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**Prize and Related Records
for the War of 1812 of the
U.S. District Court for
the Southern District
of New York
1812-1816**



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Records of District Courts of the United States

Record Group 21

PRIZE AND RELATED RECORDS FOR THE WAR OF 1812
OF THE U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
1812-1816

On the nine rolls of this microfilm publication are reproduced prize and related records for the War of 1812 of the U.S. District Court for the Southern District of New York, 1812-16.

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 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, while 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 one 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. New York City, the seat of the southern district, was the country's leading port and commercial center during the time covered by this microfilm publication. The District Court for the Southern District of New York was primarily an admiralty court, and its admiralty records, including prize records, will be of special importance to those interested in maritime law and related matters.

Article III, section 2, of the Constitution provides that the judicial power of the United States shall extend "to all Cases of admiralty and maritime Jurisdiction..." In a series of decisions, the Supreme Court has interpreted this grant of authority as extending not only over the high seas but over all public navigable waters as well, including interior lakes, rivers, and canals. The Judiciary Act of 1789 conferred original jurisdiction in admiralty and maritime cases on the district courts but reserved to suitors "the right of a common law remedy, where the common law is competent to give it." The act also provided for admiralty appeals from the district courts to the circuit courts.

Prize law is that part of international law which concerns the capture of enemy property by a belligerent at sea during war.

The determination of the legality of the capture of such property and its liability to confiscation and condemnation rests with the prize courts of the belligerent state. The Judiciary Act of 1789 and the Supreme Court's decision in the case of *Glass v. The Sloop Betsey* (3 Dall. 6) in 1794 conferred all the powers of a court of admiralty "both instance and prize" in the district courts of the United States. The prize act of June 26, 1812 (2 Stat. 759), regulated the issue of commissions and letters of marque to private armed vessels of the United States and provided for the adjudication of prizes in the Federal district courts.

The district court convened in its capacity as the prize court in New York City in August 1812 and continued as late as 1816. On September 2, 1812, rules of procedure in prize cases were formulated by the court. Matthew L. Davis and Ogden Edwards were appointed as prize commissioners for the examination of witnesses, attention to the safety of captured vessels, inspection of captured property, and other services in connection with prize matters as required by the court. Standing interrogatories, to be administered to all persons found on board any prize vessels, were drawn up. The questions were intended to elicit the fullest possible information about the prize ship and its company, cargo, and voyage. Numerous captures, chiefly by the many privateers fitted out in that port, were sent into New York for adjudication. The business of the prize court was brisk until late in 1813 when the New York port was closely blockaded by the British fleet.

The records reproduced in this microfilm publication are arranged in three series. The principal series, case files, 1812-16, reproduced on rolls 1-8, includes libels for the condemnation of seized enemy property as a lawful prize, monitions summoning interested parties to appear, depositions of witnesses examined according to the standing interrogatories established by the court, answers and pleas, replications, appeals, indentures, claims for property seized as a prize, reports of costs and statements of charges against prize vessels and cargo relating to wharfage and appraisement, orders of the court, consents, decrees of condemnation, accounts of sales of prizes, reports of commission fees, and related papers reflecting the progress of prize cases through the court. There are also shipping articles, articles of agreement, cargo manifests, invoices and bills of lading, shipping tickets, receiving reports, certificates of registry, licenses to sail with or without a convoy, licenses to arm vessels, British letters of marque and reprisal, proceedings of courts martial, muster rolls, logs, "Signals and Instructions for Ships Under Convoy," letters of "Protection Against Imprisonment," correspondence relating to the vessels and their cargoes, personal correspondence including letters written by British soldiers stationed in Java, certificates of desertion, and related papers seized aboard prize vessels and deposited with the court according to the rules of procedure in prize matters.

Also included are letters of attorneys and other papers similar to those in the latter two series on this microfilm publication. The case files include records relating to the sloop of war *Alert*, which was the first British vessel during the war to strike its flag to an American victor, the *Essex*; the British war frigate *Macedonian*, subdued and seized by the United States frigate *United States*; and the British warships *Confiance*, *Chub*, *Finch*, *Linnett*, and other vessels defeated and taken on Lake Champlain, Lake Erie, and Lake Ontario by American naval forces. In some instances the libel suits pertain to customs clearance, embargo, and other admiralty matters relating to nonwar activities.

The case files are arranged alphabetically by name of prize vessel. Most documents within the files are arranged by date of filing, but many of the files contain numbered exhibits that are filed after the documents in the chronological sequence. In some instances the files contain no libels or other basic documents and consist solely of exhibits arranged by assigned number. When the same vessel was involved in more than one suit, the files usually are arranged by date of filing of libel, except in instances in which several cases were tried concurrently. Documents for these cases are interfiled, arranged by date of filing, and comprise one case file. For two cases, involving the brig *Hero* and the schooner *Willemina* respectively, there is insufficient documentation to identify the plaintiffs.

A list of the case files is included, beginning on page 6. To conserve space, the titles of the cases usually have been condensed to include only names of persons and vessels. Typically the name of only one claimant is given followed by the expression "et al." Usually the owners, officers, and crew were all parties. Only the name of the prize ship is given even though the guns, tackle, apparel, furniture, and cargo of the vessel were often specified as part of the prize claimed. The year indicated is that in which the claim was filed.

The second series, Privateers' Papers, 1812, reproduced on the first part of roll nine, consists principally of letters of attorney and letters of last will and testament (documents that were executed by the officers and crews of several privateer vessels commissioned during the War of 1812 and that empowered specified persons to receive prize monies payable to them) and "prize tickets" or certificates indicating the number of shares of prize money to which the holder was entitled. Also included are articles of agreement between captain and crew, letters of attorney appointing prize agents to transact all pertinent business on behalf of the privateer, schedules of prize monies paid out, petitions to receive prize money, depositions, and reports of sales of cargoes. The privateer vessels concerned are the *Benjamin Franklin*, the *Bunker Hill*, the *Chasseur*, the *Favorite*, the *General Armstrong*, the *Hornet*, the *Saratoga*, and the *Teazer*. The documents

are arranged alphabetically by name of the privateer vessel and thereunder by date of filing or date of the document.

The third series, Papers Relating to the U.S. Frigate *Essex*, 1812-16, reproduced on the last part of roll nine, consists of letters of attorney executed by the officers and crew of the *Essex* granting specified persons authority to receive prize monies accruing to them, certificates indicating that the holder was entitled to shares in captures made by the *Essex*, and related correspondence, including letters from former crew members or their agents requesting the payment of prize monies. The documents are arranged chronologically.

The covering dates of this microfilm publication are those of the filing of cases with the court. There are individual documents dated as early as 1811 and as late as 1817. The records reproduced are part of Records of the 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, which are now in the custody of the General Archives Division located in the Washington National Records Center. In the same record group are Civil War prize case files of the U.S. District Court for the Southern District of New York, 1861-65. There are also logs of prize vessels, 1857-64, and correspondence, registers, and related accounting books of the Prize Commissioners, 1857-67. For the period 1790-1842 there are admiralty case files, 1790-1842, and related dockets, 1828-42, which have been reproduced as National Archives and Records Service Microfilm Publication M919, *Admiralty Case Files of the U.S. District Court for the Southern District of New York, 1790-1842*; and district court minutes and judgment records that relate in part to prize cases. Most of the minutes have been reproduced as M886, *Minutes and Rolls of Attorneys of the U.S. District Court for the Southern District of New York, 1789-1841*. The judgment records will be reproduced as a later microfilm publication. Also to be included in later microfilm publications are the records of bankruptcy cases under the act of 1800 and the law case files of the court, 1795-1844. Records for prize cases appealed to the U.S. Circuit Court for the Southern District of New York are included in M855, *Appellate Case Files of the U.S. Circuit Court for the Southern District of New York, 1793-1845*.

In the Records of the Supreme Court of the United States, Record Group 267, are appellate case files for the period 1792-1831, which have been reproduced as M214, *Appellate Case Files of The Supreme Court, 1792-1831*. Some of these Supreme Court appellate case files relate to the same types of cases, and in some instances to identical cases, that are in the prize case files.

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 the records to be microfilmed and the establishment of priorities for microfilming the records are based largely on Mr. Rhodes' comprehensive survey and report of 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*. It is available from the Publication Sales Branch (NATS), National Archives (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.

These introductory remarks were written by Mary Joe Minor.

PRIZE CASE FILES ALPHABETICALLY BY PRIZE SHIP

1. John Gazeaux et al. (*Expedition*) v. *Adeline* (1814)
2. Frederick Jenkins et al. (*Governor Tompkins*) v. *Ajax* (1813)
3. U.S. frigate *Essex* et al. v. *Alert* (1812)
4. Peter Mirault et al. (*Amiable Nancy*) v. Peter Schenck et al. (*Scourge*) (1815)
5. *Ultor* v. *Amity* (1813)
6. *Amelia* v. *Ann* (1814)
7. Joseph Skinner et al. (*James Monroe*) v. *Ann* (1815)
8. S. B. Graves et al. (*Growler*) v. *Annabella* (1813)
9. *Hebec Ultor* et al. v. *Anne* (1815)
10. David Porter et al. (U.S. frigate *Essex*) v. *Atlantic* (alias *Essex Junior*) (1814)
11. Abraham Lawrence (*True Blooded Yankee*) v. *Aurora* (1816)
12. George Stevenson et al. (*Hollins*) v. *Ben Bovell* (1814) (libel filed under *Sally*)
13. Peter Schenck et al. (*Scourge*) v. *Brothers* and John Bragg, Master (1814)
14. *Whig* v. *Brunswick* (1815)
15. Peter Schenck et al. (*Scourge*) v. *Burton* and William Saidler, Master (1814)
16. Jesse Elliott et al. (U.S. ship *Eliza*) v. *Caledonia*; and Jesse Elliott et al. (U.S. ship *Eliza*) v. John Jacob Astor et al. (1812) (2 cases interfiled)
17. *Chasseur* v. *Carlbury* (1814)
18. Elias Kane et al. (*Retaliation*) v. *Caroline* (1812)
19. John Percival et al. (U.S. gunboat No. 57) v. *Charles* (1812)
20. *Favorite* v. *Charles Fawcett* (1812)
21. U.S. v. *Chub* (1815)
22. Ferdinand Hursethal et al. (*Amelia*) v. Merchandise from *Commerce* (1814)
23. Peter Schenck et al. (*Scourge*) v. *Concord* (1814)
24. Florye Charretton et al. (*Marengo*) v. *Concord* (1812)
25. U.S. v. *Confiance* (1813)
26. U.S. v. *Confiance* (1815)
27. George Stevenson et al. (*Lawrence*) v. Raisins and wine from *Dart* (1815)
28. U.S. v. *Drummond* (1813)
29. U.S. v. *Duke of Gloucester* (1813)
30. Adam Brown et al. (*Warrior*) v. Merchandise from *Dundee* (1815); and Adam Brown et al. (*Warrior*) v. *Dundee* (1815) (2 cases interfiled)
31. Samuel Evans et al. (U.S. frigate *Chesapeake*) v. *Earl Percy* (1813)
32. George Stevenson et al. (*Chasseur*) v. *Eclipse* (1814)
33. Lemuel Hawley et al. (*Young Wasp*) v. *Eclipse* (1814)
34. Peter Schenck et al. (*Scourge*) v. *Economy* (1814)
35. Francis Castigan et al. (U.S. gunboat No. 107) v. Merchandise from *Edward* (1812)
36. Florye Charretton et al. (*Marengo*) v. *Eliza* (1812)
37. U.S. v. *Elizabeth* (1812)

38. James Lawrence et al. (U.S. ship of war *Hornet*) v. *Ellen* (1813); and James Lawrence in behalf of William Bainbridge et al. (U.S. frigate *Constitution*) v. *Ellen* (1813) (2 cases interfiled)
39. John Cazeaux et al. (*Lyren*) v. *Emulation* (1815)
40. *War Lion* v. *Enterprise* (1812)
41. Abraham Riker et al. (*Saratoga*) v. Wine and sundry other articles from wreck of *Fame* (1813)
42. U.S. v. *Fame* (1814)
43. Henry Preble et al. (*True Blooded Yankee*) v. *Fame* (1815)
44. U.S. v. *Finch* (1815)
45. *Yorktown* v. *Fox* (1812)
46. Benjamin Bailey et al. (*Diomede*) v. Rum from wreck of *Friends* (1814)
47. Zebulon Miller et al. (*Spitfire*) v. *Georgia* (1812)
48. U.S. v. *Hamilton* (1813)
49. Oliver Wilson et al. (*Yankee*) v. *Harmony* (1812)
50. Peter Schenck et al. (*Munroe*) v. *Harmony* (1816)
51. Peter Schenck et al. (*Morgiana*) v. *Helena* (1815)
52. Frederick Jenkins et al. (*General Armstrong*) v. *Henrietta* (1814)
53. Peter Schenck et al. (*Governor Tompkins*) v. *Henry* (1814)
54. n.n. v. *Hero*
55. Peter Schenck et al. (*Scourge*) v. *Hope* (1814)
56. Robert White et al. (*Torn or Tom*) v. Cargo of *Independence* (1812)
57. Josiah Engersoll et al. (*Benjamin Franklin*) v. *Industry* (1812)
58. Samuel Adams, Abraham Riker, et al. (*Teazer*) v. *Isabella* (1812)
59. U.S. v. *James Wells* (1812)
60. Charles Dennet and Richard Keating (*Leo*) v. *Jane* (1815)
61. *Teazer* v. *Jane* (1812)
62. Samuel Adams, Abraham Riker, et al. (*Teazer*) v. *Jenny* (1812)
63. Alexander Adams et al. (*Amelia*) v. *Jesse* (1814)
64. U.S. frigate *President* et al. v. *Jonathan* (1814)
65. Benjamin Bailey et al. (*Diomede*) v. *Joseph and Mary* (1814)
66. Holton Breed et al. (*Montgomery*) v. *Lady Gallatin* (1812 and 1814) (2 cases interfiled)
67. U.S. v. *Lady Gore* (1813)
68. Floyre Charretton et al. (*Marengo*) v. *Lady Prevost* (1812)
69. *Marengo* et al. v. *Lady Sherbrooke* (1812)
70. U.S. v. *Lord Nelson* (1812)
71. James Mathews et al. (*Ultor*) v. *Lord Nelson* and several other British vessels (1814)
72. U.S. frigate *Constitution* et al. v. Glassware and other cargo from *Lord Nelson* and *Susannah* (1814)
73. Jasper Ward et al. (*Benjamin Franklin*) v. *Louisiana* (1812)
74. U.S. frigate *United States* et al. v. *Macedonian* (1813)
75. Floyre Charretton et al. (*Marengo*) v. Hardware and cutlery and other cargo from *Maria* (1812)
76. Gerardo Patruillo et al. (*Maria*) v. *Saratoga*, (1813)

77. Lemuel Taylor et al. (*Whig*) v. *Mars* (1814)
78. Jasper Ward et al. (*Benjamin Franklin*) v. *Mary* (1812)
79. Peter Schenck et al. (*Scourge*) v. *Mary* (1814)
80. Frederick Jenkins et al. (*Governor Tompkins*) v. Coral beads, other cargo, articles, money, and papers from *Mary Ann* (1813)
81. Charles Johnson et al. (*Tickler*) v. *Mary and Susan* (1812) (numerous cases interfiled)
82. *Amelia* et al. v. *Neptune* (1814)
83. Peter Schenck et al. (*Governor Tompkins*) v. *Nereid* (1814)
84. Adam and Noah Brown et al. (*Warrior*) v. Merchandise from *Nicholson* (1815); and Adam Brown et al. v. *Nicholson* (1815) (2 cases interfiled)
85. U.S. v. *Night Hawk* (1812)
86. Abraham Riker et al. (*Saratoga*) v. *Ocean* (1812)
87. U.S. sloop *Peacock* et al. v. 5 chests of opium and 320 ounces of gold (1815). (Identified as *Ocean* case, but the vessel is not named in the papers.)
88. Samuel Adams and Abraham Riker et al. (*Teazer*) v. *Orient* (1812)
89. U.S. gunboat *No. 43* et al. v. *Pomerania* (1814)
90. Peter Schenck et al. (*Scourge*) v. *Prosperous* (1814)
91. George Stevenson et al. (*Chasseur*) v. *Prudence, Favorite, Carlbury, and Amicus* (1814)
92. Abraham Riker et al. (*Saratoga*) v. *Quebec* (1812)
93. Abraham Riker et al. (*Favorite*) v. *Rebecca* (1813)
94. U.S. Ship *Horner* et al. v. *Resolution* (1813)
95. Frederick Jenkins et al. (*General Armstrong*) v. Cargo of *Resolution* (1814)
96. Robert White et al. (*Rolla*) v. *Rio Nova (Nuovo)* (1813)
97. George Stevenson et al. (*Hollins*) v. Cargo of *Ben Bovell* and cargo of *Sally* (1814). (Related documents are filed under *Ben Bovell*.)
98. *Spark* et al. v. *Sarah* (1814)
99. William Dobson et al. (*Paul Jones*) v. Fire arms from *Seaton and Canada* (1813)
100. Frederick Jenkins et al. (*General Armstrong*) v. Goods and merchandise from *Sir Sidney Smith* (1813)
101. Jacob Lewis et al. (*Bunker Hill*) v. *Skylark* (1812)
102. *Regent* et al. v. *St. Lawrence* (1813)
103. Lemuel Taylor et al. (*Surprise*) v. *Star* (1815)
104. Davis Jones, proctor and advocate, on behalf of William Dobson et al. (*Paul Jones*) v. *Stranger* (1816)
105. U.S. frigate *Constitution* et al. v. Ship *Susannah* (1815)
106. Robert White et al. (*Dolphin*) v. *Three Brothers* (1813)
107. U.S. v. Robert White et al. (*Tom*) (1814)
108. Henry Dekoven et al. (*Prompt*) v. *Tottenham* (1813)
109. Frederick Jenkins et al. (*General Armstrong*) v. *Union* (1812)
110. U.S. sloop *Peacock* et al. v. Opium from *Venus* (1815)
111. Samuel Adams et al. (*Teazer*) v. *Venus* (1812)
112. U.S. frigate *President* et al. v. *Wanderer* (1813)
113. n.n. v. *Willemina*
114. U.S. *Hornet* et al. v. *William* (1813)

115. William Wade et al. (*Chasseur*) v. *William* (1814)
116. *Lawrence* et al. v. *William* (1814)
117. John Campan et al. (*Rosamond*) v. *Young Adella* (1812)
118. Elias Kane et al. (*Henry Gilder*) v. *Young Tamer* (1814)

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