

## HENRY HITCHCOCK.

BY JOHN GREEN.

IN the early autumn of 1848, a serious young man, mature beyond his years, was inducted as assistant teacher in the classical department of the Worcester Classical and English High School, of which Nelson Wheeler was master and William E. Starr was assistant master. His engagement in Worcester was the outcome of a close friendship formed at Yale College with his classmate, Dwight Foster, afterwards Justice of the Supreme Court of Massachusetts and a Councillor of this Society. For a sketch of his earlier life, and for the principal facts and dates in his subsequent career, the writer is indebted to the authors of the excellent Memorial printed in the proceedings of the meeting of lawyers at St. Louis, Missouri, held March 22, 1902.\*

“Henry Hitchcock was a great grandson of Ethan Allen, of Revolutionary fame. His paternal grandfather, Samuel Hitchcock, born in Massachusetts, was a member of the Vermont Convention which ratified the Federal Constitution, was Attorney-General of that State and later a United States District Judge and Circuit Judge. His father, Henry Hitchcock, born in Burlington, Vermont, in 1791, removed to Alabama, where, between 1819 and 1839, he was successively Attorney-General, United States District Attorney, and Chief Justice of the Supreme Court of Alabama. Judge Hitchcock married Anne Erwin, of Bedford County, Tennessee. Of that marriage Henry Hitchcock, the subject of this memorial, was born at Spring Hill,

\*Through the courtesy of George Collier Hitchcock, Esq., a copy of the proceedings of this meeting, containing an excellent reproduction of a late photograph of Mr. Hitchcock, is presented for preservation in the Library of the Society.

near Mobile, Alabama. His father died in 1839, at Mobile. His mother went with her son to live at Nashville, Tenn. At the age of seventeen, he was graduated from the University of Nashville, and entered Yale College. He was graduated from Yale at nineteen, with honors. . . . His Alma Mater [in 1874] conferred upon him the degree of Doctor of Laws."

For a year he helped to mould the character and develop the rudimentary scholarship of the pupils assigned to his classes in the Worcester High School—made up mainly of those taking courses preparatory for college, including several now officers and members of the American Antiquarian Society. His thoroughness as a teacher, his conscientiousness in the performance of duty, his high ideals, inculcated by word, impressed by example, are remembered by his old pupils. Exceptionally accurate as a student, he felt keenly the discovery of any lapse or shortcoming in the line of his work; but his ingrained honesty excluded conceit, and his acceptance of a new fact or a new conception was unreserved. Not many years ago, in a conversation with the writer, he recalled his first interview with a distinguished member of the Worcester School Committee, the Rev. Seth Sweetser, to whom had been entrusted the congenial task of testing his attainments in mathematics. Dr. Sweetser put the question:—"What do you understand by a minus quantity?" The examiner's definition of a minus quantity as "something to be subtracted"\* commended itself to the quick intelligence of the candidate, and was never forgotten. A too implicit trust in the universality of a rule in prosody once betrayed him into the commission of the scholastic sin of a false quantity, in

\*The writer is reminded by a Councillor of this Society that in algebra the signs of addition and subtraction stand for something done, rather than for something to be done. In the text books in general use sixty years ago, the formulation of rules to be committed to memory counted for much more than the enunciation of principles. The writer is indebted to another honored Councillor for the story of the illuminating discovery made, in after years, by an old-time alumnus of the Boston Latin School, that the Latin language was not founded on a code of rules such as he had painfully memorized from the pages of the Latin Grammar of Andrews and Stoddard.

a Roman proper name. A boy of fourteen, ignorant of the rule but relying on a somewhat retentive ear, ventured to call the misplaced accent in question, and was suppressed by a prompt citation from the grammar. Silenced but unconvinced, the boy had recourse to the lexicon, and, producing the newly discovered authority, asked for a rehearing of the case. The error was gracefully acknowledged, and a retraction of the hasty ruling was made to the class at its next meeting. The incident begot a liking for the boy, which ripened later into a lasting friendship; to the boy it revealed the sterling honesty of the teacher, and led up to an enduring trust in the man.\*

From Worcester "Mr. Hitchcock returned to his home in Nashville, Tennessee,† and entered upon the study of law in the office of William F. Cooper, afterwards Chancellor and Judge of the Supreme Court of Tennessee"; two years later he removed to St. Louis, Missouri, where he was admitted to practice.

"In 1852 he was editor of the St. Louis *Intelligencer*, a newspaper of Whig affiliations, and was a delegate to the National Convention at Baltimore, which nominated General Scott for President."

In 1858 he joined the Republican party to which he maintained a steadfast allegiance until his death.

"In 1860, on the eve of the Presidential election, he made his first political speech, advocating the election of Abraham Lincoln." A visit which he had made early in this campaign, to Springfield, Illinois, and the profound impression made on him at the time by the personality of Mr. Lincoln, are said to have afforded the basis, in fact for an important chapter of the story entitled 'The Crisis,' by Mr. Winston Churchill.

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\*This incident of school life was recalled frequently by Mr. Hitchcock in after years; it is mentioned here as an illustration of nobility of character firmly established in youth and exemplified throughout a long and honored career.

†For the principal facts and dates the writer has drawn, in most cases *verbatim*, upon the memorial in which they are reproduced from an earlier sketch printed in a volume entitled "Prominent St. Louisans."

"In February, 1861, he was elected a delegate from St. Louis to the Missouri Convention, called under authority of the Act of the General Assembly, . . . . 'To consider the then existing relations between the Government of the United States, the People of the different States, and the Government and People of the State of Missouri; and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to them to be demanded.'"

"Mr. Hitchcock and only five other members of that Convention were Republicans. He was, from the assembling of the Convention till its final adjournment, . . . an active and potent advocate of 'Unconditional Union,' and of the abolition of slavery in Missouri. On March 13, 1861, . . . he spoke with great force and effect in favor of the State's furnishing men and money to coerce the seceding States. . . . In July, 1861, he voted for the ordinance which declared the offices of Governor, Lieutenant Governor, and Secretary of State vacant, and instituted a provisional State Government . . . . At the final session of that Convention, in June, 1863, he made an elaborate speech, advocating the emancipation of slaves in Missouri."

"In after years Mr. Hitchcock deplored what he regarded as his mistake in not entering the volunteer service, in 1861. That was his desire; but his friends, and especially his uncle, Ethan Allen Hitchcock, a Major-General of Volunteers, insisted that his value to the cause of the Union would be greater as a member of the State Convention than in the field."

"Mr. Hitchcock once said: 'I reluctantly acted on this advice, but year by year regretted it more, till in September, 1864, before the fall of Atlanta, and when the issue of the war still seemed doubtful, I applied in person to Secretary Stanton for a commission, and obtained one; not in the hope at that late day of rendering military service of any

value, but simply because I could not endure the thought of profiting, in safety at home, by the heroism of others, and of having no personal share in the defence of my country against her enemies in arms.\* He was appointed Assistant Adjutant-General of Volunteers, with the rank of Major, and in October, 1864, was assigned to duty on General Sherman's staff, at the latter's request. . . . July 23, 1865, he was honorably mustered out of service."

From 1865 Mr. Hitchcock devoted himself continuously to the law. His career as a lawyer rounded out the full term of fifty years. He rose to the highest rank in the estimation of those best qualified to judge him—his colleagues of the Bar.

"As a lawyer† he achieved a national reputation for ability, learning, integrity, and power. . . . His conceptions of the lawyer's functions and duties were exalted. As a lawyer he was broad, accurate, intense; . . . He was a force in the administration of justice."

"No other man at the bar occupied exactly the same position that Mr. Hitchcock did.‡ He stood for those things which, say what we may, are still held in the very highest estimation by the lawyers as well as by the community at large. He stood for the open and candid and forcible upholding of the right as against the wrong. As a lawyer he stood as an example and exemplification of what a lawyer's life and attitude should be, not merely to the bar, not merely to his clients, but more important still to his country at large and to the community in which he lives."

"As a jurist, Henry Hitchcock was of national reputation.§ He brought to the practice of the law not only a

\* These words of Mr. Hitchcock, quoted from the Memorial, recite, practically *verbatim*, what he said a few days ago to the writer of this sketch. No one who knew Mr. Hitchcock can doubt that his acceptance of a civic career during the critical period in Missouri meant the sacrifice of personal inclination to imperative public duty. The real and continuing danger to which he had so fearlessly exposed himself at home would seem not to have been regarded seriously by him.

†Quoted from the Memorial.

‡Quoted from remarks by Judge Jacob Klein in calling to order the meeting of Lawyers held in St. Louis, March 22, 1902.

§From remarks by Mr. G. A. Finkelnburg, for seven years Mr. Hitchcock's partner in practice, now United States District Judge.

profound knowledge of the law itself, but a wealth of scholarly attainments and literary embellishments rarely found in the busy practitioner of the present day. And with all, and, perhaps, above all, Mr. Hitchcock never failed to remember that one of the highest duties of a lawyer is to aid the courts in a correct and righteous administration of justice. . . . As a citizen, his lofty sentiments, and above all his indomitable courage of conviction, made him one of those heroic characters in our civic and political life which are as rare as they are valuable."

"Mr. Henry Hitchcock\* was a lawyer of the type of Pym, and Maynard, and Somers, and Adams, and Jefferson. He devoted himself to his profession, not merely as a business, but as a public duty. . . . Active as he was in his profession, . . . active as he was in the public life of his time, . . . active as he had been during the Civil War and in what led up to it, . . . there never was reproach upon his character. He bore a good repute among men; . . . the repute of respect, which he had even from those to whom he was most earnestly opposed."

"In 1859 he was chosen and to the end of his life continued a Director of Washington University [in St. Louis]. For [fifteen] years, to the time of his death, he was Vice-President [of the Board]."

"In 1867 Mr. Hitchcock took prominent part in founding the St. Louis Law School [the Law Department of Washington University]. He was for the first three years Dean of the School," and for many years a member of its Faculty.

"In 1878, with three other eminent members of the profession, he united in a call for a convention of lawyers at Saratoga, which resulted in the formation of the American Bar Association. . . . In 1880 he was President of the St. Louis Bar Association. . . . In 1881 he was President of the Civil Service Reform Association of Missouri. He was then and until his death a member of the National

\*From remarks by Mr. Frederic W. Lehmann, of the St. Louis Bar.

Civil Service Reform League, and was always an earnest worker in the cause of Civil Service Reform. In 1882 he was President of the Missouri Bar Association. From 1889 till the time of his death he was one of the trustees of the Missouri Botanical Garden, appointed by the will of [its founder] Mr. Henry Shaw. In 1889 he was President of the American Bar Association, and in 1901 was chosen one of the Trustees of the National Institution established [at Washington, D. C.] by Andrew Carnegie."

"Mr. Hitchcock's great reputation beyond as well as in Missouri brought him invitations to deliver addresses before many learned bodies. . . . In 1879 [he read a paper] before the American Bar Association on 'The Inviolability of Telegrams'; in 1887, before the New York State Bar Association, on 'American State Constitutions,' and in the same year, before the American Bar Association, upon 'General Corporation Laws'; he delivered an address before the Political Science Association of the University of Michigan on 'The Development of the Constitution of the United States as influenced by Chief Justice Marshall'; at the Centennial Celebration of the Organization of the Federal Judiciary, on 'The Supreme Court and the Constitution;' in 1897, before the National Civil Service Reform League, on 'The Republican Party and Civil Service Reform.'"

Mr. Hitchcock impressed all who came in contact with him as an exceptionally serious and self-contained man. To those who knew him as a young man he appeared shy and reserved. Throughout life he was regarded, even by many who thought they knew him, as cold and unsympathetic. He did not wear his heart upon his sleeve for daws to peck at. Devotion to his life work was the keynote to his character; he sought necessary relaxation in varied reading, which covered the entire domain of the best literature. He kept up his classical studies to the end, and took especial delight in the perfect diction and broad humanity of his favorite poet, Horace.

*Integer vitae scelerisque purus*

depicts truly the sterling quality of the man who, in the words of his sometime associate in practice,\* "carries with him the admiration of all lawyers, the esteem of all good citizens, and the love and affection of those who had an opportunity of associating more intimately with him in his private life."

*Odi profanum vulgus et arceo*

voices his innate aversion to whatever he regarded as low or unworthy.

*Justum et tenacem propositi virum  
non civium ardor prava jubentium,  
non vultus instantis tyranni  
mente quatit solida*

describes without exaggeration the "moral courage and fidelity to conviction [of the citizen who] was sure to tread wherever his sense of duty pointed the way";† who "considered and determined his course of action . . . from the standpoint of duty, . . . never stopping to debate, either with himself or with others, the question of whether his advocacy or condemnation of a measure would have an unfavorable effect upon his own interests."‡

It was the privilege of comparatively few to know Mr. Hitchcock intimately in his home life. In the company of a few chosen guests, gathered at his table, he appeared at his best—the affable, courteous and refined gentleman. "With tactful and engaging manner, carrying the conversation and causing all to follow, with the brilliancy of his conversation, roaming from grave to lighter moods, replete with reminiscences and anecdote, with humorous disquisitions upon topics of the day and literature, who would not bear cheerful testimony that he was the incomparable host?"—§

*Beatus . . . procul negotiis.\*\**

\*Hon. G. A. Finkelnburg.

†From remarks by Mr. E. H. Kehr, of the St. Louis Bar.

‡Memorial.

§From remarks by Mr. Henry T. Kent, of the St. Louis Bar.

\*\*Mr. Hitchcock contributed a rendition, in English verse, of the second Epode of Horace, printed, after his death, for the Bibliophile Society of Boston.



The maxim—Whatever is worth doing is worth doing well—was accepted by Mr. Hitchcock as an axiom; it was his constant and sure guide in college; he insisted on it with his pupils in the Worcester High School; it dominated his life. His industry was untiring. He had a remarkably accurate and retentive memory. He was phenomenally quick and sure in grasping facts and principles. His reasoning was clear and convincing. His judgment was not likely to be questioned. He was a fluent and persuasive speaker; a perspicuous, forceful and elegant writer. A patrician by birthright, his natural bent was confirmed by association with men of kindred instincts. He believed in government by the people, but a personal study of the ways of professional politicians early convinced him that they were not for him. A Republican from 1858, he was loyal to the principles and a power in the higher councils of the party. He believed in his party as the exponent of political doctrine, and in public office as a trust. By temperament and training he was eminently fitted for the highest legislative or judicial positions; but in Missouri the judiciary is elective, and his personality was not such as to appeal to party managers. Moreover, he was not of the dominant party in the state at large.

“As a citizen he occupied a position almost unique.\* Brave to the uttermost in upholding and defending what he considered right and good in the administration of public affairs, he never wavered in the conscientious performance of every duty which citizenship in a republic imposes on the individual . . . His active participation in political discussions marked the deep rooted sincerity of his nature and convictions, and showed that he considered and determined his course of action . . . from the standpoint of duty, . . . duty to advocate and stand for that which was right, and to oppose and condemn that which was wrong from the standpoint of morals.”

\*Quoted from the Memorial.

In 1857, Mr. Hitchcock married Mary Collier, of St. Louis. Mrs. Hitchcock and two sons born of this union, Henry and George Collier, survive him.

Mr. Hitchcock was born on July 3, 1829, and died on March 18, 1902. He was elected a member of the American Antiquarian Society in 1882. Engrossing interests with which he had become identified made it impracticable for him to attend its meetings or to contribute to its work.

It was the privilege of the writer to sit under Mr. Hitchcock as a pupil in the Worcester High School, and to know him again as a trusted friend from 1866. The limits of this sketch do not permit an adequate presentation of the man as he was in life and as he lives in memory.

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