

APPENDIX

TO THE

REPORTS OF THE DECISIONS

OF THE

SUPREME COURT OF THE UNITED STATES

FROM SEPTEMBER 24, 1789, TO THE END OF
OCTOBER TERM, 1888.

BY

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THE EVIDENCE

REPORTS OF THE DECISIONS

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JUSTICES OF THE SUPREME COURT COMMISSIONED
DURING THE PERIOD COVERED BY THIS APPENDIX.

JOHN JAY of New York, Chief Justice. Commissioned September 26, 1789. Resigned June 29, 1795.

JOHN RUTLEDGE of South Carolina, Associate Justice. Commissioned September 26, 1789. Declined. He was Chief Justice of South Carolina.

WILLIAM CUSHING of Massachusetts, Associate Justice. Commissioned September 27, 1789. Died September 13, 1810.

ROBERT H. HARRISON of Maryland, Associate Justice. Commissioned September 28, 1789. "Resigned." He was Chief Judge of the General Court. Died in office April 20, 1790.

JAMES WILSON of Pennsylvania, Associate Justice. Commissioned September 29, 1789. Died August 28, 1798.

JOHN BLAIR of Virginia, Associate Justice. Commissioned September 30, 1789. Resigned 1796.

JAMES IREDELL of North Carolina, Associate Justice, "in the place of Robert H. Harrison resigned." Commissioned February 10, 1790. Died October 20, 1799.

THOMAS JOHNSON of Maryland, Associate Justice, "vice John Rutledge resigned." Commissioned August 5, 1791, in the recess. Recommissioned on confirmation November 7, 1791. Resigned March 4, 1793.

WILLIAM PATERSON, "Governor of the State of New Jersey," Associate Justice, "vice Thomas Johnson resigned." Commissioned March 4, 1793. Died September 9, 1806.

The judiciary act of 1789, 1 Stat. 73, provided for a Chief Justice and five Associate Justices. President Washington, on the 24th September, 1789, nominated for Chief Justice Mr. Jay, and for Associate Justices, Messrs. Rutledge, Wilson, Cushing, Harrison and Blair, (in that order,) and they were all confirmed on the 26th of that month.

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JOHN RUTLEDGE of South Carolina, Chief Justice, in the place of John Jay resigned. Commissioned July 1, 1795, in the recess. December 10, 1795, the nomination was sent to the Senate, and on the 15th of that month the Senate, by a vote of 10 yeas to 14 nays, refused to advise and consent to it.

WILLIAM CUSHING of Massachusetts, Chief Justice, in the place of John Jay resigned. Commissioned January 27, 1796. Declined.

SAMUEL CHASE of Maryland, Associate Justice, “*vice* John Blair resigned.” Commissioned January 27, 1796. Died June 19, 1811.

OLIVER ELLSWORTH of Connecticut, Chief Justice, “*vice* William Cushing declined.” Commissioned March 4, 1796. In October, 1799, he was commissioned one of three Envys Extraordinary and Ministers Plenipotentiaries to France, and resigned the office of Chief Justice from Paris in November, 1800. He died November 26, 1807.

BUSHROD WASHINGTON of Virginia, Associate Justice, in the place of James Wilson deceased. Commissioned September 29, 1798, in the recess. Recommissioned on confirmation December 20, 1798. Died November 26, 1829.

ALFRED MOORE of North Carolina, Associate Justice, “in the room of Mr. Justice Iredell deceased.” Commissioned December 10, 1799. Resigned in 1804.

JOHN JAY of New York, Chief Justice, “in the place of Oliver Ellsworth, who has resigned.” Commissioned December 19, 1800. Declined. Died May 17, 1829.

JOHN MARSHALL of Virginia, Chief Justice, “in place of John Jay, who has declined his appointment.” Commissioned January 31, 1801. Died July 6, 1835.

WILLIAM JOHNSON of South Carolina, Associate Justice, “in the place of Alfred Moore resigned.” Commissioned March 26, 1804. Died August 11, 1834.

BROCKHOLST LIVINGSTON of New York, Associate Justice, “in the room of William Paterson deceased.” Commissioned in the recess November 10, 1806. Recommissioned on confirmation January 16, 1807. Died March 18, 1823.

THOMAS TODD of Kentucky, Associate Justice. (This appointment was made under the act of February 24, 1807, 2 Stat.

421, c. 16, § 5, authorizing the appointment of an additional Associate Justice.) Commissioned March 3, 1807. Died February 7, 1826.

LEVI LINCOLN of Massachusetts, Associate Justice "in the room of William Cushing deceased." Commissioned January 7, 1811. Declined.

JOHN QUINCY ADAMS of Massachusetts, Associate Justice. Commissioned February 22, 1811. Declined.

JOSEPH STORY of Massachusetts, Associate Justice, "in the place of John Quincy Adams declined." Commissioned November 18, 1811. Died September 10, 1845.

GABRIEL DUVALL of Maryland, Associate Justice, "in the room of Samuel Chase deceased." Commissioned November 18, 1811. Resigned January, 1835. Died March 6, 1844.

SMITH THOMPSON of New York, Associate Justice, "in the place of Brockholst Livingston deceased." Commissioned in the recess, September 1, 1823. Recommissioned on confirmation December 9, 1823. Died December 18, 1843.

ROBERT TRIMBLE of Kentucky, Associate Justice, in the place of Thomas Todd deceased. Commissioned May 9, 1826. Died August 25, 1828.

JOHN MCLEAN of Ohio, Associate Justice, in the place of Robert Trimble deceased. Commissioned March 7, 1829. Died April 4, 1861.

HENRY BALDWIN of Pennsylvania, Associate Justice, in the place of Bushrod Washington deceased. Commissioned January 6, 1830. Died April 21, 1844.

JAMES M. WAYNE of Georgia, Associate Justice, in the place of William Johnson deceased. Commissioned January 9, 1835. Died July 5, 1867.

ROGER B. TANEY of Maryland, Chief Justice, in the place of John Marshall deceased. Commissioned March 15, 1836. Died October 12, 1864.

PHILIP P. BARBOUR of Virginia, Associate Justice, in the place of Gabriel Duvall resigned. Commissioned March 15, 1836. Died February 24, 1841.

WILLIAM SMITH of Alabama, Associate Justice. (This appoint-

ment was made under the act of March 3, 1837, 5 Stat. 176, c. 32, which added two Associate Justices to the court.) Commissioned March 8, 1837. Declined.

JOHN CATRON of Tennessee, Associate Justice. (This appointment was also made under the act of March 3, 1837.) Commissioned March 8, 1837. Died May 30, 1865.

JOHN MCKINLEY of Alabama, Associate Justice, in the place of William Smith declined. Commissioned in the recess April 22, 1837. Recommissioned on confirmation September 25, 1837. Died July 19, 1852.

PETER V. DANIEL of Virginia, Associate Justice, in the place of Philip P. Barbour deceased. Commissioned March 3, 1841. Died June 30, 1860.

SAMUEL NELSON of New York, Associate Justice, in the place of Smith Thompson deceased. Commissioned February 13, 1845. Retired November 28, 1872, under the provision of the act of April 10, 1869, 16 Stat. 45, c. 22. Died December 13, 1873.

LEVI WOODBURY of New Hampshire, Associate Justice, in the place of Joseph Story deceased. Commissioned in the recess September 20, 1845. Recommissioned on confirmation January 3, 1846. Died September 4, 1851.

ROBERT C. GRIER of Pennsylvania, Associate Justice, in the place of Henry Baldwin deceased. Commissioned August 4, 1846. Retired January 31, 1870, under the provision of the act of April 10, 1869, 16 Stat. 45, c. 22. Died September 26, 1870.

BENJAMIN ROBBINS CURTIS of Massachusetts, Associate Justice, in the place of Levi Woodbury, deceased. Commissioned in the recess September 22, 1851. Recommissioned on confirmation December 20, 1851. Resigned in 1857. Died September 15, 1874.

JOHN A. CAMPBELL of Alabama, Associate Justice, in the place of John McKinley deceased. Commissioned March 22, 1853. Resigned in 1861.

NATHAN CLIFFORD of Maine, Associate Justice, in the place of Benjamin R. Curtis resigned. Commissioned January 12, 1858. Died July 25, 1881.

NOAH H. SWAYNE of Ohio, Associate Justice, in the place of John McLean deceased. Commissioned January 24, 1862. Re-

tired under the provision of Rev. Stat. § 714, January, 1881. Died June 8, 1884.

SAMUEL F. MILLER of Iowa, Associate Justice, to fill a vacancy. Two vacancies existed when Mr. Justice Miller was appointed ; one caused by the death of Mr. Justice Daniel, the other by the resignation of Mr. Justice Campbell. Mr. Justice Miller was not named specially for either. Commissioned July 16, 1862.

DAVID DAVIS of Illinois, Associate Justice, to fill a vacancy. Commissioned in the recess October 17, 1862. Recommissioned on confirmation December 8, 1862. Resigned March, 1877. Died June 26, 1886.

STEPHEN J. FIELD of California. (This appointment was made under the act of March 3, 1863, c. 100, 12 Stat. 794, authorizing the appointment of an additional Associate Justice.) Commissioned March 10, 1863.

SALMON P. CHASE of Ohio, Chief Justice, in the place of Roger B. Taney deceased. Commissioned December 6, 1864. Died May 7, 1873.

EDWIN M. STANTON, Associate Justice, in the place of Robert C. Grier retired. Commissioned December 20, 1869, "to take effect from and after February 1, 1870," at which time Mr. Justice Grier's retirement was to take effect. Died December 24, 1869, before his commission took effect.

WILLIAM STRONG of Pennsylvania, Associate Justice, to fill a vacancy. Two vacancies existed ; one the new judgeship created by the act of April 10, 1869, the other caused by the retirement of Mr. Justice Grier. President Grant sent the names of Mr. Bradley and Mr. Strong to the Senate in that order without specifying to which vacancy either was to be assigned. Mr. Justice Strong was commissioned February 18, 1870. Retired under the provisions of Rev. Stat. § 714, December, 1880.

JOSEPH P. BRADLEY of New Jersey, Associate Justice to fill a vacancy. Commissioned March 21, 1870.

WARD HUNT of New York, Associate Justice, in the place of Samuel Nelson retired. Commissioned December 11, 1872. Retired January 7, 1882, under the provisions of an act of that date. Died March 24, 1886.

MORRISON R. WAITE of Ohio, Chief Justice, in the place of Salmon

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P. Chase deceased. Commissioned January 21, 1874. Died March 23, 1887.

JOHN M. HARLAN, Associate Justice, in the place of David Davis resigned. Commissioned November 29, 1877.

WILLIAM B. WOODS of Georgia, Associate Justice, in the place of William Strong retired. Commissioned December 21, 1880. Died May 14, 1887.

STANLEY MATTHEWS of Ohio, Associate Justice, in the place of Noah H. Swayne retired. Commissioned May 12, 1881. Died March 22, 1889.

HORACE GRAY of Massachusetts, Associate Justice, in the place of Nathan Clifford deceased. Commissioned December 20, 1881.

SAMUEL BLATCHFORD of New York, Associate Justice, in the place of Ward Hunt retired. Commissioned March 22, 1882.¹

LUCIUS Q. C. LAMAR of Mississippi, Associate Justice, in the place of William B. Woods deceased. Commissioned January 16, 1888.

MELVILLE W. FULLER, Chief Justice, in the place of Morrison R. Waite, deceased. Commissioned July 20, 1888.

¹ ROSCOE CONKLING was nominated to the Senate and confirmed as an Associate Justice in the place of Mr. Justice Hunt; but no commission issued, as Mr. Conkling declined.