

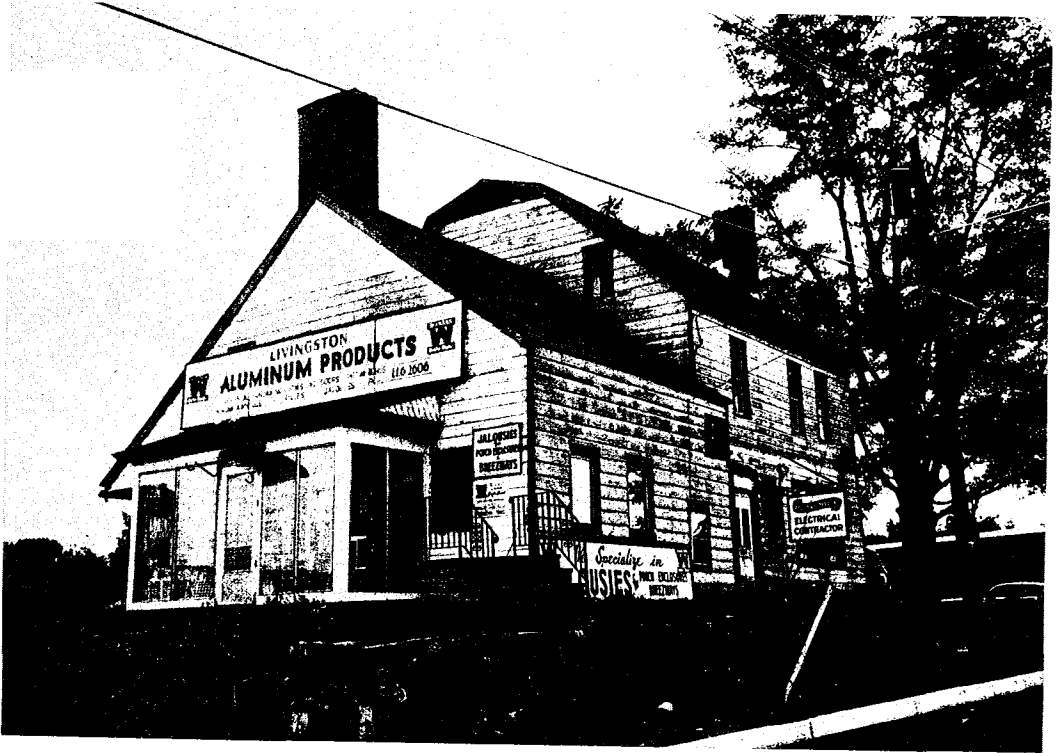
Proceedings Of The  
Livingston Historical Society

*Lest We Forget . . .*



May, 1967





**FORMER ELY TAVERN AS IT APPEARED IN 1961**

Photo taken by William K. Page, Jr.



# The Ely Tavern - 1798

MIRIAM V. STUDLEY

*An original paper by a distinguished Livingston resident, one of the founders and a charter member of the Livingston Historical Society, a Fellow of the New Jersey Historical Society, author of Historic New Jersey through Visitors' Eyes (Van Nostrand, 1964, now available through the New Jersey Historical Society), and for many years Principal Librarian of the New Jersey Division of the Newark Public Library.*

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THE ELY TAVERN — 1798

MIRIAM V. STUDLEY



TWO SHORT BLOCKS west of Livingston Center, on the south side of West Mount Pleasant Avenue, Livingston, New Jersey, stands a remarkable old house. Built in two distinct sections, side by side, it opened to the public in seventeen ninety-eight as Livingston's town tavern. We should have said William Ely's tavern in Canoebrook, for this community was not known as Livingston until the incorporation of the Township in 1813. In fact our town suffered a split personality for twenty years before its incorporation, for when Caldwell Township was incorporated in 1793, its southern boundary ran along the old colonial road from Newark to Hanover, which preceded the Mount Pleasant Turnpike. All of present-day Livingston south of that road was part of Newark until February, 1798 when the Town of Springfield was set apart.

William Ely, Junior, owner of the fine new tavern, was directly affected by these changes. While building his house he must certainly have paid taxes in Newark. On April 10, 1798, when he applied for his tavern licence, the building was officially in Caldwell and he paid taxes there for several years, for the colonial road ran south of his tavern, not north as it does to-day. Only a few years ago the line of the old road at this point was evident in a row of tall, old trees. In 1807 the Mount Pleasant turn-pike was built along about the same route it follows to-day. By that time manpower and road building equipment were more adequate than in the mid-seventeen hundreds when the colonial road was made, though primitive by to-day's standards. The sharp bends and wide detours the old road made to avoid steep little hills and wet hollows were straightened by Moses Ely, William's younger brother, who contracted to build the Turnpike from the top of Second Mountain to the Passaic River at Cook's Bridge. This left William's house on the south side of the road and put it among the tax ratables in Springfield until 1813. But by 1807 William Ely's days as innkeeper were over; his son James was operating a tavern in another house nearer Livingston Center.

All these political changes and road building are clarified by a fine map made for the Livingston Historical Society several years ago by Charles Bockelman, former town surveyor. A portion of this map is reproduced on page 6. On it the colonial road is drawn in solid black lines and the existing streets as of 1963 are shown in fainter dotted lines. The 1798 tavern is indicated on the map by date. Mr. Bockelman's map was reproduced entire but in slightly reduced size in the Anniversary Issue of *The West Essex Tribune* in 1963, with the very interesting story of the field trips and research that made it possible. Some copies of this Anniversary Issue are still available.

Mr. Bockelman has very generously given the Livingston Historical Society permission to reproduce the map, and we hope some day to have printed copies for sale.

On the cover of the Anniversary Issue of *The West Essex Tribune* (September 5, 1963) is a copy of a 1906 photo of Samo's Tavern where the first Livingston Township meeting was held in 1813. According to Ely family tradition William Ely, Junior built that house in 1765, although he was a young man at the time. It is known that he operated a tavern there before and after the American Revolution, and that his son James was there in the early eighteen hundreds. James sold it to a New York musician and orchestra leader, Isaac Samo, whose daughter married into the Ely family. For years the Ely family and some of the neighbors called the place "Uncle Billy's Tavern." Bought by the Harrison family in 1867, it was torn down in 1906.

In some respects the Samo tavern is similar to Ely's 1798 tavern standing to-day. Samo's at least in its later days, was a double house with two chimneys at the west end and one in the east section. Each had the front porch running the full breadth of the house, a conspicuous feature of most country taverns. However, the 1798 building possesses, I think, real architectural distinction, even in its last decaying days.

Our knowledge of the Ely taverns is derived chiefly from the *Memoirs* of Edwin A. Ely, published in 1926 in a small edition and now hardly available except in a few libraries (note; one copy is in the Livingston Free Public Library's special collection). Mr. Ely, a New York business man, a grandson of Moses Ely, younger brother of William Ely, Junior, was something of a scholar. Research in old documents, family recollections, and his own personal knowledge of buildings, events, roads and relationships combine to make an absorbing story of the Ely family and of Livingston history. Mr. Ely was careful to make no positive statements that he could not document, and to distinguish family tradition from proven facts. He loved Livingston, where he spent many boyhood vacations, and to which he returned often in adult life. When in Livingston he lived in the Ely Mansion, now the home of Thomas B. Cannon, Jr. This rather charming Victorian Gothic home on the north side of West Mount Pleasant Avenue, was once a plain country farm house, built in 1811 by Captain William Ely's son Moses and completely rebuilt in 1875 by Ambrose Ely, brother of Edwin A. The Elys were, for about a hundred and seventy-five years one of the few families of distinction in Livingston. Their most prominent member was Edwin's uncle, a one-time mayor of New York City, named Smith Ely. Moses Ely, brother of William Ely, Junior, obtained the contract for lumber to rebuild old Trinity Church in downtown New York in 1791. Beams and rafters, made in Livingston from trees growing on Second Mountain were dragged by ox teams to the banks of the Hudson and floated across to the city.

Captain William Ely founder of the Ely family in Livingston, was a veteran of King George's War when he came from Connecticut in 1751. Buying, that year, 50 acres of land south of the Colonial road and west of the present Livingston center he soon became involved in recruiting men for service in the French and Indian War.



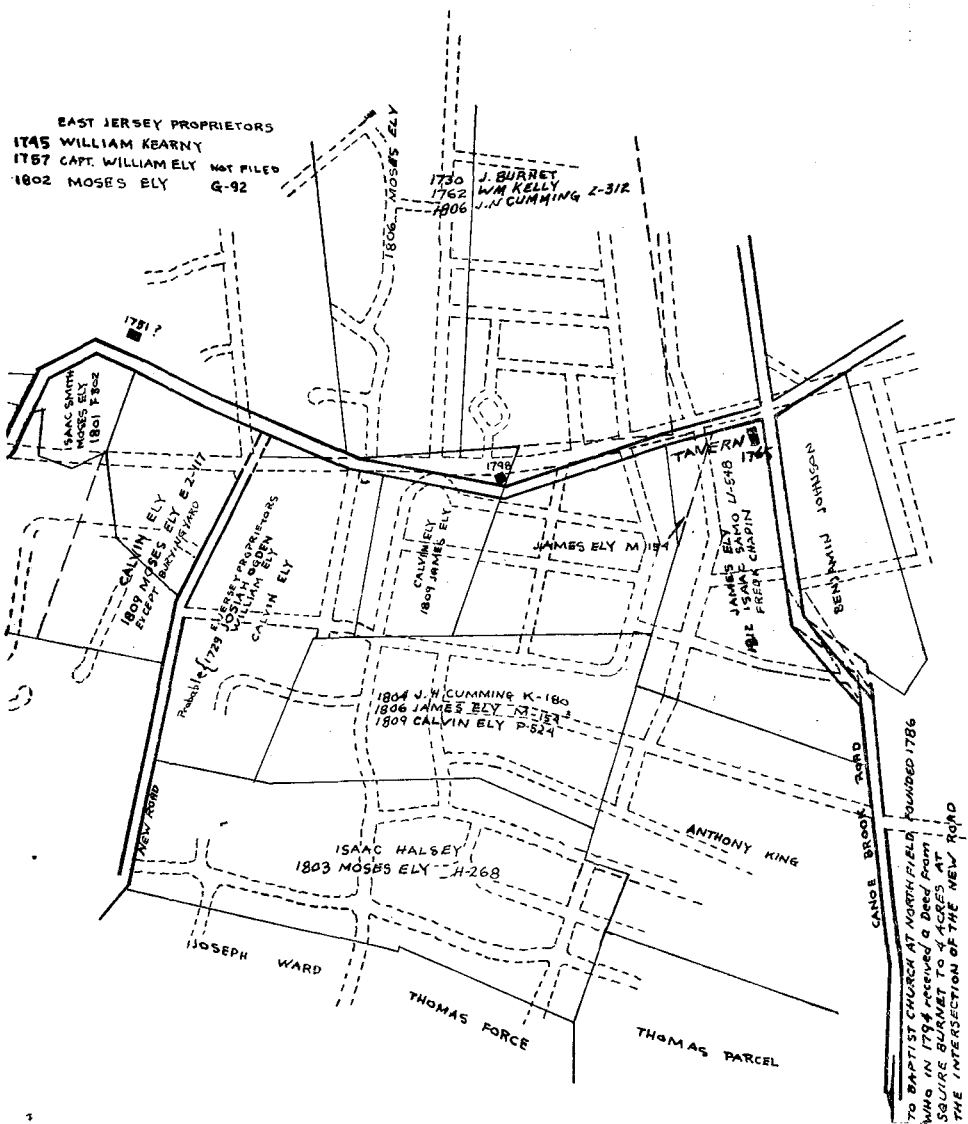
He went with them in 1756 to fight at Oswego, New York, under Colonel Peter Schuyler. After his return he bought, in 1757, another piece of property on the north side of the colonial highway, where he built a home occupied by the Elys for many years. The barn he built then is still standing as one part of a larger barn built later. The property on the south side of the road he either gave or deeded to his young son William, including the site of the Samo tavern.

But let Edwin Ely tell the story of William Ely Junior:

*"It (the Samo tavern) was doubtless Uncle Bill's residence during the early years of his married life; but shortly before the close of the eighteenth century he built or bought the house now owned (1926) by Mrs. Sarah Blodgett, on the south side of the turnpike further toward the west, which building, it is said, he also devoted to tavern purposes. This structure was . . . on the opposite (north) side of the old road where it stands with its rear to the turnpike which was opened after its erection. It is of very substantial construction, the frame being filled in with brick, and was doubtless considered by its builders a remarkably fine mansion."*

Here I must digress to comment on the house and its construction, for one cannot go through so fine and substantial a building without gaining immense respect for our forefathers. Many of us have read of colonial house raisings and barn raisings, perhaps in wonderment. But such descriptions gain force and significance when one enters the tremendous attic of a tall house such as the Ely tavern. The massive beams, corner posts, chimney girts, plates and rafters are of oak, fastened together with huge hand-made and polished wooden pins, called in colonial days "trunnels" or "tree nails." Roof members that meet are either fastened together with mortice and tenon, or dovetailed or notched to lie securely in place. Such parts are conspicuously marked with numbers that have lasted a hundred and seventy years. For all of these parts were assembled on the ground and raised into place from two stories below entirely by the labor of men and oxen. They had few mechanical aids other than crude pulleys, levers, blocks and tackles. No boy of those days had to study principles of physics or mechanics from a book. The nature of force, gravity and motion were part of his everyday life, in which he shared with the men the most exacting tasks that all accepted as a matter of course.

The cellar is as remarkable as the attic, six feet deep, with walls of native fieldstone eighteen inches thick. The stones carefully selected for size and shape are regularly laid with great skill, with the crude red Jersey clay for mortar. In the hard earth floor, a tremendous ledge of rock defied the efforts of the builders and was left within an enclosure built of porous local bricks, probably as a liquor cellar or even a milk room, for this deep cellar would be cold even in summer. The supports for the two great fieldstone chimneys were in this west cellar, with arches as handsome as those in fine public buildings of classical design. Overhead the beams supporting floors and partitions are only slightly less massive than those in the attic, and hewn with great exactness. A substantial stairway led to the cellar, indicating that frequent use must have been made of it by persons running back and forth for drinks and provisions for dining room and kitchen. Much of



Route of the Colonial Road from Newark to Hanover as it existed about 1800 - thru what is now Livingston, N. J. Delineated from Deeds, etc., and actual surveys prepared by Charles Bockelman - March, 1963.

the wood structure and the masonry of the cellar is still strong as if it had been recently built. Not so, with the attic; rain and snow beating in have rotted important supports at strategic corners and around the great end chimneys. The house is in real danger.

*We are able to determine its approximate age by the fact that on June 30, 1798 Uncle Bill conveyed to his son an equal undivided, one half interest in it, describing it in the deed as a new dwelling."*

This deed is recorded in the Hall of Records in Newark.

While William Ely, Junior, refers to this house as a new dwelling, an examination of the house raises the question whether only the larger western portion of the house was built in 1798 or thereabouts, with the lower east unit dating back some years earlier. The low roof line and lack of ceiling height are typical of pre-Revolutionary construction, and this section also lacks a cellar. William Ely, Junior might have repaired the eastern unit, installed the "dog house dormer" windows in the long roof, and built his "new house" alongside it. Doorways on first and second floors connect the two units, but the two attics are entirely separate.

Salesrooms now occupy the first floor of the house and it is not easy to see all the details of the rooms; But the rooms in the west unit were finely proportioned, with simple well-designed mantels framing four open fireplaces. The hallway resembles that in the Force house, with an attractive stairway whose delicate banisters and gracefully curved handrails are strikingly similar to the beautiful one in the Force homestead. The smaller east unit with its one huge chimney and large fireplace probably was the kitchen of the tavern, with the one room or loft above used as sleeping quarters for servants or for teamsters stopping overnight. All traces disappeared long ago of the many outbuildings such a tavern must have had. Barns, hay loft, stables, wagon houses, corn cribs, spring house, and smoke house were a necessity in that day of subsistence farming. The tavern law required the proprietor to furnish stabling and provender for horses as well as food and featherbeds for travelers.

The documents filed by William Ely, Junior with the Essex County Court of General Quarter Sessions of the Peace in connection with his application for a tavern licence are in the State Library at Trenton. These are the originals of which I obtained photocopies. They are as follows. The first one is printed, the second is a manuscript.

*BE IT REMEMBERED That I, William Ely do acknowledge myself indebted to the State of New Jersey in the sum of one hundred dollars and that we, Samuel Camp and Math. Baldwin do each acknowledge ourselves indebted to the said state in the sum of fifty dollars each, to be levied on our respective goods and chattels, lands and tenements for the use of the said state, if failure be made in the following condition:*

*The condition of this Recognizance is such, That whereas the above bounden William Ely is licensed by the court to keep an inn and tavern in the house where he dwelleth in the Township of Caldwell in the County of Essex for the space of one year next ensuing; if therefore the said William Ely during the continuance of the said license, shall not keep a*

*disorderly inn or tavern, nor game himself, nor suffer any person to game in his house for money or the value of money, nor violate the laws made concerning inns and taverns, but shall, during said term, in all things respecting him as an inn-holder and tavern-keeper use and maintain good order and rule, and find and provide good, wholesome and sufficient lodging, diet and entertainment for man and stabling and provender for horse, and observe the directions of the law relating to inns and taverns, then this Recognizance to be void, or else remain in full force and virtue.*

*Taken before the Court of General Quarter Sessions of the Peace, in and for the County of Essex aforesaid in open court this day of April 1798.*

Attest —  
Aaron Ogden Clerk

*To the Honorable Court of Essex County We whose names are hereunto subscribed do certify that William Ely, who desires to obtain a licence for keeping a Tavern or inn in the Township of Caldwell, is a person of good repute and honesty and temperance has two spare featherbeds more than are necessary for his family's use and is well provided with house room, stabling and provender for keeping a tavern; and the place where he lives is suitable for that purpose. Witness our hands the 10th day of April 1798.*

<i>Richard Neefie</i>	
<i>Samuel Gould</i>	<i>Chosen Freeholders</i>
<i>Joseph Harrison</i>	
<i>Barna Simonson</i>	<i>Commissioners of Appeals</i>
<i>Jacob Smith</i>	
<i>Joseph Green</i>	
<i>Timothy Gould</i>	<i>Oversers of the poor of the</i>
<i>Wm. Gould</i>	<i>Township of Caldwell</i>

The foregoing documents are more formal than the papers filed in connection with earlier applications for tavern licences. The two hundred dollars involved in the Recognizance was on account of the provisions of a revised law on taverns passed in 1797 by The New Jersey Legislature.

The earliest law on taverns was an act of the General Assembly of the Providence of East Jersey in 1677 regulating prices not only for "strong liquors, good wine, cyder and victuals," but also for summer and winter pasturage of horses and for oats by the peck. In March 1682 the General Assembly passed "An Act for the Regulating of Ordinaries" providing that persons selling hard liquor without a licence should be fined and the fine in each case should be divided, one third paid to the informer, two thirds used for the support of the poor in the town where the sale took place.

The word "ordinaries" is frequently encountered in early literature regarding taverns. It was commonly used in England in the seventeenth and eighteenth centuries and in this country from 1637 to 1816 or later. But in

England the term was applied to an eating house where meals were served at fixed prices. In the colonies the word referred to any tavern or inn.

The wording of William Ely's tavern petition of 1787 is interesting because it proves the prior use of the house at the town center as a tavern.

*"Whereas a publick house hath been kept wherein William Ely now liveth . . . and whereas it is very necessary that a tavern should be kept in the same the ensuing year. We therefore your petitioners being acquainted with the said William Ely do recommend him to your Honours for a licence to keep a tavern, knowing same do hereby certify that he is furnished with every thing necessary for the business before mentioned as the law directs, therefore humbly pray that a license may be granted him accordingly."*

The 1788 petition makes a significant statement, "The petition of your petitioners humbly sheweth, whereas William Ely Junior hath kept a house of entertainment for a number of years past, we beg that your honours will indulge him with a licence for that purpose the ensuing year." This was dated "Canoebrook, April 9, 1788" and signed by nineteen persons from a wide area including the present Orange, West Orange, Roseland and Caldwell.

Equally significant is the fact that William Ely apparently did not keep a tavern during the years of the Revolutionary War. There were numerous applications from other tavern keepers in Canoebrook, Daniel Taylor, Obadiah Smith, Daniel Zeluff and others. But not one from Ely.

*Edwin Ely gives a clue to the reason. He says "Uncle Bill is said to have been a man of large stature, who possessed considerable force of character. Aunt Sally Halsey described him as a jovial, rollicking roisterer, one prone to an occasional over-indulgence in intoxicants, and always ready for either a fight or a frolic. While taking no part in the military activities of the Revolution, he was known to be in sympathy with the Crown and, despite the resentment which his political faith excited on the part of his neighbors, he made no secret of his opinions, for concealment and assimilation were foreign to his nature."*

Like many New Jersey families, the Elys were divided in their allegiance, with Moses, William's younger brother, an active patriot, serving as a teamster in the Revolutionary army. Other children of Captain William Ely had married into families that were intensely patriotic but apparently that made no difference in their affectionate regard for William the tavern keeper.

It was essential in early days that the innkeeper be a man (or woman) of the highest integrity and standing in the community, for the tavern was the center of neighborhood life and activity. The accounts of travelers give vivid pictures of what early country taverns were like and Dr. Harry B. Weiss has drawn on them for his authentic description in his book *Life in Early New Jersey* (Van Nostrand, 1964, now available from the New Jersey Historical Society).

*"All grades of society were to be found in the taproom, the sheriff with the latest news of auction sales and crime, the doctor with his talk of blood-letting, politicians, travelers, loungers, lawyers and vendors. The tavern, along with the general store, was a sort of clubhouse for the*

rural inhabitants. People stopped in to hear the news. Legal notices were posted at the inn and it was the only place where there was a newspaper. In colonial times it was not necessarily regarded as a sinful place. In the evenings young people danced there with music and candlelight in the long room, usually on the second floor. Meetings and court sessions were held, and traveling entertainers and lecturers performed for the public in that room. It was there that the tax collector set up his headquarters and the villagers, who were notified in advance of his arrival, had to appear and give an account of their real and personal property. Traveling shows appeared at the inns and they increased so much in numbers that in March 1798, the Legislature prohibited their productions unless they had the approval of three justices of the peace. This was because strangers and 'worthless people' took so much money from unwary spectators, servants and children and corrupted the morals of youth" (pp. 125-126)

The Ely tavern must have been a lively place, for the road from the Newark Mountains to Hanover connected with the main thorofare to Dover, Newton and Easton, across the Delaware. The westward migration from New England and New York started soon after the end of the Revolution, and travelers who crossed the Hudson by the Paulus Hook ferry would follow either the Mount Pleasant or the Pompton Turnpike on their way to Pennsylvania. Those who passed through Livingston were joined at Newton by other streams of migrants in wagons and on horseback, journeying on to new homes in Ohio, Kentucky, Illinois and Indiana. William Ely, Junior had chosen a perfect time to build his new tavern.

\* \* \* \*

## EXTRACTS FROM THE NEW JERSEY TAVERN LAWS

Passed the 24th of February, 1797.

*An ACT concerning inns and taverns.*

I. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the courts of general quarter sessions of the peace, in and for the several counties of this State, shall be, and they are hereby authorized to grant licenses to persons to keep inns and taverns, and to utter and sell victuals, and vinous, spirituous, and other strong liquors, for the accommodation of men, and provender for horses, within their respective counties, in the manner prescribed by this act and not otherwise.

II. AND BE IT ENACTED, That no person or persons shall be licensed by the said courts to keep an inn and tavern, but such as shall be recommended for that purpose, by the chosen freeholders, the commissioners of appeal, and the overseers of the poor, or at least two thirds of them, of the township or precinct, in which the said inn and tavern is proposed to be kept, who shall certify, that the person recommended, is of good repute for honesty and temperance, is known to the persons recommending to have at least two spare feather beds, more than are necessary for the family's use, and is well provided with house room,

stabling and provender; upon which certificate or recommendation, the said courts may, in their discretion, grant the license prayed for by the applicant.

IX. AND BE IT ENACTED, That it shall be the duty of, and is hereby expressly enjoined upon the said courts, to license no more inns and taverns, in their respective counties, than shall be necessary to accommodate and entertain travellers and strangers, to serve the public occasions of said counties, and for the convenience of men's meeting together to transact business; and to prevent as much as possible, inns and taverns to be kept for the encouragement of gaming, tippling, drunkenness, and other vices.

X. AND BE IT ENACTED, That the said courts shall not grant a license to keep an inn and tavern, to any sheriff, under sheriff, or gaol keeper.

XI. AND BE IT ENACTED, That the said courts shall not grant a license to any shopkeeper, to keep an inn and tavern; neither shall any inn and tavern and shop, for selling goods, wares, and merchandize, be kept in one house; and if any shopkeeper, shall give or retail strong liquors, so as to encourage drunkenness, revelling or frolicking in his or her houses or store, he or she shall forfeit sixteen dollars for every such offence, to be recovered, with costs, by action of debt, by any person who will prosecute for the same, in any court of record, having cognizance of that sum.

XII. AND BE IT ENACTED, That every innholder and tavernkeeper, shall have and keep in his or her house, at least two good feather beds for guests, with good and sufficient bed cloths for the same, and provide and keep good, wholesome, and sufficient diet for travellers, and stabling and provender of hay and grain for four horses more than his own stock, upon pain of forfeiting, for every neglect or default of having any of the articles in this clause mentioned, the sum of three dollars, to be recovered by action of debt, with costs, in any court of record, having cognizance thereof, by any person or persons, who shall prosecute for the same.

From Laws of the State of New Jersey

Revised and Published by William Paterson

Printed by Abraham Blauvelt, New Brunswick, 1800

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Last, but not least, to Joseph J. Spurr, 2nd, President of the Livingston Historical Society, whose interest and enthusiasm prompted this study.

Miriam V. Studley





