

MARY BUTLER EASTMAN

PROTECTIVE EASEMENT



PRESENTED TO THE
TOWN OF GILMANTON, NH

NOVEMBER 19, 2007

By: Virginia M. Stanley
William D. Stanley III

EASEMENT PURPOSE

The purpose of this presentation is to document the wish of Virginia M. Stanley and her son, William D. Stanley III, to gift to the Town of Gilmanton, through its Board of Selectmen, a protective easement over a portion of their property abutting the Mary Butler Eastman Homestead and Memorial located on Mary Butler Lane (Appendix 1) and to illustrate the important historic significance of the Eastman site.

The Stanley family, having owned their property for more than forty-five years, has a significant interest in, and commitment to



the protection of the abutting Eastman Homestead. Although an important historic site for the community, its small size leaves the Homestead exposed to impacts from uses that may occur on the abutting lot. The Stanleys wish to take this affirmative action

while the abutting property is still under their control. The intent of the easement is to prohibit development and excavation activities within the 50' easement and to prohibit clearing without the consent of the easement holder to maintain a natural protective buffer adjacent to the site.

GRANTEE

Although the Eastman Homestead lot is owned by the Mary Butler Chapter of the Daughters of the American Revolution, the Stanleys feel that the Town is best suited to acquire and manage this easement for the following reasons:

- The site is important to the Town's history;
- The Cemetery Trustees currently provide maintenance for the lot and administer a trust created for that purpose;
- The Town is positioned to be permanent, available and vigilant, and has the resources to enforce the easement;
- The DAR Chapter is not located in Gilmanton, is not easily located or contacted, having no office or permanent contact, and may not have the resources to effectively enforce the terms of the easement;
- Due to the small size of the lot, uncontrolled activity immediately adjacent to the site could quickly cause irreparable harm to the historic and heritage value of the site.

HISTORIC SIGNIFICANCE

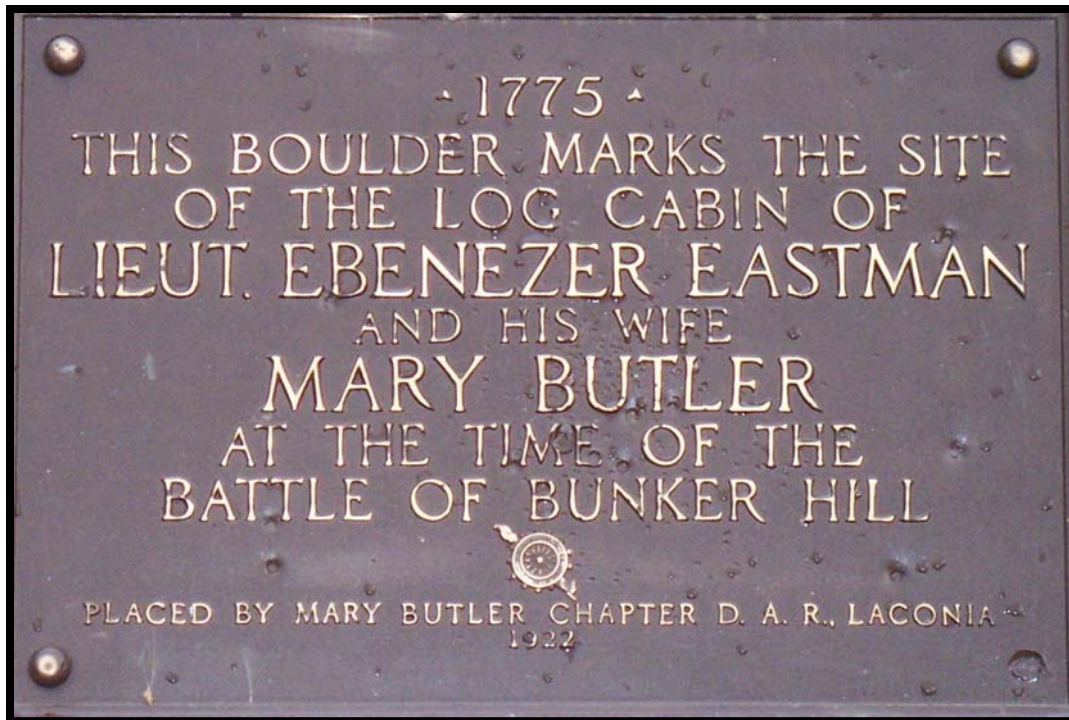
The following is offered to illustrate the historic significance of the Eastman site:

- 1775 - Mary Butler Eastman gained fame because of her ride from her wilderness home in Gilmanton to Cambridge to learn the fate of her husband after the Battle of Bunker Hill. Much has been reported of this feat (Appendix 2) and the strength and devotion evidenced also was celebrated in poem and illustration (Appendix 3).
- 1918 - When a chapter of the Daughters of the American Revolution was organized in Laconia it was deemed fitting to name it for one whose courage and devotion at the time of the Battle of Bunker Hill made her the woman pre-eminent in the locality which the chapter would serve. (Appendix 4)
- 1922 - The D.A.R. acquired ownership of the site (10' x 18' approx) from the abutting landowner Joseph Kitchen. (Appendix 5)



Local lore has it that Dr. Kitchen originally had the revolving gate between the Eastman Homestead and his property constructed to accommodate neighbors who persisted in leaving the gate open and freeing his cows when picking blueberries in his fields. The gate is currently in need of repair and the Cemetery Trustees are proposing a project to replace both the gate and fencing.

- 1922 – The D.A.R. erected a boulder on the site with the following inscription:



- 1963 – The D.A.R. established a trust fund with the Town to assist in the general maintenance of the site.
- 1988 – Town meeting created the positions of Cemetery Trustees and this site, along with cemeteries and one other historic community site were entrusted to the care of the Trustees.

EASEMENT DEVELOPMENT

- 2003 – A subdivision of the Stanley property (subsequent owner to Kitchen of the abutting property) to create the proposed Gilmanton Public Safety Building site, along with Mrs. Stanley's proposal to sell the remaining lot prompted the Trustees to open these discussions with the Stanleys and the D.A.R. regarding the future of the Mary Butler site.
- 2007 – The Stanleys' gift of the easement has been facilitated by the generous donation by Mr. Paul Darbyshire LLS of the plan, recording mylar and boundary monumentation and the assistance of the Cemetery Trustees, Marion McIntyre, Candace Daigle and Leonard Stockwell, Jr in developing the easement document.

Overall the easement will serve the needs and desires of both the Stanleys and the Town of Gilmanton to protect this important community site.

Appendix 1

EASEMENT DEED

VIRGINIA M. STANLEY, formerly known as **VIRGINIA M. STANLEY GRANT** or **VIRGINIA M. GRANT**, a single woman, of 55 Currier Hill Road, P.O. Box 37, Gilmanton, Belknap County, New Hampshire 03237, for consideration paid, grants to the **TOWN OF GILMANTON**, a New Hampshire municipal corporation having a principal place of business and a mailing address of 503 Province Road, P.O. Box 550, Gilmanton, Belknap County, New Hampshire 03237, with **WARRANTY COVENANTS**:

A Protective Easement in perpetuity over a portion of a certain unimproved tract or parcel of land located on the east side of Mary Butler Lane, in Gilmanton, Belknap County, New Hampshire, being shown as "Tax Map Lot 413-112-00" on a plan entitled "Easement Plan for Virginia M. Stanley NH Route 140 Belknap County Gilmanton, NH", recorded in the Belknap County Registry of Deeds in Map Drawer _____, Plan Number _____, which easement is more particularly bounded and described as follows:

Beginning at a stone wall on the easterly side of Mary Butler Lane at the westerly corner of these premises and the southwesterly corner of land now or formerly of the Mary Butler Chapter;

thence running South 02° 35' 14" West, along a stone wall being the easterly sideline of Mary Butler Lane a distance of 50.10 feet to a point in said stone wall;

thence turning to the left and running North 89° 02' 36" East, along property now or formerly of Virginia M. Stanley a distance of 56.73 feet to a point;

thence turning to the left and running North 06° 39' 45" East, still along said property now or formerly of Stanley a distance of 109.13 feet to a point;

thence turning to the left and running North 81° 10' 24" West, still along said property now or formerly of Stanley a distance of 77.03 feet to a point at a stone wall being the easterly sideline of Mary Butler Lane;

thence turning left and running South 22° 08' 00" East, along said stone wall a distance of 13.66 feet to a point;

thence continuing along said wall South 05° 35' 31" East, a distance of 39.53 feet to a corner in said stone wall being the northwesterly corner of said property now or formerly of Mary Butler Chapter;

thence turning left and running South 81° 10' 24" East, a distance of 12.02 feet along a stone wall and land now or formerly of said Mary Butler Chapter;

thence turning right and running South 06° 39' 45" West, a distance of 17.23 feet along a stone wall and land now or formerly of said Mary Butler Chapter;

thence turning right and running South 89° 02' 36" West, a distance of 9.88' along a stone wall and land now or formerly of said Mary Butler Chapter to the point and place of beginning.

This Easement shall provide a protective buffer for the Mary Butler Homestead (Homestead) located on adjacent Tax Map 413 Lot 111-00; Mary Butler being a certain person of fame in the History of Gilmanton; and the Town of Gilmanton being the holder of a Trust for the care and maintenance of said Homestead. For title to the parcel benefited by the easement rights granted hereunder see deed of Joseph M. W. Kitchen to Laura E. Varney, Regent of the Mary Butler Chapter, dated September 14, 1922, and recorded in the Belknap County Registry of Deeds, Book 170, Page 445.

The specific purposes of the easement are as follows:

1. Assure that the Easement area will be retained forever in its natural, undeveloped, open space condition.
2. Prevent any use or change of the Easement area that would significantly impair or interfere with the historic integrity of the Homestead.

Use limitations:

Except when deemed necessary for the accomplishment of the above stated purposes by the Board of Selectmen or its agent, the following shall be prohibited in the Easement area:

1. The construction, placing or introduction of structures. Fences for the purpose of securing the Easement area are permitted with the approval of the Board of Selectmen or its agent.
2. Changes in topography, mining, quarrying, excavation or removal of rocks, minerals, gravel, sand, top soil or other similar materials.
3. The display of signs.
4. The dumping of ashes, trash, rubbish, or any other unsightly or offensive materials or burial of materials.
5. Motorized and non-motorized vehicles.
6. Hunting and camping.
7. Above-ground utilities.

Reserved Rights of Landowner:

1. Transitory passive recreational purposes when not in conflict with the general purposes of this easement.
2. Notwithstanding any other terms contained herein, fee ownership of the premises burdened by the easement rights granted shall remain in the Grantor.

3. Nothing in this easement agreement shall be construed to create or grant general public access.

Affirmative Rights of Grantee:

1. Full access to the Easement area for such inspection as is necessary to maintain boundaries, determine compliance and to enforce the terms of this Easement Deed, exercise the rights conveyed hereby, and fulfill the responsibilities and carry out the duties assumed by the acceptance of this Easement Deed.
2. The removal of dead, dying or diseased trees and the use of acceptable forestry management practices to preserve and maintain a healthy treed buffer.
3. Other activities or actions deemed appropriate by the Board of Selectmen or its agent to promote the above stated purposes.

In addition to the specific grant of the easement described herein, the Grantor expressly grants to the Grantee all rights necessary to assure that the Easement area will be retained and maintained in its current or a better condition to preserve the historic integrity, natural setting and scenic quality of the Homestead.

When a breach of Easement comes to the attention of the Grantee, it shall notify the then owner (Grantor) of the Property in writing of such breach, delivered in hand or by certified mail, return receipt requested. Said Grantor shall have 30 days after receipt of such notice to undertake those actions, including restoration, which are reasonably calculated to swiftly cure the conditions constituting said breach and to notify the Grantee thereof. If said Grantor fails to take such curative action, the Grantee, its successors or assigns, may undertake any actions that are reasonably necessary to cure such breach, and the cost thereof, including the Grantee's expenses, court costs and legal fees shall be paid by the said Grantor, provided the said Grantor is determined to be directly or indirectly responsible for the breach,

The Grantee by accepting and recording this deed for itself, its successors and assigns, agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein provided for and incumbent upon the Grantee, all in the furtherance of the purposes for which this easement deed is delivered.

Meaning and intending to convey permanent easement rights to burden a portion of the Grantor's property conveyed to Virginia M. Grant, James W. Grant, and Bertha M. White, as joint tenants with rights of survivorship, by deed of Bertha M. White and Virginia M. Grant dated May 1967, recorded in the Belknap County Registry of Deeds in Book 483, Page 83. Bertha M. White died July 13, 1986, and a copy of her death certificate is recorded in said Registry in Book 1060, Page 95. James W. Grant conveyed his interest in the property to Virginia M. Grant by deed dated October 4, 1977 recorded in said Registry in Book 724, Page 70.

This conveyance is exempt from the transfer tax pursuant to RSA 78-B:2.

Appendix 2

LANCASTER'S *THE HISTORY OF GILMANTON*, excerpt:

At the opening of this season, the Revolutionary War commenced, in which struggle Gilmanton bore an honorable part. The New Hampshire Assembly in 1774, had chosen a Committee of Correspondence with the other Colonies on their common dangers, and the means of averting them. The result was a determination to assume a United Government, and to convene a General Congress of the American Colonies. For this purpose, the several Colonies were called upon to send Representatives to meet in Philadelphia on the 5th of September. The New Hampshire Assembly, which had been prorogued by Gov. Wentworth, on account of its Revolutionary spirit, came together at the call of the Committee of Correspondence, and though commanded by the Governor to disperse, nevertheless proceeded to write to every town, inviting them to send deputies to meet in Convention at Exeter, to choose Representatives to the First Congress. They also appointed a day of fasting and prayer, on account of the gloomy aspect of the times, which was observed with religious solemnity in most of the towns.

At the appointed time, a Convention of 85 delegates was convened, and Nathaniel Folsom and John Sullivan were chosen to represent New Hampshire in the First American Congress. A second Convention of delegates met at Exeter, in Jan., 1775. and elected John Sullivan and John Langdon to the Second Continental Congress. They also appointed a Committee of Correspondence to watch over the public safety. At the request of this Committee, a third Convention was convened at Exeter, in May, only a few weeks, after hostilities had commenced at Lexington. To this Convention, which consisted of delegates from 102 towns, Col. Antipas Gilman was appointed by the town of Gilmanton. The Convention took a bold stand, and adopted energetic measures for the support of the American cause. They resolved to assume the Government of the Colony, voted to raise 2000 men for the Army, appointed a new Secretary and Treasurer of the Province, and chose a Committee of Supplies for the Army, and a Committee of Safety, which served as the Executive of the Province, and possessed, in the recess of the Convention, very extensive powers.

But the hardy and independent sons of these forests did not feel contented in those Revolutionary times, with merely deliberating in the councils of their country. They were ready to meet the enemy in the field. Accordingly, soon after the news of the battle at Lexington reached town, 12 of the inhabitants of Gilmanton, Lieut. Ebenezer Eastman at their head, volunteered and marched forth to the rescue. This officer, in the absence of the captain, commanded a company in the battle of Bunker Hill, on the 17th of June. The following interesting incident connected with this event, was published in one of the newspapers in 1832. « While the battle was raging on the heights of Charlestown, as it was afterwards ascertained, the anxious wife of Lieut. Eastman, together with the people of the town, was attending public worship at the usual place. While they were there assembled, it was announced that a battle had been fought, and that her husband was slain. Frantic with grief at the news she had heard, and yet not willing to believe it, for it seemed to be only a vague report, she retired from meeting to her home, made some hasty arrangements, and with no friend to accompany her, with no mode of conveyance but on horse-back, with no road to travel even, but a track to be followed in some places by spots on the trees of the forest ; she left home with her only child, an infant, in her arms, to wind her way as she might to her

father's house in Brentwood, a distance of not less than 40 miles. When she arrived at tier father's, the news of the battle was confirmed, but the fate of her husband was not yet known. Leaving tier infant with a friend, she proceeded to Charlestown, and found her husband alive, and in good health, An explanation of the report of the battle's reaching Gilmanton, a distance, as they then travelled, of at least 90 miles, on the very day on which it was fought, is to be found in the fact, that the roaring of the cannon was heard at a surprising distance ; and in the feverish state of the public mind, by which every movement of the enemy was magnified, by the time the news had travelled 50 or 100 miles, into a battle. And that individuals should be mentioned as having been slain, was just as natural as that the human mind is prone to exaggerate. Lieut. Eastman and his men were enrolled in Capt. Kinsman's company on the 23d of April, and were discharged on the 1 st day of August, having been in the service 3 months and 16 days.

EASTMAN GENEALOGY AND HISTORY

Mary Butler (1756-1836), wife of Lieutenant Ebenezer Eastman[2c-7xr] (1746-1794), is described in a poem by Benjamin F. Taylor called "Mary Butler's Ride". Lt Eastman was commander of a company in Col Stark's Brigade at the Battle of Bunker Hill. On the Sabbath day after the Battle, Mary was in Church with her daughter Abigail, and hearing cannon shells explode she jumped on a horse with Abigail and headed for Charlestown, NH. Half way there she left Abigail with friends and continued on through the wilderness, guided by burning trees, and found her husband safe and sound.

Appendix 3

200 Years Ago Today

News of Cannon Roar Started Mary Butler on Epic Ride

Timely on the 200th anniversary of the Battle of Bunker Hill June 17, 1775 is the poem in tribute to a brave Gilmanton woman, Mary Butler, wife of Lt. Ebenezer Eastman. The Laconia Democrat in 1874 published the epic from Scribners.

By BENJAMIN F. TAYLOR

EBEZER EASTMAN, of Gilmanton, is dead;—
At least they had him buried full fifty years ago;—
The gray White Mountain granite they set above his
head,
With some graven words upon it, to let the neighbors
know
Precisely what it was that made the grasses grow
So wondrous rank and strong. How they rippled in the
wind,
As if nobody ever died, nobody ever sinned!
To that old Bible name of his what eloquence was lent
When its owner marched to battle,—not a ration, not a
tent,
Nor a promise nor a sign of a Continental cent!
Ho, Ebenezer Eastman! We 'll call the roll again,—
Ho, dead and gone Lieutenant of the old-time Minute-
Men!
Plowing land for turnips, with awkward Buck and
Bright,
Was stout Lieutenant Eastman, one lovely day in June;
He " hawed " them to the left and he " geed " them to the
right,
And they slowly came about in the lazy summer
noon,
He humming to himself the fragment of a tune,
Which he would croon at night to the baby-boy who lay
In basswood trough becradled first, a week ago that day!
I count the times the Blush-rose bloomed. Exactly
ninety-eight
Since Eastman's fingers planted it beside the garden
gate.
Almost one hundred years ago! I know 'tis rather late
To muster in the furloughed man and make him march
again
But smell the old Blush-roses! They are just as sweet as
then!
All at a flying gallop a rider swings in sight,
Pulls up beside the fallow and gives the view-
halloo,—
His horse's flanks are black, but his neck is foamy
white:—
Turn out, Lieutenant Eastman! There's something else to
do!
The redcoats are a-swarming! Your summer plowing's
through!"
No other word—away! And the rattling of the hoofs was
like the rain from traveling clouds along the cabin roofs.
The plowman turned his cattle out; he saddled up the
bay,
And he rallied out the wilderness upon that summer day,

And the Minute-Men of Gilmanton to Boston marched
away.
About the mother? Well, she watched beside the cabin
door,
And rocked the baby's basswood boat upon the
puncheon floor.
Days grew long in Gilmanton, and weeds among the
corn;
The quiting-ground was grassy, and louder rang the rill;
The wrestling match was over,—the smithy was
forlorn,—
The spiders in the empty door had swung their webs at
will,—
The champions had gone to Bunker's smoky Hill,
To try the quaint old-fashioned " lock " they practiced on
the Green,
And such a game of tough " square hold " the world has
seldom seen!
About the father? Only this;—he fought in Stark's
brigade,
On Charlestown Neck, that dusty day. A splendid mark
he made;
He never flinched a single inch when British cannon
played,
But foddered up an old rail fence with Massachusetts
hay,
Stood out the battle at the rack, and stoutly blazed away!
Through all the smoky glory, now let me introduce
The gray-eyed Mary Butler, Lieutenant Eastman's wife!
Her pallid cheek and brow like a holy flag of truce,
Her heart as sweet and red as a rose's inner life,
No murmur on her lips, nor sign of any strife.
Four days before the fight. Has the little woman
heard
From anybody Boston way? Nobody—not a word!
The maple woods that round her stand so solemn in the
calm,
Up and down are swaying slowly, like a singing-
master's palm,
There 's been a dreadful battle! "—that 's what the
neighbors said, "
But when or where we cannot tell, nor who is hurt or
dead."
Then up rose Mary Butler, and set her wheel at rest;
She swept the puncheon floor, she washed the cottage
pride,—
The cottage pride of three weeks old, and dressed him in
his best,—
She wound the clock that told the time her mother was a
bride,

And porringer and spoon she deftly laid aside;
 She strung a clean white apron across the window
 panes,
 And swung the kettle from the crane, for fear of rusting
 rains;
 Then tossed her saddle on the bay and donned her linen
 gown,
 And took the baby on before,—no looking round or
 down!
 Full seventy miles to Cambridge town! Bring out
 your civic crown!
 I think 't will fit that brow of hers who sadly smiled and
 said:
 " We 'll know about your father, boy, and who is hurt or
 dead!"



Rugged maples broke their ranks to let the rider by,
 Fell in behind her noiseless as falls the stealthy
 dew;
 Such heavy folds of starless dark in double shadow lie,
 The slender bridle path she treads can only just show
 through,
 And buried in the leafy miles was all the world she knew.
 By muffled drum of partridge and jaunty jay-bird's fife,
 That mother made her lonely march,—that Continental
 wife.
 She never drew the bridle rein till forty miles were done,
 And on her ended journey shone the second setting sun,
 And round the Bay, like battle clock, tolled out the
 evening gun.
 Talk not of poms and tournaments! If only you had
 seen
 The royal ride from Gilmanton, the halt at Cambridge
 Green!
 Dust-bedimmed and weary, with a look as though she
 smiled,
 She melted through the haze of the summer's smoky
 gold!
 Some master's, faded picture of Madonna and the Child,
 Born full a thousand years ago, and never growing old!
 She heard old Putnam's kennel growl, the bells of
 Charlestown tolled;
 She saw the golden day turn gray within an ashen
 shroud,
 That showed the scarlet regulars like lightning through a
 cloud.

Forth from the furnace and the fire Lieutenant Eastman
 came,—
 The smell of powder in his clothes and fragrance in his
 fame,—
 And met her bravely waiting there, who bore his boy and
 name!—
 She from the howling wilderness—he from the hell of
 men,
 The little woman called the roll; he called it back
 again!
 Then lightly to the pillion the gray-eyed wife he
 swung,
 A bundle on the saddlebow all tenderly he placed,
 And, lost amid the leafy calms where cannon never rung,
 Away they rode to Gilmanton, her arm around his waist,



No general's sash of crimson silk so rarely could
 have graced!
 Ah, Mary Butler cannot die, whatever sextons say,
 While yet life's azure pulses keep their old heroic play.
 That splendid nerve of hers was strung like Morse's filmy
 bridge
 To hearts that beat at Gettysburg, Arkansas' dismal
 ridge.
 To Captain bold of cavalry, her grandchild's gallant son;
 To Sergeant of the Boys in Blue who wears the scars he
 won,
 Her dauntless soul electric,—a spark of fire divine, —
 Was flashed like thought by telegraph, along the slender
 line!
 Ah, never doubt that "blood will tell," in action free and
 fine,
 In panther stride, and calm surprise, and pink-lined
 nostril's flare,
 That trumpets out the charger's pride and clouds the
 morning air,
 The thing she was on Bunker's day an Angel might have
 been,
 The song-bird to the wounded troops, the Nightingale to
 men,
 And on that later Flodden field lived Clara once again.
 A million men have lingered long, a million men have
 died
 Who never saw a deed so grand as MARY BUTLER'S
 RIDE!

Appendix 4

From the Mary Butler Chapter of the DAR Website:

Who was Mary Butler?

In the History of Merrimack and Belknap Counties, New Hampshire, by Duane Hamilton Hurd, the section on Gilmanton has the following:

"A few days after the battle of Lexington, twelve of the inhabitants of Gilmanton, Lieutenant Ebenezer Eastman at their head, volunteered, and marched forth to the rescue. This officer, in the absence of the captain, commanded a company at the battle of Bunker Hill, on the 17th of June.

There is an interesting story current in this connection, out of which the poet, B.F. Taylor, wove this popular effusion known as "Mary Butler's Ride." She was the young wife of Lieutenant Eastman. When he hastened to the war she was left alone with a young child. Report soon reached her of the battle of Bunker Hill, and that her husband was among the killed. She determined to know if it was but flying rumor or serious fact for her. There were no roads, no guides, but spotted trees; no carriage to convey her; but, mounting her horse, with her infant child on the saddle before her, she struck out for her father's house in Brentwood, a distance at least of forty miles. When she reached her father's house the news of the battle was confirmed, but no list of the killed or wounded. Leaving her infant child, she mounted again, and on reaching Charleston found her husband alive and well."



The gravesite of Mary Butler Eastman and her husband Lt. Ebenezer Eastman. They are buried in Copp Cemetery on Rte 107 in Gilmanton, New Hampshire.

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ed; attest:

Edward L. Lydeard Register.