

Form 10-300
(Rev. 6-72)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM**

(Type all entries - complete applicable sections)

STATE: Massachusetts
COUNTY: Salem
FOR NPS USE ONLY
ENTRY DATE

1. NAME

COMMON: **Joseph Story House**

AND/OR HISTORIC: **Joseph Story House**

2. LOCATION

STREET AND NUMBER: **26 Winter Street**

CITY OR TOWN: **Salem** CONGRESSIONAL DISTRICT: **6**

STATE: **Massachusetts** CODE: COUNTY: **Essex** CODE:

3. CLASSIFICATION

CATEGORY (Check One)	OWNERSHIP	STATUS	ACCESSIBLE TO THE PUBLIC
<input type="checkbox"/> District <input checked="" type="checkbox"/> Building <input type="checkbox"/> Site <input type="checkbox"/> Structure <input type="checkbox"/> Object	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Both	<input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied <input type="checkbox"/> Preservation work in progress	Yes: <input type="checkbox"/> Restricted <input type="checkbox"/> Unrestricted <input checked="" type="checkbox"/> No
PRESENT USE (Check One or More as Appropriate)			
<input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Educational <input type="checkbox"/> Entertainment	<input type="checkbox"/> Government <input type="checkbox"/> Industrial <input type="checkbox"/> Military <input type="checkbox"/> Museum	<input type="checkbox"/> Park <input type="checkbox"/> Private Residence <input type="checkbox"/> Religious <input type="checkbox"/> Scientific	<input type="checkbox"/> Transportation <input type="checkbox"/> Other (Specify) _____ _____ _____

4. OWNER OF PROPERTY

OWNER'S NAME: **Attorney and Mrs. John Wallace Ward**

STREET AND NUMBER: **26 Winter Street**

CITY OR TOWN: **Salem** STATE: **Massachusetts** CODE:

5. LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC.: **Register of Deeds**

STREET AND NUMBER: **32 Federal Street**

CITY OR TOWN: **Salem** STATE: **Massachusetts** CODE:

6. REPRESENTATION IN EXISTING SURVEYS

TITLE OF SURVEY: **None**

DATE OF SURVEY: Federal State County Local

DEPOSITORY FOR SURVEY RECORDS:

STREET AND NUMBER:

CITY OR TOWN: STATE: CODE:

SEE INSTRUCTIONS

STATE:
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7 DESCRIPTION

CONDITION

 Excellent Good Fair Deteriorated Ruins Unexposed

(Check One)

 Altered Unaltered

(Check One)

 Moved Original Site

(Check One)

DESCRIBE THE PRESENT AND ORIGINAL (if known) PHYSICAL APPEARANCE

The Story House is rated in the highest category for preservation in the Salem Historic District Study Commission's Investigation, Vol. IIa, prepared by Elizabeth K. Reardon.

Similar in style and size to many of the large brick Federal mansions around the Salem Common, this three-story plus hip roof, brick Flemish bond house is rectangular, with the narrow end on Winter Street and its front facade overlooking the Common; there is a narrow service ell behind the main house.

The front portico has been altered several times. The present arrangement of the portico, bay window, and wide front porch was added in 1901. The window lintels are splayed, reeded stone, which was very popular at this time.

The house is very well cared for and appears to have all its original moulding, woodwork, and mantelpieces.

SEE INSTRUCTIONS

8. SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

- Pre-Columbian 16th Century 18th Century 20th Century
 15th Century 17th Century 19th Century

SPECIFIC DATE(S) (If Applicable and Known) **1811-1829**

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

- | | | | |
|---|--------------------------------------|---|--|
| <input type="checkbox"/> Aboriginal | <input type="checkbox"/> Education | <input checked="" type="checkbox"/> Political | <input type="checkbox"/> Urban Planning |
| <input type="checkbox"/> Prehistoric | <input type="checkbox"/> Engineering | <input type="checkbox"/> Religion/Phi- | <input type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Historic | <input type="checkbox"/> Industry | losophy | _____ |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Invention | <input type="checkbox"/> Science | _____ |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Landscape | <input type="checkbox"/> Sculpture | _____ |
| <input type="checkbox"/> Art | Architecture | <input type="checkbox"/> Social/Human- | _____ |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Literature | itarian | _____ |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Military | <input type="checkbox"/> Theater | _____ |
| <input type="checkbox"/> Conservation | <input type="checkbox"/> Music | <input type="checkbox"/> Transportation | _____ |

STATEMENT OF SIGNIFICANCE

The Salem home of Justice Joseph Story is the only extant residence associated with his productive life. Story, who lived here from 1811 until 1829, laid "the judicial basis of the American nation-state 'in his opinion in Martin v. Hunter's Lessee, restated in his influential Commentaries on the Constitution. This nationalist doctrine of the supremacy and precedence of the nation over the states "now stands appraised as a legal classic of timeless importance."¹ One of the greatest jurists of all times, Story became a worldwide authority on the subjects of equity and conflict of law. He is often regarded as the father of admiralty law and he has exercised enormous influence on American patent and trust law, the law of negotiable instruments, and many other fields of commerical law.² Story's influence upon the intellectual development of America extends beyond the legal system. Important figures such as Daniel Webster, Frances Lieber, Alexis de Tocqueville, and John Marshall drew their inspiration, and sometimes the bulk of their ideas from Story. He was a pillar of the Marshall Court, often pointing the way Marshall followed. Regarded as the Father of Harvard Law School, he bequeathed to America both a system of legal education emulated nationwide, and a nationalist spirit widely imbibed in.²

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1. Gerald T. Dunne, Justice Joseph Story and The Rise of the Supreme Court (New York, 1970), p. 431.
 2. James McClellan, Joseph Story and The American Constitution (Norman, Oklahoma, 1971), pp. vii. 274 and 275.

(Continued)

SEE INSTRUCTIONS

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Dunne, Gerald T., Justice Joseph Strong and The Rise of the Supreme Court, Simon and Schuster, New York, 1970.

McClellan, James, Joseph Story and The American Constitution, University of Oklahoma Press, Norman, 1971.

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			O R	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE		LATITUDE	LONGITUDE	
	Degrees Minutes Seconds	Degrees Minutes Seconds		Degrees Minutes Seconds	Degrees Minutes Seconds	
NW	0 ' "	0 ' "		42° 31' 59"	70° 53' 26"	
NE	0 ' "	0 ' "				
SE	0 ' "	0 ' "				
SW	0 ' "	0 ' "				

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: **1.1 acres**

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE

11. FORM PREPARED BY

NAME AND TITLE: **Benjamin Levy, Senior Historian**

ORGANIZATION: **Division of History, Office of Archeology and Historic Preservation, National Park Service** DATE: **June 27, 1973**

STREET AND NUMBER: **1100 L Street, N.W.**

CITY OR TOWN: **Washington** STATE: **D.C.** CODE:

12. STATE LIAISON OFFICER CERTIFICATION

NATIONAL REGISTER VERIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National State Local

Name _____

Title _____

Date _____

I hereby certify that this property is included in the National Register.

Director, Office of Archeology and Historic Preservation

Date _____

ATTEST:

Keeper of The National Register

Date _____

SEE INSTRUCTIONS

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INVENTORY - NOMINATION FORM

(Continuation Sheet)

STATE Massachusetts	
COUNTY Salem	
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ENTRY NUMBER	DATE

(Number all entries)

8. Significance: (1) Joseph Story House, Salem, Mass.

Biography

Born in Marblehead, Massachusetts in 1779, Joseph Story's intellect and devotion to learning showed themselves at 15 when he was admitted to Harvard College and graduated in 3 years with a standing second only to William Ellery Channing. Studying law in Marblehead under Samuel Sewall, destined to become Chief Justice of the Massachusetts Supreme Court, he indefatigably absorbed the massive and disparate legal treatises of the day. Reading law 14 hours a day brought him to the bar in 1801 when he opened his first Salem office, now destroyed.

He began in politics early in his career, delivering orations stimulating his election to the State House in 1805. It was during this period he joined with Chancellor Kent in pressing for a Court of Equity which had never existed. His report foreshadowed his later drafting of the rules of equity practice for the U.S. Supreme Court and circuit courts. In 1808 he was elected to Congress but disliked submerging his beliefs to party regimentation and remained a maverick politician--a Republican in the midst of Federalist sentiments and an opponent of his own party on specific issues.

Throughout his early career and during his early years on the Supreme Court, his interest in the public welfare never abated. He served as bank president, Harvard College overseer, and pressed for the expansion of trade. He found time to orate on the progress of jurisprudence and participate in the revision of the Massachusetts constitution. He drafted the Crimes Act of 1825 and a bill to extend the jurisdiction of the circuit courts. He was an organizer of the Essex County Historical Society.

Not long after his appointment to the Supreme Court in 1811, he was presented with a flood of admiralty and prize cases resulting from the War of 1812. This challenge he met with comprehensive study of a field little understood or well-defined. His decisions put the admiralty jurisdiction of the Federal courts on a sound basis. Most of his opinions were lengthy and erudite, forming the basis for his many commentaries which went into a dozen editions in over half a century. He is well-known for his powerful dissenting opinion in Charles River Bridge v. Warren Bridge in which he criticized the courts' attack on the sanctity of contracts.

When Marshall died in 1835, Story was regarded as the logical successor. But he was not in the favor of Andrew Jackson who had called him "the most dangerous man in America." He continued on, often in conflict with the Jacksonian majority, but still laying the groundwork for his influential publications. The Commentaries consisted of 13 volumes on bailments, constitutional law, equity, conflict of laws, pleading, agency,

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STATE	
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8. Significance: (2) Joseph Story House, Salem, Mass.

partnership, bills of exchange and promissory notes. It is phenomenal that all this was done in the space of 12 years while he continued as a justice in Washington and a professor at Cambridge. He is regarded as the father of Harvard Law School, where as Dane Professor he became known as a compelling and beloved teacher. He continued his judicial and intellectual pursuits to the end of life which came in 1845.