daughter of Dr. Carl

Wiehe, of Goedens, in the northeast corner of Germany. Dr. Wiehe was chief surgeon on the staff of Field Marshal Blücher, and was present at the battle of Waterloo. The daughter left Germany on account of the events of 1848, and came to California on a sailing vessel by way of Cape Horn. It is said that she trimmed and introduced the first Christmas tree in San Francisco. After her marriage, she took much interest in Science, and with Mrs. Brandegee and Miss Rita Haggan was among the first women members of the California Academy of Sciences. She was one of the founders of the San Francisco Foundling Asylum. She also founded the Silk Culture Society of California. She actively urged the establishment of manual training schools. She was one of the pioneers in advocating the organizing of a museum in San Francisco. She was interested in the preservation of the Indian picture writings found in California, and wrote an article on the subject for "Science" magazine. Her last published article was on Pasteur, in "Science." She died in 1900.

Mr. and Mrs. Hittell had four children, of whom three are now living: Catherine Hermanna, Charles Jacob and Franklin Theodore. They were all born at the old home at 726 Folsom street, in this city.

It was in a great measure due to the solicitations of his wife that Mr. Hittell decided to re-enter the practice of the law. In 1861 he joined the San Francisco bar, and in 1862 he formed a partnership with Elisha Cook that lasted for five years. He devoted himself to civil law, and only once in his legal career tried a criminal case. Upon one occasion he was asked by John B. Felton to prepare a brief, and the document was so clear and cogent that Mr. Felton immediately offered him a partnership, which was promptly accepted. This partnership lasted until Mr. Felton's death in 1877.

John B. Felton was one of the ablest lawyers in the history of the State. He was a type of that period, one might say almost a product of his day and of San Francisco in the sixties. He collected vast amounts in fees, but spent his income with princely lavishness. He had astonishing ingenuity in applying the principles of law, and great quickness and exactness of observation. His brilliancy at the bar, prodigality of

living, versatility as a public speaker, remarkable wit and excessive generosity are among the traditions of this city and State. But with all this he was not a man of extraordinary industry in detail; therefore to be associated with a man of the dogged diligence and legal resource and exactness of Mr. Hittell was the opportunity of a lifetime. In turn, to have such a legal associate as Mr. Felton was the opportunity of a lifetime for Mr. Hittell. Each supplemented and was invaluable to the other. Mr. Hittell wrote the briefs and mainly conducted the office business. He was a model of careful industry, and of powerful and logical statement. While he personally was not largely in the public eye during this period, he gained a reputation as a lawyer of great reliability and singular skill.

Mr. Hittell was associated with a number of cases famous in the legal history of California. Conspicuous among these were the Lick Trust case, the Montgomery avenue case, the Dupont street case, the case involving the title to the lands near the ocean beach of San Francisco, and the famous San Pablo land case. In the ocean beach case he settled the title to the lands out among the sand dunes, and by a compromise between the claimants and the city of San Francisco, secured a deed for one thousand acres of land to the city which is now comprised in Golden Gate Park. The great San Pablo land case was technically known as Emeric against Alvarado. It began in 1868, and after twenty-seven years of dogged, persistent fighting, he won his case in 1895. The land titles involved were in Contra Costa county, especially in and about Richmond, and this noted case forever settled the earlier titles to every piece of property in the city of Richmond. This case gave him a position as a distinguished authority in the inextricably complicated question of land titles in California. Due to the earlier ambiguous Spanish land grants, followed by the equally ambiguous Mexican land grants in California, the titles were universally tangled, almost beyond settlement; and Mr. Hittell's work went greatly beyond the adjustment of his particular litigation. The winning of this suit brought him much legal fame, for it alone was enough to establish his position as an eminent lawyer. His other noted lawsuits evidenced the same shrewdness and ingenuity and unflinching pertinacity.

When the Constitution of California was adopted in 1879, Mr. Hittell became greatly interested in State politics. He was elected as State Senator from San Francisco and served during 1880-82. The legislature was flooded by bills of all kinds evoked by the spirit of the sand-lot agitation, and by the new Constitution. Because of his sane and balanced character, aided by his wide legal attainments, he was a moving force in the Senate, and performed notable and valuable service for his State. Many an ill-considered or iniquitous piece of legislation went into oblivion through his shrewd and sagacious opposition. He re-drafted the entire Code of Civil Procedure to conform to the new Constitution, and his work was adopted in preference to that presented by the regularly appointed commissioners. He was always a tremendous worker, and a high authority says of him that "the greater part of the statutes of 1880 was his work."

After the close of his Senatorial career, he again devoted himself to the practice of law. Even as late as 1906, he acted as attorney for his old clients.

His legal practice brought him much honor and a large fortune. The last twenty years of his life were devoted mainly to his writing. The astonishing vigor of his mind and body lasted to the end. By systematic temperance in living he possessed perfect health through his whole life. His principal exercise was walking. He often came down town from his home on Turk street above Van Ness avenue, but rarely took a street car. As late as his eighty-seventh year he occasionally walked from his home to the Cliff House, a distance of six and a half miles. He had no final illness. Five days before his death, he took to his bed because of physical weakness; and the evening before his death, with a mind as clear as ever, he told his physician that he was feeling well. He passed away peacefully and without pain.

"Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams."

Though the practice of law was his chosen profession, the writing of books was his chief love. From the amount produced, one might think that he lived always with a pen in his hand. Of law books alone, he was a voluminous author, and

his written contributions to law literature were substantial and of high value. As a matter of record, his law books are given herewith:

The Civil Practice Act of the State of California was published in 1863; later edition, 1868.

In 1865, *The General Laws of California*, two volumes; a fourth edition, two volumes in one, in 1872. This work had a particularly wide reputation, one authority saying that "it was the most comprehensive and valuable law book ever published in California."

In 1876, *The Codes and Statutes of the State of California*, two volumes in one. A supplement, in one volume, was published in 1880.

He was also the author of *Reports of Cases Determined in the Supreme Court of the State of Nevada*, six volumes, 1868-74.

At this late date, and to the lay mind, the enumeration of the dry titles of old law books furnishes small indication of his real achievement. Such works require minute exactness, conciseness, clearness and a highly trained intellect. These qualities Mr. Hittell brought to bear in his legal writing. His books became indispensable parts of every attorney's office. He was regarded as a trustworthy authority in certain branches of civil law, and he was frequently quoted in our courts and even in the Supreme Court of the United States.

Though a prolific author of law books, Mr. Hittell's dearest occupation was writing books of general literature, but principally of history. His legal activities accounted for a life filled with strenuous labor; but his tireless pen was incessantly busy, and brought forth fruits in other fields, sufficient for the career of most hard working men.

His first published book was *The Adventures of James Capen Adams*, printed in 1860. While local editor of the Bulletin, he was one day attracted by an animal show which was holding in a basement on Clay, near Liedesdorff street. Among the live animals were three grizzly bears, named Samson, Ben Franklin and Lady Washington. Samson was of enormous size and was said to weigh fifteen hundred pounds. He was captured when grown, and, though not wild, was untamed, and kept in a cage. The other two grizzlies were

captured when cubs and had been tamed by the owner. Mr. Hittell noticed that the fur was worn off the backs of the tame bears and was amazed to learn that they had been used in the mountains as pack animals and that the owner rode them when necessary. It did not take Mr. Hittell long to become very well acquainted with the owner, whose name was James Capen Adams, a hunter who had spent years in the Sierra Nevada mountains. Adams had passed through such curious and fascinating experiences that Mr. Hittell determined to write a book about such an unusual bear hunter. In consequence, for a year and a half, by tacit arrangement, the author visited the animal show each afternoon after the newspaper went to press, and listened to the hunter's tale. These conversations he embodied in one of the best bear books ever written. It was published in San Francisco and also in Boston in 1860, but due to the Civil War it was not widely distributed. The book contained 370 pages, was illustrated by a number of wood cuts by Charles Nahl and had a brown cloth cover.

And now comes an odd and interesting sequel. Half a century later, in 1909, Charles Scribner's Sons published a notable book called *The Grizzly Bear*, by William H. Wright. Its author was born in New Hampshire. In his preface he makes the following remarkable statement:

"I have often seen in the newspapers and magazines replies of various persons of note to the question, 'What book has exerted the greatest influence on your life?' Most of these answers I notice are rather hazy, but if I had ever been asked to reply to this question, I should have been able to answer without any hesitation. And my answer would have been, 'The Adventures of James Capen Adams, Grizzly Bear Hunter of California.'"

As a result of Wright's book, Scribner's got into communication with Mr. Hittell, and in 1911, they issued a second edition of the James Capen Adams book, exactly in the original form, as to type, illustrations and old brown cloth cover, with an introduction and postscript added by the author.

In 1872 he published a criticism of Goethe's *Faust*. It contained forty-six pages and was bound in paper covers. It was

a serious attempt to interpret the great poem which has been a puzzle to leading critics for over a century. The review displayed much acumen. It was written with more than ordinary care, and furnishes a fascinating introduction to the study of one of the greatest of literary works.

Stephen J. Field, after an eminently successful legal career in California, became Justice of the Supreme Court of the United States. Around his picturesque experiences clustered many of the exciting episodes in the history of the State. The Sharon will case, involving Sarah Althea Hill and former Chief Justice Terry, culminated in the shooting of Judge Terry by U. S. Marshal Neagle, at Lathrop, Cal., while Neagle was acting as guard over Judge Field under instructions from the United States Department of Justice. This tragic event caused a great sensation throughout the United States, while California was for the time in a turmoil of discussion over the event and the causes that led up to it. Judge Field was constantly importuned by his friends to write the story of his dramatic life, and at length he dictated his reminiscences to Mr. Hittell. This was in 1877. Judge Field decided to issue the book privately, for distribution to his friends only. In 1893 a second edition was printed for private distribution, but the book was never officially published. It is not generally known that Mr. Hittell wrote these reminiscences, although it could easily be inferred by a careful reader; because on page 108, edition 1893, occurs the following sentence: "Here my narrative of 'Personal Experiences' must for the present end. I could have given you, Mr. Hittell, more interesting matter." The volume is entitled *Personal Reminiscences in California*, and besides the dictated portions and an article from the Sacramento Union on the career of Judge Field, includes an elaborate statement of the Sharon litigation and the sensational events that focused in the death of Judge Terry, written by George C. Gorham, a personal friend of Judge Field, and for many years Secretary of the United States Senate. It is a book of absorbing interest and is now very rare.

It was during his law partnership with Mr. Felton, and in the most exacting period of his legal career, in 1871, that Mr. Hittell began the stupendous work of writing his *History*

of California. His experiences of six years as a San Francisco editor and his delving into historical records in connection with his law work, had revealed to him the wealth of material for an amazing story. It was practically a virgin field. Though up to that time there had been a number of books on certain picturesque phases of San Francisco and California, there had not yet appeared an orderly, continuous and comprehensive record of the great drama of the discovery, settlement and development of this State. His literary imagination leaped at the visioned opportunity.

The principal material for the early history of the State was buried in that immense and practically undigested mass of documents known as the "Archives of California." These were in manuscript, mostly in Spanish, a very few in English, German and Russian. Soon after California was admitted as a State, the vital value of these early documents was seen, both in reference to the complex land titles and also as historical records. They consisted of letters, proclamations, Mexican and Spanish official orders and various memoranda. At length, by order of the United States Government, they were collected and bound. Though there was an attempt to segregate them into convenient classifications, it was a difficult if not an impossible task. In consequence, documents germane to a given subject would be found in widely scattered volumes, which made the gathering of material much more complicated and vexatious.

These "Archives of California" comprised nearly three hundred bound volumes of about 800 pages each and contained about 250,000 written pages. They were in the office of the U. S. Surveyor General in the U. S. Treasury Building, on Commercial street. In the great fire of 1906 the larger portion was burned, but many of the documents can possibly be restored due to the Spanish system of preservation. Some certified copies are now in Mexico or Spain, and some may be found in the British Museum and various libraries in this country.

For historical purposes the Archives were absolutely indispensable, and in them Mr. Hittell found a great part of the material for the early period. As a rule, the chirography was good, though in many instances the ink had faded. Since

coming to California, Mr. Hittell had learned more or less Spanish and he now cultivated a further acquaintance with the language until he could read it with considerable ease. For several years he almost daily visited the office of the Surveyor General, and carefully copied the necessary original documents. At his home now are thousands of pages of these copies, which should prove to be of much value to the future student of history.

After fourteen years of gigantic toil, in 1885 he published the first two volumes; and twelve years later, in 1897, the last two volumes. At that period there were few stenographers—scarcely any outside of the courts—and no typewriting machines. Every word was written by himself in long hand. He had no clerk, assistant or amanuensis. His voluminous notes were in Spanish, German and French, as well as English.

The work was hailed with high acclamations by all classes. It is a monument to the author's painstaking genius, and considering the period in which it was written, it is a master work. It abounds in noble passages of oftentimes eloquent English. It is detailed, and yet in proper perspective. The early portion was drawn directly from original, official but unpublished sources. The later portion was even more valuable and interesting, for the author was a keen, trained observer of the events written about, and often a participator in them. And yet his determination to be impartial was so strong that the reader would have difficulty in believing that the author was an eye-witness and often an actor in the scenes described. Inevitably, where current happenings are told, people have diverging opinions. Many persons may have differed from his conclusions, but there were few to deny that the work was a dignified, accurate account of the State from its earliest beginnings, and a weighty and valuable contribution to history. It is a veritable mine of fact and reference. Since then, and especially of late years, has arisen the school of scientific historians, and much attention is at present being given to a minute study of California history, especially from the archives in Spain and Mexico; and therefore the writing of Pacific Coast history is now on a firm and satisfactory basis. When Mr. Hittell wrote, the knowledge

of California was fragmentary and untrustworthy. He docketed the facts, set them forth in an intelligible and vastly interesting manner, and, upon a large canvas, is indubitably the pioneer of the true historians of his beloved State.

At the time of the San Francisco fire in 1906 the plates of the history were in Oakland and thus escaped destruction. Shortly afterwards they were removed to Mountain View, near Palo Alto, where they met their fate in a fire. The books are fast becoming rare.

As a historian and as a contemporary, Mr. Hittell was always an admirer of George Bancroft, whose *History of the United States* was for years the leading authority, and who as Secretary of the Navy under President Polk, had an active if not a predominant official part in the acquisition of California by the United States. It was a labor of love and gratitude to write a memorial address of *George Bancroft and His Services to California*, which was delivered May 12, 1891, before the California Historical Society.

In 1898 was published Book I of a *Brief History of California* by Mr. Hittell, with an introduction by Professor Richard D. Faulkner, principal of the Franklin Grammar School of San Francisco. It contained sixty-eight printed pages and was devoted to the Discovery and Early Voyages. From Professor Faulkner's introduction, the plan was evidently to publish a complete history of the State, as a school text book, in twelve small volumes, which later would be published in a single volume. For reasons not known, the plan was not prosecuted further than the first volume. The style of this little book is charming as well as simple and instructive, and it is a matter of regret that the series was not continued to completion.

Mr. Hittell wrote a comprehensive, detailed history of the Academy, styled a *Historic Account of the California Academy of Sciences, 1853—1903*. As the dates indicate, the intention was to close with the proceedings of the semi-centennial meeting of May 18, 1903. It was written up to that time, and was in the hands of the Academy authorities for publication, and about a fourth part of it was in type at the time of the great fire, April 18, 19 and 20, 1906. The printed pages, the type of which had been set up, and some twenty

pages of the manuscript, were consumed. The remainder of the manuscript was in the Academy building on Market street and was fortunately saved and removed to a place of safety. With this partial manuscript and the proofs already in hand, the complete history was restored. The beginning of the reconstruction of the Academy, immediately following the fire, made it apparent that the closing period of the epoch was not at the semi-centennial year of 1903, but more appropriately rather the year 1906. The author, therefore, brought it down to the end of 1906. Since that time it has not been possible to print the history, and it is now awaiting a time when the money shall be available for its publication. The manuscript contains 374 pages. Much of it is in Mr. Hittell's best style. His unusual skill in assembling and digesting details, his laborious patience in studying the original sources, his experience as a historian on a larger scale, gave him especial qualifications for the task. Some of the records of the Academy were destroyed in the great fire; others were to be found in different documents and written books; here all are combined in a fascinating story accurately and methodically set forth. Here will be found the amazingly romantic tale of James Lick's wonderful benefactions. Because of Mr. Hittell's personal acquaintance with the men who made the Academy's history, he could write with authority. No one else can, or ever will, tell the story so well and so reliably. The Academy, as a historic institution, deserves that such an authentic record should be published; and it is to be hoped that the near future will bring out this history in printed form.

In his miscellaneous reading, Mr. Hittell became interested in Hawaii, and it was not long before his indefatigable pen began a *History of the Hawaiian Islands*. He had never been in those enchanted isles, and at his age he shrank from undertaking an ocean voyage. But he collected practically all the literature extant upon the subject, and, beginning in about 1905, he labored upon this work for seven years. The result is embodied in 1563 pages of closely written manuscript, with a Table of Contents of 172 pages. The work has not been published. It is the most comprehensive history of these islands which has yet been written.

He next wrote a history of the Miami Valley, in Ohio. This was the home of his boyhood, and the pioneer period there and the thrilling tales of the Indians had always held a great fascination for him. The manuscript is closely written, and comprises 112 pages. The copy, or second draft, was finished January 18, 1915.

At the time Mr. Hittell arrived in San Francisco in 1855, and for the next five years, much space was occupied in the California newspapers by accounts of the sensational doings of William Walker, the filibuster. This city was the home of Walker and the starting place of his expeditions to Nicaragua. In his History of California, the author gave many pages to Walker, and in his late life he wrote a *Historical Account of Walker the Filibuster*. It was finished in 1915. As it has not been published, it is in manuscript form only, and comprises 284 pages, besides 33 pages of Table of Contents, and 19 pages of Index. It is an accurate but vivid account of one of the most noted and eventful adventurers since the days of Captain Kidd.

When he was 85 years old, Mr. Hittell began writing his autobiography. He persevered at this task to the end of his life. As was natural for one of his great age, his recollections dwelt with especial fondness upon the days of his youth and young manhood. *The Reminiscences* were written for his immediate family, and therefore he took especial pains to revive the memory of his ancestors in America, both on his father's and his mother's side. The verification of dates and the confirmation of family traditions consumed much time: and in consequence the work proceeded slowly. According to his universal custom, he wrote everything himself in long hand; his first draft was carefully copied, corrected and indexed; so that his entire manuscript was written twice. His methodical manner of working enabled him to cover much ground, so that by the end of 1916 he had produced in corrected form 270 legal cap pages of writing. Considerably more had been written as a first draft. His last entry was dated nineteen days before his death. Nevertheless, he had progressed no further than the end of his college education. It is an irreplaceable loss that he did not write of his life in California, where his real career was lived. He saw so much

that was dramatic, he was a part of so much history, that he could have produced a picture of incomparable value and interest. As far as it was written, the Reminiscences contain many delightful passages, particularly those descriptive of the home life in Ohio, three-quarters of a century ago, a period now forever past.

In addition to papers delivered before the Academy of Sciences, which will be mentioned later, Mr. Hittell published or delivered the following, which are given here as a matter of record:

Theodore D. Judah. The Engineer of the Central Pacific Railroad. 30 pp. Delivered at Stanford University, February 21, 1896.

The Discovery of Humboldt Bay. 40 pp. Read before the Society of California Pioneers, April 9, 1889.

How Yosemite Was Discovered. 33 pp. Read before the Society of California Pioneers, January 8, 1890.

The Place in History of the California Pioneers. 8 typewritten pp.

The Big Bonanza. Published in "Land of Sunshine," September and October, 1899.

Geographical Peculiarities of California. Published in "Land of Sunshine."

Observations on the New Constitution. Published in "Overland Monthly," January, 1883.

On the Tip Top of the United States. Published in "Sunset Magazine," February, 1903. This was a description of his climbing to the summit of Mount Whitney, June 23, 1902, when he was over seventy-two years old.

Considering the career and the character of James Lick, his benefactions were an unparalleled deed of philanthropy. With the disposition of Lick's property, Mr. Hittell was closely associated. His partner, Mr. Felton, and himself, were Lick's attorneys through the long period of legal complications, and Mr. Hittell became not only Lick's reliable legal counsel but his trusted personal adviser. When Lick was preparing his Trust Deed which disposed of all of his vast property, Mr. Hittell suggested that he make the California Academy of Sciences and the Society of California Pioneers his residuary legatees. Mr. Lick thought the proceeding un-

necessary, remarking that he was now giving away all of his property, and there was nothing left. Mr. Hittell observed that it usually required considerable time to settle up an estate, and that there might be something left over after all the specific gifts were paid. James Lick followed this advice, and his Trust Deed, after naming the specific gifts, divided the residue into equal proportion between the California Academy of Sciences and the Society of California Pioneers. On September 28, 1875, the Academy accepted the Lick deed, and October 2, 1876, the death of James Lick was announced. As predicted, when the estate was settled, there was a residue, which, owing to the tremendous rise in the value of real estate and the careful management of the trustees, amounted to over \$1,100,000, of which half was received by the Academy. This institution is thus indebted to Mr. Hittell for his influence and his suggestion for a vast fortune, which made possible many years of active and efficient service in the cause of Science.

In September, 1906, a special committee was appointed by the Council of the Academy to represent the Academy at the anniversary exercises of the California School of Mechanical Arts, to take steps for the future proper observance of September 21st as the day on which James Lick executed his donation. At a meeting held October 1, 1906, Mr. Hittell, representing the committee, presented and read a report. It included such an eloquent recognition of Mr. Lick's philanthropy that it seems appropriate here to quote the following paragraph:

"The more his [Mr. Lick's] bequests are studied and the greater the insight gained of the objects and purposes contemplated by him, the more is the mind impressed with the real greatness of the man. Of all the many cases in which men have devoted great wealth to public purposes, there was not one, considering all the circumstances, that could compare in the genuine spirit of benevolence and beneficence and the wisdom of its distribution with that of this grand old Californian. In this last act of his long and laborious life, in which he gave the results of his life's toil, and, as it were, his life

itself for the benefit of his fellow man, he seemed to have risen above the frailties of human nature and stood forth as a model for respect and admiration."

The Academy of Sciences is indebted to Mr. Hittell for another important benefit, which grew out of a voluntary service he was faithfully performing. It has been noted that at the time of the great fire of 1906 his History of the Academy had been completed to the year 1903. Although the greater part of the books of record of the Academy were saved on that historical morning, those of the Board of Trustees were destroyed. These contained, among other things, the accounts of expenditure for the construction of the building on Market street. The only available if not the sole evidence of these accounts was the copies which had been taken for the object of writing the Academy history; and they were used for this purpose in the negotiations and settlements with the insurance companies, thus proving of great value.

It was on September 5, 1887, that Mr. Hittell became a member of the California Academy of Sciences. On January 5, 1903, he became a life member. He identified himself with its interests and seldom missed either a regular or special meeting when it was in his power to attend. In addition to the regularity of his attendance, he wrote and presented the following papers:

Sutro's New Water Power. 4 pp. Read October 15, 1888.

Memorial on the Death of Professor John LeConte. 4 pp. Read June 1, 1891.

The Acorn and the Oak. 19 pp. Read February 4, 1889.

Change of Level in the San Francisco Peninsula. 5 pp. Read December 16, 1888.

Oysters in San Francisco Bay. 15 pp. Read November 6, 1893.

Remarks on the Alameda Shell-Mound and Indian Medicine Tube. 14 pp. Read October 15, 1894.

The Last of the Yosemitees. 34 pp. Read April 9, 1890.

Pioneers in Death Valley. 25 pp. Read November 3, 1902.

Historic Sketch of the California Academy of Sciences. Read at the Semi-Centennial Anniversary, May 18, 1903.

Dr. George Chismore. 11 typewritten pages. Dated March 5, 1906.

Memorial in Remembrance of General Lucius Harwood Foote. 6 typewritten pages. Dated July 7, 1913.

He also wrote memorials on Dr. H. W. Harkness and Mr. William Alvord, which were printed by the Academy.

He was elected a member of the board of trustees of the Academy on January 4, 1909, and served until his resignation on January 18, 1915. Thus, from the time he was nearly seventy-nine years of age until he was nearly eighty-five, he was active as a trustee, and the records will show that in that entire period of service he attended every meeting of the board but one, or possibly two.

In the Academy campaign of 1904 for the State Constitutional Amendment exempting the Academy from taxation, he took an active part. To every newspaper in California that opposed the amendment he wrote letters of argument and explanation, and indubitably his cogent statements had a sensible effect upon the attitude of the press.

When the time came for pressing the plan to move the Academy of Sciences to Golden Gate Park, it was Mr. Hittell who drew up the amendment to the city charter, which was unanimously accepted *in toto* by the Board of Supervisors, and passed by a very large majority of the vote of the people in 1910.

And thus, in all ways, he gave evidence of his acute, personal interest in the Academy. He was as loyal to this institution as a true patriot is to the country of his allegiance.

Besides being a life member of the Academy, he was an honorary member of the Society of California Pioneers. He belonged to no other organizations.

Theodore Hittell was a man of much versatility of talent. Among the principal assets to which he owed his various achievements were perfect health and the ability for long-sustained, arduous work. He was rarely if ever ill during his long life. He carried on for extended periods the equivalent of the work of two men, as this record of his life has demonstrated. Though it is probable that the definition of genius as being a capacity for taking infinite pains will not explain the astounding manifestations of real genius, it is

unquestionably true that this ability can lift talent above its normal level and make it super-efficient in its results. Mr. Hittell possessed great patience, and an immense capacity for taking pains. Possibly these were the dominant notes in his character.

It was this genius for details that made him a painter of considerable skill. His early love of drawing was born at his mother's knee. Later he attracted a good deal of local attention for his pen and ink drawings. He soon flowered into oil painting, which became one of the principal amusements of his early life. In those days painting in oil was complicated by the necessity of grinding his own colors; but he became almost infatuated with oil painting, and some of his productions are still in existence. At Yale College he gained a reputation as a cartoonist and his sketches were well known and very popular.

Like most writers, he also wrote poetry. In his earlier life he translated a number of poems from the German. In the issue of September, 1903, *Sunset Magazine* published his poem entitled *A Blackfoot Burial*. The same magazine, in June-July, 1906, printed his *Phoenix Redivivus*, written to celebrate the arising of San Francisco after the fire and earthquake of that year. In April, 1907, the same magazine printed his poem, *Reconstruction*, devoted to the same subject.

He was familiar with a number of modern languages, and could read with ease German, Spanish, French, and also to some extent Italian and Portuguese. He never attempted to speak in any foreign language but German.

Mr. Hittell was a true Democrat of the sturdy and outspoken American type. When in college he did not join a Greek letter society because he thought these organizations were undemocratic. His hatred of despotism was never hidden under a bushel, but constantly burst forth in his writings and conversation.

He was a man of unswerving integrity of character, veracity of speech and sense of justice. He was tenacious, sometimes obstinate, in his attachment to his convictions; and where a question of right was concerned, he was immovable. When he was a young student he fell under the spell of Thomas Carlyle. Only a few weeks before his death he said

to the writer of these lines: "Whatever I may have of integrity of character, I owe to Carlyle. I became acquainted with his writings early in my life, and he has had the greatest influence over me of any man who ever wrote." Mr. Hittell was also sensibly molded by Carlyle's gospel of work; few men ever carried out so conscientiously the doctrine of unremitting, strenuous toil. Thus may we account for achievements in a single lifetime seldom exceeded in extent and excellence combined. He enjoyed his life to the full, and he had the proud consciousness of success in almost everything he undertook.

In his latest years, outside of his interest in the Academy, he was a spectator rather than a participant in public activities. In consequence, his opinions were not modified through actual friction with events, and he did not, from the standpoint of the present, keep up with the startling changes in modern methods and beliefs. To the unthinking or unimaginative, he was of the old school, of a past era, of ancient viewpoints. So, too, may we all, as the years draw to the end, be regarded by the rising generation as old-fashioned in principle and as unprogressive; and so, too, may we, in return, look upon the latest generation as too radical, unchristian, or even immoral. It is the way of all time. The new crowds out the old, and is in turn crowded out by the still newer. Each may be right in the light of his own time; for one day differeth from another in glory and in the shadows which it casts.

G. W. DICKIE,
LEVERETT MILLS LOOMIS,
RANSOM PRATT,
Committee.

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