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Leviathan, Volume 21, Number 1, March 2019, pp. 181-184 (Article)

Published by Johns Hopkins University Press

DOI: <https://doi.org/10.1353/lvn.2019.0010>



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## Lemuel Shaw, Lost and Found



Chief Justice Lemuel Shaw at about fifty, by Francis Alexander.  
Photo courtesy of the Supreme Judicial Court of Massachusetts.

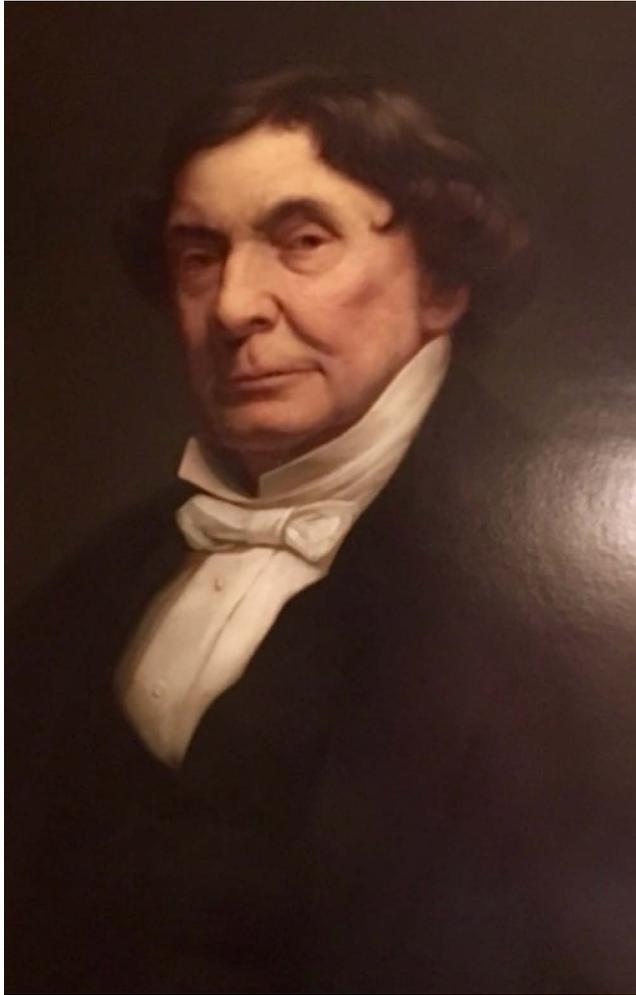
**O**n February 7, 2017, Cliff Allen of Boston's John Adams Courthouse made a public appeal for any information regarding a mystery portrait hanging outside of Chief Justice Gants's chambers. I saw the announcement that day and said to myself: "I know that face, but not this

Vol. 21.1 (2019): 181–184 © 2019 The Melville Society and Johns Hopkins University Press

portrait—it's Shaw!" I contacted the Courthouse to notify them that they had an unidentified image of Chief Justice Lemuel Shaw (1781–1861), who served on the state's highest court from 1830 until 1860—delivering some of the most consequential legal opinions in American history—and was Herman Melville's father-in-law. My argument (with the help of my art curator wife, Mary) provided crucial contextual evidence in Allen's investigation, and I quickly began obsessing over the painting's missing provenance record. As Allen described the series of events, "the tipping point came when they heard from a PhD candidate at the University of Michigan, whose case was particularly compelling. 'He had written his thesis at Columbia on Lemuel Shaw,' said Allen." (See the article and audio by Edgar B. Herwick, "How A Longtime SJC Employee And The Public Cracked The Case Of The Mystery Portrait," *The Curiosity Desk*, WGBH, Web, April 4, 2018.) I was the first to identify Shaw; over the course of a few months, I provided archival evidence to map out a full provenance report and visited the Courthouse's material collection to confirm all findings.

By the end of March, Allen closed the case, tentatively named Shaw, and judiciously credited everyone involved; however, I was still conducting research for him and soon was able to submit my findings. I concluded with confidence that the portrait is one of ten images of Shaw in the Courthouse, painted around 1830, likely by Francis Alexander, when Shaw was fifty and ascending the bench. These images are among other portraits, bust statues, and daguerreotypes of Shaw in Massachusetts, the most famous being William Morris Hunt's painting at the Essex Superior Court in Salem and the least well-known being Alfred Ordway's painting at the Gorham Street Courthouse in Lowell. In 1934, the "mystery" portrait arrived after the death of Shaw's granddaughter, Josephine MacC Shaw (1848–1933), through her associate Constance J. Bessey ("Portrait of Justice Shaw for Suffolk Courthouse," *Daily Boston Globe* [January 10, 1934]: 13). Josephine Shaw and Constance Bessey were affiliated through the Ellen M. Gifford Sheltering Home Corporation, as well as other social and charitable venues. Credit is due to Jeffrey Croteau, Director of Library & Archives at the Scottish Rite Masonic Museum and Library in Lexington, Massachusetts, who, working independently from me, was the first to bring the *Boston Globe* article to Allen's attention.

Shaw's second wife (m. 1827), Hope Savage (1793–1879), was also painted by Francis Alexander, so the newly identified portrait is likely one of two marriage portraits done during the limited time Alexander painted in Boston before leaving for Europe. Frank W. Bayley donated a portrait of Hope Savage Shaw by Alexander to the Massachusetts Historical Society in 1916, likely from the estate of Samuel Savage Shaw (1833–1915). During these years, Shaw's future relatives Major Thomas Melvill and his wife Priscilla had portraits



Chief Justice Lemuel Shaw in mid-seventies, by “an unknown artist.” Courtesy of the Supreme Judicial Court of Massachusetts.

done in a similar style by Alexander, which are presently kept in the Old State-house Museum. A young Alexander had temporarily established himself in Boston around 1828 and rapidly painted unsigned portraits for Shaw’s circle in the popular style of Gilbert Stuart. This Shaw portrait represents Alexander’s early work before he traveled to Europe, built his reputation, and developed his own style seen in the portraits done during his second period in Boston.

Prior to 1934, two other oil portraits of Shaw belonged to (and still hang at) the Court, one in the Social Law Library and a second near the Chief Justice’s

chambers. Frederic Hathaway Chase's Shaw biography, published in 1918, lists two portraits of Shaw at the Massachusetts Supreme Judicial Courthouse. Chase thus accounts for the two portraits other than Alexander's donated from Josephine Shaw's estate in 1934. The latter, "by an unknown artist," likely came from Samuel Savage Shaw's estate before 1916, by which time it had been "recently hung in the Suffolk County Court House" ("The Proceedings at the Meeting of the Bar at the Birthplace of Chief Justice Shaw, West Barnstable, Mass., August 4, 1916," 14).

Samuel S. Shaw's denial that he owned a portrait of his father from the time when Alexander was first painting in Boston suggests that the Shaw portrait donated in 1934 by Josephine Shaw was not from her uncle Samuel's heirless estate, for which she was executor, but rather likely from her father John Oakes Shaw's (1820–1902) estate. Samuel S. Shaw valued a sole portrait of his father, the one by Hunt, as he states to Justin Winsor (Morse 605–06). He claimed no ownership of any image early enough to be the one by Alexander. The Shaw family was, however, somewhat notorious for losing track of their own family portraits. Hope S. Shaw, for example, lost track of a Copley portrait done of her great-great-grandparents (Perkins 101). In the end, the portrait was one of the many items belonging to Chief Justice Shaw that made their way back to the Courthouse in the decades after his death, unmarked because no one at that time could have imagined a day, especially so soon, when the illustrious Judge's face would be forgotten.

**F**or further reading, see Frederic Hathaway Chase, *Chief Justice of the Supreme Judicial Court of Massachusetts: 1830–1860* (Boston: Houghton Mifflin Company, 1918); John T. Morse, "The Bench and Bar in Boston," *The Memorial History of Boston*, ed. Justin Winsor (Boston: James R. Osgood and Company, 1883); Augustus Thorndike Perkins, *A Sketch of the Life and a List of some of the Works of John Singleton Copley* (Boston: T.R. Marvin and Son, 1873); and Martin Ross, "Melville, Madness, and Medical Jurisprudence: Insights into *Commonwealth v. Abner Rogers* and 'Bartleby'" (Columbia University M.A. thesis, 2014, under the direction of Branka Arsić).

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