

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW YORK, NOVEMBER 3, 1789 AND FEBRUARY
2, 3 and 4, 1790, APRIL 16, 1790, MAY 4, 5, 6 and 7,
1790.

(REPRODUCED FROM ORIGINAL MINUTES NOW IN THE
NATIONAL ARCHIVES AND RECORDS SERVICE,
WASHINGTON, D. C.)

1789-1796
US District Court

At a Stated District Court of the United States held
for the District of New York at the Court Room in the Exchange
of the City of New York on Tuesday the third day of November
One thousand seven hundred and Eighty nine 10 O'Clock A. M.

Present

The Honble James Duane Esquire Judge

Proclamation for Silence being made the Act of the Senate and House of Representatives of the United States of America in Congress assembled entitled "an Act to establish the Judicial Courts of the United States" was made

Proclamation for Silence being made the Commission to the Judge of this Court and the appointment of the Clerk of this Court and the several Commissions to the Marshal and Attorney of the District of New York was made

Ordered

That Silas Harrington be and he is hereby appointed the Clerk
of this Court

The Court was then opened by Proclamation

M^r Richard Harrison informed the Court that he is a Practiser in the Court of Chancery of the State of New York both as a Solicitor and as a Counsellor and that he is also a Practiser in the Supreme Court of the Said State both as an Attorney and as a Counsellor at Law and that he was also a practiser in the State Court of Admiralty of the Said State both as a proctor and Advocate and prayed that he might be admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate Whereupon

Ordered that the said Richard Harrison be and he is hereby admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Richard Vanick

Ordered that the said Richard Vanick be and he is hereby admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r John Lawrence

Ordered that the said John Lawrence be and he is hereby Admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r John Cozine

Ordered that the said John Cozine be and he is hereby admitted to pr
in this Court in the several Characters of Attorney Solicitor Counsellor
Proctor and Advocate

Upon the like information and the like prayer of M^r Cornelius J. Bogart

Ordered that the said Cornelius J. Bogart be and he is hereby admitted
to practise in this Court in the several Characters of Attorney Solicitor
Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Peter Ogilvie

Ordered that the said Peter Ogilvie be and he is hereby admitted to
practise in this Court in the several Characters of Attorney Solicitor
Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Robert Troup

Ordered that the said Robert Troup be and he is hereby admitted to
practise in this Court in the several Characters of Attorney Solicitor
Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Belthazar DeHaert

Ordered that the said Belthazar DeHaert be and he is hereby admi
to practise in this Court in the several Characters of Attorney Solicitor
Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r George Bond

Ordered that the said George Bond be and he is hereby admitted
practise in this Court in the several Characters of Attorney Solicitor
Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Troup in behalf of M^r Robert

Morris Ordered that the said Robert Morris be and he is hereby admitted to
practise in this Court in the several Characters of Attorneys Solicitor
Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Troup in behalf of M^r Thomas

Smith Ordered that the said Thomas Smith be and he is hereby admitted
practise in this Court in the several Characters of Attorney Solicitor
Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Troup in behalf of M^r Egbert

Benson Ordered that the said Egbert Benson be and he is hereby admitted
to practise in this Court in the several Characters of Attorney Solicitor
Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Troup in behalf of M^r Aaron

Burr Ordered that the said Aaron Burr be and he is hereby admitted to
practise in this Court in the several Characters of Attorney Solicitor
Counsellor Proctor and Advocate

Upon the like information and the like prayer of Mr Joseph Livingston
Ordered that the said Brockholst Livingston be and he is hereby
admitted to practise in this Court in the several Characters of Attorney
Solicitor Counsellor Proctor and Advocate.

Mr James M Hughes informed the Court that he is a Practiser in the Supreme
Court of the State of New York as an Attorney and that he was also practising in the
late Court of Admiralty of the said State as a proctor and prayed that he might
be admitted to practise in this Court in the several Characters of Attorney Solicitor
and Proctor Whereupon

Ordered that the said James M Hughes be and he is hereby admitted to
practise in this Court in the several Characters of Attorney Solicitor
and Proctor

Upon the like information and the like prayer of Mr John W Watkins
Ordered that the said John W Watkins be and he is hereby admitted
to practise in this Court in the several Characters of Attorney Solicitor
and Proctor.

Upon the like information and the like prayer of Mr Peter Masterlon
Ordered that the said Peter Masterlon be and he is hereby admitted
to practise in this Court in the several Characters of Attorney Solicitor
and Proctor.

Upon the like information and the like prayer of Mr Thomas Cooper
Ordered that the said Thomas Cooper be and he is hereby admitted
to practise in this Court in the several Characters of Attorney
Solicitor and Proctor.

Upon the like information and the like prayer of Mr Michael D Henry
Ordered that the said Michael D Henry be and he is hereby admitted
to practise in this Court in the several Characters of Attorney
Solicitor and Proctor.

Upon the like information and the like prayer of Mr Flamen Ball
Ordered that the said Flamen Ball be and he is hereby admitted
to practise in this Court in the several Characters of Attorney
Solicitor and Proctor

Upon the like information and the like prayer of Mr James De Haert
Ordered that the said James De Haert be and he is hereby admitted to
practise in this Court in the several Characters of Attorney Solicitor
and Proctor

Upon the like information and the like prayer of Mr Leonard M Cutting
Ordered that the said Leonard M Cutting be and he is hereby admitted
to practise in this Court in the several Characters of Attorney Solicitor
and Proctor

Upon the like information and the like prayer of Mr Josiah Ogden Hoffman
Ordered that the said Josiah Ogden Hoffman be and he is hereby

admitted to practise in this Court in the several Characters of Attorney
Solicitor and Proctor

Upon the like information and the like prayer of M^r Thomas Smith Junior

Ordered that the said Thomas Smith Junior be and he is hereby
admitted to practise in this Court in the several Characters of Attorney
Solicitor and Proctor

Upon the like information and the like prayer of M^r Joseph Strong

Ordered that the said Joseph Strong be and he is hereby admitted
to practise in this Court in the several Characters of Attorney Solicitor
and Proctor

Upon the like information and the like prayer of W^m James Thompson Junior

Ordered that the said James Thompson Junior be and he is hereby
admitted to practise in this Court in the several Characters of Attorney
Solicitor and Proctor

Upon the like information and the like prayer of M^r John Heese

Ordered that the said John Heese be and he is hereby admitted to
practise in this Court in the several Characters of Attorney Solicitor
and Proctor

Upon the like information and the like prayer of M^r Nathaniel Lawsons

Ordered that the said Nathaniel Lawsons be and he is hereby
admitted to practise in this Court in the several Characters of Attorney
Solicitor and Proctor

Upon this like information and the like prayer of M^r Absalom Blackley

Ordered that the said Absalom Blackley be and he is hereby admitted
to practise in this Court in the several Characters of Attorney Solicitor
and Proctor

Upon the like information and the like prayer of M^r Augustus Sackel

Ordered that the said Augustus Sackel be and he is hereby admitted
to practise in this Court in the several Characters of Attorney Solicitor
and Proctor

Ordered that M^r Harrison M^r Vauck M^r Lawrence M^r Cozine
M^r Bogart and M^r Hoop be and they are hereby appointed to
prepare a System of Rules to regulate the practice of this Court and
that they make Report thereof with all convenient Speed

The Court was then adjourned by Proclamation to meet again
according to Law -

5

At a Stated District ^{court} of the United States held
for the District of New York at the City of New York
on Tuesday the Second Day of February One Thou-
sand Seven hundred and Ninety ^{two} O'clock A.M.

Present The Honorable James Duane Esquire Judge
The Court opened by proclamation

The Marshall of the District retained the precept for that purpose
to him directed with a panel of the Persons summoned to serve as
Grand Jurors for this Court annexed; and the panel being called
over the following Persons appeared and were sworn to wit

Jacob Le Roy Senior	Compt Sands
Francis Lewis Senior	Alexander M ^c Comb
John Broome	William Edgar
Richard Platt	Pascal S Smith
John Blagge	James Farquhar
Heazer Miller	Alexander Stewart
Samuel B Webb	James Nicholson
Henry Remsen	Frederick Jay
William Deuning	Nicholas Hoffman
Walter Livingston	Jonathan Kay
William Maxwell	Isiah Hammond
	Joseph Hallish

Proclamation was then made for Silence and charge thereupon
given to the Grand Jury

M^r Edward Livingston informed the Court that he is a
practiser in the Court of Chancery of the State of New York both as
a Solicitor and as a Counsellor and that he is also a practiser
in the Supreme Court of the said State both as an Attorney and
as a Counsellor at Law and prayed that he might be admit-
ted to practise in this Court in the several Characters of
Attorney Solicitor Counsellor Proctor and Advocate
Whereupon

Ordered that the said Edward Livingston
be and he is hereby admitted to practise in
this Court in the several Characters of Attorney
Solicitor Counsellor Proctor and Advocate

Upon the like information and the like Prayer of M^r William

Cock Ordered that the said William Cock be and he is hereby admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate -

Upon the like information and the like prayer of M^r William S Livingston

Ordered that the said William Livingston be and he is hereby admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r William Houston

Ordered that the said William Houston be and he is hereby admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate -

Upon the like information and the like prayer of M^r William Wilcox

Ordered that the said William Wilcox be and he is hereby admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Enoch Gilbert

Ordered that the said Enoch Gilbert be and he is hereby admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Edward Livingston in behalf of M^r James Kent

Ordered that the said James Kent be and he is hereby admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Edward Livingston in behalf of M^r Edward Griswold

Ordered that the said Edward Griswold be and he is hereby admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Hanson in behalf of M^r Morgan Lewis

Ordered that the said Morgan Lewis be and he is hereby admitted to practise in this Court in the several Characters of Attorney Solicitor Counsellor Proctor and Advocate

Upon the like information and the like prayer of M^r Harrison in behalf of M^r John Lansing Junior

Ordered that the said John Lansing Junior be and he is hereby

Ordered that the said Aaron Lawrence be and he is hereby
admitted to practise in this Court in the several Characters
of Attorney Solicitor and Proctor -

Upon the like information and the like prayer of W^m Daniel Kiplark
Ordered that the said Daniel Kiplark be and he is hereby
admitted to practise in this Court in the several Characters
of Attorney Solicitor and Proctor

Upon the like information and the like prayer of W^m Philip Brasher
Ordered that the said Philip Brasher be and he is hereby
admitted to practise in this Court in the several Characters
of Attorney Solicitor and Proctor

Upon the like information and the like prayer of W^m Charles Rich-
ardson Ordered that the said Charles Richardson be and he
is hereby admitted to practise in this Court in the several
Characters of Attorney Solicitor and Proctor -

The Court then adjourned until 12 O'clock tomorrow
Wednesday 3^d February 1790, 12 O'clock

The Court met pursuant to Adjournment

Present, The Honorable James Duane Esquire Judge

The Court opened

W^m Edward Dunscomb informed the Court that he is a
Practiser in the Supreme Court of the State of New York
as an Attorney and prayed that he might be admitted to
Practise in this Court in the several Characters of Attorney
Solicitor Proctor &c. &c. upon

Ordered that the said Edward Dunscomb be and he is
hereby admitted to practise in this Court in the
several Characters of Attorney Solicitor and Proctor

The United States
of America
James Hubb }

The Marshall returns on the Capias which
issued in this Cause the defendant taken
and on motion of W^m Harrison Attorney
for the District Ordered that the Marshal
bring in the defendants body sitting the Court
or be amerced forty shillings and that the
defendant plead in twenty days after the
Declaration shall be filed against him
or Judgment

admitted to practise in this Court in the several Characters of
Attorney Solicitor Proctor and Advocate.

M^r Thomas Cooper informed the Court that he is - a practiser in the Supreme
Court of the State of New York as a Counsellor at Law and prayed that
he might be admitted to practise in this Court in the several
Characters of Counsellor and Advocate Whereupon

Ordered that the said Thomas Cooper be and he is hereby ad-
mitted to practise in this Court in the several Characters of
Counsellor and Advocate

Upon the like information and the like prayer of M^r Josiah Ogden
Hoffman

Ordered that the said Josiah Ogden Hoffman be and he is
hereby admitted to practise in this Court in the several
Characters of Counsellor and Advocate

M^r Adrian Kipsam informed the Court that he is - a practiser in
the Supreme Court of the State of New York as an Attorney and
prayed that he might be admitted to practise in this Court in the
several Characters of Attorney Solicitor and Proctor Whereupon

Ordered that the said Adrian Kipsam be and he is hereby
admitted to practise in this Court in the several Characters of
Attorney Solicitor and Proctor

Upon the like information and the like prayer of M^r Peter W Livingston

Ordered that the said Peter W Livingston be and he is hereby
admitted to practise in this Court in the several Characters of
Attorney Solicitor and Proctor

Upon the like information and the like prayer of M^r John Foorbach

Ordered that the said John Foorbach be and he is hereby
admitted to practise in this Court in the several Characters of
Attorney Solicitor and Proctor.

Upon the like information and the like prayer of M^r Robert Charles Johnson

Ordered that the said Robert Charles Johnson be and he is hereby
admitted to practise in this Court in the several Characters of
Attorney Solicitor and Proctor.

Upon the like information and the like prayer of M^r Joseph Winter

Ordered that the said Joseph Winter be and he is hereby admit-
ted to practise in this Court in the several Character of
Attorney Solicitor and Proctor

Upon the like information and the like prayer of M^r Aaron Lawrence

The United States of
America
Richard Shaw } The like

The Court then adjourned till 12 O'clock tomorrow

Thursday 4th February 1790
12 O'clock

The Court met pursuant to Adjournment
Present

The Honble James Duane Esquire Judge

The Court opened

The Grand Jury came into Court and having nothing to offer to the Court nor any business before them were at their request dismissed.

The Court was then adjourned by Proclamation to meet again according to Law.

At a Special District Court of the United States
held for the District of New York at the City of New York
on Friday the sixteenth day of April One Thousand and
Seven hundred and Ninety at 11 O'clock A.M.

Present

The Honorable James Duane Esquire Judge

The Court was opened by Proclamation

The United States
vs

Three Boxes of Iron
mongery lines and
Brushes four Boxes
of Glafs Ware &c -

On Motion of Mr Attorney for the District the Libel in this Cause
was read and filed and on the like motion Proclamation was
three times made for any person to appear that can show
any Cause why the said Boxes of Ironmongery lines and
Brushes four Boxes of Glafs Ware and the other Goods
Wares and merchandises as in the said Libel mentioned

should not be adjudged as forfeited according to the prayer of the said
Libel and he should be heard. And no person appearing to claim
or defend the same the Court ordered the first default to be entered and
on the like motion Ordered that the Clerk prepare a Notice pursuant
to the Statute in such case made and provided to all whom
it may concern that this Court will proceed to the Trial and
Condemnation of the said Goods Wares and Merchandise on
Tuesday the fourth day of May next unless a claim shall before
that time be interposed for the same And that the Marshal
cause one Copy of the said Notice to be inserted in one of the public News
papers printed in the City of New York and one other Copy thereof to be
posted up on the Exchange in the said City for the space of fourteen days.

The United States
vs.

Four Cheeses, two
Looking Glasses &c

The like in all things

The United States
vs.

Three Boxes of Oil &c

The like in all things

The United States
vs.

Forty one Cheeses

The like in all things

The Court was then adjourned by proclamation to meet
again according to Law. —

At a Stated District Court of the United States
held for the District of New York in the City of
New York on Tuesday the fourth day of May
One thousand seven hundred and ninety at
10 O'clock A.M. —

Present

The Honorable James Duane Esquire Judge

The Court was opened by Proclamation

The United States
vs.

Four Cheeses two
Looking Glasses &c

The Marshal having returned in this Cause that
he had caused due notice to be given to all whom
it might concern that this Court would on this day
proceed to the trial and condemnation of the Goods

Wares and Merchandises mentioned in the Libel filed in this
Cause unless a Claim should before this day be interposed for the
same and that he had caused one copy of the said Notice to be
printed and another copy to be posted up in the usual manner
for the space of fourteen days And on Motion of the Attorney for
the District the second proclamation was three times made in the
same words as before and no person appearing to claim or defend
the same On motion of the same Ordered that the second default
be entered: —

The Same
vs.

Three Boxes of Oil &c

The like

The Same
vs.

Forty one Cheeses

The like

The Same
 15
 Three Boxes of Iron
 chongery lines and
 brushes four boxes
 of Glassware &c } the like

The Court was then adjourned till 11 O'clock to Morrow Morning

Wednesday the 5th of May 1790
 11 O'clock A.M.

The Court met pursuant to Adjournment

Present The Honorable James Duane Esquire Judge

The Court was opened by Proclamation

The Marshal of the District returned the precept to him for that purpose directed with a panel of Persons summoned to serve as Grand Jurors for this Court annexed and the panel being called over the following persons appeared and were sworn to wit

Melandon Smith Foreman	John Staples
Richard Yates	Charles Shaw
George Woolley	Ebenezer Heasand
Robert B. Waddell	John Roswell
William Wade	David Proost
Nisanth Van Tandt Junior	George Scriba
John Stoutenburgh	John Roger
Thomas Storm	Willet Leaman

Proclamation was then made for Silence and Charge thereupon given to the Grand Jury -

The United States
 15
 four Cheeses two
 looking Glasses &c } On motion of the Attorney for the District the third proclama-
 tion was three times ^{made} in the same words as before and no
 person appearing to claim or defend the same on motion
 of the same Ordered that the third default be entered

The Same
 15
 Three Boxes of Olds } the like

The Same
 15
 Forty one Cheeses } the like

The Same
 15
 Three boxes of Iron
 iron gery lines and
 brushes four boxes
 of Glassware } the like

Joseph Griffiths } The libel filed in this case being read W^r Hughes the Proctor for
the Brig Alalanta } the libellant prayed the usual Notice and proofs and there
upon the Court took time to advise

The Court was then adjourned till 11. O'clock to Morrow Morning
Thursday the 6th May 1790
11. O'clock A.M.

The Court met pursuant to Adjournment
Present - The Honorable James Duane Esquire Judge
The Court was opened by Proclamation

W^r John Croke Ludlow informed the Court that he was a practitioner
in the Supreme Court of the State of New York as an Attorney and
prayed that he might be admitted to practise in this Court in
the several characters of Attorney Solicitor and Proctor Whereupon

Ordered That the said John Croke Ludlow be
and he is hereby admitted to practise
in this Court in the several characters
of Attorney Solicitor and Proctor. -

The Court was then adjourned till 11. O'clock to Morrow Morning
Friday the 7th May 1790
11. O'clock A.M.

The Court met pursuant to Adjournment
Present The Honorable James Duane Esquire Judge
The Court was opened by Proclamation. -

The United States } On motion of W^r Troup in behalf of the Attorney for the
District proclamation was three times made for any
Four cheeses two } person to appear who could show any Cause why
looking Glasses &c } sentence of condemnation and forfeiture should not
pass according to the prayer of the libel filed in this cause against
the four cheeses two looking Glasses six packs of pins one suit of Boat
Tails and two barrels of fish in the said libel mentioned And no
person appearing to show any Cause the Court Ordered the third default
to be entered Whereupon on the like motion the Court doth adjudge
and decree the said Goods Wares and Merchandises to be forfeited pursuant
to the prayer of the said Libel And it is further adjudged and decreed
by the Court that the said Goods Wares and merchandises be sold by
the Marshal of the District at public Auction to the highest Bidder
at the Store in the City of New York wherein the said Goods Wares and
merchandises are now deposited after giving at least fifteen days notice

in one or more of the public newspapers printed in the said City of New York of the time and place of selling the said Goods Wares and merchandises And it is further adjudged and decreed by the Court that the money arising from the said Sale be brought by the Marshal into Court to be disposed of as the Court shall think fit

The United States

VS

Three Boxes of Cider

On motion of W^r Troup in behalf of the Attorney for the District proclamation was three times made for any person to appear who could shew any cause why sentence of condemnation and forfeiture should not pass according to the prayer of the Libel filed in this Cause against the three Boxes of Cider eight Boxes of Cordials two kegs of Brandy and one Basket of Glassware in the said Libel mentioned And no person appearing to shew any the Court ordered the third default to be entered Whereupon on the like motion this Court doth adjudge and decree the said Goods wares and merchandises to be forfeited pursuant to the prayer of the said Libel And it is further adjudged and decreed by the Court that the said Goods wares and merchandises be sold by the Marshal of the District at public Auction to the highest Bidder at the Store in the City of New York wherein the said goods wares and merchandises are now deposited after giving at least fifteen days notice in one or more of the public Newspapers printed in the said City of New York of the time and place of selling the said Goods wares and merchandises And it is further adjudged and decreed by the Court that the money arising from the said Sale be brought by the marshal into Court to be disposed of as the Court shall think fit. —

The United States

VS

Forty one Cheeses

On motion of W^r Troup in behalf of the Attorney for the District proclamation was three times made for any person to appear who could show any Cause why sentence of Condemnation and Forfeiture should not pass according to the prayer of the Libel filed in this Cause against the forty one Cheeses in the said Libel mentioned And no person appearing to show any Cause the Court ordered the third default to be entered Whereupon on the like motion this Court doth adjudge and decree the said forty one Cheeses to be forfeited pursuant to the prayer of the said Libel And it is further adjudged and decreed by the Court that the said forty one Cheeses be sold by the Marshal of the District at public Auction to the highest Bidder at the Store in the City of New York wherein the said Cheeses are now deposited after giving at least fifteen days notice in one or more of the public Newspapers printed in the said City of New