

THE SOCIETY OF CALIFORNIA PIONEERS

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QUARTERLY

OF

The Society

OF

California Pioneers

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Contents

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	PAGE
Foreword, Brief History of San Francisco Lands.....	5
The Life of James Lick.....	14



James Lick

He was no longer young when he came to Yerba Buena, the village of adobe huts and frame shanties; a man in his maturity staking everything on a brave young town. The story of his career is the story of a city's growth.

The Life of James Lick

Fourteen years before San Francisco Bay was discovered, a little village known as Stumptown* appeared on the fertile valley land of southeastern Pennsylvania. To the northwest loomed Kittatiny Mountain, a blue upland beyond the area of verdant country. Beneath the soil were rich deposits of iron and copper.

Frederick Stump, who founded Stumptown in 1755, was an Indian fighter and a pioneer of the early Colonial days. To this section came settlers who in later years were known as "Pennsylvania Dutch."

The years brought the Revolution and the dread winter at Valley Forge. Among the men whose bleeding feet left vivid prints upon the snow was William Lük, a German immigrant.

He had a son, John, born September 13, 1765, near Norristown, Montgomery County. It was not long before the boy dropped the German spelling of his surname and became plain John Lick. When he was a young man he moved to Stumptown, Lebanon County. There he remained.

He was a carpenter and wood-joiner, the genius of the countryside. Townsfolk boasted of his skill.

His wife was a Long, born of pioneers. During the days of bitter Indian fighting, a considerable portion of her ancestors had been slaughtered by a redskin raiding party.

On August 25, 1796, a son was born to Sarah and John Lick. They named him James. He went to the village school where he did as well as any other small boy. What history he learned was given color by the stories of the grandfather who had suffered the ordeal of Valley Forge, and the mother who had been a Long. The story of the Indian raiding party, swooping down on his

*The name Stumptown was afterward abandoned and the town became Fredericksburg.

maternal ancestors was a glorious tale for evenings by the fire-side. The boy never forgot these family legends.

His schooling done, James was early apprenticed to his father, an exacting teacher. He worked hard and was scolded in no mild terms when mistakes were made. In the end he became an excellent cabinet worker.

When James was a young man he fell in love with the miller's daughter. It is evident that she loved him, too, for the boy felt sure enough to ask the miller's consent.

The exact wording of the miller's answer is not known. He is quoted in various terms, but all versions of the affair agree on his emphatic refusal.

In fact, the miller thundered indignation at the idea of a poor wood-joiner aspiring to the hand of the pretty young heiress.

"Have you a mill like this? Have you a penny in your purse?" he demanded. "When you own a mill as large and costly as mine, you can have my daughter's hand, but not before."

"Some day I'll own a mill that will make this look like a pigsty," was Lick's answer, according to the fragmentary legend handed down by the townsfolk.

On June 3, 1818, a boy was born in Stumptown and his mother named him John H. Lick. The following year, 1819, James Lick left his home in search of the fortune the stubborn old miller had demanded of him. With one dollar in his pocket, Lick walked out of town into the unknown future. The dollar and the suit of clothes he wore made up his worldly possessions.

At Hanover, Pennsylvania, he found work with Aldt, the organmaker. A short time later he began a journey south, supporting himself on odd jobs. At Alexandria, Virginia, he was employed in the furniture factory of Green & Company. But promotion was slow and young Lick quit to seek better fortune in Baltimore. Over the dirt pikes and the rolling hills, trudged the young journeyman.

Joseph Hiskey, whose pianos were famous in those days, hired James Lick and the young fellow settled in Baltimore near the factory. There he met Conrad Meyer, a young German

who had learned the trade of piano-making back in Germany, his Fatherland. They struck up a friendship that lasted all through the years.

Meyer, a placid youth, was very different from the fiery and impulsive American. It was not long before Lick, again tiring of the slow progress, set out in quest of better opportunities. Meyer remained with Hiskey.

Lick found work in New York City. The spirit of the town and the knowledge that experience had brought him gave the young man greater confidence and energy. He had everything but the capital necessary for a business venture of his own. It made him alert, as watchful as a cat at a mousehole.

Every day a truck loaded with chairs, tables and such household furniture went rumbling by the workshop. It became a part of the routine of his life—each day the truck went by at a certain time. Eventually Lick slipped out of the shop and followed the truck. Down among the wharves it went, James Lick close after it. A good-sized vessel lay at the wharf. Piece by piece the load was swallowed up in the hold. Lick stood watching and thinking. Loungers said the furniture was bound for Buenos Ayres.

He wondered. There must be quite a demand for furniture in Buenos Ayres. Look at the truck-loads that had gone by the shop! If furniture made in New York could be sold at a profit in Buenos Ayres, despite transportation costs, what might the profit be to a maker right on the ground?

Lick's goal became Buenos Ayres. All he lacked was the money. He lost no time in meeting the captain of the ship. Lick made a bargain with him. He was to build a piano for the captain and install it in the ship's cabin. In exchange the captain would take as passengers Lick and two helpers, fare free. With these men, his tools and very little money, James Lick sailed for Buenos Ayres.

Meyer had refused to join him. The placid German had no taste for adventure and Lick's pleading could not change him. So the two friends parted at the crossroads some time in December, 1820.

Always thorough and painstaking, Lick took special care that the products of the piano- and furniture-making venture

should be objects of wood-joiner's art. For twelve years he worked, prospered and gained fame.

In 1832, he reviewed the years, counted his fortune and prepared to return to the United States. Without stopping to write of his decision, he took ship for home. With him he brought \$20,000 worth of hides and nutria skins.

Conrad Meyer, who was in business on Fifth Street near Filbert in Philadelphia, looked up from his work one day to see James Lick come walking in the store.

Several days later Lick paid \$400 in advance for a year's rental of a house on Eighth Street near Arch, where he intended to set up business as a piano-maker. Then he left town, saying that he was on his way to New York and Boston for short visits.

Instead he bought a horse and carriage. It was a pretentious outfit.

That was how James Lick returned to Stumptown. Thirteen years ago he had walked out bravely; a poor boy, scorned by the father of the girl he loved. He returned in elegance, sitting in a fine carriage drawn by a brisk-stepping horse, its harness new and glittering.

He had come back to marry the mother of the little boy who had been born in 1818. Whether she was the miller's daughter or some other village girl is not known. Suffice that Lick returned with a fortune in his money belt and the wish to marry her.

Their son was now in his fourteenth year. Townsfolk say that when the mother heard of James Lick's return, she hurried the boy out into the country and hid him in the house of a relative.

No one knows what Lick thought when he learned that the mother of his child had married and that she was raising the boy as the eldest of her young family. But the story goes that Lick tried to find his son and could not. Two weeks passed. Then he gave the horse and carriage to his brother, William, and disappeared.

The horse died not long afterward, so the story goes, and Lick sold the carriage, putting the proceeds by against the day when James' son should come of age.

It was not long before Conrad Meyer received a letter from Lick, who, writing from Boston, announced a change in his plans. Would Meyer call on the house agent and cancel the lease, making the best settlement possible? Meyer returned the key and got \$300 of the \$400 paid down by Lick. This was sent to his friend, ending the Philadelphia venture.

Lick's plans soon took form. Stumptown was behind him, Philadelphia was behind him, and he found himself looking to South America once more. And back he went. The vessel on which he sailed carried a cargo of flour and staples, which he had purchased out of the money he meant to spend in Philadelphia and Stumptown.

But when he sold the cargo, which brought good profits, he became dissatisfied with business prospects in Buenos Ayres. It is not known whether the piano and furniture market had fallen or that the wanderlust had him again.

At any rate he sold out his newly established business and prepared to cross the plains and mountains to Valparaiso, Chile.

The journey is not a pleasure jaunt even today, in spite of the railroad. In Lick's time it was made by mule train over miserable trails, along which lurked dank fever and marauding Indians.

The route followed by Lick led along the west bank of the broad La Plata River, up the right bank of the Parana, a tributary to Rosario where the trail set out across the bleak Pampas. For miles ahead the dreary land loomed desolate but for the heavy growth of Pampas grapes, among which Indians lurked. And even if there were no Indians, the grape thorns cut and tore the travelers as they threaded their weary way.

"I was worn out, stripped of my clothing and completely exhausted," Lick said in later years, "And I was glad when I first caught sight of the distant Andes. It gave promise of a break in a monotonous and wearisome journey."

At Mendoza, near the foot of the Andes, Lick rested. It was a pretty little place, surrounded by green, fertile corn fields, vineyards and orchards. Trees shaded the adobe houses and flowers bloomed brightly beside them. Mountain streams tumbled noisily nearby.

Lick liked to watch the life of the little town. Soldiers lounged in the sun; pretty girls smiled at them and the water carriers rocked slowly with their burdens, toiling from house to house.

One day Lick found a companion, a little Indian boy who sat sketching the people in the square. Lick was struck with the child's ability. He began to inquire about his parents. Some one said the child belonged to an Indian woman. She refused to give up the boy, claiming him as her peon. She would not name his parents, but said the boy was a pure-blooded Indian.

Lick begged her to let him take the boy. He promised to educate him and bring fame to Mendoza. But the woman shook her head.

"I offered her one-half of all the money I was carrying with me," said Lick.

The woman declined with contempt in her voice. She said she would not part with her peon for fifty times that amount.

James Lick was sad. He saw in the boy's sketches the touch of a genius. To him the little peon had a sense of true art that only the masters could have equaled. But it withered in Mendoza and James Lick went up the Andes alone.

As he toiled up the winding trail that skirted the Sierra de los Paramillos on the way to Minos, he thought with envy of the little Indian boy.

"I said to myself why couldn't I have a gift like that," he used to say when he told the story, "Why was I sent into the world so poorly equipped in contrast with the talent of that child?"

Minos is 9,500 feet above sea level. Lick and his mule train toiled through the little village and on to the south until they reached the Mendoza River. Up the banks they went to the Puente del Inca, where Inca's Bridge, a natural rock formation, crosses the hot springs in the grottoes below. A few miles more and they had reached the crest of the Andes, 12,795 feet above sea level.

In traveling through the pass at Cumbre, Lick suffered the agony of "puna," fighting for breath in the rarified air. To make it worse a swift icy wind blew snow and hail upon the creeping

train, but somehow they survived and started on the steep descent to Juncal, Chile.

Juncal was a dismal place and Lick ordered the party to keep on until they reached Ojos del Agua, where they rested.

And after many days he came to Valparaiso. Four years passed while Lick built pianos. Again, he became restless. Business had not come up to his expectations.

It wasn't long before he began to pack up. Peru was now his land of promise. As Chile and Peru were on the point of actual hostilities, he had to hurry in order to reach Callao before the blockade went into effect.

Lick sailed on the "Brilliant," a rotting hulk, bound for Callao and Guayaquil. It reached the former city one day before the blockade and Lick landed, setting out immediately for Lima. The "Brilliant" had no sooner turned her nose to the outer harbor, on the way to Guayaquil than she wearied of the journey before it was begun and promptly sank.

Lick, the piano-maker, became well known in Lima. He prospered. Business boomed and he took a trip to Europe. It was as near a vacation as the man ever took during all his years. He spent four weeks in London and a month on the Continent. It is evident that he visited piano-makers while on his travels. Sometimes he spoke of his experiences in after years. The difficulties he had with the moneys of the German States always amused him.

"I went to my bankers," he used to say, "and obtained a variety of coins, which I carried in my overcoat pocket. When I had occasion to pay for anything, I just pulled out a handful and told them to take what they wanted."

In England he bought a machine for cutting and working brass. Bringing new ideas back to Lima with him, he went to work once more. The machine for working brass proved a wise investment.

Lick bought up all the brass he could lay hands on and cornered the market. He made \$20,000 in one year as a result. Besides making Lima's best pianos and cornering the brass market, James Lick ran a theater, an amphitheater for bull fighting and dabbled in various mercantile ventures.

In all these years Lick had written no letter to anyone in the States. His relatives and his old friend Conrad Meyer had given him up for dead. It was characteristic of Lick that he should say nothing until he thought he had something to say.

"I had begun to believe him among the dead," wrote Meyer in his reminiscences. "One day I received a letter in his own handwriting, enclosing an order for between \$1,300 and \$1,400 in Spanish doubloons, the same being brought to New York by a government war vessel. The money was intended as payment for the inside work or action of twelve upright pianos, which I soon had finished and shipped to him at Lima."

In 1846, news of the Mexican war reached Lima. California had been occupied by the United States Government. And California became Lick's new goal. Friends urged him to remain in Lima. Why should he leave assured success to risk his life in a strange country? How could he be sure that California would remain under the American flag? Besides, wasn't the region full of cut-throats and ruffians?

Lick replied that he'd always been able to take care of himself, notwithstanding cut-throats, ruffians or any other sort of obstacle. And he'd always noticed that once the United States got hold of territory it wasn't apt to let go.

Nothing hindered Lick's migration to California but that matter of twelve pianos. He had taken the orders and he meant to fill them. His workmen, having been struck with the desire to reach Mexico, and not being burdened by any sense of obligation to customers, quit their benches and sailed at once for the north.

And there was Lick with twelve pianos to make and no workmen! It took him eighteen months to complete the pianos, which he fitted with the action sent by Meyer.

In November, 1847, Lick sold out his business for \$30,000, a great deal less than it was worth. What with his other moneys, he managed to keep the \$30,000 intact. He sailed on the brig Lady Adams, entering the Golden Gate on January 7, 1848. The money, Peruvian doubloons for the most part, he carried in an iron safe. His tools and his work bench were with the safe in the hold of the Lady Adams.

His strong box upset the routine in the Custom House. It was too large to be safely stored there. Captain Folsom was

very much concerned about the affair. It was most unusual for a man to seek the little seaport town with so much cash about him.

Land-poor residents, who had been languishing in the depths of a financial slump, took on an air of alert expectation as James Lick walked about the town, his keen eyes studying the cove and the rolling meadows beyond.

On January 24th, seventeen days after Lick arrived, James Marshall found a chispa of gold in the sluice box of a mill at Coloma. But news traveled slowly in those days. Many miles of wooded upland and grassy valley land lay between Coloma and the shores of San Francisco Bay.

It took weeks for the cry of "gold, gold" to reach the ears of San Franciscans and then it was heard but faintly. May was half over before the real rush began, and the cry of "gold, gold" rose to a shout.

In the meantime Lick tramped over San Francisco, choosing the lots he desired. Everyone was loud in prophesying great commercial success for the town, but no one else seemed gambler enough to invest in the land that was to be had. In fact, lots could be bought for little more than the value under alcalde grants.

The latter part of January, James Lick began to buy. By December of 1848, he had probably the largest land holdings of any one man of his time. With but few exceptions he retained ownership of these purchases until the day of his death.

One of the first purchases he made was an adobe house on the northeast corner of Montgomery and Jackson streets. It stood on a 50 vara lot and Lick paid \$3,000 for the house and lot. So far as is known it was the largest lump sum he paid for any one of his San Francisco holdings.

Had it not been for the cellar of that adobe house, it is doubtful that S. J. Ellis and his wife, former owners, would have realized such a neat sum from their property.

As soon as Lick made this purchase, he had his iron safe with its Peruvian doubloons, moved into the cellar of the adobe house. On top of the safe he piled his bench, tools and other belongings. Then satisfied that his money was at last in a secure place, James Lick went out to seek other holdings.

During the year 1848 he made between 35 and 40 investments. The gold rush came and left the city deserted. James Lick went right on buying land, some of it six and eight feet under water at high tide.

The following list gives the location, price and size of his San Francisco lots:

<i>Date of Purchase</i> 1848	<i>Description</i>	<i>Price</i>
Feb. 1	—Lot 138 ft. from southwest corner of Montgomery and Pacific Sts. 14 vara, south 25 vara, west 36 vara, south 25 vara, north 50 vara to place of beginning; bought of Gregorio Es-salante	\$ 270.00
Feb. 2	—50 vara lot No. 189, northeast corner Jackson and Montgomery, adobe bld., in same; bought of S. J. Ellis and wife.....	3,000.00
Feb. 7	—Water lots 331, 332, 333, 334, 335, 336, Mission St., between First and Fremont. Frontage of whole block on Mission; bought of George Hyde	300.00
Feb. 11	—50 vara lots 554, 574, 575, Montgomery, Sutter and Post Sts., from George Hyde.....	275.00
Feb. 11	—50 vara lot 457, northeast corner Stockton and Filbert St., from Benj. S. Lippincott.....	60.00
	50 vara lot 459, northwest corner Dupont and Filbert St., from Benj. S. Lippincott.....	60.00
	50 vara lot, Green St., between Stockton and Powell, from Benj. S. Lippincott.....	200.00
	50 vara lot 458, Filbert, between Dupont and Stockton, from W. McDonald.....	70.00
Feb. 16	—50 vara lot 424, southwest corner Dupont and Filbert, from John McClain.....	82.50
	50 vara lot 120, northeast corner of Powell and Clay, from Wm. Evans and wife.....	157.00
Feb. 18	—50 vara lot 423, southeast corner Filbert and Dupont, from Geo. Dohling.....	50.00
Feb. 18	—Water lot 135, southeast corner Washington and Sansome, from Geo. Dohling.....	70.00
Feb. 20	—Water lots 45 and 46, northeast corner Jackson and Sansome and northwest corner Jackson and Battery, from Wm. Pettet.....	170.00
Mar. 2	—50 vara lot 620, Broadway between Mason and Taylor, from Jno. Bigley.....	150.00
Mar. 3	—50 vara lot 70, Vallejo between Dupont and Stockton, from Henry Smith.....	200.00
Mar. 3	—Water lot 41, Sansome between Pacific and Jackson, from John Joyce.....	500.00

Mar. 7—Water lots 131, 132, 133, 134, Sansome between Washington and Clay, from Benj. S. Lippincott and Geo. McDougal.....	16.00
Mar. 13—50 vara lot 153, southwest corner Sacramento and Powell; bought at public sale, held by Alcalde Hyde by order of town council.....	18.00
50 vara lot 150, southeast corner California and Powell; alcalde grant.....	16.00
50 vara lot 154, northwest corner Sacramento and Powell; public sale.....	19.00
50 vara lot 217 Vallejo St., between Montgomery and Kearny; public sale.....	16.00
50 vara lot 400, north side Union, between Taylor and Jones; public sale.....	16.00
50 vara lot 401, northwest corner Taylor and Union; public sale.....	16.00
50 vara lot 402, northeast corner Taylor and Union; public sale.....	22.00
50 vara lot 403, Union, north side, between Mason and Taylor; public sale.....	43.00
Mar. 14—50 vara lot 436, southwest corner Taylor and Filbert; continuation public sale.....	20.00
50 vara lot 437, south side Filbert, between Taylor and Jones; public sale.....	16.00
50 vara lot 438, southeast corner Filbert and Jones; public sale.....	16.00
50 vara lot 439, southwest corner Filbert and Jones; public sale.....	16.00
50 vara lot 523, southwest corner Jones and Lombard; public sale.....	28.00
50 vara lot 524, Lombard south side between Jones and Leavenworth; public sale.....	27.00
Mar. 14—50 vara lot 525, northeast corner Lombard and Leavenworth; public sale.....	19.00
50 vara lot 529, northeast corner Lombard and Dupont; public sale.....	16.00
50 vara lot 530, north side Lombard between Dupont and Kearney; public sale.....	24.00
50 vara lot 533, south side Chestnut, between Kearny and Dupont; public sale.....	18.00
50 vara lot 534, southeast corner Chestnut and Dupont; public sale.....	29.00
50 vara lot 565, southeast corner Powell and Sutter; alcalde grant on petition.....	16.00
Apr. 5—50 vara lot 117, southeast corner Jackson and Powell; bought of Wm. S. Clark.....	150.00
50 vara lots 1471, 1472, 1478, 1479, Sansome between Greenwich and Filbert; bought of George Hyde.....	100.00

Sept. 5—100 vara lot 126, southwest corner Market and Fourth; bought of George Hyde.....	150.00
Sept. 18—50 vara lots 700 and 705, Powell between Francisco and Chestnut; bought of George Dohling.....	150.00
Water lots 427, 428, 429, 430, Beale and Fremont, between Howard and Folsom; bought of George Dohling.....	150.00

There was a great leap in property values during the year 1849. Lick learned that to his cost. In the spring of 1848, he had managed to buy up all the water lots on the east side of Sansome Street from Washington to Clay, with the exception of lot 130 on the corner. In all they cost him approximately \$240.

But Lick wanted to complete that block front. The wish was close to his heart, so close that on November 9, 1849, he paid Rodman M. Price \$12,000 for that one small corner lot, with its 25-foot frontage on Sansome Street.

In 1848 his whole list of properties cost him only \$6,762. By the fall of 1849, his holdings had made him the richest man in San Francisco.

On April 22, 1848, to get back to the sequence of affairs, Manual Diar Maranter and his wife received \$3,000 from James Lick in payment for their interest in a tract of land on the Guadalupe River near Santa Clara, Santa Clara County. On this property was a mill with complete machinery. The \$3,000 included water rights.

In May, 1848, every man talked of gold. It rather got Lick's taste for adventure. So he tried his luck at Mormon Island on the American River.

Although it was a warm May up there in the Sierras, Lick went about rocking the cradle and sifting with a long overcoat wrapped about him. It flapped far below his knees, almost hiding his squeaking rubber boots. On his head was a tall plug hat.

"I invited him up to my camp," wrote Captain W. F. Swasey, who happened on Lick at Mormon Island. "Under the cool shade of a liveoak tree we lunched and drank a bottle of claret together and discussed the question of the gold discovery and the influence it was destined to exert upon the future of California.

"Mr. Lick expressed himself as profoundly impressed with the enormous values, at the same time expressing the idea that

his field of future operations would be in and about San Francisco, and not in the gold region."

Sometime within the following year Lick made a \$1,500 investment in old John Sutter's pet project, Sutterville, four miles down the river from the present site of Sacramento. Sutter's dream town soon waned and died. And with it went Lick's \$1,500.

For nearly two years he did nothing with the Santa Clara County mill or his interest in the land. But on January 1, 1850, he acquired the title to 167 acres more on the Guadalupe, paying \$1,512. On December 20, 1850, he bought from Oliver Magrant, half owner of the mill property, 50 additional acres, completing a great tract.

Before long construction was begun on a flour mill. Lick was very particular about the material used. No one in the region knew of the promise he had made to the Stumptown miller. But a deal of gossip swung around the countryside as work progressed.

About this time the land title disputes began to crowd the courts in San Francisco. Lick was called from the mill in order to protect his fortune. Jose Limantour, the trader who claimed land under a grant made by Governor Micheltorena, on Limantour's say-so only, caused Lick considerable anxiety. Limantour's claim was eventually declared a thorough fraud by the United States District Court for the Northern District of California. But Limantour, cashing the concern of property holders, whose titles he contested, managed to make a tidy fortune out of "satisfactory considerations" paid him by these men. In exchange Limantour gave each property holder a "deed" to his lot.

James Lick paid Limantour \$10,000 in order to clear the title to his 100 vara lot on the southwest corner of Market and Fourth streets and to the land at Montgomery, Sutter and Post, for many years known as the Lick House property.

Squatters gave him a good deal of trouble in the early fifties. Many of these "settlers-keepers" landlords, disputed the legal rights of a man holding an alcalde grant. Belligerent homesteaders, they chose likely lots, built shanties and defied the title of the owners.

Lick hired men to dispossess these defiant squatters and the action frequently became a free for all fight. His guards were ordered to drive the landgrabbers from the property, destroy their improvements and remove them from each lot.

Lick spent large sums of money to protect his interests. One gang of men, hired to guard some property at North Beach, received \$20 each for every night on duty. They were to evict the occupant of what was known as a "China House," a portable affair imported from the Orient, and quite common in those days.

Now the owner of the China House was comfortable enough and at peace with the world. He declined when Lick's men requested him to leave. Further discussion of the matter necessitated the aiming of a revolver. It was in the hands of the Lick leader and pointed directly at the squatter. He departed. Very shortly afterward, his house began to trundle over the ground in pursuit. Once it was off Lick's land, it stopped and there it stood on no man's land, awaiting the return of its owner.

In time such affairs were adjusted and Lick, leaving his properties in the care of an agent, returned to his holdings on the Guadalupe River.

The red brick walls of the new mill were three stories high when a severe earthquake twisted them badly. Lick called a halt in the work. The top story of brick was torn away and in its place Lick had the men put redwood timbers, each one a perfect piece of wood.

There was a buzz and flurry of neighborhood comment when Spanish cedar and mahogany were heaped before the interior carpenters. Every beam and plank was fitted and polished with great care.

Then the machinery arrived from Boston. It was of glittering brass and shining steel, as finished as that of a present day steamboat.

One day the mill was done. Lick looked on it with pride. A palace could have had no finer fittings. Then, so the old folks used to say in Fredericksburg, Lick had the mill photographed and the pictures were sent to the miller's daughter. At any rate the home folks soon learned of the mill, which was without any doubt the most elaborately fitted in the world.

Several years of difficulties followed the completion of the mill. An incompetent millwright had bungled the installation of the machinery and a good portion of the work had to be done over. It was a great expense, but Lick insisted that the work be done.

All this time, in spite of his mahogany mill with its polished machinery, James Lick lived in a little frame shanty. It was dwarfed in the shadow of the great mill. The frame of an old grand piano was the principal piece of furniture in this ramshackle home. A mattress spread on top, covered by some blankets, was bed enough for the mill owner. He ate with the hired help. His working hours were the same as theirs and no job was too hard for him. San Francisco seldom saw him. His few visits there were on business and he made them short.

Sometime in 1852, during the year that Lick discovered the millwright's blunder, a young man, landing at Alviso from the steamboat "Jenny Lind," walked the three miles that lay between the bay and Lick's Mill.

He told the workmen he wanted to see James Lick. They pointed out a man who was working in a shack where sacks of flour had been heaped. One sack was missing. He was making an energetic search.

The stranger told the workmen that his name was Lick. When they carried this message to the man in the shed, he quit his search long enough to step outside, ask the young fellow to repeat his name, shake hands and go back to work again.

Young Lick didn't like this. His temper rose and he started for Alviso. He hadn't gone very far when he heard a shout. It was James Lick hurrying after him. The elder man questioned him.

It seems that the young man's name was James W. Lick. He had come west with the rush of '49, but had had poor luck at the gold diggings. He was working at American River, when a chance acquaintance from San Francisco, told him that a man with a name spelled like his had made a fortune in city real estate.

Young Lick learned that the James Lick in San Francisco had come from South America. He remembered that he had a long lost uncle who had gone to South America and been given

up as dead. The facts tallied so well that he decided to see the man. It wouldn't do any harm and he was sick of gold digging.

But when James Lick questioned him, the young fellow said nothing of this. The old man had to pry it out of him. According to the records, the conversation went something like this, after the boy had given his name as James W. Lick of Fredericksburg, Pennsylvania.

"Do you know William Lick? He lives there."

"Yes, sir, he is my uncle."

"Do you know John Lick?"

"Yes, sir; he was my father."

There was a quick catch in the elder man's voice. It rather joggled him out of his shell. He put the question in other words.

"And your father, my brother John, is he living?"

"No, uncle," replied the boy, "He died thirteen years ago, in 1839."

Lick was hit hard. He had gone on in his hermit-like way through all the years, making his plans without a thought for other influences.

Something like the case of the village girl, mother of his son. To all appearances he had worked during the thirteen or fourteen years before his return in order to bring her a fortune. Evidently he never wrote to her, never thought of writing. To his way of thinking it hadn't been necessary. And when he came home, she was married. She would have nothing to do with him. She hid their son and he could not find the boy.

And now his plans had once more come tumbling down upon him. There was something pathetic about the rough old fellow's disappointment.

"My, my," he said, shaking his head, "I had hoped your father could come to California and live near me. I bought property in San Jose. I have a house partly erected on it. It was to be his home. I didn't dream he was dead."

Later on he took his nephew to see the house and lot. It was on First Street, not far from the present Vendome Hotel. Rec-

ords describe it as "fronting 100 varas on First Street and containing 11 acres."

But that's running ahead of the story.

Lick, separated from home folks and all news of the old town for so many years, wanted to know everything that had happened; all the family gossip. What about the town?

"When he had exhausted all his questions and my patience," said James W. Lick afterward, "He told me I could retire when I wanted to, and pointed out the place where I was to sleep on the hard surface of the top of an old piano, without a mattress or anything to make it comfortable, except my blankets; while he laid down in almost equally uncomfortable quarters, save for his mattress, which was spread upon an old door laid upon the tops of four nail casks in an adjoining room in the cabin."

Next morning when the nephew prepared to return to San Francisco, James Lick would not let him go until he had promised to return and make his home by the mill. James W. Lick remained with his uncle for many years.

By the time the repairs about the mill machinery were done, Lick had planted a wide orchard, laid out gardens filled with rare plants and created a beautiful setting for his mahogany mill.

During the year 1853, William Tecumseh Sherman, then a member of the banking house of Lucas, Turner & Co., learned the value of James Lick's property by the following experience of which he wrote in his memoirs:

"Shortly after arriving in 1853, we looked around for a site for the new bank, and the only place then available on Montgomery Street, the Wall Street of San Francisco, was a lot at the corner of Jackson Street, facing Montgomery, with an alley on the north, belonging to James Lick. The ground was sixty by sixty-two feet, and I had to pay for it thirty-two thousand dollars."

In the fall of 1855 right after the new mill began operation, Lick decided to send for his son, John H. Lick. There are several versions of this story. One, told in Fredericksburg, is that when James Lick wrote, asking his son to join him in California,

John Lick replied that he had his business* to tend to.

"If you can't sell your store, give it away. Come at once. I have enough for both of us." wrote James Lick. His son arrived during the autumn of 1855.

Rudolph Jordan, who handled the selling of Lick's flour in San Francisco, used to visit the eccentric man every week at the mill where they would go over the books and inspect the flour. Lick was always working as hard as any of his men. As Jordan came to know him better, he asked the mill owner why he did not send for his boy, John.

"Why doesn't he come? I have no objections," replied Lick, according to Jordan's story. So, the agent said, he wrote to John Lick.

One of the stories must be right, for John Lick did arrive. He had a good many of his father's qualities, taciturn and stoical. They met without any display of emotion, and promptly settled in their ruts, the father plodding about the gardens, the son reading or working at odd jobs.

Somehow they never got along well. One irritated the other. Lick wanted his son to travel, to spend money—to enjoy the wealth of his father.

He used to complain to his friends that his boy didn't seem to care for the fine things of life. Poor James Lick never had the opportunity of roaring at the size of his son's expenses. Strange, for all of his thriftiness, James Lick actually felt hurt because his boy wasn't typical of so many rich men's sons.

It took a great amount of argument to induce John Lick to visit Europe, but his father finally managed it. He spent a year traveling over the Continent and England. Then he returned to the mill where he read countless novels and spent very little money.

All the while James Lick was puttering about his flowers and trees. As he worked he must have planned improvements, for no sooner was one task finished than he started on another.

*John Lick went into business for himself when he was 21. His capital was about \$300. The hundred dollars which his Uncle William had put by from the sale of James Lick's carriage in 1832 made up one-third of this amount.

He paid no attention to the price of such things. He wanted what he wanted, no matter how much it cost. His garden and the orchard grew in luxury. The man lived like a pauper, but for the meals he shared with his help.

He paid his workmen well. He fed them good food and plenty of it. One minute he would shun luxury, even comfort, and the next he would spend a thousand dollars on some person or project that had aroused his sympathy and interest. He drove a close bargain in business dealings, fighting for every penny he considered his due.

He was a lean-faced man with sharp blue eyes and thin features, surrounded by a tufted beard that lined his jaw. He wore odd, ill-sorted clothes, flung carelessly on him, as if time spent in dressing was time wasted.

He used to ride about the country in a rickety old wagon that creaked as the warped wheels tumbled over the roads. Bits of rope flapped loosely from a dozen mended parts. A greasy bear skin folded on the hard seat served as a cushion.

Some people thought him a bit touched in the head when they saw him picking up the bones of long dead cattle that lay weathering on the open fields of the valley. Many a night he used to return to the mill, the old wagon heaped with skulls, thigh bones and big knuckles.

Even when the neighbors learned that Lick ground the bones and used the meal for tree fertilizer, they sniffed and raised their eyebrows.

Year after year he rode about in the old wagon. Nursed and coaxed along, it never quite reached the point of collapse. The old residents said that whenever James Lick wanted to drive into San Jose, he used to announce it the night before by saying:

"Jimmy, put the wagon wheels to soak, I'm going to town."

In 1860, he decided to build a house. Perhaps the shanty looked sad and miserable in the midst of luxuriant gardens with winding, shaded paths wandering among them. It was a magnificent house, built of the best, no matter what the price.

So far as is recorded he never furnished it. Something killed his interest. Perhaps it was his disappointment in John, who

returned to Fredericksburg in 1871 and never saw his father again.

At any rate Lick had his own room furnished and there he spent his free hours reading and pondering. His library was made up entirely of books on scientific, metaphysical and theological subjects. It was a large collection but he read each book many times. He read others, borrowing them from the few friends he had among the valley folk.

Practically all of his property had been put in the hands of agents. Even the mill was leased to others. He lived among his flowers and wondered about the universe. It fascinated him, the mystery of it all.

His infrequent dealings with the Valley people revealed the strange conceptions of the lonely man's mind. Caius T. Ryland, a pioneer of San Jose, had as a favorite story this account of a chance meeting with James Lick:

Ryland was driving from San Jose to Alviso one warm summer day, when he came upon Lick treading heavily under the weight of an ox yoke which he carried on bent shoulders.

Ryland who knew Lick well greeted him and stopped. Lick was to put the yoke in the back of the buggy and ride the rest of the way to the mill, some two miles or more.

Lick thanked him and declined. Ryland insisted. Lick continued to decline. Well then, wouldn't Mr. Lick put the yoke in the buggy and chat as he walked alongside?

"No," said the mill owner, "I have borne my yoke patiently so far in life and I will not shirk my duty now."

And hunching his shoulders under the yoke, he plodded along the dusty road, while Ryland, reining his horses to a walk, chatted with him.

Going back to 1853, they tell another story of the man's whims. In those days he had one horse and a dump cart. These he used about the mill and garden. It wasn't long before it became necessary to order a cart and harness from San Francisco. When they arrived Lick decided that he would rather rent a horse. So young Jimmy was dispatched on the search for a horse to hire. One of the neighbors said he would rent

his horse at one dollar and a half a day, or the animal could be bought for one hundred and fifty dollars.

Lick replied that he wanted to hire, not buy the horse and ordered his nephew to bear the tidings to the neighbor. The days came and the days went until the horse hire amounted to two hundred dollars.

James Lick made no comment, merely handed his nephew three hundred and fifty dollars, two hundred for horse hire and one hundred and fifty for the purchase of the animal. Jimmy returned with the receipt for the money and the horse remained in Lick's barn. Years afterward it died of old age, having spent a most comfortable life among green pastures and good bedding.

Young James W. Lick was the source of many stories concerning his uncle. He rather liked the grim old man and understood him better than most people. He must have been an observing young fellow with something of his uncle's dry humor.

Cruising about the place shortly after his arrival in '53, he discovered an open well with a pump in it. There didn't seem much reason for either the well or the pump and he asked one of the workmen why it was there.

It seems that some time before a squirrel had occupied a hole on that site, leaving it for deeper tunnels from time to time in order to dine on the roots of Lick's beloved trees. A gang of men were put to work to dig out the squirrel. They struck water during the job and he had a pump installed to bale it out. They never did find the squirrel. But Lick was satisfied. It was a very good well.

Not many years passed before the Lick Mill became Lick's Folly as far as the countryside was concerned. What pleasure he may have had in building a mill more splendid than that of the Fredericksburg autocrat soon faded and the whole affair became a burden. Practically every winter the creek overflowed, flooding his gardens and orchards. In spite of all the money he spent, he could find no way to check the power of the stream.

Such worries as these evidently wiped out all thought of glory over the Pennsylvania miller. His letters home concerned other affairs. In his stumbling, blundering way he tried to

aid and even glorify the few people who held his affections. Take for instance this letter:

Lick's Mill, March 29, 1859.

Mr. William Lick,
Dear Brother:

I have sent you a few Newspapers, you will see by them that the troubles and contentions about our California Land Titles are far from being quieted. I came very near being shot this morning in Court Room, where a case of murder was pending originating out of a quarrel about titles. A young man that was shot was seated next to me on the same bench.

How are my Brothers and Sisters, let me know all about them as I have not heard from them for a long time. I hope they are all well.

I wish you would make inquiry about my Grandfather William Lick, as I intend to have a monument erected to his memory. I heard him say that he carried the musket five years under Washington. He underwent all the hardships and severe trials of those brave and noble men of Seventy-Six, his place of residence was about twenty-five miles from Philadelphia, the place was called Falkamer Swamp about one mile east of Norristown, my uncle Jacob Lick lived within a half mile of him at the time I paid him a visit, so that you cannot help finding some one of the family living in the neighborhood, you oblige me if you will go in person and get all the information you can get, also any papers or writings of my Grandfather's. Any troubles and experiences may be put to, you will charge me with and I will send you the money. Please let me know if my Sisters are in need of assistance.

Yours respectfully,

James Lick.

The following year came the "Washoe excitement," brought on by the discovery of valuable silver deposits in Nevada Territory. Lick's agents, acting on his orders, dabbled in various projects up there and while he neither made a great deal or lost much at it, he was touched with the fever. Wildcat discoveries found him interested.

It got about somehow that pay ore had been struck on Santa Catalina Island, off the coast of Los Angeles County. This land, originally a grant to Thomas Robbins by Pio Pico in 1846, was then the property of Jose Covarrubias, whose right had been upheld by the United States Land Commission.

Stories of the wealth of this island spread all over the State. It was soon declared that it was rich in gold, silver and copper.

But Covarrubias owned the island. There was little chance for a gold, silver or copper rush.

The more Lick heard about this island, the more interested he became. James H. Reay, who had a taste for plunging, managed to negotiate a conditional purchase of the island. He got the money from Lick, mortgaging his title in order to put the deal over.

The whole affair boomed gloriously for a while, even as far away as the London stock market. All at once it fell through, leaving a tangled wreckage of law suits, claims and counter claims out of which rose James Lick with a perfect title to Santa Catalina Island.

But he left it to the wild goats that clambered over its slopes. In those days it was too remote, too inaccessible to be of any immediate value.

By 1860, Lick had lost all interest in the mahogany mill. It was a great expense and a deal of trouble. The little satisfaction he had in its splendor soon vanished, and in the late fifties he set about the improvement of his San Francisco property.

He would build a hotel, the most pretentious on the Coast. San Francisco would be proud of it. The Lick House was built on Montgomery between Sutter and Post streets, on the very fringe of the business district. All indications pointed towards a drift of the town to the south. In that case the new hotel would soon be in the center of the city proper. And James Lick was right.

The hotel would have been larger but for the lot at the corner of Montgomery and Post streets. Some time before various friends in the Masons had induced Lick to sell this lot for the site of the Masonic Temple. Construction of the temple was begun in 1860. It cost \$150,000.

Lick's three-story red brick hotel opened in 1862. It contained 60 complete suites and catered to people with children. The menu cards bore the announcement that children's meals were served at certain hours. It was generally half an hour before the regular meal time.

The Lick House cost a fortune. The chandeliers in the great dining room were made of countless glittering prisms. Paintings

by Hill, Keith and other famous artists of the day hung on the walls, alternating with great mirrors. The picture and mirror frames were made by James Lick, of the finest rosewood, hand carved.

Everything about the hotel was of the best and most costly. Rich carpets, solid furniture of polished woods, heavy linens and glittering silver. The floors in the dining room were of inlaid woods, tiny blocks fitted together. At meal hour it was like a palace banquet hall; the long tables of white and silver, with rows of fat goblets, the fan-shape pleating of the napkins arching from their mouths; the parade of dark chairs and the long shimmering reflections in the polished floor. Not the wild West but a splendor of which even far away New York might be envious.

Yet the man who owned it all lived in an unfurnished house, alone with his books.

In 1860 he had given a lot on the corner of Montgomery and Gold streets, to his fellow members of the Society of California Pioneers. On January 8, 1863, the building which had been erected there was dedicated as the home of the Society. The adjoining lot was given to the Protestant Orphan Asylum. Since early days this lot had been occupied by the Sansome Hook and Ladder Company on a long term lease from James Lick.

The disposition of these two lots caused a flurry of talk about town. It was the first intimation of Lick's desire to become a public benefactor.

During the years immediately after the opening of the Lick House, the owner was under considerable debt. He preferred the burden to the necessity of parting with any of his San Francisco land. At the end of four or five years the debt was clear and he stepped into the "multimillionaire" class, according to the records.

The Lick House and the rest of the city holdings were left entirely in the hands of agents. Lick was quite happy among his plants, his trees and flowers. Day after day he harnessed up his rheumatic old horse and climbing aboard the creaking wagon, went out in search of bones.

All over the Valley folks called him queer and raised their eyebrows. He did not care. A man of single purpose, he had

little use for the opinions of others. He lacked that quality which attracts friends. His money made it more evident. The very fact that he was rich made people study him more. His every act and word was retold about the countryside.

There was the story of the sixty-acre field on the Almaden Road. It was well fenced and a good piece of land. Some unnamed Valley man thought he'd like to buy it. He went to Lick and asked the price. Lick said he could have it for the cost of the fence.

The prospective buyer said he'd think it over. He'd heard a lot about James Lick. He was afraid there was a catch in it; maybe the fence was built when lumber was high.

He questioned several farmers and learned that the fence had cost the average price. At that, the cost of the land would be cheap enough. He went back to Lick's Mill and said he'd take the sixty acres.

"If you had taken it then," said old Lick, "you would have it now, but at present you can't have it at any price."

Lick was a tempestuous old fellow in his dealings with humankind. He often found them ridiculous. Their stupidity irritated him. But with his flowers he was gentle and tender. His days were spent among them, hovering over the plants as if they were capable of love. The flowers bloomed luxuriantly, as if to thank him.

When night came, he would sit down with his books and read with a concentration that left the world entirely. He had little use for creeds and churches. They were well enough for those who believed. But he could not believe that which he could not see or touch.

He was what men call an Agnostic. Blind faith did not suit him. The stars, the sun and the moon, swinging on their slow paths through the dark heavens, filled him with wonder and with awe. As he read what the wise men said of them, a plan began to form.

He would aid the wise men in their search. He would provide them with a telescope that would be larger and more powerful than any the world had ever known. He would leave it with them when he went out alone into that dark beyond.

He told no one of this new plan.

Towards the close of the sixties, he decided to give up the mill property. It had been a ceaseless expense and the winter floods ravaged his gardens. He made up his mind to move to the Lick Annex, in the southern part of San Jose.

Instead of moving merely the young plants and his personal belongings, he gave orders for his men to move every tree, every shrub. They were transplanted at his direction in the new home. For more than two years a parade of swaying trees and plants went slowly over the roads from the old mill to the new Lick Homestead.

It was tedious work. Transplanting could be done only at certain seasons of the year. And the trees were taken up with great clumps of earth clinging to the roots. But it was done while the old man stood by directing the workmen, frequently putting out a helpful hand himself. Many a ride he took on the seat with the driver, a tree swaying from the lumbering boxlike body of the dray.

But there were two locust trees that could not be taken from their native earth. For twenty years their roots had been gripping into the soil. So Lick had them cut down carefully, and the butts, right at the roots, were sawed up into veneering of a particularly beautiful curly grain and color. In 1872 he shipped the veneering East, heralded by the following letter:

San Jose, December 17, 1872.

Mr. C. Meyer,
Philadelphia,
Dear Sir:

I have this day forwarded by the Central Pacific Railroad to your address, one case containing 100 feet locust wood veneer, and a *ne plus ultra* sound board wood, and a model, or pattern, showing the best way of putting on the ribs or sound board, that is, according to my experience in upright pianos—and a package for Joseph Long. Please send it to him by express as soon as you receive it. The box is also made of *ne plus ultra* sound board wood, fastened with screws to save all the wood.

I think you will find the *ne plus ultra* the most extraordinary wood for sound boards you ever did use. I can, however, only speak confidently of the soft kind. I got a few pieces of it from a captain of a vessel from Peru. It

was very soft, and I could only use it for a few octaves in the base. It did make the most powerful, and also the sweetest tone I ever did hear without exception, in all my long experience in pianos. Make your sound board in the base very thin, not over one-eighth of an inch thick, and do not cut in your ribs Joseph Hiskey fashion. You want all the elasticity of your sound board. You have a collection of wood of all degrees of hardness, so that you can tune your sound board, with a little care, octave by octave from one end to the other. Use the softest wood in the base. I am satisfied you have a good thing if you keep it to yourself. Make me a piano for my parlor of the Lick House. Do not make it all of locust wood, but judiciously and skillfully distribute it in panels and borders. My dining room doors are made in that style. The effect is beautiful. The doors are thirteen feet by five.

By that time he had gone to live at the Homestead fronting on First Street and running out to the San Jose city limits. The whole 105 acres were surrounded by a high board fence. The neighbors immediately decided that Lick thought he was much too good for them, and didn't intend that they should even see what his workmen were doing.

As a matter of fact the fence was built to keep squirrels, not humans, out of the garden. The boards were sunk sixteen inches in the ground and were too tall for the little marauders to climb over. But Lick let the neighbors think what they pleased. He never took the trouble to explain matters.

A branch of the Guadalupe ran through the grounds. In order to prevent any repetition of the floods, Lick had the banks boarded with planks, matched and laid like a floor. Broad avenues wound through luxuriant gardens, planted ground that had been leveled and filled in until it stretched out like a great floor. One piece of five acres was graded in this way at a cost of \$10,000.

An eighteen foot fence protected the plant nursery on the northern side of the Homestead. It contained practically every variety of plant and shrub then known. They had been imported from foreign lands, from the tropics. In this nursery were made many experiments from which Valley orchardists and florists gained valuable knowledge.

The winter staff of workmen was fifteen, but during the summer months many more were added. According to newspaper

accounts at the time, Lick paid on an average of \$750 a month in wages over a period of eight years. That did not include improvements made or the great sums expended for rare specimens of plants and trees.

James Lick was content on his Homestead. It is probable that he kept in touch with his agents in the city, for there is one letter on record in which Lick expressed his disapproval of certain business methods. It is characteristic of the man and gives a better idea of his nature, perhaps, than any other document remaining:

San Francisco, June 28, 1869.

Messrs Johnson Co.,
Lick House,
Gentlemen:

I much regret the misunderstanding on your part in regard to the rent to be paid for the Lick House. If your mind lacks the faculty of remembering past transactions, you ought to had your *frind*, Mr. Montague present, instead of soliciting a private interview, it is not true that you was to keep the House for one year, or any other time, nor did you ask for it.

Your refusing to pay rent according to the notice of the first of April *compeling* me to have resource to a court of Justice and Receive green backs. You will please therefore, taken notice that on and after the fifteenth day of July, the rent of the Lick House will be seventhousand five hundred dollars (\$7500) payable monthly in advance in United States gold coin.

I remain Gentlemen yours,
JAMES LICK.

He wrote in a fine hand with a flourish. His spelling was not entirely in accord with Webster, but his meaning was always clear.

He was quite alone after John left in 1871. So far as the records indicate, his nephew must have gone away about that time, if not earlier. John Lick went back to Fredericksburg, where he established himself in business once more.

Left to his Homestead and his flowers, Lick decided to give the mill to a corporation known as the Paine Memorial Hall of Boston, Massachusetts, in honor of Thomas Paine, the patriot. Lick admired the man and gave the property to this organization with the understanding that it would sell the property, using

half of the proceeds for the construction of the Paine Memorial Hall in Boston. The other half was to be invested and the income used for the maintenance of the hall, payment for lectures and such expenses.

On January 16, 1873, he executed the deed of trust. The trustees of the fund, all Boston men, sold the mill for something less than \$20,000. Once the money was turned over to the society, a wrangle began. Eventually the entire sum was spent on the building, leaving nothing for the upkeep. Lick was disgusted. He refused to have anything to do with the society. And that was the last he had to do with Lick's Folly.*

The daughter of one of Lick's few friends told her memories of the lonely man, in an interview with Williard B. Farwell, when he was compiling material on the life of James Lick. Her father, who, owing to poor health, moved to Santa Clara Valley during the late sixties, became acquainted with Lick in some way and a friendship developed.

"Mr. Lick came occasionally to see him for several years," said the woman, whose name does not appear in the records. "When he came he nearly always brought books for my father to read, or to get books that my father had that he wanted to read.

"I used to be in the room now and then. I remember that the books he brought were nearly always philosophical and scientific books. My father once complained to Mr. Lick that he had tried all over San Francisco to get a couple of books he wanted, and said he would have to send East for them. The next day he came and gave them to my father with his name written in them. One was 'The Correlation and Conservation of Forces,' and the other was a book that was intended to show that the religion of the Egyptians was founded on Astronomy. That was a pet book of Mr. Lick's.

"Religion was the main thing that he was always disposed to talk about. Although when any one was in the room he would have nothing to say, when they would leave he would walk about the room and talk for two or three hours at a time with a great deal of pleasure.

* The mill later became a paper factory until 1882, when it burned down. Another mill was built on the site, but there was no talk this time of Spanish cedar and mahogany.

"My father always spoke of him as well educated and as a man of great ability. Mr. Lick not only read these books, but seemed to enjoy them, which showed that he must be an educated man. My mother used to say it was a great mistake to think he was not an educated man.

"We used frequently to drive through his place down between San Jose and Alviso, where the mill is. The first time I remember to have gone there he took us through the mill and I remember that all of the wood in the mill was solid mahogany. After that we went through the house.

"Although it was a very well built house, there was nothing in it—no carpets, no curtains. We went into what appeared to be his living room. There was nothing in this room except a table and two or three chairs. There were rows and rows of newspapers and fruits drying on them. In one corner of the room there was a very fine piano and on top of it there was a mattress and roll of blankets.

"I often heard he slept on that piano but I don't believe that. I remember that he took a great deal of pleasure in showing the piano. He took down the blanket and ran his fingers up and down the keys.

"He took a great deal of pride in the piano. He brought out wine, and they sat there and talked about his place; and the next time that we went that I remember, we went first to the house and asked for him and were told he was not there.

"We then went to the mill and a man said he was down in one corner of the place hard at work and in a very bad temper. He was down among his workmen digging away as vigorously as any one there. He came up to meet my father. My father said, 'What are you going to build there?'

"'Build, be damned,' said he, 'I am going to get this weed out of here before I stop.'

"Morning glory had got all over his place and he was in a great temper, but he took us to see his conservatory, and I saw the first orchid I had ever seen. The hothouses didn't amount to anything, but he had a great number of rare plants and seemed to be well acquainted with botany and was as much interested in it as in astronomy. He seemed to be a man of many sides.

"After that he concluded to give a botanical garden and park to San Jose. The mill was at the north end of the town and this park and garden were to be at the other end. He had a great number of very fine trees growing down at the mill, and he undertook to move these trees. We had never seen trees as large as that moved. People used to say that if anyone else moved them they would die, but he always had luck in whatever he did.

"He was never known to wear an overcoat in any weather, but he used to wear a big blue silk handkerchief that had great stars on it. He would be out in any weather. He had brought from the East a very fine conservatory, but J. J. Owen, a newspaper man, published a notice of the old gentleman's appearance and eccentricities, and he declared he never would do anything for the town again. The conservatory* was bought by Charles Crocker.

"I should never have known anything about him but that my father was an invalid and he came there to see him. I suppose he was never in a house where there was a woman but in our house. He never liked to have people about him, but he didn't seem to notice me. My father and he never had the slightest disagreement in any way. He never could do enough for a man he seemed to like. He was really a very amiable man, but he never put himself out to please people he didn't care about. He didn't seem to care whether they understood him or not.

"My father was always a student and that was one of the reasons, I believe, that attracted Mr. Lick to my father. You would think from the way that people spoke of him that he was a barbarian, but he was no such man. He had very good manners when he chose to use them. I suppose he had another manner for people outside. Mr. Lick was very extreme in all his opinions."

Lick was always the master. His workmen were hired to work, not to think. He demanded blind obedience. It would not

*In December, 1877, the material for two conservatories, which Lick had imported from England, was sold by the Lick trustees to a group of San Francisco men, and the conservatories, copies of those in the Kew Gardens, London, were erected in Golden Gate Park. Charles Crocker was one of the group, which included: William Alvord, A. J. Pope, Wm. F. Whittier, James Irvine, Charles Main, W. P. Fuller, J. G. Kittle, M. P. Jones, J. M. McDonald, Adam Grant, W. F. Babcock, R. N. Graves, Samuel Crim, Isaac E. Davis, Charles Lux, George C. Hickox, Milton S. Latham, W. W. Montague, A. P. Hotaling, Robert Johnson, A. L. Tubbs, J. G. Eastland, S. L. Jones, C. Spreckels, Leland Stanford, D. A. MacDonald

be surprising if this trait led to the quarrels which separated him first from his nephew James, and then from John. Both young men had a try at running the mill. Perhaps that caused the trouble. The old man never forgave either of them.

As he grew older he became suspicious of all those who might think they had claim on his wealth. Just what fears aroused suspicion no one knows. But he was not a miser. Gold coins held no charm for him. His books and his flowers held all his love.

Praise of his garden brought a rare smile to his lean face. One resentful woman saw to it that the following story joined the famous Lick legends. The old man's version never was told. It might have been enlightening:

A party of enthusiastic ladies in frills and rustling silks, exclaimed their way through the mahogany mill one day. Their praises warmed the heart of the lonely old miller and he took them on a tour of his garden.

Courteous and smiling, he guided them along the winding paths and pointed out the various varieties.

Then one of the women stopped in front of a certain plant and let it be known that she had seen a much finer specimen in San Francisco.

The smile left Lick's face. Gruffly he told them of another garden. If they would follow him? They did, right into the middle of a field of wild mustard, head high and bright with bloom.

Before the ladies knew it they were quite alone and not one of them could remember the way they had come. Mustard to right of them, left of them—all around.

Lick was nowhere in sight when they finally struggled out of the wilderness. They were very angry and went scolding among themselves back to their carriage. Of course Lick got all the blame.

And then there's the story of the fruit trees. It was frequently told in such a way as to cast some doubt on Lick's sanity. There were many men who liked to think he was "not quite right." How could a man be sane and order that his trees be planted upside down?

And this is how it happened:

Work was slack around the Homestead and several groups of likely looking young fellows had asked Lick for work. They impressed him. He did not like to turn them away.

Finally he said to one gang: "You can go to work planting trees; here are the trees; there are the holes in the ground. You plant those trees tops down."

"But that is not the way to plant trees," objected one of the gang.

"Never mind, when I hire you to plant trees I want you to plant them as I tell you."

The men did as he ordered.

Then he sent for the other gang to dig up the trees and plant them right.

Here's another story that was common gossip for many years:

A block of Lick's property known as the Knox Block in San Jose, had burned to the ground. One day as Lick stood studying the blackened debris a young man asked him for work.

Lick ordered him to pick up the bricks cluttered about and pile them in one corner. He indicated the spot. Without a word the young fellow set to work. When the job was done he reported to Lick, who said tersely: "Now pile them up in the other corner." He pointed to the opposite side.

The young man obeyed without a word of protest.

After that he had a steady job on the Homestead.

As Lick approached eighty, the hardships of his early life took their price. Early in the seventies, the old man said goodbye to his flowers and gardens, and came away to San Francisco. He settled at the Lick House, taking a room that looked out on Montgomery and Sutter streets. And there he began definite preparations for the disposal of his fortune.

He knew there was but little time left. He had so much to do, so much he wanted to do himself. It irked him because he had to leave it to others, and when they were not done at once, as quick as magic, his temper flared. It was a short temper he had in

those days. He battled everyone as if he feared a conspiracy to keep him from bequeathing the money as he wished.

It was as if the money was not his, but the wealth of many entrusted to his care.

There was the telescope and observatory. They came first. Then the monuments in honor of great patriots and of the grandfather who had carried a musket in the Revolution. He wanted to provide for the orphans, homeless old ladies, youth in quest of learning, even protect animals from cruel masters.

On June 2, 1874, after days of stormy sessions in that room at the Lick House, a trust deed was executed. James Lick signed over all his properties, his entire fortune, to certain charities, and this was to be held in trust by a board of seven men. They were: Thomas H. Selby, D. O. Mills, H. M. Newhall, John O. Earl, James Otis, William Alvord and George H. Howard.

During the following months they sold considerable property, in accordance with the plan for converting everything into cash, to be used later in making the bequests. In all, the cash went a little over \$500,000, what with rents and profits from various enterprises of the estate.

Meantime the old man fumed and worried. Lick questioned Selby's views and actions. Selby, a man of as quick a temper as the millionaire, took offense. Selby thought Lick was mistaken in his attitude towards John H. Lick and told him so. The battle broke.

Selby said Lick should have provided more generously for his son and that he should have acknowledged him as his lawful son in the trust deed instead of merely referring to him as one John H. Lick.

Now, Lick had never forgiven John since that quarrel years before. All the old resentment against his son rose up in him. He took it out on Selby. On January 23, 1875, Thomas H. Selby was requested to resign from the Board of Trustees.

In the meantime other men had approached Lick with the same advice concerning his son John. They pointed out the fact that while Lick might have every good reason in the world to cut off his son with a mere \$3000, he was putting his plans in

the way of being set aside by court action. By refusing to acknowledge his son, he had only made it easier for anyone who might wish to start a contest.

It frightened the old man. Something like terror came on him when he realized that he had signed away all right to change the personnel of his trust or the wording of the document.

The question was submitted to Judge William P. Daingerfield, who answered as follows:

"In the matter of the Deed of James Lick in trust--

OPINION

'The question presented for an opinion is, Can James Lick revoke the trust in his deed of July 16th, 1874, to Thomas H. Selby, D. O. Mills, Henry M. Newhall, William Alvord, George H. Howard, James Otis and John O. Earl, parties of the second part, and the California Academy of Sciences, and the Society of California Pioneers, both of the latter being bodies, politic and corporate under the laws of the State of California, parties of the third part.

This is a deed of trust and the title is vested in the parties of the second part by apt words. Indeed it would be impossible to frame language more stringent on the granters than these used.

Whereas it is expressly declared that it is desirable that the parties of the second part should be fully *invested* with the *entire* title to said property in trust for the use and purposes hereinafter *declared and not merely* with a *power of trust*. Now therefore as the party of the first part hath granted, bargained to sell, convey and confirm unto the parties of the second part and their successors and assigns *forever*, all and singular the lands, tenements, hereditaments and property followed, etc.'

"If the language had not been so emphatic, after the *cestui que* trust had accepted the donation, Mr. Lick would not have been permitted to retract, but, to say that by this he did not convey an irrevocable interest is to say that a man cannot dispose of his own property.

"In this case all the beneficiaries in existence have accepted the gifts, the trustees have accepted the trust, and the property has vested absolutely beyond all hope of revocation by the grantor.

"Before an acceptance of a benefit by the beneficiaries a trust *simple*, not accompanied with an absolute interest, may be revoked, but after an acceptance by the beneficiaries the grantor loses all control over the subject matter, and even when a trustee named is such an one as cannot take title, a court would appoint another, for it is a rule of equity that a trust is not defeated by reason of there being no trustee capable of executing the trust for the benefit of the beneficiary.

"Another point has been presented for enquiry, and that is, whether the fact that Mr. Lick retained the possession and use of the Homestead property invalidated the grant. To this I answer that it *does not*, for the title may be in the trustees and the right of use in another.

"In short, I find that the deed distinctly names trustees, all of whom are capable of receiving—it clearly defines the property conveyed and the duty of the trustees in administering—it distinctly states who are the beneficiaries, both of whom are capable of giving their assent in receiving the benefits, and I can find no reason or authority in the books treating of the subject of gifts or uses, that would warrant the belief that a grantor *laboring under no disabilities*, cannot make a valid deed of trust conveying property.

"It would serve no good purpose to refer to the authorities examined, in preparing this opinion, but I may be permitted to say that I have commenced with the earlier elementary books and continued my research through adjudicated cases up to date, and I can gather no reason therefrom to believe that *any* covenant in the deed under consideration can be revoked by the grantor."

Respectfully submitted,

WM. DAINGERFIELD,

Attorney at Law, No. 507 Montgomery St.,
of Daingerfield & Olney, Attorneys at Law."

San Francisco, February 16, 1875.

Not long after Lick had finished reading Daingerfield's document, he composed the following letter:

San Francisco, March 24, 1875.

Messrs. Thomas H. Selby,
D. O. Mills,
Henry M. Newhall,
Wm. Alvord,

Geo. H. Howard,
James Otis, and
John O. Earl.

Gentlemen:

When I executed the instrument in which you are named as my trustees, I supposed I had a very short time to live and that if my intentions of founding an observatory and other institutions were ever to be carried out it would be through you.

I was therefore induced hastily and without due and proper consideration to execute the instrument referred to. It is still my intention and ever will be to carry out the general purposes therein expressed, but I now find upon a cool and careful study of the provisions of that instrument which my improved health has enabled me to make, there are many serious mistakes and errors of detail in it which might be corrected. One of the most serious of these is, that by the term of said instrument the execution of the great works which I have contemplated is virtually postponed until after my death, a result which I certainly never intended.

Another serious objection is that some of the beneficiaries (whose claims on me perhaps I did not sufficiently consider) have declined to accept its terms, and this fact, I am advised, will indefinitely delay if not entirely revert the carrying out of the plans for that execution of which you were appointed my trustees and agents.

Under the circumstances and as I desire while I still live, to see the work contemplated at least started, and as I am advised and am entirely satisfied that the instrument referred to does not and cannot accomplish the purposes desired by the public, as well as myself, I respectfully ask you to resign, or to revert in me the subject of the Trust so that by the execution of other papers better calculated to carry out my plans, the work contemplated from the beginning may at once be commenced, and carried out without delay.

I request you not to sell any more of the property included in my deed of trust, and I beg of you the favor to answer this communication immediately.

I remain with great respect,

JAMES LICK.

Then before official answer had been received, he made the following contract with John B. Felton, one of the cleverest lawyers of the time:

AGREEMENT

This agreement, made this twenty-fifth day of March, A. D. 1875, by and between James Lick of the City and

County of San Francisco, State of California, the party of the first part, and John B. Felton, the party of the second part; witnesseth:

That the said Felton agrees to do and perform the necessary professional services to oust the present Trustees of the Lick Estate, so-called, from their position as such Trustees and obtain either their resignations or such other arrangements as will enable said James Lick to appoint such new trustees as he may choose; and also to draw up, prepare and superintend the execution of the necessary papers, and documents for such disposition of said estate as may be desired by said James Lick for the trusts which he may wish to create.

In consideration whereof, the said James Lick agrees to pay to said Felton, contingent upon his success in ousting or obtaining the resignation of said Trustees or enabling said Lick to appoint other trustees or to make such disposition of his estate as he desires, the sum of one hundred thousand dollars in gold coin, which said sum is to cover all expenses of every kind incurred or to be incurred in the management and carrying out of the purposes above indicated and to be payable upon the happening of any of the contingencies hereinbefore specified: and said Felton is to have no further or other claim upon said Lick and it is distinctly understood and agreed that in the event of failure in the accomplishing of any of said objects the said Felton will make no claim or demand whatsoever upon said Lick or his estate.

Witness our hands and selves the day and date above.

JAMES LICK (seal)

JOHN B. FELTON (seal)

Felton had been called into the affair by Theodore H. Hittell, counsel for Lick. Backed by these brilliant lawyers, the bewildered philanthropist prepared to make the fight. The whole affair was settled peaceably after numerous conferences. The first board was eliminated and a second deed of trust was drawn, with the following trustees: Richard S. Floyd, Faxon D. Atherton, Sr., Bernard D. Murphy, John H. Lick and John Nightingale. The younger Lick never served.

The first deed had stipulated the locality of the observatory to be on the borders of Lake Tahoe in Placer County, where Lick owned a tract of land. In case it should have proven unsuitable, the land was to have been sold and another site chosen somewhere in California.

The second deed of trust merely said that the observatory should be erected on a site to be later designated by James Lick. It also provided that when completed, "the telescope, observatory and all the machinery and apparatus connected therewith should be conveyed to the corporation known as the Regents of the University of California," instead of the title remaining in the trustees' hands, which had been the order of the first deed.

A monument in honor of Francis Scott Key was to be erected at a cost of \$60,000. Another monument, commemorating the history of California in its various stages, was to be built at a cost of \$100,000 and to be erected near the City Hall, San Francisco. It was to depict all periods in the progress of the State up to January 1, 1874.

The sum of \$500,000 was to go to the establishment of a school to be known as the California School of Mechanical Arts, for the training of boys and girls in technical courses.

The Homestead and his personal property were to go to James Lick's residuary legatees, the Academy of Sciences and the Society of California Pioneers.

During his life he was to receive all rents, issue and profits from the Homestead. The Trustees were also to pay "whatever debts" he should require for the support, running expenses and improvement of the Homestead.

The Society of California Pioneers and the Academy of Sciences, as residuary legatees, were to receive all moneys remaining when his other bequests had been paid. Each organization was to use the money at its own discretion, spending it "generally in the carrying out of the objects and purposes for which such societies were respectively established."

The sixteenth clause of the second trust deed eased Lick's fears concerning any attempt to shatter his plans:

Sixteenth.—In further trust, to pay to the lawful son of the said party of the first part, John Henry Lick, one of the trustees herein named, the sum of one hundred and fifty thousand dollars (\$150,000) in gold coin.

The second deed of trust provided for the trustees in this wise, "each trustee in lieu of his statutory fees, shall receive during the continuance of this trust the sum of ten thousand dollars

in gold coin per annum, to be paid out of the expense of the execution of the trust."

It was not long after the second board had gone into office, that John B. Felton presented his bill. The trustees did not take very kindly to the idea of one hundred thousand dollars for a lawyer's fee. They would pay it only on the receipt of Lick's written consent.

B. D. Murphy, acting for the Board, accompanied Felton to Lick's room.

"Mr. Lick," said Murphy, "I have brought over Mr. Felton to see you about a little matter of \$100,000, for which he presents a claim upon your property. The Board of Trustees deemed it wise to have him obtain your written authorization before payment of the amount. The claim is for his services in setting aside your first deed of trust."

"Mr. Felton," said Lick, "when we made the contract upon which that claim is based, we supposed that to cancel my first trust deed would be an exceedingly arduous matter, involving much expense, a long delay and years of the most elaborate and tiresome litigation. The whole entanglement has been adjusted in a few months without any difficulty, but little outlay and with only a formal litigation. I think under the changed circumstances you ought to diminish the amount of your fee."

"Your proposition," replied Felton, smiling, "reminds me of a story I once heard about a countryman, who had a bad toothache and went to a rustic dentist to have the offender extracted. The dentist produced a rusty set of instruments, seated him in a rickety chair and went to work.

"After some hours of hard labor to himself and the most extreme agony to the countryman, the tooth was extracted, and he charged a dollar.

"A few months later the same countryman had another attack of toothache and this time he thought best to procure relief from a metropolitan dentist. He went to the city, found the best dentist in it and offered his swollen jaw for operation. The expert dentist passed his hand soothingly over his face, located the tooth with painless delicacy, produced a splendid set of instruments,

and before the countryman knew it, had the tooth out. His charge was five dollars.

"Five dollars," cried the countryman, "why when Jones down at the village pulled my last tooth, it took three hours, during which he broke his chair, broke my jaw, broke his tools and mopped the floor with me several times, and he only charged a dollar. You ought to diminish your bill."

Mr. Lick, grim and silent, gazed steadily at Felton during the story. For several minutes after it was done he made no reply.

"I don't think it is a parallel case," he said at last, "but I guess, Mr. Murphy, you had better pay the bill."

And he signed the authorization. Here are copies of the authorization and the receipt for the fee:

James Lick, Esq. to John B. Felton	Dr.
To professional services as per contract between James Lick and John B. Felton	\$100,000
* * *	

Received Payment
November 4, 1875.

The above bill of John B. Felton for one hundred thousand dollars being in conformity with the contract, the Trustees of the James Lick Trust will please pay the same.

JAMES LICK.

Witness, F. WARD.

* * *

Received from James Lick and from R. S. Floyd, F. S. Atherton, Sr., B. D. Murphy, John H. Lick, and John Nightingale, Trustees appointed by said Lick on the 21st day of September, 1875, the sum of one hundred thousand dollars (\$100,000) in full satisfaction of all claim and demands against said Lick or said Trustees up to date. And, in consideration of said amount so received, we and each of us do hereby release, discharge and acquit the said Lick and the Trustees aforesaid, of and from any and all claims, demands, suits and rights of action of any nature or kind whatsoever, existing in our favor or in favor of either of us against the said Lick or the Trustees aforesaid up to the present time, March 17, 1876.

JOHN B. FELTON
THEODORE H. HITTELL

Witness: H. E. MATHEWS

During the spring of 1876, Lick began seeking a suitable site for his pet project, the astronomical observatory. Among the mountain peaks suggested were Mt. Diablo, Mt. St. Helena and Loma Prieta, in Santa Clara County.

It irked Lick to lie in bed and hear the opinions of other men. He would see the mountain tops for himself. So far as is known now, he was able to make but one journey. It was in the summer of '76. He traveled in a wagon lying on a mattress. He was determined to make the summit of St. Helena, but part way up the wagon toppled on the steep rutted trail, spilling the old man out upon the road, where he lay cursing all Napa County. That settled Mt. St. Helena's chances as a site for any telescope purchased with Lick money.

He was taken directly to Calistoga. The shock of the fall and the resulting burst of temper had weakened him and he was quite sick. While he was recovering in the little country hotel, Charles M. Plum happened in Calistoga and called on the lonely old man.

It was a casual visit, without purpose, but during the conversation Lick said he was thinking of changing his trustees again. Plum, evidently an outspoken chap, replied:

"Mr. Lick, why do you wait until you are dead? Why don't you carry out all these things that you propose while you are alive? Matters of this sort go to the dogs when a man dies. Why not see that they are properly carried out while you are alive?"

Lick sat up in bed, tense with rage. It was the first time in weeks that he had been able to lift his head.

"Young man," he stormed, "you are always visionary. You are always interfering with my affairs."

Plum, regretting the effect of his remark, turned to leave the room, but he could not resist stopping at the door long enough to add, "Well, that is what I would do if I were you."

Plum went on about his own affairs and the matter rested so far as he was concerned.

In the course of days Lick was carried back to his room in the Lick House. Plum's remark was pocketed while the room teemed with discussions on the site for the observatory. Thomas E. Fraser, manager of the Lick Homestead in Santa Clara County,

suggested Mt. Hamilton, the highest peak in the range that walls Santa Clara Valley to the east.

He had toured the summit, studying the site carefully. His argument was sufficiently convincing. Lick sent scientists up the mountain. They agreed with Fraser. Lick made his decision. On June 15, 1876, the following letter was sent to the members of the second trust:

Office of the James Lick Trust, Lick House,
San Francisco, June 15, 1876.

Messrs. Richard S. Floyd, Faxon D. Atherton, Bernard D. Murphy, John H. Lick and John Nightingale, Trustees of the James Lick Trust.

Gentlemen:

This is to certify that I have designated the summit of Mount Hamilton in Santa Clara County, as the site selected by me for the location of the observatory to be erected by the James Lick Trust, under and by terms of my deed of trust to you dated September 21st, 1875.

I am yours truly,
JAMES LICK.

At the same time he sent the following communication to the Santa Clara County Board of Supervisors:

Being more interested in the observatory and telescope which I have ordered to be erected on the Coast, than any of the other projects, and which I intend to be in advance of any other scientific work in the world, the question of its location has been a matter of deep interest to me. Of the many locations proposed, I have, after much deliberation, thought favorably of locating it on the summit of Mount Hamilton, Santa Clara County, providing this, my petition to your Honorable Body is received with favor.

The advantages its near vicinity would be to the general public and tourists abroad, of course, I have taken into consideration, but above all, the benefits to be derived from it by the inhabitants of Santa Clara County, and especially the City of San Jose. You are, no doubt, aware that I have donated for the purpose above mentioned, \$700,000. Out of this sum a corps of astronomers and engineers are to be engaged and salaried for an indefinite period, and you will observe that economy must be practiced in its distribution, which I have studied by presenting the following request, viz:

That the County of Santa Clara will build a road to the summit of Mt. Hamilton, where the proposed observatory is to be located, extending from Santa Clara Avenue, or any other point most economical to the county; but it must

be understood that the road will be first class in every particular and that you, gentlemen, will take action in the matter without delay, as my earnest desire is to have it matured at once and work commenced immediately. I am willing, if it would facilitate matters, to take bonds of the County of Santa Clara in payment, and advance money for the purpose specified, all of which please give due consideration and, praying for an early and favorable answer to this, my petition, I am, respectfully yours,

JAMES LICK.

The matter was rushed by the supervisors, the State legislature authorized the bond issue and it was settled. Mt. Hamilton* was to be the site of the Lick Observatory.

All during the long summer, Plum's remark in the Calistoga hotel must have been seething through Lick's thoughts, for one day a message was dispatched to the young man. He was to come to Lick's room at once.

"Mr. Plum, I am going to discharge my trustees, and I want you to get me four more," said the old man gruffly.

Plum, astonished at the effect of his remarks, objected and tried to reason with the fiery-tempered invalid.

Lick roared him down. Plum was to get him four new trustees by three o'clock that afternoon, and it was Sunday! He picked up a big open-face watch that always lay on his bedside table, close within reach.

"Mind you," he said, looking up from his watch, "I want them by three o'clock!"

At three o'clock Plum returned with Edwin B. Mastick. Lick was waiting, watch in hand.

He greeted Mastick's attempts to reason, with a snort and a scowl. Plum and Mastick won out in their fight for postpone-

* Mt. Hamilton was named after Rev. Laurentine Hamilton who, in August, 1861, climbed a then unnamed peak rearing some four thousand feet above sea level and situated in the range east of the Santa Clara Valley. Wm. H. Brewer, at that time in charge of the field party for the State Geological Survey, accompanied by Professor Charles F. Hoffman, then State Topographer, were with Hamilton, a visitor from the East. Although the peak had been prospected in '49, it had never been named. Out of courtesy to the minister who had reached the peak ahead of any other member of the party, the mountain was given his name. He was a well known preacher in Oakland for a number of years. Brewer later became a professor in the Sheffield Scientific School at Yale.

ment, but only because Lick remembered it was Sunday and there could be no transaction of legal business.

But he expected four new trustees before sundown Monday. In the course of the week this was done. Captain Richard S. Floyd, then in Paris on the business of selecting material for the telescope, was retained as chairman of the Board. The four new appointees were Edwin B. Mastick, William Sherman, Charles M. Plum and George Schonewald. The deed of trust was not altered. The third Board had the same rights and powers as the second. The new appointments were consummated September 4, 1876.

As Lick discharged one Board of Trustees after another, gossip got about. Whispers regarding his sanity were heard in this and that group. Every temper, every act of the old man was questioned, dissected and analyzed. By the fall of 1876, a considerable portion of the town believed that the feeble millionaire was downright crazy.

He heard about it. He always heard everything. The next the public knew of events in the Lick quarters, a jury of physicians stood around the old man's bed, examining him for indications of insanity. He had insisted on it. The jury tested his mind, voted and agreed that he was quite sane. Shortness of temper and a tendency to change of mind, did not, in their estimation, constitute insanity.

Their decision was made public at the order of James Lick. He was easier of mind after that. At least no one could break his will on an insanity charge. That was his great fear. Suppose some one broke his will and ruined the purposes to which he had given his entire estate?

Back in January, 1875, he had even made a formal revocation of all wills he might ever have executed. He must have tortured his mind, conjuring up possible flaws that lawyers might later find in his legal arrangements for the future. And as each possible tactic occurred to him, he had warded off all chance of it coming to pass by drawing up an armor-proof wall of words.

Day after day he battled for the speedy realization of his dreams.

All during September he grew weaker and weaker, becoming more feeble every day, fading away to a still, silent shadow of the fighting man he had been.

He seemed an unhappy old man. "He never smiled," wrote Henry E. Mathews, secretary of the second and third boards, "although I saw him nearly every day from January 1876 until October."

He went out slowly. Probably no other San Franciscan had such a public deathbed as that lonely old millionaire, dying in a hotel room.

Up on the second floor of the Lick House, in Room 127, an aged and wasted man mumbled faintly while an open face watch ticked noisily on a little table beside the bed. There was a heap of papers on the table, papers relating to beneficiaries of the Lick Trust. The dying man's eyes were closed. He was too weary to look at the papers any more, but his lips moved nervously. He called George Schonewald to him. The trust again—dying, he thought only of the trust.

The bed was set diagonally across the room, the foot towards the windows that looked out on Montgomery and Sutter streets. On the walls hung two pictures, one of the Pioneer Building and the other a drawing of the Paine Memorial Building in Boston.

It recalled Lick's Folly, the mahogany mill that had made the Stumptown flour mill look like a pigsty.

And now the poor wood-joiner was dying among strangers, with all the town talking of the millions his death would give to the people.

Someone had put a vase of flowers within the line of the old man's vision, but he did not see them. And all the while he mumbled of the trust.

Newspaper reporters stepped into the room, whispered and went out. All day they came and went. Their stories told in detail of the millionaire's last hours. The following quotation is typical:

Thin, weak and cadaverous as the face, worn down by natural decay, had heretofore appeared, it now assumed a

new appearance. The mind began to fail. At times he could express some request to his nurse for assistance, but even in this he at last became incoherent and his desires had to be guessed at.

Night came; Lick still lived. By his side ticked the open face watch. At frequent intervals Dr. Thomas Bennett, his physician, took the pulse from an artery. Others in the room were: L. Markley; Smythe Clarke; Charles Plum; Wm. Huefner, Marshal for the Society of California Pioneers; Charles I. Ziele; A. C. Bradford, Secretary of the Society of California Pioneers, and Mrs. Rose Messiter, the nurse, besides a restless parade of reporters and numerous hotel attendants.

Not one relative!

"In the early morning, he became moribund," ran one newspaper story, "his extremities grew cold and the pulse beat but faintly. Still the breathing was steadily kept up, the action of the lungs only decreasing in intensity by the most imperceptible degrees."

The open face watch was at 1:08 on the morning of October 1, 1876, when James Lick sighed and left his trust to its keepers. The doctor's watch was a little faster than the old open-face, setting the time at 1:15 A. M.

The papers ran columns on the death. Dr. Bennett declared it the most peaceful passing he had ever witnessed. One journalist described it in this fashion:

"At one o'clock in the morning of October 1, death came as gently and peacefully as slumber falls on the eyelids of the little child at the invocation from infant lips, of 'Now I lay me down to sleep.'"

Lick was eighty years old on his last birthday, one month and six days past, and strangers stood about him.

Every issue of the papers carried more details concerning the death and the funeral arrangements. They described his suit, the old fashioned style of collar, the casket, a splendid affair of silver and iron. All day, once the undertakers were done, people went whispering over the carpets to Room 127.

William Huefner sat at the foot of the bed. As Marshal of the Society of California Pioneers, he kept watch by the dead.

A handkerchief was spread over James Lick's wasted face.

Some time in the morning of October 1, the following resolutions were adopted after a hasty meeting of the Lick Trustees:

Office of the James Lick Trust, Lick House,
San Francisco, October 1, 1876.

At a special meeting of the Trustees of the James Lick Trust, this date, the following resolution was adopted, viz:

Whereas, James Lick, the founder of the James Lick Trust, departed this life on the 1st day of October, A. D. 1876, and whereas he was at the time of his death President of the Society of California Pioneers; therefore be it resolved, that the Society of California Pioneers be invited to take charge of the obsequies, and in order that the body may lie in state, that the parlor of the Lick House be appropriately draped and placed at its disposal.

Attest:

H. E. MATHEWS, Secretary.

The Society of California Pioneers accepted, and James Lick lay in state at the Pioneer Building from Monday until one o'clock Wednesday, when the funeral ceremonies began. A winding file of people went slowly by the casket from ten to four each day.

The Governor of California, State officers, the Mayor of San Francisco, Supervisors, members of the Chamber of Commerce, the judges of the United States Courts and State Courts, and the ex trustees of the James Lick Trust were among the honor guests at the funeral. The ex presidents of the Society of California Pioneers were selected as pall bearers.

On October 4, 1876, a funeral procession formed at Pioneers' Hall. William Huefner marshalled the funeral cortege, assisted by E. B. Vreeland, Wm. F. Swasey and George W. Thomas, all of the Society of California Pioneers. The trustees of the Lick Estate escorted the casket with the following pall bearers:

Samuel Brannan, J. R. Snyder, S. R. Harris, Alex. G. Abell, P. S. Roach, O. P. Sutton, J. W. Winans, G. Troyer, S. P. Cristal, Prof. John Le Conte, Prof. Moses, W. R. Wheaton, W. H. Clark, Richard Chenery, S. W. Von Schmidt, Peter Donahue, P. B. Cornwall, Henry Edwards, H. C. Hyde, Charles G. Yale, C. D. Gibbs, and Professor Gompertz.

Members of the Academy of Sciences, the Governor and his staff, various army officers and their staffs, Federal, State and city officers, the faculty, regents and students of the University of California, members of the Mechanics Institute, the Board of Fire Underwriters, Sons of the Golden West, Territorial Pioneers and innumerable other organizations followed James Lick's casket on its slow journey from the Pioneer Hall to the Mechanics' Pavilion. Elaborate ceremonies were held and the procession formed again.

With muffled drums, the shuffling of marching men and the uneven tapping of horses' feet, they carried James Lick to the Masonic Cemetery, where his body was deposited in a vault, awaiting the completion of the observatory on Mt. Hamilton.

Some time before his death it had been suggested to Lick by Floyd, that he might be laid within the great observatory. Lick made no answer at the time, but it was afterward understood that this was to be done.

When Lick died, Floyd, Chairman of the Board of Trustees, was in Paris in conference with glass makers regarding the lens for the Lick telescope. While the millionaire had appointed a new Board, no formal election took place until November 29, 1875, when the old Board retired.

Henry E. Mathews, who had acted as secretary for the second Board, and who had been retained in that office on the third Board, was the only active member of the Lick Trust from the date of Lick's death until November 29. The burden of the business fell on his shoulders as it was impossible for Floyd to return.

More than \$40,000 in taxes were due in December. Atherton, member of the second Board, refused to pay anything out of the funds. By dint of great thrift, Mathews accumulated rents, interest, earnings of the Lick House (less the weekly bills), and collections on notes. He just made the \$40,000, deposited it in various banks about town in the name of H. E. Mathews, Secretary of the James Lick Trust, as trust funds, and awaited the action of the new Board. On December 12, 1876, he paid the money over to the Board, and the long three months were done with.

Then followed years of difficulties. The newspapers and the public wrangled and fumed. From December 12, 1876, until July 12, 1895, hardly a day passed but what there was a column of comment in one newspaper or another.

Members of the Lick Trust were ridiculed, cursed and lauded as the mood struck the critics. On November 1, 1876, John H. Lick, then a solemn man of 58, arrived in San Francisco, and applied for letters of administration on his father's estate. He retained Hall McAllister as his attorney, and it looked as if there was trouble ahead for the Lick trustees.

For a month or more all sides were drawn up for action. But a contest was averted by the following compromise, signed January 19, 1877:

1st. The parties hereto are to act together in good faith to accomplish the performance of this agreement.

2nd. John H. Lick is to endeavor by all proper means to be appointed Administrator of the Estate of James Lick, Deceased.

3rd. After the appointment of said John H. Lick, as such Administrator, he is to compromise, settle and release all his claims to the Estate of James Lick, Deceased, both as an individual and as such Administrator, for the sum of five hundred and thirty-five thousand dollars, in United States Gold Coin, which sum is also to be a full payment of the Legacy of one hundred and fifty thousand dollars to said John H. Lick under the Deed of Trust of James Lick, of September 21st, 1875, which is recorded in the office of the Recorder of the City and County of San Francisco, in Liber 810 of Deeds, page 26, etc.

4th. The parties of the first part, as such Trustees as aforesaid, by and with the consent of the beneficiaries hereby agree to the compromise and terms of compromise with said John H. Lick, individually and as such Administrator, as aforesaid, as are hereinbefore expressed, and hereby pledge themselves to endeavor, by all honorable means, to carry out and effectuate the same.

5th. The details as to the payment of said five hundred and thirty-five thousand dollars are to be arranged between John H. Lick, as Attorney of the parties of the first part and Hall McAllister, as Attorney of the said John H. Lick, and also the legal mode of carrying out and effectuating this agreement so as to vest in the Trustees a clear title.

E. B. MASTICK
W. M. SHERMAN
G. SCHONEWALD
CHARLES M. PLUM

JOHN H. LICK
F. D. ATHERTON
JOHN NIGHTINGALE
B. D. MURPHY

James W. Lick filed a claim of his own, declaring that John was neither legitimate nor the acknowledged son of James Lick. He based his complaint further on the fact that he had worked fourteen years for James Lick without wages. He resented the mere \$2,000 left him in his uncle's deed and sued for \$17,000 which he declared was due him for the labor of the years. The court awarded him back wages for the last two years of service. The rest was thrown out.

John Lick's \$535,000 sounded like a great deal more than it really was, for he had to pay sums to Henry Lick, Samuel Lick, Sarah Hepler, two other nieces named Sarah, whose surnames are missing, J. W. Lick and Thomas E. Fraser, homestead manager for James Lick. These were the collateral heirs.

Working in a dark room on the laundry floor of the Lick House, in the midst of steam and playful cockroaches, the members of the board of trustees prepared to carry out Lick's wishes. Year after year rolled by. There were many things to be done, but the public demanded magic.

The Lick Observatory was the first big task. Lick had bequeathed \$700,000 for this. On Saturday, Jan. 8, 1887, the housing on the summit of Mt. Hamilton had been sufficiently completed for the burial of James Lick. A tomb had been made beneath the dome, in the piers of the great telescope.

A delegation accompanied James Lick on his slow journey from the Masonic Cemetery in San Francisco to the top of Mt. Hamilton. Among them were Capt. Richard S. Floyd, Thomas E. Fraser, Professor George Davidson, E. B. Mastick, Charles M. Plum, George Schonewald, J. W. Winans, representing Governor Washington Bartlett, president of the Board of Regents of the University of California; Edward Singleton Holden, president of the University of California; representatives of the California Academy of Sciences, the Society of California Pioneers and the Mayor of San Jose.

All these men signed the following statement:

"This is the body of James Lick, who was born in Fredericksburg, August 25th, 1796, and who died in San Francisco, California, October 1, 1876.

"It has been identified by us and in our presence has been

sealed up and deposited in this foundation pier of the great equatorial telescope this ninth day of January, 1887.

"In the year 1875, he executed a deed of trust of his entire estate, by which he provided for the comfort and culture of the citizens of California for the advancement of Handcraft and Redecraft among the youth of San Francisco and of the State, for the development of scientific research and the diffusion of knowledge among men and for founding in the State of California an astronomical observatory to surpass all other existing in the world at this epoch.

"This observatory has been erected by the trustees of his estate, and has been named the Lick Astronomical Department of the University of California, in memory of the founder.

"This refractory telescope is the largest which has ever been constructed and the astronomers who have tested it declare that its performance surpasses that of all other telescopes.

"The two discs of glass for the objective were cast by Ch. Feit of France and were brought to a true figure by Sloan Clark and Sons of Massachusetts.

"Their diameter is 36 inches and their focal length is 56 feet, 2 inches.

"Upon the completion of this structure the Regents of the University of California became the trustees of this Astronomical Observatory.

"THE BOARD OF TRUSTEES OF THE LICK ESTATE.

"Richard S. Floyd, President.

"E. B. Mastick.

"Charles M. Plum.

"George Schonewald."

The night guards watched beside the flag-draped casket of James Lick. On the morning of Jan. 9, the members of the party stood around the vault while Captain Floyd addressed them:

"Gentleman: We are here to place the remains of James Lick in their final resting place beneath this stone foundation of the pier upon which will be mounted the great telescope that he has given to California and the world of science.

"Mr. Lick left no positive instructions as to the disposition of his remains. The idea of making this place a tomb for his body did not enter the motive of his munificent bequest which has created this great work. The idea was suggested to him long after he made this trust deed, and it met his approval.

"The trustees have concluded with the approbation of his son, John H. Lick, now in Pennsylvania, to place his remains in this pier, believing that the most powerful telescope so far made in the world will make his most appropriate monument, and this commanding site overlooking his California home his most fitting resting place."

The casket swung down into its resting place and the last journey of James Lick was done. A great stone weighing two and a half tons was let slowly down on the emplacement around the casket. Two other stones were set in place and then bolted to the foundation of the telescope which was to be installed there.

He lies there today beneath the white dome that tops the barren summit of old Mt. Hamilton. Above him wise men search the skies seeking answers to questions that baffled the vanished man, using the instrument he left to enrich their wisdom. In a nearby room stands his old work bench, a memory of his days in poverty.

Side by side, the work bench and the telescope—and the man beneath. The beginning and the objective. At least one dream came true.

The sale of James Lick's properties realized close on \$3,000,000, the Lick House alone going for \$1,250,000. Santa Catalina Island, which had come into his holdings through a mortgage, went for \$250,000, one-third cash balance. Later the mortgage was foreclosed and the Bannings bought it, 50,000 acres of mountain peaks.

Lick owned property in Placer County, Santa Clara County and a great tract, called the Rancho de los Felis in Los Angeles County, besides his San Francisco real estate. All this was converted into cash.

The bequests were as follows:

Lick Observatory.....	\$700,000
Protestant Orphan Asylum.....	25,000
Ladies' Protestant Relief Society.....	25,000

San Jose Orphans.....	25,000
Mechanics Institute.....	10,000
Society for the Prevention of Cruelty to Animals.....	10,000
Public Baths.....	150,000
Old Ladies' Home.....	100,000
Francis Scott Key Monument.....	60,000
Historical Statue.....	100,000
California School of Mechanical Arts.....	540,000
Family Monuments.....	46,000
John H. Lick and collateral heirs.....	535,000

On April 22, 1878, the monument in honor of William Lick, hero of Valley Forge, was unveiled at Fredericksburg, Pennsylvania.

On June 27, 1888, the Lick Observatory was transferred to the University of California. On July 4, 1888, the Frances Scott Key statue was unveiled in Golden Gate Park, with elaborate ceremonies. On November 3, 1890, the Lick Baths, Tenth and Howard Streets, were opened to the public.

In the course of the twenty years between the writing of the first Trust Deed and the final accomplishment of the second, the monuments were built and dedicated, the Lick Old Ladies' Home was established, the San Jose Orphan Asylum came into existence and the various organizations named received their bequests.

On October 21, 1891, John H. Lick died in Fredericksburg where he had become a man of considerable wealth, the benefactor of a religious seminary and the owner of the Lickdale Iron Company and of the Ellendale Forge. He was in his seventy-sixth year. He had never married.

On November 29, 1894, the Lick Historical Monument was unveiled at the corner of Grove and Hyde Streets. It was Thanksgiving Day and thousands watched the flags fall away from the great statues, over which there had been so much discussion during the past years.

On January 3, 1895, the California School of Mechanical Arts, at Sixteenth and Utah Streets, was formally opened.

On July 12, 1895, the Lick Trust dissolved, all the clauses having been carried out as directed by James Lick.

The Society of California Pioneers received \$604,654.08 as its share of the residue from the estate.

By the fall of 1895, James Lick's money had gone its many ways. The purposes to which they were devoted revealed the interests of the man whom few had understood. His money had gone to the aid of science, education of the young, care of the aged and the orphan, commemoration of the great, honoring of his family, protection of animals and for public baths.

On May 3, 1900, members of the Society of California Pioneers, wondering why the janitor did not answer the bells, went to his room and found James W. Lick, 70, lying there dead.

So ended the male line of Licks, founded by the sturdy old German who carried a musket at Brandywine and Valley Forge.