



FIXING FULLER'S RECORD

THE *GREEN BAG* AND THE *U.S. REPORTS*

Ross E. Davies

MELVILLE FULLER, Chief Justice of the United States from 1888 to 1910, had a notably “self-effacing nature.”¹ Perhaps that is why he did not always push hard to correct errors about himself that appeared in published reports. In retrospect, this seems admirably modest in some contexts and disturbingly irresponsible in others. This article deals first with an example Fuller’s admirable modesty, which it overcomes for the benefit of modern readers. Second, this article examines an instance of Fuller’s converse irresponsibility, and suggests that the Supreme Court can and should officially correct Fuller’s error.

I. MODESTY

First, an example of that admirable modesty: In January 1889, the original *Green Bag* opened its inaugural issue with a profile of Fuller.² He made two pages of notes about inaccuracies in the article – mostly fine points of genealogy and family history – and then filed them away, apparently without sharing them with the *Green Bag* or otherwise making a fuss.³ It is not difficult to imagine Fuller saying to

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¹ JAMES W. ELY, JR., THE CHIEF JUSTICESHIP OF MELVILLE W. FULLER 35 (1995).

² *Chief Justice Fuller*, 1 *GREEN BAG* 1 (1889).

³ “Memorandum to correct errors in the article on Chief Justice Fuller in the ‘Green Bag’ for January 1889,” Box 13, Melville W. Fuller Papers, Manuscript Division, Library of Congress (hereafter “Fuller Papers”).

himself, Why publicly flyspeck a substantially correct and harmless puff piece about me in a fragile fledgling magazine, when the changes I would call for would not do much to enlighten anyone and the very fact of my demand for changes would surely harm the magazine more than it would help its readers, or me? Such down-to-earth modesty would have been in character for Fuller.

Now does seem like a good time to go ahead and fix that old *Green Bag* article, with all due respect for the modest Chief Justice. Modern interest in every detail of the lives of Chief Justices (and judges generally) is high. And that fledgling magazine is about 125 years old – if we include a hiatus during part of the 20th century – and perhaps durable enough to weather some correction by a celebrity. So, this issue of the *Green Bag* features a revised version of its 1889 Fuller article, with all the warts showing, on pages 458-462 below.

II. IRRESPONSIBILITY

Second, an example of his disturbing irresponsibility: On March 1, 1891, Fuller sent a note to J.C. Bancroft Davis, the Supreme Court’s Reporter of Decisions, in which he asked Davis to correct an error in the report of a case in the then-forthcoming volume 137 of the *U.S. Reports*:

I did not sit in Preston v Prather, p. 604 & if it be possible by a slip inserted at the beginning or otherwise to state that fact I wish you would have it done. The reason I took no part in the decision of that case was that I was of counsel for plaintiff in a similar action brought against the same parties⁴

No slip was inserted, nor was an errata notice included in a later volume of the *U.S. Reports* (the usual method for noting corrections, then and now⁵). As best I can tell, Fuller did not follow up with Davis or anyone else to repair the error, nor was anything else done to let the world know that the official report of *Preston* was inaccurate.⁶

⁴ Melville W. Fuller to J.C. Bancroft Davis, Mar. 1, 1891, Box 4, Fuller Papers.

⁵ See, e.g., 144 U.S. iv (1892); 555 U.S. ii (2014).

⁶ For a fuller telling of this story, see Ross E. Davies, Craig D. Rust & Adam Aft, *Justices at Work, or Not*, 14 GREEN BAG 2D 217, 222-25 (2011).

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It is one thing for a Chief Justice to permit a few harmless errors in an inconsequential article in an insignificant magazine to go uncorrected, as Fuller did with the old *Green Bag* article. It is entirely another to permit any error (especially a potentially significant one) in an official report of the Court's work to go uncorrected. But Fuller — after a seemingly half-hearted effort to correct Davis's defective report — treated the two kinds of errors as pretty much the same.

It is possible that I am being too hard on those two. Maybe Davis or Fuller (or someone else at the Court) corrected the *Preston* error by issuing a pastedown or tip-in errata slip, or even a replacement page, as some of Davis's predecessors had done in similar circumstances.⁷ And then maybe that corrective did not make its way into the volumes of the *U.S. Reports* in the libraries where I do my research. But that seems unlikely, because Davis's practice seems to have been to publish his corrections on a regular page in the front matter of the *U.S. Reports*.⁸ Indeed, in a case reported in volume 142 of the *U.S. Reports*, Davis made pretty much the same mistake he had made in volume 137 with the *Preston* case. He corrected the volume 142 error by publishing an errata notice in the front matter of volume 144.⁹ Why didn't he simply correct the volume 137 *Preston* error when he corrected the volume 142 error? It would have been so easy. It is a mystery.

⁷ See, e.g., *Errata*, 14 U.S. front cover (1816) (paste-down); *Errata*, 27 U.S. between 734 and 735 (1829) (tip-in); *Errata*, 31 U.S. 778 (1832):

In Vol. V. [30 U.S.], in the case of Cathcart et al. v. Robinson, page 282, and in the case of Hawkins et al. v. Barney's Lessee, page 463, Mr Justice Baldwin is erroneously stated to have dissented.

These errors were corrected in some copies of the volume by reprinting the pages in which they exist.

⁸ E.g., *Errata*, 111 U.S. v (1884); 112 U.S. v (1885); 115 U.S. v (1886); 117 U.S. v (1886); 118 U.S. iv (1886); see also, e.g., *Correction*, 141 U.S. iv (1892); *Corrections*, 146 U.S. iv (1893). He did occasionally insert corrections elsewhere, but they still appeared on regular pages, just not at the front. E.g., *Note by the Court*, 119 U.S. 597 n.1 (1887); 123 U.S. 111 n.1 (1888); *Correction of Error in Volume 179*, 180 U.S. 642 (1901).

⁹ *Correction*, 144 U.S. iv (1892): "In Volume 142, at the foot of page 338, at the end of *Gisborn v. Charter Oak Ins. Co.* add 'THE CHIEF JUSTICE took no part in this decision.'"

In any event, the apparently uncorrected *Preston* slip-up was neither the first time nor the last that Davis failed to follow instructions relating to the accuracy of his reports of the Court's work. But it took a long time for enough errors to accumulate, and enough pressure from the other Justices to mount, to motivate the low-key Fuller to confront Davis and force his resignation in 1902.¹⁰ By then, Davis had been Reporter of Decisions for almost 20 years and had overseen production of volumes 108 through 186 of the *U.S. Reports*. Who knows how many uncorrected, unreported inaccuracies remain in those volumes, or how many could have been avoided by replacing or at least more vigorously supervising Davis? In other words, for the Davis years, how different is what the Justices of the Supreme Court actually did and said from what ended up in the *U.S. Reports*?

Fortunately, it is never too late to fix errors in the *U.S. Reports*. Since the beginning of the Court, its Reporters of Decisions have been admirably active in the correction of mistakes, old and new. It started with the first Reporter, Alexander Dallas, who published his first errata notice in volume 3 of the *U.S. Reports* in 1799.¹¹ In the early years, errata notices corrected errors in the volumes in which they appeared, but by 1817, William Cranch (Dallas's successor) was correcting errors that had appeared in earlier volumes.¹²

All of Davis's predecessors save one — Jeremiah S. Black, who was Reporter only briefly in 1861-62 — produced volumes of the *U.S. Reports* featuring errata notices, as have all of his successors.¹³ And no

¹⁰ See ELY, *supra* note 1, at 49; KING, *supra* note 1, at 230-33. In fairness to Davis it should be said that some of his predecessors had similar problems. See, e.g., CARL B. SWISHER, *THE TANEY PERIOD 1836-64*, at 301-04 (1974) (Richard Peters); *id.* at 310-13 (Benjamin C. Howard); CHARLES FAIRMAN, *RECONSTRUCTION AND REUNION 1864-88 PART ONE*, at 75-80 (John William Wallace) (1971).

¹¹ *Errata, et Addenda*, 3 U.S. iii (1799).

¹² See *Errata*, 13 U.S. iv (1817).

¹³ E.g., 3 U.S. iii (1799) (Dallas); 7 U.S. viii (1807) (Cranch); *Index*, 17 U.S. 76 (1819) (Wheaton); 29 U.S. 600 (1830) (Peters); 50 U.S. iii (1851) (Howard); 87 U.S. 686 (1875) (Wallace); 106 U.S. ix (1883) (Otto); 220 U.S. iv (1911) (Butler); 277 U.S. ii (1929) (Knaebel); 325 U.S. ii (1946) (Wyatt); 394 U.S. ii (1969) (Putzel); 465 U.S. ii (1986) (Lind); 483 U.S. ii (1990) (Wagner). The current Reporter, Christine L. Fallon, has not yet been on the job long enough to produce finished volumes.

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error has been too obvious and meaningful (such as the name of a party¹⁴) or too obscure (such as a missing syllable in a maxim¹⁵) to fix, at least some of the time.

As the decades passed, with new discoveries of old errors continuing, it became – and has remained – clear that Reporters are willing to fix mistakes no matter how ancient. In recent years, they have corrected errors that were nearly a century old, and a couple that were even older. The chart on the next page lists the top ten antiquities of judicial-reportorial error.

Also since the beginning, Reporters have been tactfully mum for the most part about who is responsible for making errors in the first place, about who catches them, and about what it takes to convince a Reporter to publish an errata notice.¹⁶ And so outsiders cannot be certain about what counts as an error and what makes one worthy of correction. Clearly, though, any support for correcting a very old error must be based on documents rather than living memories. All we can do is point to the error and the evidence, and hope.¹⁷

It is difficult to imagine better support for an errata notice than a handwritten contemporaneous note by the Chief Justice, instructing the Reporter to make the correction. The original of Chief Justice Fuller's 1891 note (in his own hand) to Reporter Davis is in Box 4 of the Fuller Papers at the Library of Congress. There are pictures of it on pages 230-231 of the Winter 2011 issue of the *Green Bag*. Now is as good a time as any for the Reporter and the Court to go ahead and fix *Preston*, in which Fuller and Davis erred twice by omission – first by failing to report Fuller's recusal from the case, and then by failing to report their failure to report – a mere 123 years ago.

¹⁴ See Horace Fuller, LUNCHTIME LAW QUIZ, twitter.com/GB2d/status/509447027491491840/photo/1 (Sept. 9, 2014) (describing party-name errors); Jeffrey S. Sutton, *Barnette, Frankfurter, and Judicial Review*, 96 MARQ. L. REV. 133 (2012) (same).

¹⁵ See, e.g., *Correction*, 271 U.S. ii (1927).

¹⁶ A striking exception is the “*List of Errata in the Opinions of the Court as pronounced by Mr. Justice Catron, or in his Dissident Opinions . . .*” See 42 U.S. xv (1843).

¹⁷ “[T]ypographical or other formal errors” caught “before the bound volume [of the *U.S. Reports*] goes to press” are in a special category. Flyspeckers “are requested to notify the Reporter” of such errors. See 561 U.S. Part 1 cover (preliminary print).

TOP 10 LONGEST PASSAGES OF TIME BETWEEN
ERRONEOUS PUBLICATION AND PUBLISHED CORRECTION
IN THE UNITED STATES REPORTS

year opinion published	year correction published	years elapsed	citation of original opinion	citation of correction	text of correction
1798*	1996	198	2 U.S. 402 (1792)*	504 U.S. ii (1996)	2 Dall. 402, line 19: “Brailsford” should be “Brailsford”.
1877	1995	118	94 U.S. 780 (1877) [†]	500 U.S. ii (1995)	94 U. S. 783, lines 14-15: “ <i>Sickles v. Gloucester Manufacturing Co.</i> ” should be “ <i>Blank v. Manufacturing Co.</i> ”
1897	1995	98	166 U.S. 138 (1897)	500 U.S. ii (1995)	“Bonahan” should be “Bohanan” in the following places: . . . 166 U. S. 140, line 5.
1883	1979	96	107 U.S. 221 (1883)	430 U.S. ii (1979)	107 U. S. 230-231, the first three sentences of the quotation from <i>Hartung v. People</i> , 22 N. Y. 95, and the last sentence (following the ellipsis) should read as follows: [text omitted – not enough room here]
1902	1997	95	183 U.S. 589 (1902)	509 U.S. ii (1997)	183 U. S. 589, line 4: “1802” should be “1902”.
1903	1997	94	190 U.S. 89 (1903)	508 U.S. ii (1997)	190 U. S. 101, line 15: “117 S. C. 1” should be “23 S. E. 40”.
1875*	1969	94	87 U.S. 375 (1874)*	394 U.S. ii (1969)	20 Wall. 375 (title) and p. xx, lines 12 from top and 8 from bottom: “Ferris” should be “Perris.”
1888	1980	92	127 U.S. 494 (1888)	436 U.S. ii (1980)	127 U. S. 494: The word “SAV- ING” in the title of the case should be “SAVINGS”.
1906*	1997	91	199 U.S. 119 (1905)*	509 U.S. ii (1997)	199 U. S. 119, line 16: “1895” should be “1905”.
1906	1997	91	202 U.S. 477 (1906)	508 U.S. ii (1997)	202 U. S. 483, line 12: “jurisdic-” should be “jurisdiction”.

* Publication dates sometimes differ from citation dates due to the time lag between the decision announcement and the appearance in print of the final version of the opinion.

[†] This case is often cited with an 1876 date (*see, e.g., In re Bilski*, 545 F.3d 943, 954 (Fed. Cir. 2008)), perhaps because the report of the case does not include a date of decision (*see Cochrane v. Deener*, 94 U.S. 780) and it appears in a volume with “OCTOBER TERM, 1876” on the title page. *See* 94 U.S. i (1877). It was, however, decided on March 19, 1877. *See* ANNE ASHMORE, DATES OF SUPREME COURT DECISIONS AND ARGUMENTS 134 (Aug. 2006). At the Supreme Court itself, the case does tend to get cited with the correct date. *See, e.g., Diamond v. Diehr*, 450 U.S. 175, 184 (1981).





CHIEF JUSTICE FULLER

The Green Bag

This article first appeared in the first issue of the original *Green Bag*, *Chief Justice Fuller*, 1 GREEN BAG 1 (1889). We have revised it for republication, with subtractions ~~stricken~~ and additions underlined. The changes are based on two sources contemporaneous with the article: (1) an editorial errata notice in the second issue of the original *Green Bag* and (2) some notes about the article in what appears to be Fuller's hand. See *The Green Bag*, 1 GREEN BAG 81 (1889); "Memorandum to correct errors in the article on Chief Justice Fuller in the 'Green Bag' for January 1889," Box 13, Melville W. Fuller Papers, Manuscript Division, Library of Congress. Fuller's notes are reproduced in their entirety on pages 463-464 below, and are available as high-resolution images at www.availableat.org. There are surely still errors – in the original, in the corrections called for by the *Bag*'s original editor and by Chief Justice Fuller, and in our execution of the corrections. Please do let us know if you catch any here (or, for that matter, anywhere in any issue of the *Green Bag*, ever). We know there was at least one more error, at least by modern standards: Horace W. Fuller, the editor of the *Green Bag* at the time, failed to disclose that he was a cousin of the subject of a story in his magazine – "a near relative," as a notice in the *New York Times* would later put it. *Horace W. Fuller Dead*, N.Y. TIMES, Oct. 27, 1901, at 4; see also Charles C. Soule, *The First Editor of "The Green Bag,"* 13 GREEN BAG 551 (1901), reprinted at 5 GREEN BAG 2D 199 (2002).

— The Editors

The original Green Bag was published in Boston from 1889 to 1914.

As questions are frequently asked respecting the ancestors or progenitors of Melville Weston Fuller, the present Chief Justice of the United States, it may not be amiss to refer to a little of our New England history. About the year 1632 there came to this country Rev. Thomas Weld, ~~a graduate of Cambridge University, England,~~ a prominent and influential man, who became the first minister of the first church in Roxbury (now a part of Boston), and was “the preacher” there when Eliot the apostle was “the teacher.” He was graduated at Trinity College, Cambridge, England; was minister at Terling, Essex County, 38 miles from London, in 1624; and was excommunicated in 1631 by Archbishop Laud, at that time Bishop of London. He came over in the “William & Francis”; arrived at Boston on June 5, 1632; and was settled at Roxbury in July 1632. His children born in England were John (1625), Thomas (1626), and Samuel (1629); and Edmund was born in America (July 8, 1631). His son, Rev. Thomas Weld 2d, in 1642, was settled in Dedham, son of Rev. Thomas Weld, was born in England in 1626, and admitted freeman in Roxbury in 1654. In June 1650 he married Dorothy – daughter of Rev. Samuel Whiting of Lynn. Nothing is said in North’s History of Augusta about his being a minister (probably not) or of his living in Dedham.¹ and his son, Rev. Thomas Weld 3d, son of the above, was born on June 12, 1653, and was settled in Dunstable.² His first wife was Elizabeth Wilson (married Nov. 9, 1681). His second wife was Mary Savage. He died on June 9, 1702, and both Thomas 2d and Thomas 3d were prominent and respected. The last-named of these was the father of the famous Habijah Weld, who for fifty-five years was the settled minister of Attleborough. He is described, in “Dwight’s Travels in New England,” as an orator of great virtue and power, a perfect Boanerges in the pulpit, and was honored and beloved by all

¹ Editors’ note: Chief Justice Fuller is probably referring to James W. North’s *The History of Augusta, from the Earliest Settlements to the Present Time . . .* (1870). Indeed, Fuller’s notes mostly follow North’s text pretty closely. See *id.* at 869-71.

² Editors’ note: Chief Justice Fuller writes that Weld 3d “settled in Barnstable,” but we can find no source to back that up, so we have not included it.

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who knew him. He was born Sept. 2, 1702; and as his father died ~~a few weeks after~~ nearly eight weeks before his birth, the mother gave him the Hebrew name "Habijah," which signifies, "God is my father." He married Mary Fox, daughter of Rev. John Fox.

Hannah Weld, one of the daughters of Habijah, married Rev. Caleb Fuller; and Elizabeth Weld, another daughter, married John Shaw, of Barnstable, in 1764, from whom the late Chief Justice Shaw, of the Supreme Court of Massachusetts, descended: so that the Chief Justice of the United States and the late Chief Justice of Massachusetts are both descendants of that celebrated Puritan preacher.

The father of Caleb Fuller was Rev. Daniel Fuller, who was born in Dedham on Apr. 20, 1699, graduated at Yale in 1721, studied for the ministry, married Lucy Goodrich on Aug. 7, 1723, and in 1725 preached in Windsor and afterwards at Wellington, Conn., and died Dec. 9, 1758. He was a distinguished citizen of Dedham, a large land-owner there; and in 1702, and for five years, was one of the selectmen of that town, and a representative of the town in the General Court in 1723 and 1724. His father, Thomas Fuller second, was born on June 23, 1662, ~~He~~ married Esther Fisher, ~~in 1668~~ in 1687, who was the ~~daughtersister~~ sister of the ~~great~~ proscribed patriot, ~~and bold captain~~ Daniel Fisher, of Dedham, who, in 1682, was the Speaker of the General Court, and was prosecuted by the British Government for sedition. ~~He was the,~~ and sister of the bold Captain Daniel Fisher, who "hated the tyrant" Sir Edmund Andros, then governor, and in the midst of an excited and turbulent mob in Boston seized Andros by the back of the neck and led him pale and trembling through the angry crowd, from the house of Mr. Usher to Fort Hill; thus securing him as a prisoner and saving him from further violence.

The grandfather of Rev. Daniel Fuller was Thomas Fuller, who in 1642 was a leading man in Dedham; a selectman of the town in 1663, and for fourteen consecutive years. He married Hannah Flower ~~ion~~ on Nov. 23, 1643, and died Sept. 28, 1690.

The Rev. Caleb Fuller graduated at Yale in 1758, was made A.M. in 1762, and was settled as a minister for some time in Hanover, N.H.; but owing to a weakness of the throat gave up preaching, and died there at a good old age, in 1815, honored and beloved. His

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son, Hon. Henry Weld Fuller, grandfather of the Chief Justice, was born at Middletown, Jan. 1, 1784; was a classmate and intimate friend of Daniel Webster at Dartmouth College, and was originally named for his grandfather "Habijah," but his name was afterwards changed to Henry Weld. He was a sound lawyer, and for many years and at the time of his death a judge of probate in Kennebec County, Maine. He married Esther Gould, a sister of the poetess, Hannah Flagg Gould, and died Jan. 29, 1841. The volume entitled "The Courts and Lawyers of Maine" says of him:—

"His practice was extensive and profitable, and he had one of the largest dockets in the county. He was much valued for his integrity, hospitality, warmth of heart, and kindness of manner. A man of great public spirit, and his death was a great loss to society."

He resided at Augusta, Maine, and was greatly interested in its growth.

Frederick Augustus Fuller, son of Henry W., was born at Augusta, Maine, Oct. 5, 1806; studied law at the Harvard Law School and with his father, and was a sound lawyer, and for a long time chairman of the County Commissioners of Penobscot County. He was the father of Chief Justice Fuller, and died Jan. 29, 1849. He married Catherine Martin Weston, a daughter of Hon. Nathan Weston, an eminent judge of the Supreme Court of the State of Maine, being associate justice from 1820 to 1834, and chief justice from 1834 to 1841.

Such are some of the antecedents of our new chief justice which tend to show the general characteristics of his ancestry. We will now come to the man himself.

Melville Weston Fuller was born in Augusta, Maine, on the 11th day of February, 1833. At the age of sixteen he entered Bowdoin College, graduating in 1853. He began the study of the law in the office of his uncle, George Melville Weston, at Bangor. He also attended a course of lectures at the Harvard Law School. In 1855 he commenced to practise in Augusta, entering into partnership with his uncle, Hon. Benjamin A.G. Fuller, with whom he also at the same

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time edited "The Age," then one of the leading Democratic papers in the State. In 1856 he was elected to the Common Council of Augusta, and became its president, performing also the duties of City Solicitor. Although but twenty-three years of age, he had already developed remarkable qualities as a lawyer and an enviable position at the bar of his native State was assured him, when he determined to go West. He therefore resigned his position in the Council, and before the year 1856 had closed he had settled in Chicago.

There his abilities were speedily recognized, and he at once established a practice which continued to grow until he soon stood in the foremost rank of the profession. His most famous case was that which was known as the "Cheney case," in which an ecclesiastical council undertook to discipline Bishop Cheney on a charge of canonical disobedience. Mr. Fuller appeared in defence of the Bishop, and displayed such a knowledge of ecclesiastical law and such a familiarity with the writings of the Church Fathers as to astonish even the well-trained church-men before whom the trial was had. His argument of this case before the Supreme Court of Illinois, to which tribunal the matter finally went, has been pronounced a masterpiece of forensic skill and eloquence.

His practice has been a general one; and a marked characteristic of his legal methods has been the thoroughness with which his cases have been prepared. Although possessed of quick perceptive faculties and working with facility and ease, he studied his cases closely and carefully, and always went into court fully armed for the contest. As a fluent, earnest, and convincing advocate he had few equals. Always dignified and courteous, never descending to unfairness or trickery, he won alike the respect of the court and the esteem of his associates at the bar.

Of late years Mr. Fuller has had an extensive practice in the Federal Courts; and it is a curious coincidence that in the first case heard before the late Chief Justice Waite when he went upon the bench (*Tappan v. Merchants National Bank*) Mr. Fuller, who succeeds him, was of counsel. That was in 1874; and since that time, and for some years before, scarcely a term has passed in which he has not had a case upon the docket.

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In 1861 he was a member of the convention called to revise the constitution of the State of Illinois, in which he took an active part and by his legal abilities rendered marked services. In 1862 he was elected to the Illinois legislature in which body he served one term.

Mr. Fuller is a man of scholarly habits, and some of his more important arguments are mines of philosophical research. He is familiar with several continental languages, and is a ripe scholar in the classics. He will bring to the high position to which he has been appointed a rare culture and such attainments as few lawyers possess. Socially he is a gentleman of courtly dignity and presence, with a kindly, amiable manner indicative of a warm heart and generous impulses.

The appointment of Mr. Fuller has been most favorably received by the legal profession throughout the country. Even his strongest political opponents were among the first to recognize his eminent fitness for the position. Called in the vigor of his manhood from the active practice of the bar, a lawyer of wide experience and command position in his profession, and a citizen of the highest personal character, he will undoubtedly prove a worthy successor of Jay and Marshall and Taney and Chase and Waite.

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Communications in regard to the contents of the Magazine should be addressed to the Editor.
HORACE W. FULLER, 15½ Beacon Street, Boston, Mass.

The Editor will be glad to receive contributions of articles of moderate length upon subjects of interest to the profession; also anything in the way of legal antiquities or curiosities, facetiae, anecdotes, etc.

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THE new field upon which we have entered with "The Green Bag" seems to be an attractive one to the legal fraternity, judging from the communications which have poured in upon

THE writer of the sketch of CHIEF-JUSTICE FULLER, which appeared in our January number, desires us to make the following correction in regard to DANIEL FULLER. In the paragraph concerning him, in place of the words, "He married Esther Fisher," it should read: "*His father, Thomas Fuller second, married Esther Fisher, in 1668, who was the daughter of the proscribed patriot, Daniel Fisher, of Dedham, etc., . . . and sister of the bold Captain Daniel Fisher, who 'hated the tyrant,' Sir Edmund Andros,*" etc.

Top of page 81 of the February 1889 issue of the Green Bag, with an errata notice in the right-hand column.

Chief Justice Fuller

Memorandum to correct errors in the article
on Chief Justice Fuller in the "Green Bag" for January 1889

- ① Rev Thomas Weld - First minister of Roxbury -
 was graduated at Trinity College, Cambridge Eng 1613
 was minister at Tooting, Essex Co. 38 miles from London
 in 1631
 was so communicated by Arch Bishop Laud at
 that time Bishop of London -
 Came over in the "William & Francis" arrived at
 Boston Nov. 5, 1632. was settled at Roxbury July 1632
 His children born in England were
 John, 1625 - Thomas 1626 Samuel 1629
 and Edmund born in America July 8, 1631
- ② Thomas Weld, son of Rev Thomas Weld,
 was born in England - 1626.
~~Admitted~~ Admitted fellowman in Roxbury 1654
 married June 1650 Dorothy - daughter of
 Rev. Samuel Whiting of Lynn -
 nothing said in Winth's Hist of Abington
 about his being a minister - (probably Weld told
 or of his family in Dedham)
- ③ Rev Thomas Weld son of the above was born Jan 12, 1653
 settled in Barnstable
 first wife was Elizabeth Holman m 9/1681
 second wife was Mary Savage
 He died June 9, 1702.
 His son Hatijah was born Sept 2, 1702
 nearly eight weeks after his father's death
Hatijah Weld son of the above
 married Mary Fox - daughter of
 Rev John Fox
 Hatijah Weld's daughter Hannah
 married Caleb Fuller Over

"Memorandum to correct errors in the article on Chief Justice Fuller in the 'Green Bag' for January 1889," Box 13, Melville W. Fuller Papers, Manuscript Division, Library of Congress, Washington, DC (this page and the next).

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Thomas Fuller } married Hannah Flower
 of Dedham Mass } Nov 23, 1683

Thomas Fuller } married Esther Parker
 son of the above } 1687
 was born June 23 1662 }
 (She had a brother Daniel, also)

Esther Parker was the daughter
 of the prominent patriot, Daniel Parker
 and sister to Daniel Parker who
 seized the person of Sir E. Andros

Rev. Daniel Fuller } married Lucy Goodrich
 son of the above } Aug 7
 was born in Dedham } 1723
 Apr 20 1699

Rev. Caleb Fuller } married Hannah Weld
 graduated }
 Yale 1758

J. W. Fuller son of the above }
 was born Jan'y 1, 1784 }
 named Hadrjah Weld Fuller } married Esther Gould
 name changed to Henry Weld Fuller

J. A. Fuller son of the above } married Catherine Martin Weston

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