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APPELLATE CASE FILES
OF THE
SUPREME COURT OF THE UNITED STATES
1792-1831



THE NATIONAL ARCHIVES
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APPELLATE CASE FILES OF THE SUPREME COURT OF THE UNITED STATES, 1792-1831

In this microfilm publication are reproduced the appellate case files of the Supreme Court of the United States, 1792-1831. These records consist chiefly of transcripts of record of the cases in lower courts, comprising copies of the papers filed and of minute entries of the lower courts' actions in the cases. The transcripts of record beginning in 1832 have been printed and are in the Supreme Court Library.

The case files also include documents associated with the transcripts of record, such as petitions for writs of error or certiorari to lower courts, writs of error or certiorari, amendments or supplements to the transcripts of record, exhibits, citations to appellees to appear before the Supreme Court, appeal bonds, and assignments of error. In addition, there are documents resulting from the proceedings before the Supreme Court, such as agreements of counsel, depositions ordered by the Court to be taken as additional evidence, motions, orders, decrees, judgments, mandates, and correspondence. A few briefs are in these case files, but the official file of briefs beginning in 1854 is in the Supreme Court Library.

The Supreme Court of the United States, provided for in Article III, section 1, of the Constitution, was established by authority of the Judiciary Act of September 24, 1789 (1 Stat. 73). The jurisdiction of the Court extends to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority; to all cases affecting ambassadors, other public ministers. and consuls; to all cases of admiralty and maritime law; to controversies in which the United States is a party; and to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or its citizens and foreign states, citizens, or subjects. In cases affecting ambassadors, ministers, and consuls, and those in which a State is a party, the Supreme Court has original jurisdiction. Its appellate jurisdiction is defined in various statutes; but as the circuit courts of appeals are competent to give final decision in the majority of cases, the Supreme Court usually hears only those cases that involve the construction or the constitutionality of legislative enactments or other issues of general importance.

Membership of the Supreme Court, as specified by the establishing act, consisted of a Chief Justice and five Associate Justices. Congress made frequent changes in the number of Associate Justices until in 1869 it fixed the number at eight.

The date for convening the Court has changed frequently, and the terms are named for the months in which the Court convened. The 789 act that established the Court provided for two terms annually, one to begin the first Monday in February and the other the first Monday in August. In February 1801 an act provided that the Court should meet on the first Monday in June and December of each year. In March 1802 this legislation was repealed and the days for convening were restored to those provided in the act of 1789. In April 1802 an act abolished the August term except for the receipt of motions and other routine business. Because of these changes there was no session of the Court after the one convened in December 1801 until February 1803. By an act effective in 1827 the annual term was set to begin on the second Monday in January, and in 1845 the day was changed to the first Monday in December. In 1873 the day was changed to the second Monday in October, and in 1916 to the first Monday in October, which remains as the day for beginning the annual term. The Supreme Court may also hold special terms when necessary for the dispatch of its business.

Until 1869, except for a brief interval in 1801-2, members of the Supreme Court served as regular members of the Federal circuit courts, of which the district judges were also members (1 Stat. 73; 2 Stat. 89, 132, 156). On April 10, 1869 (16 Stat. 44), Congress provided for the appointment of a circuit judge in each circuit who was to have all the powers of the circuit justice, as a member of the Supreme ourt serving on circuit was known. The act also provided that each nember of the Supreme Court should attend as least one term of the circuit court in each district during every 2-year period. The act of March 3, 1891 (26 Stat. 826), which established the circuit courts of appeals, provided that members of the Supreme Court were competent to sit as judges of the circuit courts of appeals within their respective circuits.

An alphabetical list of members of the Supreme Court, 1789-1831, which gives the dates of their service on the Court, appears after the information on related record groups in these introductory pages.

The appellate case files of the Court are of value for the study not only of constitutional and general legal history but of almost every aspect of American history. They relate to such matters as American colonial debts to British subjects, the ownership of land in the United States by British subjects, and the provisions of the treaty of peace of 1783 concerning these matters; the maintenance of American neutrality during foreign wars; the right of an American citizen to expatriate himself; the "quasi-war" with France during the John Adams administration; the embargo during the Jefferson administration; the power of the Supreme Court to determine the constitutionality of Federal and

State laws; the legal effect of instructions by the President to his subordinates to perform acts not specifically authorized by Federal statutes; State laws impairing the obligation of contracts; corporation law; the doctrine of "implied powers" for the Federal Government; salvage, land claims; privateering and prize law; the question of the power of the Federal Government to punish criminals under the common law; bankruptcy; slavery and the slave trade; the extent of the admiralty jurisdiction of the Federal courts; and the power of the Federal Government to govern U. S. Territories and to regulate interstate and foreign commerce. The papers in the case files include documents bearing the signatures of such well-known figures as John Marshall (cases 29 and 80), Alexander Hamilton (cases 32 and 89), Albert Gallatin (case 186), Henry Clay (cases 231 and 605), and Daniel Webster (cases 1015, 1067, 1140, and 1612).

The titles used in this microcopy for the reported cases are identical to those used in <u>United States Reports</u>; titles have been devised in a similar style for the unreported cases. The titles in the <u>Reports</u> are not always the same as in records of the Supreme Court; some of the admiralty cases, for instance, have been designated in the <u>Reports</u> simply by name of ship. The inclusive dates given for the cases on each roll in this microcopy are the dates within which the cases were filed with the Court. A list of individual cases and the rolls on which they are reproduced is filmed on Roll 1.

Although the reports of cases in early volumes of the <u>Reports</u> are arranged roughly in the order in which the cases were decided, the case files reproduced in this microfilm publication are arranged in numerical order, the numbers usually having been assigned in the order in which the cases were filed. At the beginning of each case in the microcopy there is a citation to the volume and the page number of the report of the case. Within the case files the documents are not arranged in any uniform sequence.

The manuscript and revised printed opinions of the Court, 1808-1913, constitute a separate series among the records of the Court in the National Archives and are not filmed in this microcopy. Most of the opinions for the cases are published in <u>United States Reports.</u>

An index to the appellate case files, 1792-1909, was prepared by the Supreme Court and received in the National Archives with the case files. The index cards are arranged alphabetically by name of party in the case and they show case number, date of filing, and date of decision. The index, which contains about 59,000 cards, has been reproduced as Microcopy 408. It may be used to identify related cases.

The records reproduced in this microcopy and the index are part of a body of records in the National Archives designated as Record roup 267, Records of the Supreme Court of the United States.

In the same record group are other records of the Supreme Court that have been reproduced as microfilm publications. These include the minutes, from February 1, 1790 (Microcopy 215); the dockets, from August 4, 1791 (Microcopy 216); and the attorney rolls, from February 5, 1790 (Microcopy 217). Also in this record group are records of prize cases heard on appeal from Colonial and State courts by committees of the Continental Congress, 1776-80, and by the Court of Appeals in Cases of Capture, 1780-86 (Microcopy 162).

Additional records of the Court in the National Archives that are of interest in connection with the appellate case files are the original-jurisdiction case files, 1792-1910; the opinions of the Court, 1808-1913; and records of the Clerk of the Court, 1791-1911, including notes and briefs of Justice Henry Baldwin, correspondence, and unidentified case papers. An inventory of the records of the Court, prepared by the National Archives, has been published as Preliminary Inventory No. 139.

There are several other groups of records that relate to the activities of Federal courts. In Record Group 21, Records of the District Courts of the United States, are dockets, minutes, case files, and other records of some district courts and former circuit courts the United States. These report the actions taken by the Supreme court Justices on circuit. They relate to the same types of cases and in some instances to the identical cases that appear in the appellate case files of the Supreme Court. Record Group 60, General Records of the Department of Justice, and Record Group 206, Records of the Solicitor of the Treasury, contain correspondence, memoranda, reports, and other records relating to cases in which the United States was a party or had an interest. Record Group 118, Records of United States Attorneys and Marshals, contains a few records of United States attorneys and marshals that relate to Federal legal proceedings beginning in 1824.

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LIST OF MEMBERS OF THE SUPREME COURT OF THE UNITED STATES, 1789-1831

(Based on list compiled by the Office of the Marshal of the Supreme Court)

Name	Date of Commission	Date Judicial Oath Taken	Date Service Terminated	Date of Death
Baldwin, Henry	Jan. 6, 1830	Jan. 18, 1830	Apr. 21, 1844	Apr. 21, 1844
Blair, John	Sept. 30, 1789	Feb. 2, 1790	Jan. 27, 1796	Aug. 31, 1800
Chase, Samuel	Jan. 27, 1796	Feb. 4, 1796	June 19, 1811	June 19, 1811
Cushing, William	Sept. 27, 1789	Feb. 2, 1790	Sept. 13, 1810	Sept. 13, 1810
Duvall, Gabriel	Nov. 18, 1811	Nov. 23, 1811	Jan. 14, 1835	Mar. 6, 1844
Ellsworth, Oliver (Chief Justice)	Mar. 4, 1796	Mar. 8, 1796	Dec. 15, 1800	Nov. 26, 1807
Iredell, James	Feb. 10, 1790	May 13, 1790	Oct. 20, 1799	Oct. 20, 1799
Jay, John (Chief Justice)	Sept. 26, 1789	Feb. 2, 1790	June 29, 1795	May 17, 1829
Johnson, Thomas	Nov. 7, 1791	Aug. 6, 1792	Feb. 1, 1793	Oct. 26, 1819
Johnson, William	Mar. 26, 1804	May 7, 1804	Aug. 4, 1834	Aug. 4, 1834
Livingston, Henry Brockholst	Nov. 10, 1806	Jan. 20, 1807	Mar. 18, 1823	Mar. 18, 1823
Marshall, John (Chief Justice)	Jan. 31, 1801	Feb. 4, 1801	July 6, 1835	July 6, 1835
McLean, John	Mar. 7, 1829	Jan. 11, 1830	Apr. 4, 1861	Apr. 4, 1861
Moore, Alfred	Dec. 10, 1799	Aug. 9, 1800	Jan. 26, 1804	Oct. 15, 1810
Paterson, William	Mar. 4, 1793	Mar.11,1793	Sept. 9, 1806	Sept. 9, 1806
Rutledge, John	Sept. 26, 1789	Feb. 15, 1790	Mar. 5, 1791 (Resigned)	June 21, 1800
Rutledge, John (Chief Justice)	July 1,1795	Aug. 12, 1795	Dec. 15, 1795	June 21, 1800
Story, Joseph	Nov. 18, 1811	Feb. 3, 1812	Sept. 10, 1845	Sept. 10, 1845
Thompson, Smith	Dec. 9, 1823	Sept. 1, 1823	Dec. 18, 1843	Dec. 18, 1843
Todd, Thomas	Mar. 3, 1807	May 4, 1807	Feb. 7, 1826	Feb. 7, 1826
Trimble, Robert	May 9, 1826	June 16, 1826	Aug. 25, 1828	Aug. 25, 1828
Washington, Bushrod	Dec. 20, 1798	Feb. 4, 1799	Nov. 26, 1829	Nov. 26, 1829
Wilson, James	۶ ¬۲ ¬9, 1789	Oct. 5, 1789	Aug. 21, 1798	Aug 1 1798

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The appellate case files entered in the dockets of the Supreme Court of the United States between 1792 and 1831 are distributed among the rolls of this microcopy as indicated below. For each roll are given the inclusive case numbers and dates of docketing, inclusive terms in which the cases were settled, and inclusive numbers of the volumes of the United States Reports in which the cases appeared.

Roll	Inclusive Case Nos. and Dates of Docketing	Terms	Reports	Price
1	1-14 June 30, 1792-Jan. 28, 1796	Feb. 1793- Aug. 1796	2-4 Dallas	\$ 8
2	15-23 Jan. 28, 1796	Feb. and Aug. 1796	3 Dallas	9
3	24-48 Jan. 28, 1796-July 17, 1797	Feb. 1796- Feb. 1799	3 Dallas	8
4	49-87 July 17, 1797-Aug. 4, 1800	Aug. 1797- Feb. 1807	3 and 4 Dallas; 2 and 4 Cranch	9
5	88-131 Aug. 14, 1800-Feb. 8, 1803	Aug. 1801- Feb. 1805	4 Dallas; 1-3 Cranch	8
Ó	132-174 Feb. 1, 1803-Feb. 18 0 4	Feb. 1803- Feb. 1808	1-4 Cranch	9
	175-200 Feb. 7, 1804-Jan. 29, 1805	Feb. 1804- Feb. 1808	2-4 Cranch	6
8	201-230 Jan. 29, 1805-Jan. 23, 1806	Feb. 1805- Feb. 1809	4 Dallas; 3 and 4 Cranch	8
9	231-257 Jan. 28-June 10, 1806	Feb. 1806- Feb. 1809	3-5 Cranch	8
10	258-282 July 21, 1806-Feb. 1807	Feb. 1807- Feb. 1809	4 and 5 Cranch	9
11	283-300 Feb Aug. 10, 1807	Feb. 1807- Feb. 1817	4 and 5 Cranch	8
12	301-327 Oct. 3, 1807-Feb. 1, 1808	Feb. 1808- Feb. 1810	4-6 Cranch	7
13	328-355 Feb. 1, 1808-Feb. 1809	Feb. 1809- Feb. 1815	5 and 6 Cranch	7
14	356-375 Jan Feb. 1809	Feb. 1809- Feb. 1819	4-7 Cranch; 4 Wheaton	9
15	376-405 FebAug. 5, 1809	Feb. 1809- Feb. 1815	5-7 Cranch	7



Roll	Inclusive Case Nos. and Dates of Docketing	Terms	Reports	Price
16	406-426	Feb. 1810 and	6 and 7	ŗ.
	Nov. 30, 1809-Feb. 5, 1810	Feb. 1812	Cranch	
17	427-447	Feb. 1810-	6 and 7	5
	Feb. 5-16, 1810	Feb. 1813	Cranch	
18	448-468	Feb. 1810-	6 and 7	5
	Feb. 17, 1810-Jan. 28, 1811	Feb. 1817	Cranch	
19	469-490	Feb. 1812-	7-9 Cranch	7
	Feb. 4-11, 1811	Feb. 1815		
20	491-510	Feb. 1812-	7 Cranch	5
	Feb. 13-Nov. 2, 1811	Feb. 1817	and	
			2 Wheaton	
21	511-528	Feb. 1812-	7 and 9	8
	Nov. 2, 1811-Jan. 29, 1812	Feb. 1815	Cranch	
22	529-548	Feb. 1812-	7-9 Cranch	7
	Jan. 30-Feb. 8, 1812	Feb. 1817		
23	549-564	Feb. 1813-	7-9 Cranch	6
	Feb. 8-Nov. 10, 1812	Feb. 1815		
24	565-577	Feb. 1813-	7-9 Cranch	4
	Nov. 17, 1812-Jan. 27, 1813	Feb. 1815		
2 5	578-602	Feb. 1814-	8 and 9	6
	Jan. 27-Feb. 10, 1813	Feb. 1815	Cranch	
26	603-615	Feb. 1814-	8 and 9	~0
	Feb. 19-July 30, 1813	Feb. 1819	Cranch;	
			1 and 4	
			Wheaton	
27	616-634	Feb. 1814-	8 and 9	5
	Aug. 3, 1813-Jan. 31, 1814	Feb. 1824	Cranch;	
			1 and 9	
			Wheaton	
2 8	635-644	Feb. 1814-	8 and 9	5
	Jan. 24-Feb. 17, 1814	Feb. 1817	Cranch;	
			1 and 2	
			Wheaton	
29	645-657	Feb. 1814-	8 and 9	10
	Jan. 27-Feb. 7, 1814	Feb. 1816	Cranch	
30	658-662	Feb. 1814-	8 and 9	7
	February 1814	Feb. 1818	Cranch;	
			1 and 3	
			Wheaton	
31	663-666	Feb. 1814 and	8 Cranch	8
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45 888-895 Feb. 1818- 3-5 Wheaton 6
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51	979-1002	Feb. 1821-	6 and 7	•
	Feb. 1-Mar. 1, 1819	Feb. 1823	Wheaton	
52	1003-1027	Feb. 1820-	5-8 Wheaton	7
	Mar. 3, 1819-Feb. 26, 1820	Feb. 1826		
53	1028-1056	Feb. 1820-	5-10 and 12	5
	Feb. 4-Mar. 20, 1820	Jan. 1827	Wheaton	
54	1057-1079	Feb. 1821-	6-9 Wheaton	6
	May 6, 1820-Jan. 16, 1821	Feb. 1825		
55	1080-1099	Feb. 1821-	6-8 and 11	5
	Jan. 16-Feb. 16, 1821	Feb. 1826	Wheaton	
56	1100-1113	Feb. 1821-	6-8 and 10	5
	Feb. 16-Mar. 8, 1821	Feb. 1825	Wheaton	
57	1114-1132	Feb. 1822-	8 and 9	6
	Mar. 8, 1821-Jan. 14, 1822	Feb. 1824	Wheaton	
58	1133-1153	Feb. 1822-	7-11 Wheaton	6
	Jan. 21-Feb. 8, 1822	Feb. 1826		•
59	1154-1172	Feb. 1822-	9 and 10	6
	Feb. 11-Aug. 5, 1822	Jan. 1827	Wheaton	
60	1173-1197	Feb. 1823-	9 and 10	5
	Aug. 5-Dec. 21, 1822	Jan. 1827	Wheaton	
61	1198-1213	Feb. 1825-	10-12	5
	Dec. 21, 1822-Feb. 4, 1823	Jan. 1827	Wheaton	$\overline{}$
62	1214-1227	Feb. 1823-	10-12	l
	Feb. 4-6, 1823	Jan. 1827	Wheaton	
63	1228-1245	Feb. 1823-	10-12	મ
	Feb. 7-Mar. 8, 1823	Jan. 1827	Wheaton	
64	1246-1250	Feb. 1826-	11 Wheaton;	8
	Mar. 14-July 30, 1823	Feb. 1832	5 and 6 Peters	
65	1251-1263	Feb. 1825-	11 and 12	10
	Oct. 4, 1823-Jan. 14, 1824	Jan. 1832	Wheaton	
66	1264-1281	Feb. 1824-	9, 11, and 12	5
	Jan. 21-Feb. 25, 1824	Jan. 1830	Wheaton;	
			1 and 3 Peters	
67	1282-1300	Feb. 1824-	9 and 12	6
	Feb. 4-Mar. 12, 1824	Jan. 1828	Wheaton;	
			1 Peters	
68	1301-1323	Feb. 1824-	9, 11, and 12	8
	Mar. 13, 1824-Feb. 3, 1825	Jan. 1828	Wheaton;	
			1 Peters	
69	1324-1338	Feb. 1826-	12 Wheaton;	5
	Feb. 3-7, 1825	Jan. 1829	1 and 2 Peters	
70	1339-1353	Feb. 1825-	12 Wheaton;	8
	Feb. 8-Mar. 8, 1825	Jan. 1828	1 Peters	_

	Inclusive Case Nos. and			
R	Dates of Docketing	Terms	Reports	Price
4	1354-1367	Jan. 1827-	12 Wheaton;	\$ 6
	Mar. 24-Dec. 9, 1825	Jan. 1831	1 and 3 Peters	
72	1368-1386	Jan. 18 2 6-	11 and 12	6
	Dec. 9, 1825-Feb. 8, 1826	Jan. 1828	Wheaton;	
			1 and 2 Peters	
73	15 7-1401	Feb. 1826-	1-3 Peters	7
	Feb. 8-28, 1826	Jan. 1830		
74	1402-1419	Jan. 18 27 -	1 and 4 Peters	7
	M r. 1-Aug. 1, 1826	Jan. 1830		
75	1420-1433	Jan. 1827-	12 Wheaton;	6
	Aug. 24, 1826-Jan. 11, 1827	Jan. 1829	1 Peters	
76	1434-1448	Jan. 1827-	12 Wheaton;	8
	Jan. 13-Feb. 3, 1827	Jan. 1829	1 Peters	
77	1449-1465	Jan. 1827-	12 Wheaton;	9
	Feb. 17-Aug. 2, 1827	Jan. 1830	1-4 Peters	
78	1466-1482	Jan. 1829-	2, 3, and 10	6
	Sept. 3, 1827-Jan. 14, 1828	Jan. 1836	Peters	
79	1483-1494	Jan. 1828-	1-3 and 5	9
	Jan. 14-19, 1828	Jan. 1831	Peters	
80	1495-1507	Jan. 1829-	2-5 Peters	7
	Jan. 19-Feb. 26, 1828	Jan. 1836	•	
	1508-1516	Jan. 1828-	1-3 Peters	4
	Feb. 27-Mar. 7, 1828	Jan. 1830		
	1517-1530	Jan. 1830 and	3, 4, and 10	5
	Mar. 8-Oct. 11, 1828	Jan. 1836	Peters	
83	1531-1542	Jan. 1829-	2-5 Peters	4
	Oct. 29-Dec. 27, 1828	Jan. 1831		
84	1543-1553	Jan. 1829-	3-5 Peters	6
	Dec. 28, 1828-Jan. 5, 1829	Jan. 1831		
85	1554-1566	Jan. 1829-	3-5 and 7	8
	Jan. 5-14, 1829	Jan. 1836	Peters	
86	1567-1581	Jan. 1829-	2-5 Peters	7
	Jan. 15-Feb. 9, 1829	Jan. 1831		
87	1582-1594	Jan. 1829-	3 and 5-7	10
	Feb. 12-June 15, 1829	Jan. 1833	Peters	
88	1595-1605	Jan. 1830-	3, 5, and 6	8
	July 11-Nov. 23, 1829	Jan. 1843	Peters:	
			1 Howard	
89	1606-1618	Jan. 1830-	3-6 Peters	7
	Dec. 5, 1829-Feb. 1, 1830	Jan. 1832		
90	1619-1635	Jan. 1831-	5-7 Peters	8
	Feb. 3-May 27, 1830	Jan. 1837		

Roll	Inclusive Case Nos. and Dates of Docketing	Terms	Reports	Price
91	1636~1652	Jan. 1831-	5, 6, 9, and	i
	May 27-Dec. 7, 1830	Jan. 1836	10 Peters	
92	1653-1665	Jan. 1831-	5-7 and 10	6
	Dec. 7, 1830-Jan. 10, 1831	Jan. 1836	Peters	
93	1666-1670	Jan. 1832 and	6 and 7 Peters	5
	Jan. 11-29, 1831	Jan. 1833		
94	1671	Jan. 1835	9 Peters	9
	Feb. 2, 1831			
95	1672-1685	Jan. 1831-	6 and 7 Peters	6
	Feb. 2-Mar. 18, 1831	Jan. 1836		
96	1686-1702	Jan. 1832-	6-8 Peters	9
	Mar. 18-Dec. 24, 1831	Jan. 1834		
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Total \$669

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