

OFFICE AT OLD TOWN HALL

A Historic Salem Incorporated

POST OFFICE BOX 865 SALEM, MASSACHUSETTS 01970 / PHONE (617) 745-0799

36-38 Summer Street

House of

JOHN STONE, distiller

built before 1831

Research by,

Joyce King

Oct. 1981

*"to preserve Historic Sites, Buildings and objects,
and to work for the education of the community
in the true value of the same."*

Note: After an extensive search of available records concerning this house, a positive date of construction cannot be determined. Staley McDermet, preservation architect, accompanied this researcher, on Oct. 1, 1981, on an inspection of this house to explore possible architectural clues as to the date.

We found that the house has undergone many interior changes over the years, but exterior architectural details and framing in the cellar reflect Georgian Style (1725-1775). The entire cellar appears to have been built at one time but the house itself seems to be in two sections (gambrel and pitch roofs). This could be an indication that two sections may have been moved to this site and joined on a new foundation.

The present owner, Mr. Butler, remembers that when a room on the second floor was papered writing on the plaster stated that "this house was built in 1761." This is not improbable but unfortunately cannot be documented at this time. It is possible that documents will be found at a future date which will help solve this dilemma.

Joyce King

36-38 Summer Street

This house is described in the Salem Historic Commission District Study as: "A two-story, wooden, gambrel roof house with an ell, this building has two side entrances, one on either side. The door on the south is unchanged, but the north entrance does not look original. Two modern dormer windows have been added recently on the street side. It has a large chimney. It would have been customary for a house parallel to the street to have had an entrance on the street in the 1750's but no exterior sign of such an entrance remains, if it ever existed."

The land on which this house stands had belonged to the Neal family since the 1650's (appendix A & B). The land passed from generation to generation with portions sold off in the late 1700's. On Oct. 11, 1825 Jonathan Neal sold for the sum of \$6,000 three parcels of land, the first being one which included the lot 36-38 Summer St.; (appendix C) A second where #2 and 4 Chestnut St. now stand. These lots were sold "reserving all the buildings on the above to their respective owners and a reasonable time to remove them." The third lot was where #8 Chestnut St. stands with a one story brick house. "Meaning to convey all the land on the north and south sides of Chestnut St. which I have not theretofore conveyed and which I now own." (book 238 page 247)

The first mention of a house on the lot 36-38 Summer St. is in the 1831 tax records when John Stone is listed as having a house on Summer St. valued at \$1,800 with the tenants being John Chapman and

2.

Eben K. Lakeman. The 1836 city directory lists the tenants as #36 Henry Towne, mariner and #38 Jesse Smith Jr. watchmaker. In April of 1839 this ad appeared in the Salem Gazette:

"That valuable square, extending from the Assembly Hall to Summer street with the buildings thereon, viz a block of two wooden dwelling house's #5 & 7 Chestnut street, with the out buildings belonging to them, and the land under and adjoining the same. These houses are in fine condition, very convenient, finished throughout in modern style, have folding doors, marble chimney pieces, grates for coal, and soapstone fireplaces, and are now occupied by Messrs J.E. Sprague and S.R. Hodges.

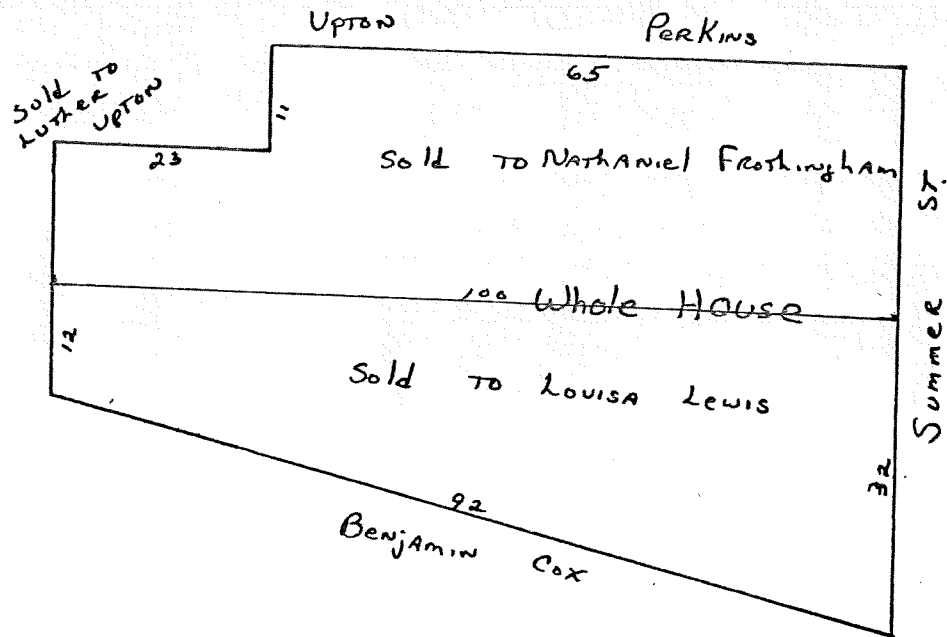
Also the block of two wooden dwelling houses #36 and 37 (?) Summer street, with the out houses belonging to them, and the land under and adjoining the same.

The buildings are in excellent condition, very convenient and finished throughout. Terms liberal, and made known at the sale which will be positive.

These estates may be examined at any time previous to the sale, on application to John Stone."

Newhall auctioneer

On April 9, 1839 John H., Lucy and Henry Stone children of John Stone sold for the sum of \$1,015 to Louisa Lewis the dwelling house and land #38 and the dwelling house and land #36 to Nathaniel Frothingham Jr. (book 312 pages 264-267) This last transaction was also recorded by John Nichols in an account book which is now preserved at the Essex Institute (appendix D). As noted James Chamberlain must have been the highest bidder at \$975 but for some reason he was not the final purchaser Nathaniel Frothingham was.



Mr. Frothingham transferred ownership, of the north end, six days later to long time tenant Jesse Smith for the sum of \$975. (book 312 page 266)

The 1842 directory substantiates that Jesse Smith Jr. occupied #36 Summer St. Lydia and Louisa Lewis along with their sister Sarah Streeter were at #38 Summer St.

The 1845 taxes:

| | |
|------------------------|---------------|
| 36 Summer-Jesse Smith | $\frac{1}{2}$ |
| Edward A. Smith | |
| 38 Summer-Louisa Lewis | $\frac{1}{2}$ |
| Gilbert Streeter | |

On March 23, 1847 Lousia Lewis, singlewoman, sold for \$1,350 her half of the dwelling house to Jesse Smith, watchmaker, making him the sole owner. (book 379 page 168)

4.

The 1850 census indicates that the Lewis family remained as tenants:

| | | | |
|---------------------|--------|------------|------------|
| Jesse Smith | age 60 | watchmaker | born Mass. |
| Priscilla " | " 56 | | " " |
| Priscilla " | " 23 | | " " |
| Lucy S. " | " 21 | | " " |
| Elizabeth " | " 18 | | " " |
| Jesse R. " | " 15 | | " " |
| Agnes " | " 50 | | " " |
| Margaret Foley | " 23 | | " Ire. |
| 2nd family | | | |
| Gilbert L. Streeter | " 27 | publisher | " Mass. |
| Sarah L. " | " 55 | | " " |
| Lydia Lewis | " 55 | | " " |
| Louisa " | " 59 | | " " |

Very little information could be found about the Lewis sisters other than teaching was their vocation. Slightly more is known about the Streeter family. Barzillai Streeter was the minister of the First Universalist Church in Salem in 1820. He married Sarah Lewis on Aug. 9, 1821. The couple had one child, Gilbert L. Streeter, born on April 30, 1823. Gilbert Streeter became Cashier of the First National Bank and also wrote the editorial columns in the Salem Observer. He was also the publisher of the Essex County Freeman in 1849. This was designed to aid the political anti-slavery movement. Mr. Streeter married Rebecca Ives on Sept. 6, 1853. It appears that after this marriage the Streeter and Lewis families moved from the Summer St. house. (Many of Gilbert Streeter's manuscript papers and articles are preserved at the Essex Institute.)

The 1860 census gives a close look at the occupants of the house at that time:

| | | |
|---------------------|-----------------|------------|
| Rebecca S. Saunders | age 55 | born Mass. |
| Nancy Curtis | " 60 | " " |
| 2nd family | | |
| Jesse Smith | " 69 watchmaker | " " |
| Priscilla " | " 66 | " " |
| Elizabeth " | " 26 | " " |
| Jesse R. " | " 24 watchmaker | " " |
| Isabel Phillips | " 22 servant | " N.S. |
| Agnes Smith | " 60 | " Mass. |

The 1865 taxes:

Summer Street

| | | | |
|------------------------------------------|--------|-------------|--------------|
| 36 - Jesse Smith | age 72 | owner house | val. \$1,300 |
| Jesse R. " | " 29 | land | 1,400 |
| 38 - Samuel Mackintire age 54 Ins. agent | | | |

Jesse Smith died on July 4, 1866. The Salem Observer carried this outline of Mr. Smith's life:

"In our obituary column will be found an announcement of the death of Mr. Jesse Smith, at the ripe age of 76 years. Mr. Smith was a man of rare merit, and of a most retiring and modest spirit. He was bred to the business of a watchmaker, as an apprentice to the late Benjamin Balch, and was a master of science as well as the mechanical details of his profession, which he pursued until within a year or two of the close of his life. Venerable in years, estimable and lovely in character, he has gone to his rest. Although never political office or places of public distinction, it is as

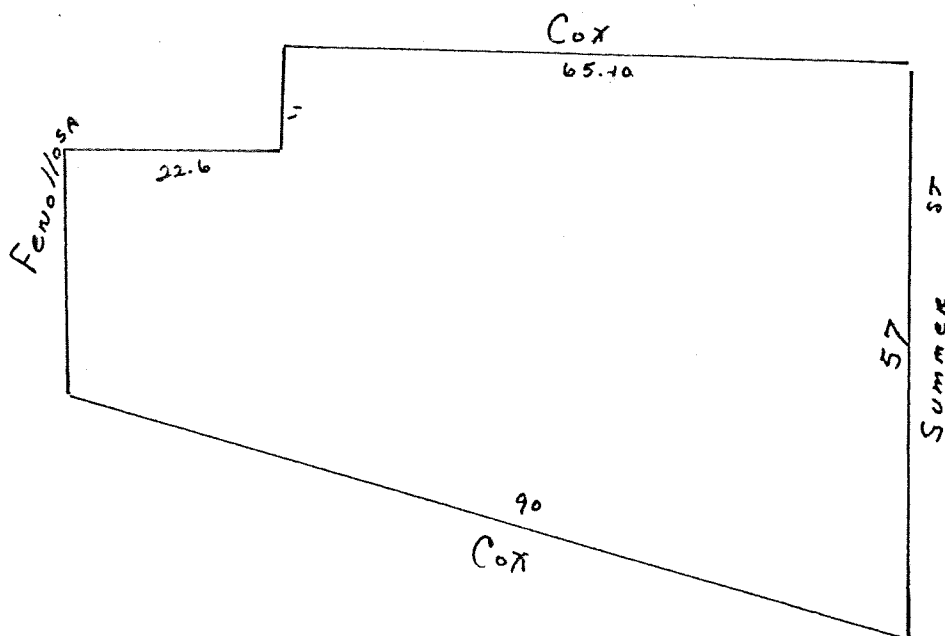
true of him as of any man, that "none knew him but to love him,
none named him but to praise."

Jesse Smith's probate (#53569) lists the heirs as:

Edward A. Smith
Daniel T. Smith
Priscilla Pickering, wife of John Jr.
Lucy S. Brown, wife of Henry
Elizabeth S. Smith
Jesse R. Smith

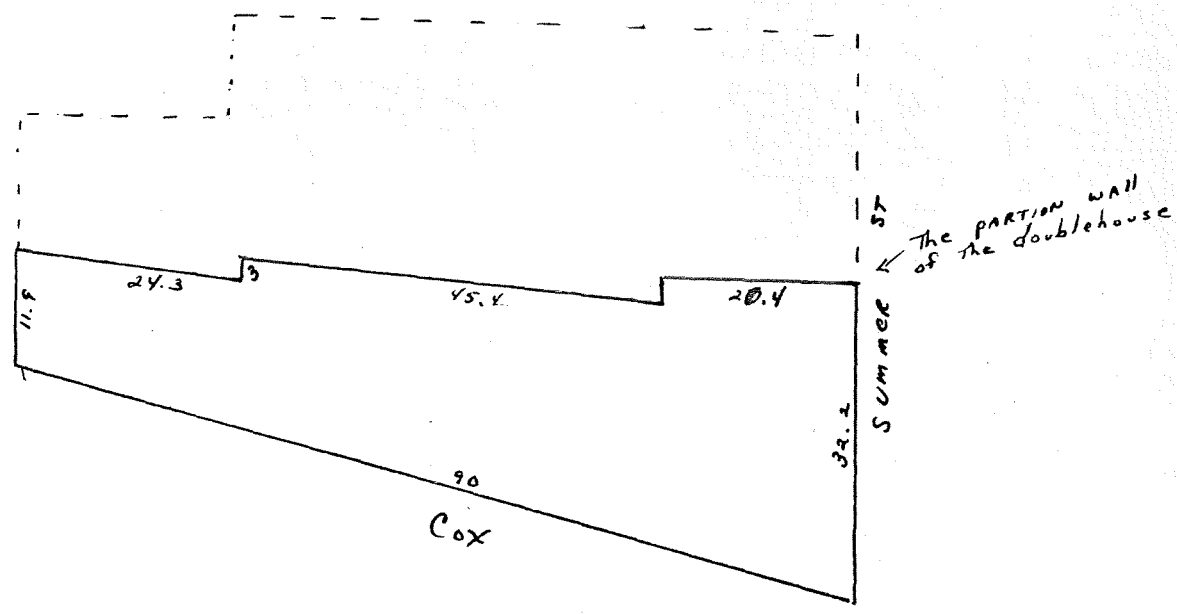
The real estate was listed as house and land 36 & 38 Summer \$3,000.
Among the personal estate were furniture \$258.00; stocks and bonds;
watches, watch material, clocks etc. \$3,562.28; chronometers \$440;
Transit instrument and sextant and c. \$222; cash; total value \$17,897.
(Mr. Smith's account books are preserved at the Essex Institute)

On Oct. 12, 1866 the heirs of Jesse Smith sold their shares of the
property, for \$2,916.67, to Rachel R. Smith wife of Edward A. "The
same premises conveyed to Jesse Smith by Nathaniel Frothingham Jr.
book 312 page 266 and Louisa Lewis book 370 page 168:



(book 712 page 204)

On Nov. 6, 1868 the portion #38 was sold for \$1,500, by Rachel and Edward Smith to Priscilla Pickering, wife of John Jr.:



(book 759 page 243)

This is substantiated by the Street Books at City Hall:

Summer St. 1869

| | | | | | |
|----|---|--------------------|--------|---------------|------------|
| 36 | - | Edward A. Smith | age 42 | house \$1,200 | land \$700 |
| | | Edward A. R. " | " 21 | | |
| 38 | - | John Pickering Jr. | " 46 | house \$1,200 | land \$700 |

The 1870 census:

| | | | |
|-----------------|--------|-----------------------|------------|
| Edward A. Smith | age 47 | no occupation | born Mass. |
| Rachel R. " | " 45 | keeps house | " " |
| Edward A. " | " 21 | works in machine shop | " " |
| Georgianna D. " | " 18 | at school | " " |
| Henry P. " | " 15 | " " | " " |
| William " | " 13 | " " | " " |
| Elizabeth " | " 5 | at home | " " |
| Mary Derby | " 63 | no occupation | " " |
| Ella Griffin | " 16 | domestic servant | " " |

1870 census (cont.)

| | | | |
|--------------------|--------|----------------|------------|
| John Pickering Jr. | age 50 | clerk in store | born Mass. |
| Priscilla " | " 43 | keeps house | " " |
| Lizzie R. " | " 11 | at school | " " |

The 1880 census shows little change:

| | | | |
|-----------------|--------|------------------|------------|
| Edward A. Smith | age 58 | lumber clerk | born Mass. |
| Rachel R. " | " 54 | house keeper | " " |
| Edward " | " 31 | machinist | " " |
| Georgianna D." | " 28 | at home | " " |
| Henry P. " | " 25 | clerk oil dealer | " " |
| William F. " | " 22 | mariner | " " |
| Elizabeth P. " | " 15 | at school | " " |

2nd family

| | | | |
|--------------------|--------|--------------|-----|
| John Pickering Jr. | age 60 | salesman | " " |
| Priscilla " | " 53 | house keeper | " " |
| Elizabeth R." | " 21 | at home | " " |

John Pickering died on Dec. 26, 1894. His obituary appeared in the Salem News:

"Capt. John Pickering died at his home on Summer St. last Sunday afternoon after an illness of several months. He was a native of Salem and 74 years of age. He attended the Salem Schools and at one time was engaged in the dry goods business in the Bowker Block. For many years he was associated with Charles A. Ropes, as confidential clerk, and in 1889 was appointed inspector and clerk at the Salem Customhouse. Capt. Pickering joined the Cadets in 1840 and always took a very active interest in the welfare of the corps. On Nov. 3, 1862 he was mustered in as 1st lieutenant of the battalion, Heavy Artillery, and at the termination of his services, in Feb. 1864, was captain of the 13th unattached company of Heavy Artillery. In the Virginia campaign, Capt. Pickering had command of 150 picked men, who built all pontoon bridges across the James river.

He was a member of Star King Lodge, F.A.M.; Post 34; Essex Lodge I.O.O.F; the Veteran Cadets and the Board of Overseers of the Poor. The funeral took place Wednesday afternoon."

On April 29, 1903 Priscilla T. Pickering, widow of John Jr., transferred her title to her daughter Elizabeth R. Pickering. "The same estate conveyed to me by deed of E. Augustus Smith and wife Rachel in book 759 page 243." (book 2075 page 83)

Mrs. Pickering died on March 2, 1911. Her obituary appeared in the Salem News:

"Mrs. Priscilla Treadwell, widow of Capt. John Pickering, died at her home, 38 Summer street, yesterday afternoon, after an illness of three days. Mrs. Pickering was born in Salem, Jan. 4, 1827, was one of the eight children of the late Jesse Smith and Priscilla (Treadwell) Smith, her father being for years a well known jeweller and watchmaker, whose store was on the corner of Essex and Washington street where the Merchants bank is now located. She was educated in private schools for girls by Miss Mary A. Ropes and Miss Harriet Whipple. On June 12, 1851, she was married to Mr. Pickering, the ceremony being performed by Rev. Octavius B. Frothingham of the North church.

Mr. Pickering served his country faithfully for three years, seeing the hardest kind of service at the front during that time, and retiring as captain, which promotion he received for gallantry on the field. He died in Salem, Nov. 1894, the couple having lived happily together for 43 years. Two children were born of the union, one of whom, Miss Elizabeth Rogers Pickering, survives. Mrs. Pickering was a life long attendant at the North church and was always inter-

ested in church work. She was particularly a home person, and delighted in the companionship of friends. Her mind was ever bright, and she recalled vividly the incidents of long ago. She was indeed most lovable and she will ever be remembered for her sunny disposition and beautiful character. Besides her daughter, she leaves a brother, Daniel T. Smith, 86 years of age, and a sister Mrs. Lucy S. Brown, and several nephews and nieces."

It may be of interest to include this article about Daniel T. Smith:

SALEM EVENING NEWS
 SALEM NEWS PUBLISHING CO.
 OVER 100,000 A WEEK.
 Entered in the Post Office of Salem, Mass., as Second Class Mail Matter.
 MONDAY, OCTOBER 18, 1915.

DEATH OF SALEM'S OLDEST JEWELER

Daniel T. Smith and Father Had Conducted Business Here for 105 Consecutive Years; Was in 91st Year.

Daniel T. Smith, the oldest watchmaker and jeweler in Salem, died at the home of his daughter, Mrs. Albert E. Cole, 320 Lafayette street, yesterday morning, in his 91st year. He had been unusually active for one of such an advanced age. Thursday, Oct. 7, he rode in a barouche in the parade of the Salem Light Infantry Veteran association, and was present at the banquet in Hamilton hall, remaining until the close. He was cordially greeted by the entire company, which rose in his honor.

Mr. Smith was born in Salem, Nov. 12, 1824, his parents being the late Jesse and Priscilla (Treadwell) Smith. His father was a native of Ipswich, but he early came to Salem, and in 1803 began an apprenticeship at watchmaking. He worked as such and journeyman until 1810, when he formed a partnership with the late Benj. Balch, their shop being on the corner of Washington and Essex streets, where the Northey block now stands. The partnership lasted until 1832, when Mr. Smith began business for himself alone in the store now numbered 260 Essex street, where he continued until his death in 1866.

Daniel T. Smith was given a good education, graduating first from the old Hacker school and entering the



DANIEL T. SMITH.

the full term, was graduated with honor, and on May 1, 1840, entered the store of his father as an apprentice. Employed there were his elder brother, Edward A. Smith, Daniel O. Frye, and Col. Henry Merritt, who was killed in the battle of Newberne, N. C., in March, 1862.

After completing his apprenticeship, Mr. Smith remained with his father until the latter's death. He then formed a partnership with his brother, Edward A. Smith, the firm carrying on the store three years, or until 1869, when Daniel T. Smith succeeded to the business, and he carried it on alone until 1903 when he retired, the business thus being conducted by father and son for a period of about 105 consecutive years. Of those who were employed on Essex street, or conducted business when Mr. Smith began, not one remains today.

Mr. Smith was the oldest member of Fraternity lodge, I. O. O. F., having joined Jan. 13, 1847. He was also the senior member of the Salem Light Infantry Veteran association, having joined the active corps when quite a young man. On the occasion of the centennial parade of the corps in October, 1907, he commanded the third company of the Veterans, marched over the whole route, took part in the drill on the Common, and attended the banquet in the evening. Up to a comparatively short time he had been remarkably active for one of his age, and his mind has been clear and bright. A few months ago he recalled readily and accurately to a News man the names of his former contemporaries in business 60 and more years ago. He was of a quiet disposition, and a gentleman in every sense of the word.

On Oct. 14, 1912 Henry P. and Caroline P. Smith, of Boston, sold the 36 Summer St. portion to James A. Gillis. "The same as described in a mortgage deed of Edward A. Smith to the Salem Savings Bank Oct. 17, 1866, book 172 page 204. My title being derived as mortgage in possession under entry May 21, 1900." (book 2179 page 56)

Mr. Gillis' occupancy was a relatively short one, for James A. Gillis died on Oct. 8, 1914. This notice appeared in the Salem News:

"James A. Gillis, Esq., one of the oldest members of the Essex bar, died at his home 36 Summer street, yesterday. He was able to be out of doors a few days ago, and he had been remarkably active for one of his advanced age. He was a son of the late Capt. James D. and Lydia (Richardson) Gillis, his father being one of the old shipmasters of Salem. The son was educated in the public schools and graduated from Harvard college. For several years he was a law partner of the late Hon. Stephen H. Phillips. He was an alderman in 1860 and city solicitor 1868-1883. He was of a tall and commanding figure, with a pleasant face and genial disposition, a dignified courtly gentleman of the old school, of fine education and a delightful conversationalist and companion. He was a member of the Essex Institute, and it was his custom the last few years to visit the rooms frequently, where his presence was always welcome. He was never married. He leaves a nephew and two nieces. He was about 82 years of age." (For a full account of the life of James Gillis see appendix E)

The heirs of James A. Gillis in his probate (#119994) were:
 Elizabeth G. Ellis, wife of Benjamin P. - niece
 Elinor P. Sutton, wife of Harry " "
 Henry Gardner nephew

The schedule of real estate owned by Mr. Gillis:

| | |
|---------------------------------------------|----------|
| 333 Essex St. - dwelling house and land | \$10,400 |
| 36 Summer St. - dwelling house and land | 2,700 |
| flats Collins Cove at the foot of Forrester | 300 |
| land on Liberty St., Middleton 16½ acres | 800 |
| lot 18 Wadsworth St., Danvers | 150 |
| lot of land Winchendon | 50 |
| | \$14,400 |

On March 16, 1915 the heirs of James Gillis sold 36 Summer St. to Clarissa A. Bingham. "The same conveyed by Henry P. Smith to James Gillis on Oct. 14, 1912." (book 2290 page 174)

On Oct. 30, 1937 Clarissa A. Bingham, unmarried, sold to Fergus A. Butler and Gladys C. Butler, both of N.Y., N.Y., husband and wife the land and buildings at 36 Summer St. "The same conveyed by deed of Elinor P. Sutton et al on March 16, 1915."

On Sept. 13, 1939 Elizabeth R. Pickering sold 38 Summer St. to the Home for Aged Women. "The same premises conveyed to me by deed of Priscilla T. Pickering." (book 3192 page 484)

The Home for Aged Women voted at their meeting held on Nov. 21, 1939 to sell 38 Summer St. (book 3202 page 336)

On Nov. 23, 1939 The Home for Aged Women granted to Fergus A. and Gladys C. Butler, husband and wife, "the same premises conveyed by deed of Elizabeth R. Pickering on Sept. 13, 1939." (book 3202 page 336)

The house has remained in the Butler family for the last 42 years.

Notes: Reference to book and page are deed books at the Registry of Deeds. Probate numbers are cases at Probate Court, both offices are located in the same building on Federal St. All maps in this report are not meant to be exact, just for illustration purposes.

(A)

THE ESSEX ANTIQUARIAN.

VOL. IV.

SALEM, MASS., NOVEMBER, 1900.

NO. 11.

PART OF SALEM IN 1700. NO. 5.

BY SIDNEY PERLEY.

THE frontispiece is a map of that section of Salem which is bounded by Essex, Summer, Broad and Flint streets. It is based on actual surveys and title deeds, and is drawn on a scale of two hundred feet to an inch. It shows the location of all houses that were standing in 1700, and the Quaker meeting-house. The braces marked "a," show where Chestnut street now runs; that marked "b," the southern end of Cambridge street; "c," Pickering street; "d," Warren street; "e," Hamilton street; and "f," Bott's court.

Essex street was a path, probably before Conant came, and was first called a highway in 1662; street, 1663; the broad street that goes from ye meeting house westward to the town's end, 1679; the main street, 1679; lane or highway, 1683; ye main town street, 1690; ye high street, 1695; Main street, 1711; and Essex street, 1795.

Summer street was first called a street or highway, 1661; lane that leads into ye main street, 1687; Main street, 1711; highway leading from the main street to the almshouse, 1753; road leading to Marblehead, 1760; street leading to the Duck factory, 1793; and Summer street, 1803.

Broad street was first called the common in 1659; street or highway, 1687; highway leading to the pound, 1753; and Broad street, 1799.

Flint street was called a lane in 1706; Flint's lane, 1757; and Flint street, 1802.

Cambridge street was laid out as fast as Jonathan Neale sold lots of land. It was first called a lane or highway, 1679; lane from ye high or main street towards

Samuel Woodwell's brick kiln, 1695; Meeting-house lane, 1795; and Cambridge street, 1799; having probably been laid out to Broad street by the Neales in the latter year.

Chestnut street was laid out from Summer street nearly to Flint street in 1797, and carried through to Flint street in 1801. It has always been called by its present name.

Warren street was laid out in or before 1806, when it was called Green street. It was called Warren street as early as 1869.

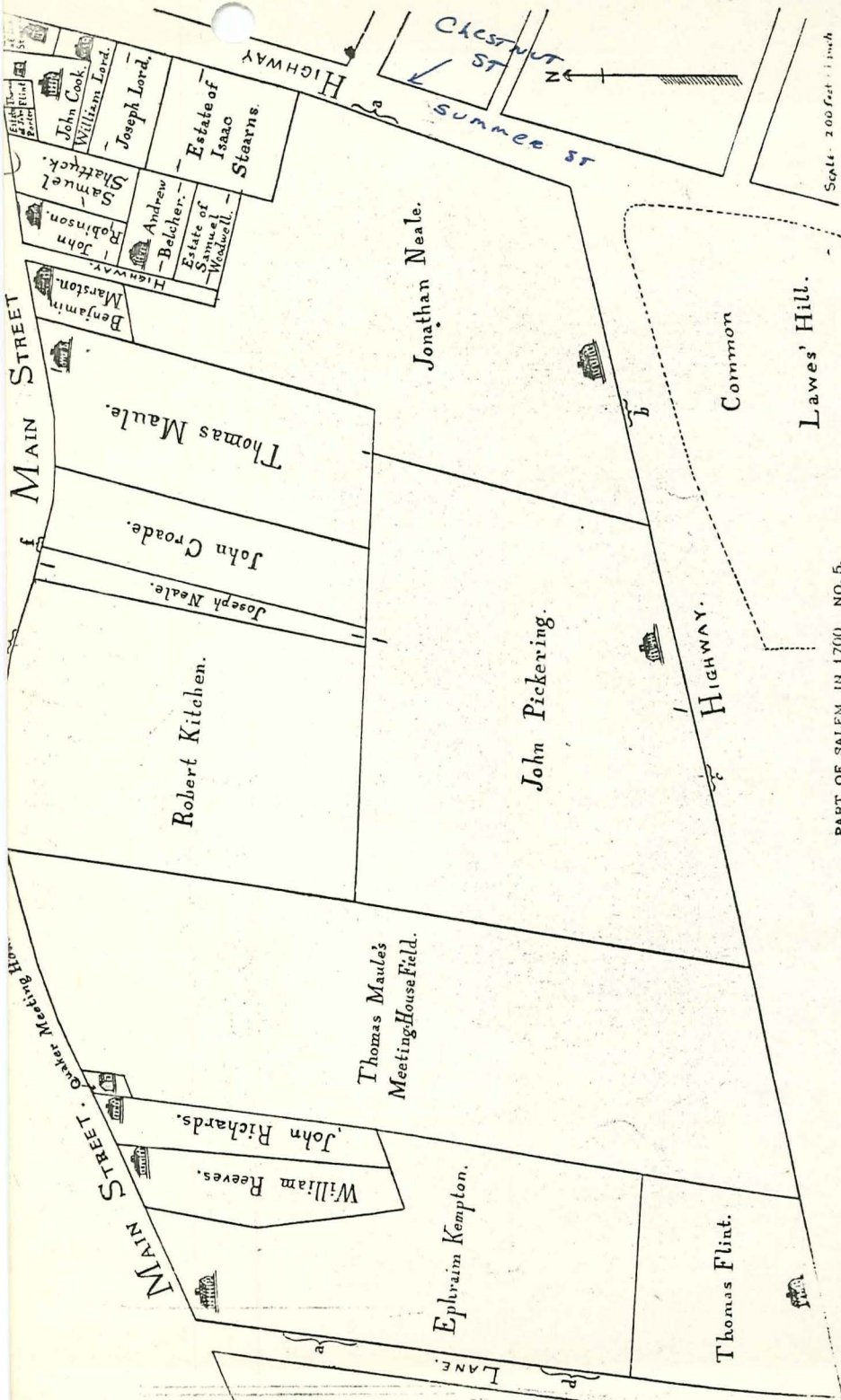
Hamilton street was laid out in or before 1813, and has always been known by that name.

Pickering street was laid out in or before 1869, and has always borne that name.

In the sketches that follow, after 1700, titles and deeds referred to pertain to the houses and land under and adjoining, but not always to the whole lot, the design being, after 1700, to give the history of the houses then standing principally.

This square was originally laid out in two-acre lots, apparently, about seven rods wide, and running from Essex to Broad streets.

The lots of Isaac Stearns, Joseph Lord, William Lord, John Cook, Thomas Flint and the estate of John Porter, containing one acre, belonged to Philip Verrin before 1650, when he died possessed of the land and the house standing upon it, being the Lord house. His widow, Dorcas Verrin, and his son Hillard Verrin, conveyed the house and land to William Lord, sr., of Salem, for "ten yew sheep, to be chosen out of twenty, & a ram lamb & twenty

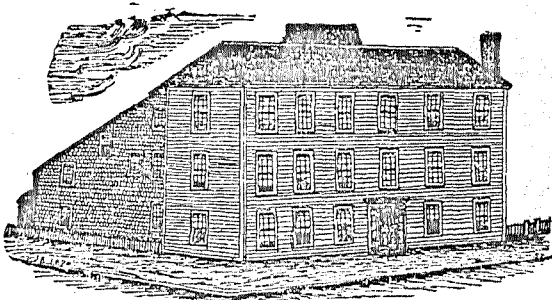


PART OF SALEM IN 1700. NO. 5.

D

down the next year, building the present ouse upon the same site.

Estate of Samuel Woodwell Lot. Jonathan Neale conveyed that part of this lot north of the dashes to Thomas Maule for a brickyard. For sixty thousand bricks, Mr. Maule transferred the lot "where I lately made bricks;" with the housing, limestone, etc., to Samuel Woodwell of Salem, glover, May 30, 1689.* That part south of the dashes, one rod wide, Jonathan Neale of Salem, shoemaker, conveyed to Mr. Woodwell Aug. 24, 1691.† Mr. Woodwell died in the winter of 1697-8, having devised the estate to his widow Thomason (who subsequently married a Mr. Hill), and his eight children, Samuel, John, Gideon, Joseph, Benjamin, Jonathan, Elizabeth and David. They continued to own it for many years after



BENJAMIN MARSTON HOUSE.

died Sept. 10, 1830; and the old house disappeared about that time.

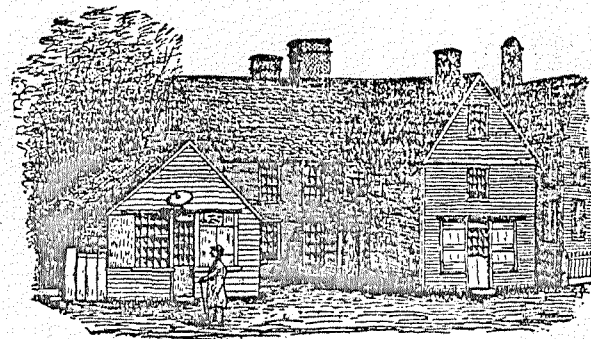
Benjamin Marston House. Jonathan Neale, with consent of his mother, conveyed this lot to Benjamin Marston of Salem, merchant, Jan. 8, 1679.* Mr. Marston erected a house thereon, and for two hundred and ninety pounds, conveyed the house and lot to James Menzies, late of Boston, now of Salem, gentleman, Feb. 24, 1701-2.† Mr. Menzies mortgaged the estate to Philip English of Salem, merchant, on the next day, for two hundred pounds;‡ and probably never redeemed it as it is mentioned in Mr. English's estate in 1736, though not included in the division of his estate in 1742. May 30, 1754, John Touzel conveyed one-half of the house and lot ("wherein we now live") to William Ha-

thorne of Salem, mariner, and his wife Mary, and widow Susannah Hathorne.‡ Probably Mrs. Hathorne, who was Mary English, was the owner of the other half. The grantor says, in his deed, that he derived his part from the estate of his grandmother, Mary English. About 1814, they erected in front of the house and annexed thereto the three-story building shown in the accompanying engraving, which was originally drawn by John Robinson in 1870. The old part can be seen in the rear. William had the western and Susannah the eastern part of the house and lot. Mr. Hathorne died in 1815, having devised his part to Albert Gray of Salem, gentleman, who conveyed it to Mark Pit-

*Essex Registry of Deeds, book 5, leaf 61.
†Essex Registry of Deeds, book 15, leaf 51.
‡Essex Registry of Deeds, book 14, leaf 250.
§Essex Registry of Deeds, book 100, leaf 108.

man of Salem Sept. 30, 1818.* Mr. Pitman died possessed of it in 1855, and his children conveyed it to Mrs. Mary A. Bertram of Salem Jan. 20, 1872.† Susannah Hathorne died before 1818, Dr. N. Peabody having occupied her part of the house. Sept. 11, 1837, Ephraim Safford and two others, all of Boston, conveyed her part to Thomas Holmes of Salem, master-mariner.§ Mr. Holmes died before 1866; and March 31, 1866, the trustees under his will conveyed it to Mrs. Bertram.‡ Mrs. Bertram conveyed the entire estate to James S. Putnam of Salem Jan. 20, 1872.‡ Mr. Putnam took the buildings down the same year.

Thomas Maule House. That portion of this lot lying west of the dashes, with a barn thereon, was conveyed by Joseph Neale to Thomas Maule of Salem, merchant, July 7, 1681.¶ The part east of the dashes was conveyed to Mr. Maule by



THOMAS MAULE HOUSE.

Jonathan Neale Oct. 6, 1681.** On this portion of the lot Mr. Maule, about 1690, built a house, in which he subsequently lived. (A house stood on this lot before 1661.††) He conveyed the house and entire lot to his son John Maule of Salem, cordwainer, April 9, 1707.§§ The six grandchildren of Thomas Maule conveyed the estate to Gabriel Holman of Salem,

*Essex Registry of Deeds, book 218, leaf 22.
†Essex Registry of Deeds, book 845, leaf 270.
‡Essex Registry of Deeds, book 301, leaf 109.
§Essex Registry of Deeds, book 706, leaf 292.
¶Essex Registry of Deeds, book 845, leaf 189.
‡Essex Registry of Deeds, book 6, leaf 26.
**Essex Registry of Deeds, book 19, leaf 164.
††Essex Registry of Deeds, book 33, leaf 268.

hatter, as follows: by Hannah Maule and Elizabeth Maule, both of Boston, Sept. 2, 1746, reserving to Samuel Hayward a shop and smoke house thereon;* Maule of Salem, Sept. 30, 1746;† Benjamin Buxton of Smithfield, R. I., yeoman and wife Charity, Dec. 29, 1746;‡ Naomah Maule of Boston, July 22, 1747;§ and widow Margaret Lusmore of Boston, Feb. 22, 1752.‡ Mr. Holman died before 1765. This house, hatter's shop and the eastern part of the lot was assigned, in the division of the estate, to his son Deacon Samuel Holman, also a hatter, Oct. 2, 1783,¶ and was also released by the heirs June 1, 1780.** In 1815 this house

is described as setting fifteen feet back from the street, a being the old a quaint-looking picture of the given here with has been copied from a pencil drawing made by Miss K. Johnson in 185

Deacon Holman died before 1826, and his other heirs released the house and lot to his son Samuel Holman in January, February and April, 1826.†† Mr. Holman transferred it to John Clark, jr., Salem, Nov. 16, 1848.§§ Mr. Clark died possessed of it in 1850; and his execut

*Essex Registry of Deeds, book 88, leaf 18.
†Essex Registry of Deeds, book 88, leaf 19.
‡Essex Registry of Deeds, book 88, leaf 27.
§Essex Registry of Deeds, book 91, leaf 4.
¶Essex Registry of Deeds, book 96, leaf 2.
**Essex Registry of Deeds, book 141, leaf 142.
††Essex Registry of Deeds, book 137, leaf 53.
‡‡Essex Registry of Deeds, book 240, leaf 168, and book 241, leaf 97.
§§Essex Registry of Deeds, book 404, leaf 1

(C)

Summer ST

168

Broken lines Summer St

Jonathan Neal
John Stone
10-11-1825
sold to

152.6

Edward Smith

Morse

ST

Chestnut 178

Proprietors of South Building 93.3

Street

839
The auction Real Estate belonging to John
Storrs Chubberson, 1827

17000 Block in Chebogue street

Western Tenements to Geo. Blodlanck \$2900

East in do. Luther Winton \$2600

House in Summer street

one corner James Blodlanck \$975

one corner Map Lewis 1015

Lot of Land on corner of Chebogue & Summer
streets to John Perkins for \$700

Daniel Edmund House & Land in Cover street, at
Auction, S. S. Woodrall the purchaser for \$400 for

Land partly under the Water House to same with com-

ple bridge in Year 1841 and the House previous

of value \$4540 - making to go back \$4940 -

at a P. D. and bought at auction, last month, the

then Barnwell House in Charleborough street, about

\$2000 & former street - The Water lot 1826 for

\$150 &

1. I wish Charles Hoffman bought Humphrey Denvers's
House in Chebogue street for \$9000 & \$10000

1840 Making this Report, signed and returning, to be
for the Auction for \$3505 & A. L. Rogers & Brothers

at auction to John S. Wood for \$2430

1840

Daniel Sugrue bought
John Leander, 14 years

Dec

John W. Weston & Co
sold at \$3000. Sale
for a Water, \$5.

Jan 4

John W. Weston & Co
sold at \$3000. Sale
for a Water, \$5.

1841

John W. Weston & Co
sold at \$3000. Sale
for a Water, \$5.

Jan 14

John W. Weston & Co
sold at \$3000. Sale
for a Water, \$5.

May 4

John W. Weston & Co
sold at \$3000. Sale
for a Water, \$5.

May 11

John W. Weston & Co
sold at \$3000. Sale
for a Water, \$5.

May 11

John W. Weston & Co
sold at \$3000. Sale
for a Water, \$5.

May 11

John W. Weston & Co
sold at \$3000. Sale
for a Water, \$5.

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for a Water, \$5.

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for a Water, \$5.

Sometimes even the courts pause in their busy routine and devote an hour to things common to every day life—and death. Occasionally the courts of Essex county stop proceedings long enough to pay tribute to one of the members of the bar, who has labored long and faithfully in the vineyard. Such the superior court sitting in this city did yesterday afternoon, in memory of the late James A. Gillis, ex-city solicitor of Salem. Judge Quinn adjourned the sitting of the superior civil court to the large court room up



JAMES A. GILLIS.

stairs and gave up the time to addresses on the life and character of Mr. Gillis.

He was a man little known to the present generation, but to the older members of the bar he was one of the giants of a past generation. The elaborate memorial prepared for the Essex Bar association by Hon. Robert S. Rantoul of this city, the response of Judge Quinn, the addresses of Daniel N. Crowley, William H. Cove and others were all excellent presentations of the character of the man as they saw him, and all sought to apply the lesson which his upright life, his sterling honesty in his profession and his ability and diligence should teach to the younger generation.

There was a large attendance of members of the bar from this vicinity, and also quite a number who were not lawyers, both ladies and gentlemen who were friends or relatives of Mr. Gillis. Following the presentation of the memorial and the other addresses, as outlined above, Judge Quinn spoke for a few minutes, most

eloquently and feelingly of Mr. Gillis. He alluded in passing to some of the other noted men of the Essex bar gone before.

Mr. Rantoul and Daniel Saunders of Lawrence are the only members of the bar belonging to the same generation with Mr. Gillis. Mr. Saunders, who is the senior, was unable to be present.

Col. Sweeney, president of the Bar association, was unavoidably absent. Hon. A. P. White took his place in making the formal announcement to the court and presenting Mr. Rantoul. The

Address of Mr. Rantoul was as follows:

May it please your Honors: We are here at this time to put on record, if your Honors shall be pleased to accede to our request, a final tribute of regard for one of the most estimable and interesting characters who have graced the distinguished roll of brethren of the Essex bar. He was at his decease, with the exception of our venerable Brother Saunders of Lawrence, the last survivor of that early school in which we all look back with reverential pride. It seems almost presumptuous in me to come here to discharge this office, for more than a generation has gone by since my name appears in the records as an attorney conducting business at the Essex bar. But my relations with our departed brother were so long-sustained and came to be so close that the Bar association has chosen to honor me with its invitation to voice as the mouth-piece of its committee, this tribute to his memory, perhaps recalling in this connection the long-forgotten fact that I was, in 1860, chosen treasurer of its organization and, as such, was privileged to hand its check to the great dinner, Hunt, in return for his noble portrayal of our noble chief justice.

James Andrew Gillis was a purely Essex county product. He was born in Salem, June 6, 1829, and after living in the eastern section of the town, first in Union street, and then on the ancestral estate beyond the Common, which had on it one of the earliest tan-yards and a wind-mill for grinding bark, he was domiciled for a while in the Colonial mansion well up the Main street, where Washington is supposed to have visited connections when he came to Boston in 1759, on a mission from Governor Dinwiddie. There the boy was a pupil of the Sisters Morgan who kept a dame's school in a part of the house, and thence he went, with his widowed mother, to Cambridge to complete his education there. At the end of a course at Harvard and the Dane law school, he returned in 1852 to his native town, and took up the congenial profession of the law, to which he was wedded for the balance of his life.

Father a Ship Master.

His father, James Dunlap Gillis, born in 1798, was a person of no little

mark. He was a favorably known ship-master in the Asiatic trade—"a bold and skillful navigator"—admitted to the East India Marine society in 1828, and, as a boy 10 years before that, credited on the Crowninshield Privateer America's muster-roll with three-quarters of a share, ranking in the capacity of "Gunner's Yeoman, detailed to pass ammunition between decks." He is specially remembered for having provided himself with hand-made charts of unexplored equatorial regions, which served so well that, years after, in 1853, they were used by our National government, for lack of better, in the opening up of trade by Commodore Perry's first United States expedition to Japan. It was quite the practice with Salem shipmasters of that day, while detained in an Asiatic or Mediterranean or northern port, for the discharge or shipping of a cargo, to procure portraits of themselves and of their vessels, painted by local artists expert in that branch of art. Of one of these portraits, done at Antwerp by Fernandus de Braekerleer in 1826, a copy now hangs in our East India Marine gallery, and it shows Captain Gillis holding in his hand the canvas, traced with pen-and-ink, by the aid of which he found his way through the uncharted waters of Japan. In 1831 a government report says of his enterprise that he had extended his surveys to five degrees of north latitude, and had published an excellent chart with sailing directions for the coast of Sumatra, Captain Gillis died at sea in 1835—a very young man—in command of the ship "Equator," on a voyage to Batavia for Neal & Sons of Salem, leaving a widow and three little children, and of the latter the subject of this memoir was the eldest—only six years old. So that self-reliance was among the earliest lessons that he had to learn.

Mother Was a Dunlap.

The biographer who has not lost faith in heredity likes to know something of the descent from which a memorable character has sprung.

Mr. Gillis's father, Captain Gillis, was born near Park square in Boston, in 1798, the child of parents of Scotch-Irish stock lately arrived from Dublin. Captain Gillis had inherited scholarly instincts from his father, who was a graduate of Dublin university. Among these were a capacity and taste for architectural drawing, and his name is said to be found signed to working plans of the architect McIntire, among the names of students in his office who had a hand in making them.

Captain Gillis's mother was a Dunlap, a stock of which much might be recalled, some of it of romantic interest, besides the fact that the connection brought our departed brother into relationship with Andrew Dunlap, Jackson's district attorney for Massachusetts, a brilliant and distinguished lawyer, and the author of a work on Admiralty Practice. On his mother's side the subject of

this memoir was a connection of Israel Putnam, and the boy had learned, at the knee of an aunt, who knew him, the story of the sturdy old soldier.

Mr. Gillis's active career at the bar seems to divide itself into two periods of 16 years each. From 1852 until 1868 he was hard at work in the preparation of cases for trial, in the responsible capacity of junior counsel, as the law partner of the Honorable Stephen Henry Phillips. The office of Mr. Phillips, while he was city solicitor, county attorney and attorney general, besides enjoying an extensive private practice, afforded plenty of profitable occupation and training for a conscientious student. While the public hears little of such work, nobody is more ready to recognize its value than the senior counsel responsible for the successful conduct of cases before the courts, or even than your honors, sustaining the weighty burden of court procedure, and often aided in judicial determinations through the well-directed industry of junior counsel.

As City Collector.

His second period of 16 years carried Mr. Gillis, through a term during which, without a partner, he stood wholly on his own feet.

During this term, from 1868 to 1884, he served Salem as a most acceptable city solicitor, chosen practically without opposition through seven successive mayoralties, and conducting, in addition to the routine of criminal practice in the district court, as well as a large private practice in the civil courts, important cases for the city incident to the filling of the North River Basin and the Harbor Flats, and to the development of the newly-established city water works.

Suddenly, without warning, in the midst of all this, while preparing for trial the important Woodrudge case, which had been heard on demurrer and was now coming upon the main issue—it was tried during his disability, as Judge Hoar who had been retained said, "on the lines laid down by Mr. Gillis"—his mind gave way under the strain, and for four years thereafter he observed an absolute and unbroken silence, retaining perfectly, all the while, his professional instincts, which led him to examine critically every paper served on him in the way of his commitment, or of his removal from his trusteeships. And this condition persisted until, in 1888, he just as suddenly recovered himself, resuming practice and awaking to a normal capacity and vigor completely restored.

Went to Winchendon.

At the end of his four years' occultation Mr. Gillis found himself established in one of the most attractive townships of the high table-land of central Massachusetts which divides the Merrimac from the Connecticut Valley. Here his surroundings were ideal. Winchendon is a place of 6600 people—the last town

towards the north before reaching the state line—with farms and factories enough for all—well administered by its 1200 voters—enjoying the purest of mountain air and a varied outlook upon scenes rarely surpassed for picturesqueness anywhere. Here he elected to remain and to recast his plan of his life. He was resolved, first of all, that he would be master of his time. That he might insure this, he decided not to return to office practice in Salem, though his citizenship and belongings and an enviable professional standing there called him back, and for the same reason he was unwilling to establish an office practice anywhere else. But he found himself welcomed as the adviser of the town of Winchendon in its corporate affairs, and also of some of the town's larger manufacturers in their widely extended concerns. Accordingly he brought there the essential books which no lawyer can be without. He secured a pair of sturdy Canadian horses—not yearlings when he got them—which were still doing him good service when he left Winchendon to return to Salem 24 years later, and these grays, with his light mountain-wagon, became almost as well known within the 30-mile radius encircling the town as though the equipage were a natural feature of the scene. When not at work in the shire towns or at home he drove incessantly, and commercial travelers, who met him at the taverns and who took him for one of themselves, furtively examined his chaise-box in his absence to discover the samples and patterns and supplies which, though he never talked about them, they were sure he carried. He became almost as much at home in the courts and registries of Fitchburg and Worcester and Lowell as he had been in those of his native Essex. Winchendon was installing a town water system, and he became a valued adviser, having borne an active share in the introduction of Wenham water into Salem, and afterwards serving the city officially in adjusting the legal differences growing out of that procedure. He also rendered rare service as a volunteer promoter in securing sites for public charities and other public enterprises and, in the course of his private benefactions, so commended himself to the home missionary societies and their evangelical allies, that they were inclined to predict for him, heretic as they thought he was, a way into heaven, on the indorsement of the home missions.

Was Charitable.

His altruistic principles he carried as far as they ought to go, never permitting them to verge on the silliness with which we are beset. No fellow-being in distress ever appealed to him in vain.

Once, when a faithless official to whom he was under no personal obligations came to his home in Salem after midnight, to summon him from his bed with the startling announce-

ment that he was in the presence of a defaulter who had exhausted all his means of restitution, and that, with the coming of another day, a prison sentence and the disgrace of his young family stared the delinquent in the face, Mr. Gillis, only pausing long enough to recover his breath, told the culprit at once that he would rather lose the very considerable sum involved than see his children the victims of such a fate. He fearlessly made good the deficit and sent his unwelcome guest away before daylight revealed his plight. His confidence was not abused. His courage saved the credit of the faithless functionary who, since that night, lived on unsuspected, repaid his benefactor, and died at last in the odor of sanctity.

For a series of winters Mr. Gillis supped with me on Saturdays and I with him on Sundays. Whenever one of us wrote anything for print, it was our practice to test the paper by reading it in advance, one to the other. This process he called "trying it on the average mind," and no professional man is unaware how helpful a process it is in the way of disclosing the weak points in literary work.

Disliked Public Life.

Mr. Gillis had no inclination for public life. On the contrary he had an aversion for it. He declined the usual offers of judicial preferment which come to a lawyer in good standing with the dominant political party and with the courts. Only once, and that early in the war period, was he led to disregard his choice. Then the country seemed to claim every man's strength, and moreover we in Salem were plunged into a bitter contest with a strongly-intrenched corporation over the establishment of city water works, in which those of us who were enlisted on the side of the people could decline no service. Accordingly, in 1860, Mr. Gillis became an alderman, in 1861 he was a representative in the legislature. The house standing committee on the judiciary was identical that year, with a joint special committee to consider Governor Andrew's views on the divorce laws. Mr. Gillis was a member of both. In 1862 and 1868 he was again in the legislature. In 1862 he was the third member on the judiciary committee of the house, Caleb Cushing being its chairman, and Mr. Gillis was house chairman of a joint special committee to which was referred the governor's address. In 1868 he was second on the house judiciary committee and house chairman of the joint standing committee on Federal relations. In 1866 he failed of election to the mayoralty of Salem by 40 odd votes.

A career thus auspiciously begun, distinctions of this sort succeeding college honors, was worthily sustained until the end. Perhaps there was no more striking feature in this long record than his trying cases in the quasi-judicial function of auditor of

referee or master, in both Worcester and Essex counties, after he had passed his four score years, for in these ventures he showed as firm a grasp and gave as complete satisfaction to court and litigants as in anything he had ever done.

Had Few Intimates.

While Mr. Gillis was friendly in his intercourse and had a kindly hand for everybody, he made few intimates. In a college class of '79 he stood near the head, enjoying the respect of all, but the classmates of whom he made chums could be counted on the fingers of one hand. They must have some marked quality to bring them within the charmed circle. One of these was William Abbot Everett, a grandson of Dr. Abel Abbot, of Beverly, and while the two had grown up together, unknown to one another, at the two ends of Essex bridge, it remained for Everett's pure taste in letters and the drama and his finished flute playing, and his rare acquaintance with music generally—common traits all—to bring them into the closest life-long relations after they had reached Cambridge and the bar. Another life-long friendship formed at Cambridge was with Horace Davis, now of San Francisco, long a conspicuous figure on the Pacific coast. With William Gardner Choate, assistant attorney general under Mr. Phillips, and later a federal judge in New York city, Mr. Gillis also formed an intimate and lasting friendship while they were both in Salem, and while Mr. Choate was the secretary and Mr. Gillis the treasurer of this body. But the most intimate association of all was with his cousin, Samuel Johnson of Salem, who became the successor of Theodore Parker at the Boston Music hall, and perhaps the first Oriental scholar in the country. With him Mr. Gillis took long walks, finding the Berkshire hills and the White mountains not too remote, and in the family circle, so far unobtrusive as to take part in Plover club charades and private theatrical entertainments. But for the most part he might be called a reticent and self-contained man, and his personal dignity was marked, especially so when in the company of women. A recognized leader of the New York Bar writes of him: "He was to me the most charming of men." Others described him as "always the same genial, kindly, fascinating man"; as "nothing if not a lawyer"; as "a master of dialectics"; as "one who had the same keen relish for a point of law as the epicure has for a dainty morsel."

Honesty Congenital.

With him honesty was congenital. There are those whose native impulse it is to be frank and fair. An advocate of this class has a great hold on his jury. He also wins the whole attention of the court. There were in our section, when I was at the bar, two expert witnesses of this class—a civil engineer and a physician. What they said was so genuine and guarded,

and so clearly meant to be the last word, that counsel rarely ventured on cross-examination. This is a kind of honesty which proclaims itself. Mr. Gillis wore it in his look. When he spoke, his study seemed to be to make his statement exhaustive and exact. The courts lean towards such an advocate and opponents need beware of such.

In the first half of the 19th century this bar had, in one respect, a somewhat unsavory reputation. Its social organization was on a much more exclusive plan than would be possible today. The way for a beginner to get on was for him to seek the approving smiles of some recognized leader of the bar. A cause which was found unpalatable, either for social or political reasons, might be summarily rejected. For the theory that the attorney was an officer of the court and as such under obligations to render to the court, as a sworn aid, as well as to the suitor, his best service in every cause, whether popular or otherwise, had not then taken so deep root as now. What has happened more recently in another state in the case of McKinley's assassin illustrates what I mean. The wretch was so unsparingly denounced in advance of his trial that prominent lawyers of the section shrank from appearing to safeguard his rights. Public opinion was once a much more accepted tribunal than now in the administration of justice in this county. We all know how Judge Story fared in 1802 when he began practice at this bar. Mr. Webster, in 1817, was induced to conduct for the defence, in which he prevailed, the famous Goodrich case, because the Essex Bar had formed so unfavorable an estimate of the merits of the defence that counsel who had any regard for their standing in the county, were unwilling to conduct it.

A Fearless Advocate.

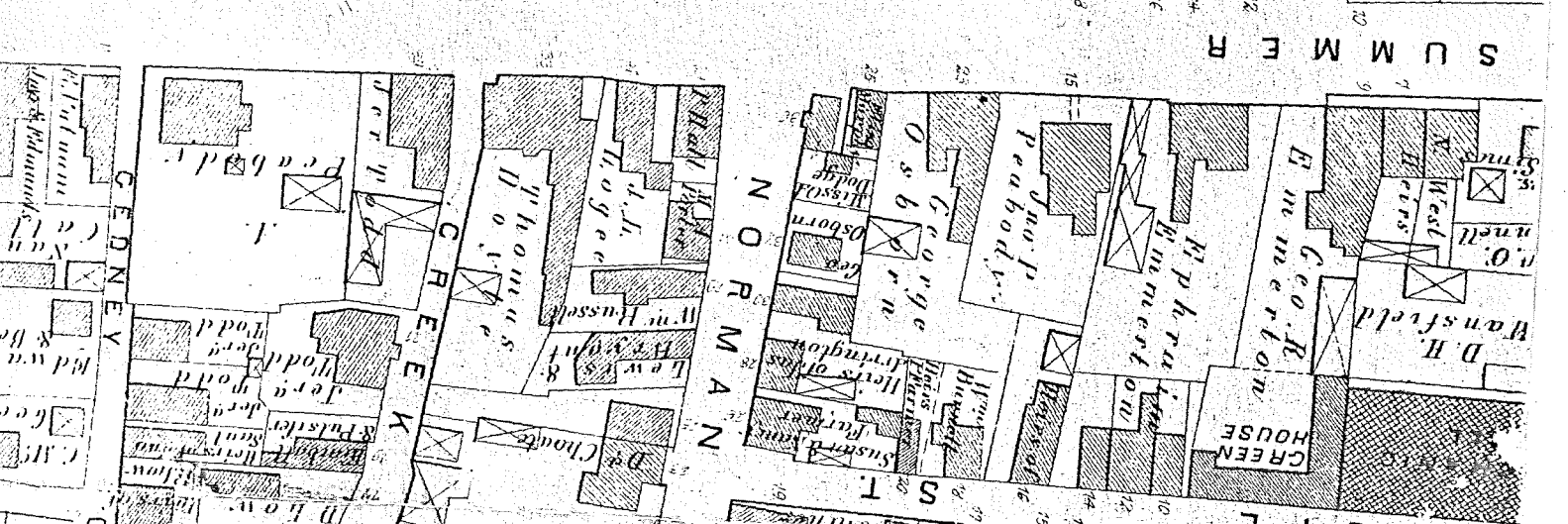
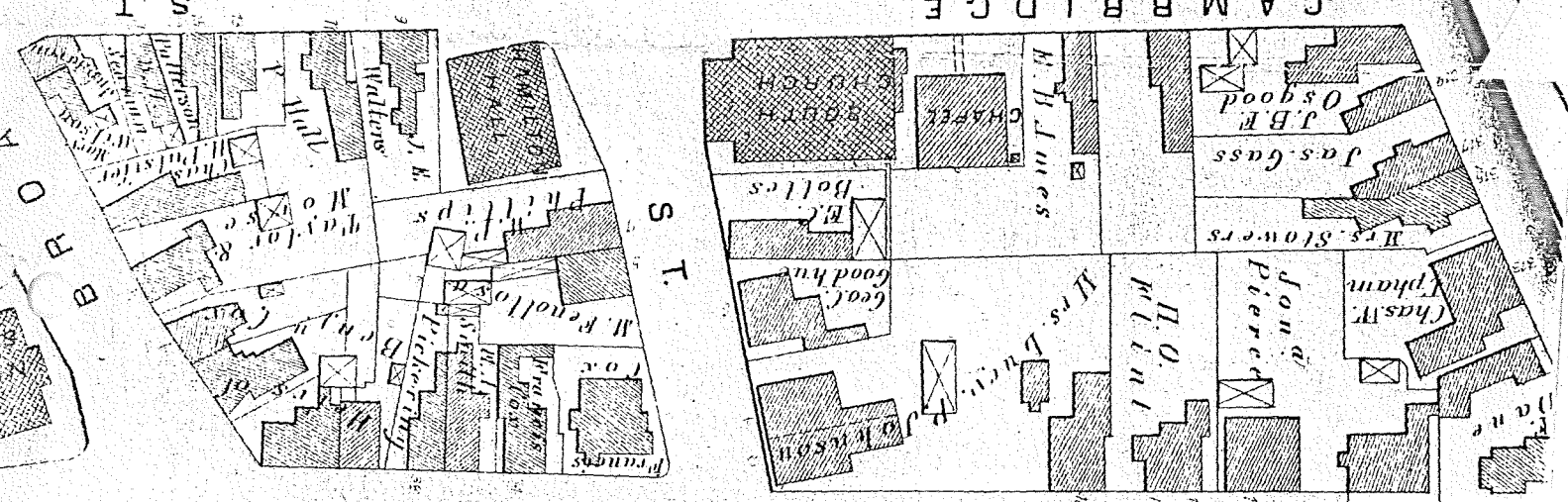
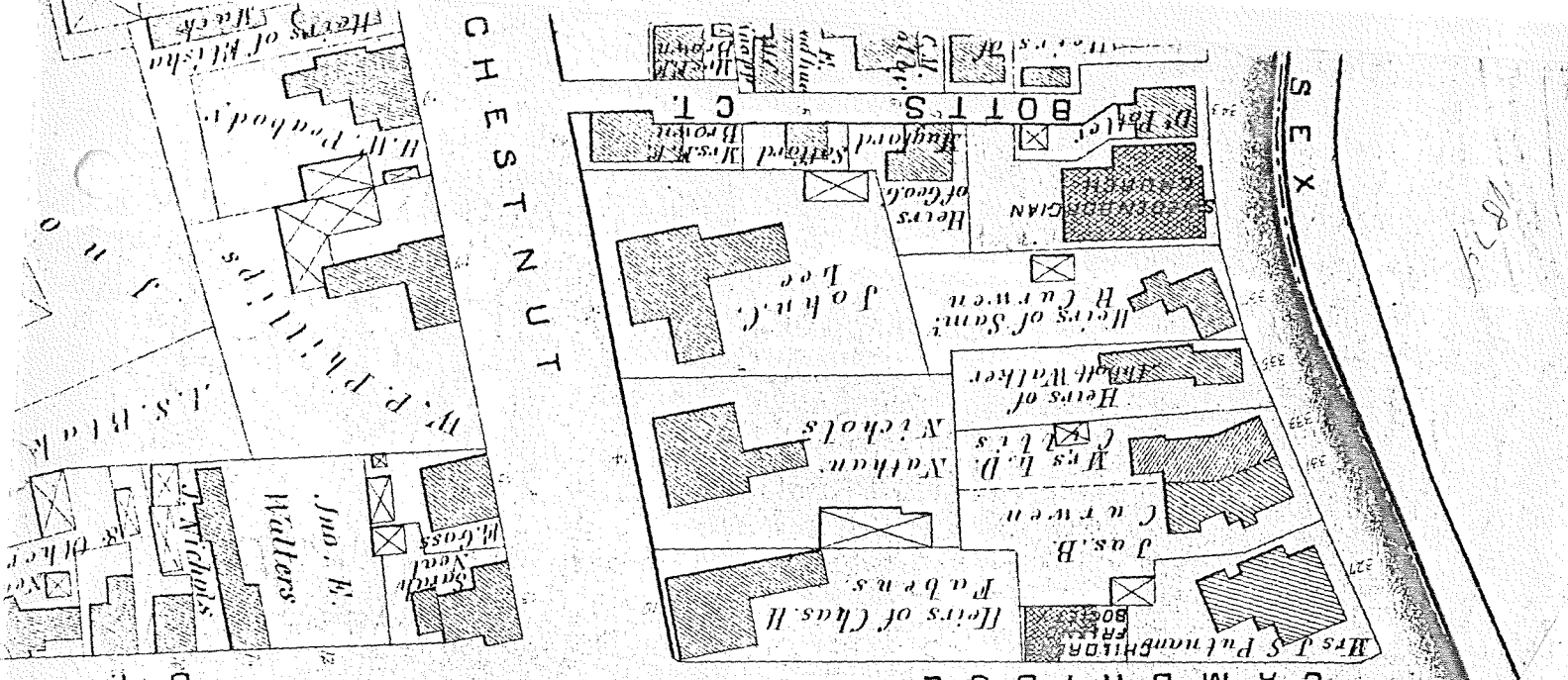
The White murder trials were heard in 1880. While there was no dearth of able lawyers at the Essex bar who might have conducted the defence, the burden of it fell, in fact, on Samuel Hoar of the Middlesex bar, and on Lemuel Shaw, Franklin Dexter and William H. Gardner from the bar of Suffolk. There was some lingering taint of these abuses to be detected at our bar. The advent of so fearless and independent an attorney as Mr. Gillis did all that one could do to eradicate the last remnant of so false a practice. Never did he fail to denounce the pernicious principle of trial by public opinion.

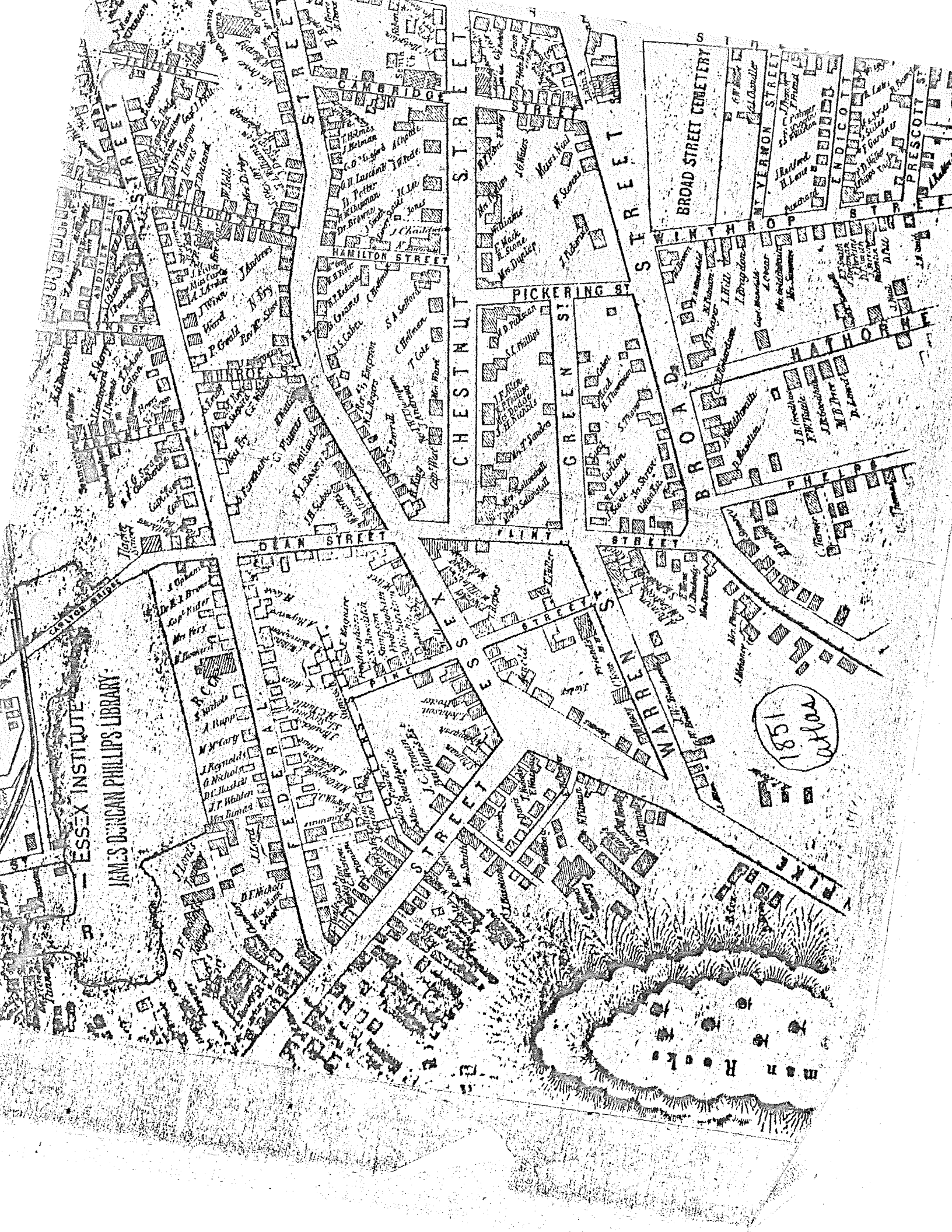
I could wish that my words might avail to bring to mind the once familiar presence of a man erect and ever soldierly in his bearing, a model in personal dignity, reticent and reserved in the company of strangers, kindly in all relations, with infinite charity for every weakness. His talk bright with flashes of the keenest wit and warm with genuine enjoyment of social inter-

course," a diligent, discriminating and retentive reader,—a safe and trusted adviser, of scrupulous fidelity to every obligation,—a born lawyer, with a mind analytical rather than constructive, keen to detect and unravel fallacy,—a master of the art of disputation,—a life-long practitioner at the bar, deeply impressed with the dignity and honor of his calling. Could I, in addressing your Honor, have succeeded in this, I should feel that I had not failed in duty to the memory of my friend.

In behalf of the committee appointed by the bar association to discharge this solemn office, one of whom it is my sad duty to say, has not lived to bear his part in the service of the hour, I have the honor to move that this memorial of our brother Gillis be spread at large upon the records of the court.

1872





ESSEX INSTITUTE
JAMES DUNGAN PHILLIPS LIBRARY

1851
W. H. Wood

DEAN STREET

CHESTNUT STREET

PICKERING ST

GREEN ST

PAINT STREET

WARREN STREET

BROAD STREET CEMETERY

BROAD STREET

MATHORRE

TRIKER

MAN ROCKS

ST. ADOLPH STREET

ST. VERNON STREET

ENDICOTT STREET

PRESCOTT ST

ST. JEROME STREET
ST. ANNE STREET
ST. JOHN STREET
ST. MARY STREET
ST. MICHAEL STREET
ST. PATRICK STREET
ST. PETER STREET
ST. RICHARD STREET
ST. THOMAS STREET
ST. VINCENT STREET

ST. ANDREW STREET
ST. BARNABAS STREET
ST. CECILIA STREET
ST. GEORGE STREET
ST. HENRY STREET
ST. JAMES STREET
ST. JOSEPH STREET
ST. LEONARD STREET
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