

## **Cases of Historical Interest In the Southern District of New York**

### **United States v. Daniel D. Tompkins**

Judge William P. Van Ness

The suit was brought by the government against Daniel D. Tompkins, who was then the sitting Vice President of the United States under President Monroe. In 1805, President Jefferson appointed him to the District Court, a position which Tompkins, then 30 years old, did not accept. He returned the commission to Secretary of State James Madison with the following letter: "My preference for the office of Judge of the Supreme Court of this State, which arises from its tenure being the same, from its emoluments being more and from the greater tendencies of its duties to preserve my health, induces me to decline accepting the office of District Judge." He later served as a state judge. As wartime Governor of New York (1807-1817), Tompkins borrowed and applied moneys from the federal government, the state, and his own pocket, commingled them, pledged his own credit and kept poor accounts, and had protracted disputes, which were exacerbated by his political opponents. Tompkins filed suit to recover money from the federal government. He appeared *pro se* at the trial but also was represented by Thomas Addis Emmet. The Government's claim against him was for \$11,000 but the jury found for him and made the unofficial determination that the federal government owed him more than \$130,000. Later Congressional appropriations provided him with about \$95,000 in recompense.

Information concerning the trial comes from a published report of a member of the jury. Report of Proceedings in the District Court of the United States (C.W. Van Winkle 1822).



**225<sup>th</sup>** Anniversary  
1789-2014