



## CRANCH.

WHEN the Cranch family finds the link that must needs be had to make a chain complete that master of the brush, Lucas Cranach, will be at one end of it.

Richard Cranch, the father of William, in his twentieth year, 1746, emigrated to America. He was a watchmaker at Braintree, Massachusetts. By dint of incessant study he became learned; and was deputed, 1780, A. M. by Harvard College. He was postmaster, representative in the General Court, Senator of the Commonwealth and Judge of the Court of Common Pleas. President John Adams esteems "the friend of my youth as well as of my riper years," extols the student of "divinity, and Jewish and Christian antiquities," and exalts his "mathematical, metaphysical, mechanical, systematical head." Mr. Cranch married, 1826, Mary, daughter of Rev. William Smith of Weymouth. She was the sister of Abigail, wife of John Adams, and akin to her in virtues.

William Cranch was born July 17, 1769, in Weymouth. His youth was in the epoch-making days, the days of the minute-men, the days of Paul Revere and the crude-armed heroes of Lexington and Bunker Hill. His chance it was daily to hear appeal to patriots and defiance to despots. The clash he did

Hear it in that battle peal!  
Read it on yon bristling steel!

And in after-years from the bench did announce "this is the day of the year I heard the guns at Bunker Hill."

The Cranch and Greenleaf families were more than neighborly and at years of man's estate and bloom of womanhood, William Cranch married James Greenleaf's sister Nancy, and Greenleaf's brother, John, married Cranch's sister, Lucy.

Master Cranch's mother at home superintended his preliminary instruction; and his uncle, Rev. William Shaw, of

Haverhill, the preparatory, for college. At fifteen he was a freshman at Harvard with John Quincy Adams as classmate. Application to study in the collegiate course corresponds with that in other years in the discharge of duty. He graduated with honors, 1787. The same year he studied law in Boston under Hon. Thomas Dawes, with whom he lived. While a student of Mr. Dawes, apropos to bar associations, Mr. Adams, then Vice-President, to him, writes:

NEW YORK, March 14, 1790.

DEAR SIR,—Your favors of December 15, January 24, and February 17, are before me, and I thank you for your attention, and hope for a continuance of it, though I am not a punctual correspondent to you.

To the original of the bar meetings I was a witness, as I was to their excellent effects in the progress of them. They introduced a candor and liberality in the practice at the bar, that were never before known in the Massachusetts. Mr. Gardner's master, Mr. Pratt, was so sensible of their utility that when we took leave of him at Dedham, his last words to us were, "*Brethren, forsake not the assembling of yourselves together.*"

My advice to you, and all the young gentlemen coming up, as well as those now on the stage, is, never to suffer such meetings to go into disuse, let who will clamor about them: for as I know the body of the law will never consent to any illegal or dishonorable combinations, so on the other hand their deliberations together, on what is for the honor and dignity of the bar and for the public good, as far as their practice is connected with it, cannot but produce benign effects.

What? is it unlawful for the gentlemen of the profession to spend an evening together once a week? to converse upon law, and upon their practice; to hear complaints of unkind, unfair, and ungentlemanlike practice; to compose differences; to agree that they will not introduce ignorant, illiterate, or ill-bred or unprincipled students or candidates? that they will not practice any kind of chicanery, or take unmanly disadvantages of one another, to the injury of clients for accidental or inadvertent slips in pleading or otherwise? On what unhappy times are we fallen, if that profession without which the laws can never be maintained nor liberty exist, is to be treated in this tyrannical manner?

But I must stop.—Ask my son if he has received two letters from me, I am  
With much esteem and affection, yours,

JOHN ADAMS.

Mr. William Cranch, at Judge Dawes's, Boston.

Mr. Cranch was admitted in his twenty-first year, 1790, to the Court of Common Pleas, and 1793, to the Supreme Court. He began practice at Braintree. Upon the decease of a relative, John Thatcher, a lawyer, at Haverhill, he moved there and assumed the unfinished business. His practice was in Essex county, Massachusetts, whereof he was justice of the

peace, appointed April, 1794, and in the considerable towns, as Exeter and Portsmouth, of New Hampshire.

Mr. Greenleaf deputed his relative, Dr. Nathaniel Walker Appleton of Boston, to supervise the syndicate affairs at Washington. He was in the city, July, 1794, and received ample authorization, September 9, 1794, for three years; because of ill health it became imperative immediately to retire and return. He was a graduate of Harvard, a doctor of medicine and the husband of Greenleaf's sister, Sarah. The unseasonable end of life before full fruition grieved the community of which he was a respected constituent. Born, June 14, 1755; died, 1795.

Mr. Greenleaf, always disposed to select relatives for his trusts, turned then to Mr. Cranch and offered the law agency of the Morris, Nicholson and Greenleaf affairs at Washington at a salary of one thousand dollars. Mr. Cranch accepted; and *en route* conferred with Mr. Greenleaf at New York and became apprized the business was more extensive than he had apprehended. A new contract between Greenleaf and Cranch as to pay and privilege was made and a power, general in scope, was drawn and dated November 18, 1794. Mr. Cranch at this time writes:

I am to take charge of all the immense negotiations of Mr. G., control all the cash, pass all accounts, oversee the bookkeepers etc.

The new contract allowed fifteen hundred dollars, travelling expenses and several horses.

Mr. Cranch, except the contents of a trunk he brought with him, lost all his belongings—books, papers and clothes—sent by water. These were consumed by lime, part cargo of the vessel wrecked in the Chesapeake Bay, which catastrophe is adverted to in Mr. Lear's letter. Mr. Greenleaf generously offered to sustain the loss and besides to make a loan payable at convenience without charge.

Thus Mr. Cranch was thrust at an early age, twenty-five, into a sphere of activity, requiring the exercise of discreet diplomacy, keen acumen and critical discrimination. And naught there is more remarkable in a remarkable life than that in this period of speculative riot, although the principals drew swords for each other, they all confided in their adviser and attorney.

John Adams from Philadelphia, December 10, 1794, to Charles Carroll of Carrollton, writes:

The bearer of this letter William Cranch, is a nephew of mine, and to me very much like one of my sons, and I should therefore think myself, in a sort, wanting in parental affection if I suffered him to go to Annapolis, without a letter of introduction to you. He is destined to settle at least for some years in the Federal city, to the prosperity of which his education, talents, application, and virtues may make him very useful. Permit me to solicit your patronage in his favor in proportion to his merits.

William Cranch and Ann (Nancy) Greenleaf married April 6, 1795, in Boston. And, May 29th the bride and groom or "he and his family" arrived at their permanent home. During his bachelorhood he boarded with Mr. Notley Young at the manor-house on the Potomac bluffs. That the newly wedded a year later set up housekeeping independently appears from Mr. Cranch's advertisement for a domestic with the qualifications of industry and sobriety. The same summer he rented from Mr. Greenleaf a tract across the Eastern Branch on the road from the ancient lower ferry to Upper Marlboro "to dress it and to keep" after the example of the first man. Here he devoted his leisure time in developing the land, enjoying the fruit as the labor itself, for with his own hands he spud with the hoe and turned furrows with the plough.

Far from the world's tempestuous strife,  
Free 'mid the scented fields!

Here for the time was exemption from the wracking complications of the triune speculators, and from the clamors of their creditors.

In the early matrimonial period the young Cranchs' abode was transitory; their furniture was frequently on the wheels and before a degree of permanency was preserved, relics only must have remained of the original assortment. Apparently they resided in the city prior to residing in George-Town. About the year 1800, Mr. Cranch speaks of becoming a next door neighbor of Rev. Mr. McCormick who lived on B street south near First east, square 690. They were already living in the mansion, 468 N street, southwest, when, January 15, 1808, Mr. Greenleaf leased it to Mr. Cranch upon terms munificently liberal. The reciprocal helpfulness of Mr. Greenleaf and Mr. Cranch, brothers by marriage, throughout their joint days

cannot be stated too strongly. Afterwards they occupied the house "between the Marine Garrison and Eastern Branch bridge, and situated in square 1044;" the old frame dwelling facing Pennsylvania avenue remains to this day.

Mr. Cranch's engagement is explained in Mr. Morris's letter in reply to repeated request for increased salary. Although only in the employment of Mr. Morris, Mr. Nicholson's interests being generally identical and joint, he necessarily was of service to both.

WASHINGTON 11 Nov 1796

WILLM CRANCH ESQRE

SIR

After considering the Contents of your letter of the 9 Inst I think it incumbent on me to mention that it was not me that occasioned your removal to this City and to remind you that you became my agent in consequence of the purchase made by Mr Nicholson & myself of Mr Greenleaf, when the latter informed me that yr Salary was \$1500 & referred me to Mr Adams for your Character in order to induce me to continue your agency at that Salary—I applied accordingly to Mr Adams who gave me entire satisfaction and I immediately declared that I would pay the Salary for your Services altho' Mr Nicholson declined—You were then informed that I expected my son to settle here and to assume the management of my Business—I suppose under this State of things that Mr Greenleaf Mr Nicholson and myself are chargeable with your salary untill I assumed it, and that I am accountable from that time to the present—You are certainly the best Judge of the value of your time and were I to confine my rule of judging to the Services hitherto required by my affairs in this place I should certainly say that nothing has occurred to recompense the Expence, however I discard that mode in the belief that if more important matters had offered you would have given your time and attention to them, consequently my cheerful acquiescence goes with the Salary agreed on—I have always supposed that Mr Greenleaf also made you an annual allowance for the services you continue to render in his affairs, but this is his and your affair—I must now tell you that I do not wish any mans Services without making adequate Compensation; that I have the most perfect Confidence in your Honor Integrity & Capacity and that my belief that you possess these qualities induces me to desire your Continuance in this agency, I will agree therefore to an addition to your salary for the ensuing year say from the first of this months & instead of \$1500 I propose \$1800 & the Rent of the House you live in—Should this fall short of your Expectations tell me so freely for I would rather go further than leave you dissatisfied. \* \* \*

With great Esteem I am Sir

Yrs

ROBT. MORRIS.

The failure of Morris and Nicholson in 1797 stranded Mr. Cranch. He was in a quandary. Mr. Noah Webster, then editor of the Commercial Advertiser, New York, proposed the

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publication by them of a daily paper for Boston and another, semi-weekly or weekly, for the country, and that Mr. Cranch be the editor for both. His friends discouraged the temptation to return to Boston with its ties and encouraged the pursuit of his profession. He abandoned the paper project and accepted the friends' advice, in which was the concurrence of his father, overruling the desire to have him by in the declining days.

Mrs. Adams writes:

If upon mature consideration of the subject, you should think it best to go into the practice of the law, your uncle desires me to tell you that he will lend you two hundred dollars to purchase you such books as you may be in immediate want of; that you shall take your own time to repay him.

Mr. Morris, May 14, 1797, writes:

My wish is to enable you to discharge all Engagements made by you on my account and to pay the Workmen, finish the Houses &c which I still expect to accomplish, and as you wish to prepare yourself for the Practice of the Law, send me a List of the Books you want, I will procure them for you on the best Terms I can and send them to you.

Mr. Morris did negotiate for the books upon the most favorable terms of credit. Not until November 23, 1799, did Mr. Morris direct Mr. Cranch surrender the keys to the trustees of the *aggregate fund*.

Endorsements for Mr. Morris compelled Mr. Cranch to relinquish, 1800, his property under insolvency proceedings or be subject to more severe consequences. Stringency of finance, dislike of the society and illness in family made the three years, 1797-1800, a gloomy period. Yet, serene and steadfast, he had some success in his practice.

In 1800, President Adams at the request of land owners appointed Mr. Cranch a Commissioner. The salary was sixteen hundred dollars.

He writes:

But how long the office will continue is uncertain. The only subject of regret which the circumstance suggests, is, that it will call forth the calumnies of malevolence upon the president. But it will be remembered that President Washington appointed Mrs. Washington's son-in-law (Dr. Stuart) to the same office,—so that a precedent is not wanting, without recurring to the authority of the patriotic McKean, who appointed his own son to the office of attorney-general of the State of Pennsylvania.

Under the Act of February 27, 1801, President Adams March 3, 1801, appointed Mr. Cranch, Assistant Judge of the Circuit

Court of the District of Columbia, who with William Kilty, Chief Judge, and James Marshall, brother of the Chief Justice, Assistant Judge, constituted the original court.

In 1805, Chief Judge Kilty was promoted to the chancellorship of Maryland; and February 4, that year, President Jefferson named Judge Cranch, Chief Judge, although he was a pronounced Federalist. The salary was twenty-seven hundred dollars. Congress specially imposed upon his office the final hearing of appeals from the Commissioner of Patents; and allowed extra compensation one hundred dollars.

In the winter of 1806-7 Judge Cranch was in antagonism with public opinion and the purposes of President Jefferson.

He to his father, February 2, 1807, writes:

The last week was entirely occupied about the arrest and commitment of Dr. Bollman and Mr. Swartwout upon the charge of treason against the United States. Never in my life have I been more anxious. You will see by the newspapers that I have dared to differ from my brothers on the bench. I have dared to set the law and the Constitution in opposition to the arm of executive power, supported by the popular clamor. I have dared to attempt to maintain principle at the expense of popularity. I have stood alone, determined to judge for myself, and to take counsel of no one. My own conduct has been the result of my own judgment only, unaided by a single conference, except with my brother judges. In my own mind I had no doubt whatever, that the Constitution did not justify a commitment upon such evidence; and although I felt that the public interest might be benefited by committing those gentlemen for trial, yet I could not consent to sacrifice the most important constitutional provision in favor of individual liberty, to reasons of State. I was not willing that the executive department should transfer to us its own proper responsibility.

Never before has this country, since the Revolution, witnessed so gross a violation of personal liberty, as to seize a man without any warrant or lawful authority whatever, and send him two thousand miles by water for his trial, out of the district or State in which the crime was committed;—and then for the first time to apply for a warrant to arrest him, grounded on written affidavits.

\* \* \* My reasons for my opinion as to the facts (although I did not state them, because I did not think I could state them with propriety in that stage of the prosecution) were these. Treason against the United States can consist *only* in levying war against *them*. There can be no treason without an overt act of levying war. There can be no overt act of levying war without an assemblage of men, either armed, or in very great numbers, and ready to do some treasonable act. \* \* \*

So anxious was the president to have this prosecution commenced, or, to use his own language, to deliver them up to the civil authority, that he came to the Capitol on the day of their arrival, and with his own hand delivered to the district attorney, Mr. Jones, the affidavits of General Wilkinson, and instructed the attorney to demand of the court a warrant for the arrest of Bollman and Swartwout on the charge of treason.—This was publicly confessed by Mr. Jones

in open court, upon being questioned by Judge Fitzhugh, by whose orders he made the motion.

When this circumstance is considered,—and the attempt made in the legislature to suspend the privilege of habeas corpus on the very day on which the motion was made for a warrant against Bollman and Swartwout,—when we reflect on the extraordinary exertions made by all under presidential influence to exaggerate Burr's conspiracy into a horrid rebellion, so that the administration may have the merit of quelling it without bloodshed,—when they have so far succeeded as to excite the public mind almost to frenzy in many parts of the country,—you may form some idea of the anxiety which has attended my dissent from the majority of the court.—But having no doubt as to my duty, I have never once thought of shrinking from my responsibility.

On the 21st of the same month, again:

It happened from a singular and unforeseen coincidence of strange circumstances, that I should be the first to resist the hand of arbitrary power, and to stem the torrent, which has at length yielded, and is now turning the other way. Bollman and Swartwout have been this day absolutely released by the Supreme Court from imprisonment on the charge of treason. Although I have not for a moment doubted the correctness of my opinion, yet it is a great source of satisfaction to find it confirmed by the highest judicial tribunal in the nation. I congratulate my country upon this triumph of reason and law over popular passion and injustice,—upon the final triumph of the civil over the military authority,—and of the practical principles of substantial *personal* liberty over the theoretical doctrine of philosophic civil liberty.

The first literary venture, of Judge Cranch is *An Examination of the President's (Adams) Reply to the New Haven Remonstrance with an Appendix, 1801*. Next, under the signature, *Lucius Junius Brutus*, eleven articles in the *Washington Federalist on the Independence of the Judiciary, 1802*.

In the *Intelligencer*, July 22, 1804, is the announcement of the first volume of the reports of the Supreme Court of the United States. The judge was the first regularly appointed reporter of the decisions of this court and the pioneer in the same direction in the District of Columbia. Of reportorial work, he in the preface to his first Supreme Court report, in part, says:

Much of that *uncertainty of the law*, which is so frequently and perhaps so justly the subject of complaint in this country may be attributed to the want of American reports. \* \* \* It is therefore much to be regretted that so few of the gentlemen of the bar have been willing to undertake the task of reporting.

In a government which is emphatically styled a government of laws, the least possible range ought to be left for the discretion of the Judge. Whatever tends to render the laws certain equally tends to limit that discretion; and per-



haps nothing conduces more to that object than the publication of reports. Every case decided is a check upon the judge. He cannot decide a similar case differently, without strong reasons, which, for his own justification, he will wish to make public. The avenues to corruption are thus obstructed, and the sources of litigation closed.

#### Cranch reports:

Reports of the Supreme Court of the United States ; 1801-1815 ; 9 volumes.  
Reports of Cases Civil and Criminal in the United States Circuit Court of the District of Columbia ; 1801-1841 ; 6 volumes.

Judge Cranch with President Jefferson was a member of the first board of trustees of Public Schools which organized, August 5, 1805, in the Supreme Court chamber at the Capitol. He retained the trusteeship seven years. The school corner of G and Twelfth streets southeast fittingly commemorates his service by its name—Cranch Building.

Charges to Grand Jury at their request are published in the *Intelligencer*, February 6, 1809, and January 14, 1813.

Judge Cranch was of the original board of directors of the Bank of Washington, chosen September 15, 1809. He was a director in this institution until January, 1812.

The judge was in sympathy with the establishment of manufacturing enterprises. The Mayor, Robert Brent, June 5, 1808, called a meeting of citizens at Stelle's Hotel for the 21st to consider the expediency of a plan for encouraging domestic manufactures. Mr. Brent was chairman and John Law, secretary. Mr. Samuel H. Smith, editor of the *Intelligencer*, offered a series of resolutions, in part, declaring:

That it is the duty of all sections of the Union to encourage the establishment and extension of domestic manufactures ; that the city of Washington, for various reasons, is eminently fitted for attaining manufacturing importance and that a plan should be reported to a subsequent meeting.

And, Samuel H. Smith, Cornelius Coningham, N. Cutting, George Blagden, Buller Cocke and Robert Brent were a committee to formulate a plan. At an adjourned meeting was submitted articles of association for the Columbia Manufacturing Company, scheme of capitalization and subscription, method of incorporation and government. Chairman Brent appointed nine commissioners to receive subscriptions, the three from Washington were William Cranch, William Brent and George Blagden. The company under the charter form-

ally organized and elected its first board of directors: Robert Brent (President), Nicholas King, Michael Nourse, William Cranch, Charles Jones, Samuel H. Smith, John P. Van Ness, Thomas Munroe and Joseph Huddleston. Its plant of the cotton industry was located at Greenleaf Point. I have written every name identified. All honor to these good citizens of the former days so mindful of the material needs of the people!

Another movement of similar import was made later on. Upon public notice a considerable number convened the evening of February 4, 1817, at Davis's Hotel. Gen. John P. Van Ness presided. To form a society it was resolved; and to draft a constitution this committee was appointed: James H. Blake, Commodore David Porter, Fernando Fairfax, Gen. Walter Smith and Hon. William Cranch. More than the expression of a praiseworthy purpose seems not to have been accomplished.

Judge Cranch was of the committee appointed at the preliminary meeting, March 5, 1811, to organize the Washington Library Company. At this time, the judge was president of the Benevolent Society of the City of Washington.

In 1811, the judge moved to Alexandria, Virginia. He had purchased, 1807, a farm of 246 acres in Alexandria county, one mile from the Washington Bridge, bounded by the Washington and George Town turnpikes. Having established himself in Alexandria, he set about to gratify his agricultural ambition. He united tillage and sheep-raising. His mania was the merino breed. His father in a postscript added a witticism of the elder Adams:

Your uncle, the late president, desired me to send his love to you, and hopes that your attention to your sheep will not take off your mind from the *wool-sack*.

The eighth anniversary of the Arlington Sheep Shearing occurred April 30, 1812. In that day were reporters too and this is a slight excerpt from the write-up:

The day was uncommonly mild for the season. The awning composed of the canvass which had so often sheltered the immortal founder of the liberties of his country, beautifully ornamented with festoons of Laurel and a striking likeness of the General suspended over the foot of the table, altogether inspired feelings of unutterable expression. Mr. Custis presided, supported by the hon. Judge Cranch as senior, assisted by Governor Lee and J. C. Herbert, Esq. of Alexandria, an old and intimate friend of the departed General. After dinner toasts were drank in excellent wine, the product of our native grape.

Judge Cranch's was:

The Arlington Sheep Shearing, many happy returns of this anniversary to its patriotic founder.

The judge received praise for his remarks but got no prize for ram or ewe.

As a tiller of the ground the judge experienced "the sweet employ" and "surest guard" to equilibrate the mental wear in solving legal conundrums; as a farmer of sheep, he encountered a diminution of pocketbook. He soon abandoned that diversion. He inserted an advertisement in the *Intelligencer* of a farm for sale (which must have become familiar to its readers) describing the charm of the view and the convenience of location. He finally did find an acceptance of his invitation to buy; and, with the proceeds, or a part thereof, secured a small farm on the outskirts of Alexandria where he spent the Summer seasons.

Congress, April 29, 1816, authorized the judges of the Circuit Court and the District Attorney to compile a code of laws for the District of Columbia. In this laborious work, Judge Cranch engaged without the others designated; and, November, 1818, reported to Congress the code. It was ordered to be printed; and that is all.

The event of that generation was the visit of General Lafayette to this country. All incident to the tour was chronicled with the completeness of present-day journalism. The unbounded hospitality to the nation's guest the first day of his stay at the Capital City, October 12, 1824, culminated by a banquet.

General Lafayette gave the toast:

The City of Washington: The central star of the constellation which enlightens the whole world.

Chief Judge Cranch did double honor in two:

Reason, Philosophy and Truth: The miners who are sapping the citadels of despotism.

George Washington Lafayette: May he long live to imitate the virtues of his father.

The period of residence in Alexandria, fifteen years, was marked by fatality; five children died, three of whom, adults. The judge returned to Washington in 1826 and resided at 217

Delaware avenue, northeast, until 1854 when he moved to the corner of D and Second streets where is now the Providence Hospital.

In the *Intelligencer* March 20, 1826, appears :

PROSPECTUS.

THE LAW DEPARTMENT OF THE COLUMBIAN COLLEGE,  
IN THE DISTRICT OF COLUMBIA.

\* \* \* \* \*

WM. CRANCH.  
WM. THOS. CARROLL.

Washington City, March 9, 1826.

The administration of this department was under these two gentlemen. The latter was the clerk of the Supreme Court.

Judge Cranch upon his return to Washington became an active member of the Columbian Institute and December, 1826, was elected vice-president. In the Capitol before the Institute, March 16, 1827, he presented a *Memoir of the Life, Character and Writings of John Adams* prepared at its request and published, 1827. His other memberships included the American Academy of Arts and Sciences and the Antiquarian Society.

Harvard University conferred upon him the degree LL. D., 1829.

At formation meetings Judge Cranch was honored; of the Apprentices' Library Association, April 24, 1828, director; of the Society for the Promotion of Temperance, July 21, 1828, president; of the auxiliary to the American Colonization Society, January 24, 1829, first vice president; of the Capitol Hill Seminary for Young Ladies, president.

The Washington National Monument Society was organized, October 31, 1833, and Judge Cranch chosen first vice president.

WASHINGTON, D. C. July 13<sup>th</sup> 1836\*

MRS. D. T. MADISON

MADAM

The Washington National Monument Society has done me the honor of assigning to me the melancholy, yet grateful duty of communicating the enclosed resolutions, as a faint expression of their sympathy in your recent bereavement.

If your sorrows could be alleviated in proportion to the sympathy of others, they would be light indeed; for you may be assured that that sympathy is universal.

\*In autographic collection of Mr. James F. Hood.

There was not a citizen of the United States, it is believed, who did not honor the illustrious deceased, while living, nor is there one who does not sincerely lament his death.

Such a life and such a death afford a consolation which can be surpassed only by the assurance that he has gone to receive his reward.

I beg you, Madam, to be assured, of my deep personal sympathy in your affliction, and of the perfect respect with which I am your obed<sup>t</sup> serv<sup>t</sup>.

W. CRANCH, 1<sup>st</sup> V. Pres<sup>t</sup> of  
the Wash<sup>n</sup> Nat<sup>l</sup> Monument Society.

Judge Cranch delivered an address at the annual meeting of the Washington temperance society, November 15, 1830, and repeated it to the Alexandria society, December 6; published 1831. His last publication is an opinion, June, 1851, on the alleged grievances of South Carolina which agitated secession.

Judge Cranch, July 10, 1850, administered the constitutional oath to Millard Fillmore in the House of Representatives as the successor of President Zachary Taylor who died the day previous.

With Mr. Cranch, John Quincy Adams advised about his political manifestoes. An index to all is the colloquy Mr. Adams indicates. The mild judge suggests to strike out here and tone down there. The ardent partisan demands, shall I not declare the facts? Oh, yes, replies the judge, mention the facts, certainly.

Edward Pope Cranch writes :

I knew more than any other of the children, of father's official life and labors, because I studied law for three years in his chambers at the City Hall in Washington. I don't believe he ever spent an idle hour in his life. His life was uniform. He never dropped out of line to go in search of events. He did not like events. \* \* \* His great idea was duty. His recreations were music, chess, study, contemplation. He prayed much when alone. He repeated old poems to himself in his walks. But for ten hours of every day for sixty years he was in public, and working for the public. He was working for the right and antagonizing the wrong; and he kept the waters pure about him.

Christopher P. Cranch writes:

His habits of life were simple and inexpensive. His dress was plain but neat, and becoming his tall, commanding figure, expressive features, and dignified demeanor.

John Hitz writes : \*

I frequently saw and conversed with the Judge. He was a dignified old gentleman, spoke but little, very kindly in his intercourse with young people,

\* To Allen C. Clark, February 21, 1901.

most exemplary in his habits, and incarnated justice itself in his dealings with others. His will was witnessed by me and I remember considering it quite an honor to have been called upon so to do.

The judge was indefatigable. With the rising of the sun, his course also begun; and he pursued it frequently by the glimmer of midnight lamp. If his industry did not himself make rich, it did enrich the stores of legal learning.

The Cranch ancestry were dissenters. The judge inherited the ancestral religious spirit. He was deeply imbued and the spirit strengthened as the years succeeded. He had family prayer service morning and evening. Whether this be religious dissipation or not, a son says, the repetition did not dull the spontaneity. With all the observance the judge was committed to no creed and commended none.

While a resident of Georgetown, 1800, Mr. Cranch to his mother writes:

We have no church here of our own persuasion. The principal inhabitants are Roman Catholics. There is a society of Presbyterians, whose preacher (Mr. B——\*) is of the high old Orthodox plan of divinity,—preaches without notes, in the enthusiastic style and relies more on the strength of his lungs and the canting tone of his voice than upon any other of the arts of persuasion or conviction. He rings all the changes of the mysterious conception, the doctrine of the Trinity, of justification by faith alone, and the inefficacy of good works, predestination and election. And, in short, whatever doctrine is least consistent with reason pleases him best. I attend him only with disgust. When we remove into the city I shall attend the Episcopalian Society under the instructions of Mr. McCormick, who appears to be an amiable man, and who has a good wife. They will be our next door neighbors.—And although I cannot subscribe to all the thirty-nine articles, yet I like their mode of worship better than that of any other sect, and shall not suffer small shades of difference in non-essentials to prevent me from a frequent attendance on public worship. As soon as I can find a church whose rational principles shall quadrate with my own, I shall certainly have no objection to fulfil every article which may seem to be incumbent on a professor of our holy religion. The objects of faith must be left to every man's own conviction and as faith has no connection with nor in any degree dependent on the will, it is a subject which ought to be left with man and his Creator. It cannot be regulated by any human tribunal.

While a resident of Alexandria he attended the Episcopal church. He there declined overtures toward conversion to Episcopacy. Upon return to Washington he was a constant attendant of the services of the Unitarian Society, corner of D

\* This irreverent remark relates to the Reverend Stephen Bloomer Balch, pastor of the Bridge Street Presbyterian Church.

and Sixth streets, northwest, the tenets of its faith being more nearly in accord with his.

The judge unpossessed by pride did that seemingly beneath his station. He would carry his own market basket and even assist a wearied woman on the way with hers; he would split his own wood and build his own fires; and he would repair his own gate or fence.

The judge enjoyed the English classics; delighted in poetry; and neglected novels. He entranced with the sunset and enraptured with the beauty expressed in nature or by brush and chisel. He loved the flowers and in his rambles he would gather on the roadside the budded waif, study its shape and admire its shade. He was capital at chess and despised cards. His chief recreation was music. In his younger life he played the flute and organ and in advanced life evoked sacred melody from the keys. He did not himself joke yet was a good listener. His merriment was expressed in a smile and seldom beyond that bound. Always temperate, he at one time permitted a little wine at dinner; and afterwards foreswore that and became a total abstainer. He was not addicted to tobacco and discountenanced its use. He was neither abolitionist nor apologist for slavery; he abhorred the institution but being sanctioned by the Constitution and laws he did not interfere in its operation. When he could and not violate the statutes he befriended the slave.

The kith and kin spread out to many a New England town, village and hamlet. These "even to the fortieth remove" and even to the parts most remote heard of the judge's good cheer and they said:

We will come and make our abode with him.

The neighbors, and they are the best authority, say that familiar faces and new faces were continually appearing and disappearing. A son says his father's hospitality sometimes was inconsistent with his pecuniary limitations and that strangers were recipients of his kindness.

His was an affectionate and sympathetic nature; and although "his heart was as tender as a woman's" he never wavered in the administration of justice in his judicial function yet his judgments were rather tempered with clemency than severity.

The biography by his son, the late Christopher P. Cranch, artist and author, to which I am indebted, has this:

His patience and perseverance were only matched by his love of clearness and order. \* \* \* These characteristic traits in unison with the higher ones of thoroughness and exactness of knowledge, of conscientious and discriminating judgment in difficult cases, of singular ability to see the main facts and authorities, and to detect always the principle and spirit of the law, made him by nature and by long training, a judge whose decisions have always held a deserved reputation for soundness. The best proof of this is that during more than fifty years' service on the bench, it is well known that *not one of his decisions were reversed by the Supreme Court*. There were, it is true, two decisions of the Court and only two, I think, which were reversed. But in both cases Judge Cranch's opinion differed from that of the two other judges. Surely this is one of the most remarkable facts in the history of courts of law, and one that deserves the applause of the age and country.

Here is improbability and impossibility verging on the synonymous—a half century of an active court in a populous territory and two reversals. Long before the termination of that period uniform affirmance by appellate court would effectually discourage appeal. The fact is the reversals of the decisions of the Circuit Court, 1801-1855, occupy pages in the printed index and Judge Cranch had his full share. The logic of Mr. Cranch is also defective; contrariety of opinion is the dial which indicates independent and intelligent thought. The law has not the rule of mechanism but a changeability or rather progression that marks the material and moral advance of the human race. The statement of Mr. Cranch has been copied into all the cyclopædic sketches and even in the elaborate history of the Supreme Court of the United States.

Judges Cranch, Morsell and Thurston were long associated on the bench and this association justified pleasantries and witty raps. Judge Cranch, worn by years and worn by work, became slightly deaf. So Judge Morsell to exonerate himself from a criticism of the court replied:

One is deaf and cannot hear and one is imperturbable and will not be moved.

The time of judgeship is noteworthy. The period is fifty-four and a half years. Twice that of Judge Taney's long tenure and twenty years more than that of Judge Field, the longest of the Supreme Court judges. Likely it is the longest in judicial history; few can surpass it. Of the Chief Judge's associates,



Morsell's period of judgeship is forty-seven years, Thurston's, thirty-six years.

In contrast to the dignity and gravity of the judge was the buoyancy and sprightliness of Nancy Greenleaf Cranch, the wife. She died\* in her seventy-first year and was survived by the judge twelve years.

For quite a while the judge prior to his decease was confined to his room.

To the last his mind was clear and his spirits tranquil. Sometimes in his sick room he would have visions of wonderful vividness. He would see pictures of exquisite beauty. He would hear glorious music in the air from unseen hands and voices.

First day of September, 1855, at five o'clock P. M. the Honorable William Cranch, Chief Judge of the Circuit Court of the District of Columbia, died. Aged 86 years, 1 month, 14 days. His funeral from his late residence took place Monday following, the 3d, at four o'clock. The funeral sermon by Rev. Moncure D. Conway was preached, and the hymn written by Rev. S. G. Bulfinch, was sung:

Wise, learned, thoughtful, pure and kind,  
The soul of honor, heart of love,  
The noble form, the taste refined,  
And the firm faith that looks above;

Such was he: yet O mourn not him!  
Thanks that his light around us shone!  
Thanks that his eye, to earth grown dim,  
Undazzled views the sapphire throne!

The interment was at the Congressional Cemetery. There the remains of the judge and his wife repose, side by side.

In the coronet of virtues which did grace this venerable man none shone forth in rays more refulgent than patience and purity; industry in labor, integrity in life. The encomiums seemed extravagant and were not. Esteem was never expressed in English more strongly. The *Intelligencer* editorially says:

As a private citizen, friend, and neighbor, there never lived a more upright, honest man than Judge Cranch.

A meeting of the bar was held at the City Hall, September 3d. John Marbury was chairman and John A. Smith, secretary. Richard S. Coxe made the address. A few of the sentiments expressed are:

\*Date of death, September 16, 1843. Obituary in *The Intelligencer*, September 22, 1843.

Few ever equalled him in all the essentials which go to constitute the character of a great judge. He was eminent for learning in all the departments of law—admiralty, chancery, criminal and common—and was imbued with the learning of the profession from the earliest days. With regard to his personal character no imputation ever rested upon it, for his integrity was never impugned. His faithfulness, his impartiality, his urbanity of manner towards those who practiced in the courts over which he presided, his uncommon industry in preparing and pronouncing judgment after argument had been closed—in all these he stood pre-eminent.

The chair appointed Richard S. Coxe, William Redin, Joseph H. Bradley and John F. Ennis, a committee which through the first-named presented a series of resolutions; these after a second with appropriate remarks by Mr. Carlisle were adopted. The fifth resolution was an offer with consent of the family to erect a monument.

On the same day at the City Hall in Georgetown, the Levy Court passed resolutions of tribute offered by Dr. Henry Haw.

2d. Resolved, That in his death the Judiciary has lost one who, by his integrity, zeal, uprightness, and purity of character, has added a lustre to the whiteness of the judicial ermine. For more than half a century he held the scales of justice with a steady hand, and, knowing no man in a cause, has dispensed only the equal law of the land with firmness tempered by urbanity.

The bar and officers of the Alexandria courts met in the court-house there. Francis L. Smith delivered an eloquent eulogy and presented written panegyric abounding with quotation.

I'll make assurance double sure,  
And take a bond of fate.

The will of the judge defies successful attack. He states his title and age and asserts that "although feeble in body" he is "sound in disposing mind" and that this is in his "own handwriting." In the attestation is incorporated the paragraph usually subjoined and testator and witnesses together sign. And, then:

At the request of our father, the Hon: William Cranch, we, the undersigned his children, have read the foregoing testament, prepared by him and do hereby express our assent thereto: William Greenleaf Cranch, Elizabeth Eliot Dawes, John Cranch, Edward Pope Cranch, Christopher Pease Cranch, Abigail Adams Eliot and Margaret Dawes Brooks.

Amongst those who by their wealth, talents, or industry have contributed to the formation of our infant Metropolis, may be reckoned—William Cranch. *The Washington Guide by William Elliot.*

The reports of William Cranch are a monument to his honor and usefulness as imperishable as the judiciary.