

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

PAMPHLET DESCRIBING M938

**Records of the Clerk  
of the Court, 1746-1932,  
and of the U.S.  
Commissioners, 1837-1860,  
of the U.S. District Court  
for the Southern District  
of New York**



NATIONAL ARCHIVES AND RECORDS SERVICE  
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The records reproduced in the microfilm publication  
are from  
*Records of District Courts of the United States*  
*Record Group 21*

RECORDS OF THE CLERK OF THE COURT, 1746-1932,  
AND OF THE U.S. COMMISSIONERS, 1837-1860, OF THE U.S.  
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

On the single roll of this microfilm publication are reproduced records of the clerk of the court, 1746-1932, and records of the U.S. Commissioners of the U.S. District Court for the Southern District of New York, 1837-60.

The Judiciary Act of September 24, 1789 (1 Stat. 73), provided for a system of district and circuit courts in addition to the Supreme Court of the United States. The act divided the country into 13 judicial districts and established in each a district court with one district judge. The districts were grouped into circuits. A circuit court, made up of the district judge and two Justices of the Supreme Court, was to convene twice a year in each district. By an act of 1802 (2 Stat. 156) the district judge and one Supreme Court Justice were assigned to each circuit court. The jurisdictions of the district and circuit courts varied over the years, but generally district courts were courts of original jurisdiction with authority to hear criminal, admiralty, and bankruptcy cases and various actions brought by the United States. Circuit courts heard appeals from district courts and had original jurisdiction in law and equity cases involving suits in excess of \$500 in which the United States, an alien, or citizens of different States were parties.

The State of New York constituted 1 of the 13 judicial districts established under the Judiciary Act of 1789. New York City was the seat of this district. An act of April 9, 1814 (3 Stat. 120), divided the District of New York into a northern and a southern district, with a court in each. The southern district's five northern counties--Rensselaer, Albany, Schenectady, Schoharie, and Delaware--were transferred to the northern district in 1818 (3 Stat. 414).

The primary duty of the clerk was to maintain and preserve the records of the court. At various times he was authorized by law to perform certain other functions, such as taking specific testimony; administering oaths; receiving and recording maps, charts, and books in fulfillment of the requirements of the copyright law; and receiving lists of real estate sold for nonpayment of taxes and handling the redemption of the property by the former owners.

The records of the clerk reproduced in this microfilm publication consist of copyright records, 1809-53, and miscellaneous records, 1746-1932. The copyright records are mainly printed copies of title pages of books, assignments of copyrights of title pages, engraved plates, stereotype plates, alphabet blocks, and other materials used in printing publications. These records

were deposited with the district court in accordance with the copyright laws of the United States. They are arranged chronologically by year of filing. The miscellaneous records include abstracts, agreements, applications, orders, certificates, licenses, petitions, reports, and various other records reflecting accounts of charges incurred and debts paid during the progress of various suits, appointment of attorneys and guardians, and employment of personnel. There are also reports and resolutions relating to correction and prevention of health hazards and various records pertaining to admiralty, bankruptcy, law, and other legal proceedings. These records are arranged alphabetically by subject and thereunder chronologically.

Authority to appoint U.S. commissioners was first conferred on the circuit court by an act of February 20, 1812 (2 Stat. 679), to provide for the more convenient taking of bail and affidavits. Their functions were enlarged by later acts. The records of the commissioners included in this microfilm publication relate solely to fugitive slaves. They consist of affidavits, petitions, and proofs filed by owners of runaway slaves seeking to reclaim fugitives who were believed to have fled to the southern district of New York. The names of the slaves are: Nat; James Hamlett; John Van Orden; Stephen, Robert, and Jacob Pembroke; Abraham Harris; Edmund Dye; Josiah Hoy; and Allen Groff. The records are arranged chronologically.

The records reproduced in this microfilm publication are part of Records of District Courts of the United States, Record Group 21. They are part of the records identified as Records of the U.S. District Court for the Southern District of New York. Other microfilm publications of records of the U.S. District Court for the Southern District of New York are M886, *Minutes and Rolls of Attorneys . . . 1789-1841*; M919, *Admiralty Case Files . . . 1790-1842*; M928, *Prize and Related Records for the War of 1812 . . . 1812-1816*; M933, *Act of 1800 Bankruptcy Records . . . 1800-1809*; M934, *Judgment Records . . . 1795-1840*; and M937, *Law Case Files . . . 1795-1844*.

Additional information is available in the multivolume publication *Federal Cases*, an annotated reprint of the decisions of U.S. district and circuit courts from 1789 to 1880; Erwin C. Surrency, *Federal District Court Judges and the History of Their Courts* (History of Federal Courts Pamphlet #1, 1966, privately printed); "History of Federal Courts," 28 *Missouri Law Review*, 214 (1963); Charles Warren, *The Supreme Court in United States History* (Boston, 1935; 2 vols.); John J. Parker, "The Federal Judicial System," 14 *Federal Rules Decisions*, 361 (1954); and Henry W. Scott, *The Courts of the State of New York* (New York, 1909).

This microfilm publication is part of a project to reproduce most existing U.S. district and circuit court records for the

period 1789-1840 that are part of the National Archives of the United States. The project was originally suggested and initiated by Irwin S. Rhodes and Savioe Lottinville, codirectors of the Irwin S. and Elizabeth F. Rhodes Legal History Collection of the University of Oklahoma, and is the result of joint planning with the National Archives and Records Service (NARS). The selection of records to be microfilmed and the establishment of priorities for microfilming the records are based largely on Mr. Rhodes' comprehensive survey and report on extant Federal court records, 1789-1840. This report, with modifications, has been issued by NARS as Special List No. 31, *List of Pre-1840 Federal District and Circuit Court Records* (1972). It is available at no charge from the Publications Sales Branch (NEPS), National Archives Building (GSA), Washington, DC 20408. The list serves as a guide to Federal court records in several NARS depositories.

The primary purposes of this microfilm publication are to provide access to Federal court records for scholarly research and to promote the undertaking of such research. Inquiries and advice regarding the development of research projects are invited.

The records reproduced in this publication were prepared for filming by Luis F. Baños, William D. Grover, and Mary Joe Minor, who also wrote these introductory remarks.