

PRELIMINARY INVENTORY OF THE RECORDS
OF THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA

(Record Group 21)

Compiled by
BARBARA RUST

National Archives and Records Services
General Services Administration

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5/71
Ref. see pages 9 & 10

INTERVENTION DOCKET. May 1917-February 1932. 3 vols. 6 in. 19

Arranged chronologically by the date of the filing of the petition of intervention.

Record of papers filed and court actions taken on behalf of the intervenors in law, equity, and admiralty proceedings. Intervention causes are civil proceedings in which a third party is permitted by the court to become a party in the suit. The information given for each entry includes the case number, the names of the parties, the name of the intervenor, the names of the attorneys, and a brief abstract of the papers filed and actions taken. The volumes contain indexes to plaintiffs and defendants. The case papers are described in entry 21.

DOCKETS. 1806-1932. 69 vols. 9 ft. 20

Arranged numerically by the case number.

Record of papers filed and actions taken in admiralty, law, equity, habeas corpus, and criminal proceedings. The information given for each case includes the case number, names of the parties, and a brief abstract of the papers filed and actions taken. The names of the attorneys are frequently given. For the period of 1917-1932, some of the entries contain references to the "Intervention docket" described in entry 19. The volume for the period of 1900-1906 contains duplicate information. The volume for the periods of 1806-1884 and 1890-1932 contain indexes to the plaintiffs and defendants. The papers filed in the cases which are docketed in these volumes are described in entry 21. The volume for the period of 1806-1814 in which cases 1-769 are docketed has been reproduced as National Archives microfilm publication M-1082, Records of the U. S. District Court for the Eastern District of Louisiana, 1806-1814.

CASE FILES. 1806-1932. 882 ft. 21

Arranged numerically by the case number.

Unbound papers filed in admiralty, law, equity, criminal, and habeas corpus proceedings including petitions, exhibits, depositions, indictments, appraisal reports, summonses, libels in admiralty, writs, affidavits, orders, testimony, bills of complaint, answers, bills of information, writs of habeas corpus, judgments, and bills in equity. For the period of 1806-1820, the subjects of the cases include criminal charges of piracy, mutiny on the high seas, and importation of slaves into the United States in violation of federal slave trade laws. Contempt proceedings in case #791 were filed in 1815 against Major General Andrew Jackson for ignoring a writ of habeas corpus and imprisoning the federal judge, Dominic Hall, who had ordered

the issuance of the writ during the threatened British invasion of New Orleans. During the period of 1863-1865, many of the cases involved the seizures of lands belonging to Confederate military personnel and civilian authorities, and the seizures of cotton being transported from the rebel-held areas of Louisiana to the port of New Orleans which was under the control the Union troops. Cases relating to the deportation of illegal Chinese aliens were filed in New Orleans court during the period of 1915-1926, and some of the cases contain immigration and naturalization files. Cases 41-769 have been reproduced as a National Archives microfilm publication M-1082, Records of the U. S. District Court for the Eastern District of Louisiana, 1806-1814.

INDEX TO FINES AND JUDGMENTS. 1928-1939. 2 vols. 4 in. 22

Arranged alphabetically by the name of the defendant.

Index to defendants against whom a fine was levied in criminal proceedings or judgments in equity proceedings. The information given for each entry includes the names of the defendant and plaintiff, case number, the date and the amount of the judgment or fine, court costs, and occasionally, the date of payment of the judgment or fine. The criminal case papers are described in entry 80, and the equity case papers are described in entries 21 and 63.

INDEX TO JUDGMENTS INVOLVING THE UNITED STATES. 1864-1890. 1 vol, 23
2 in.

Arranged somewhat consecutively by the volume and page number of the judgment record book.

Partial index to the judgments rendered in law and admiralty proceedings in which the United States was the plaintiff. The information given for each entry includes the case number, the names of the defendants, the amount and date of the judgment, and the volume and page number of the volumes described in entry 25. Other cases in which the United States was the plaintiff are indexed in entry 24.

INDEX TO JUDGMENT RECORD BOOKS. 1864-1940. 1 vol. 2 in. 24

Arranged alphabetically by the name of the defendant.

Index to judgments in law and admiralty proceedings. The information given for each entry includes the name of the defendant, the case number, date and amount of the judgment, and the volume and page number.

JUDGMENT RECORD BOOKS. 1863-1939. 10 vols. 2 ft. 25

Arranged chronologically by the date on which the judgment was signed.

EARLY RECORDS OF THE U. S. DISTRICT COURT,
NEW ORLEANS: 1805 - 1865

By

J. EDWARD RICE
CHIEF, FEDERAL RECORDS CENTER, GSA
NEW ORLEANS, LA.

An address delivered to the National Convention
of Association of Federal Court Clerks in New
Orleans on August 7, 1962

Ref. see pages 17,18,19, & 20

public sentiment was so violently opposed to the idea of Livingston possessing the batture as private property. Yet the courts of the territory, Claiborne added, had ruled in favor of Livingston.

Jefferson, when apprised of the batture situation, reportedly instructed the Secretary of State to direct the U. S. Marshal in New Orleans to simply eject Livingston and all others from the batture property, under authority of the Squatters Act of 1807. This seemed to bluntly ignore any legal rights Livingston might have possessed concerning the batture property. The marshal, F. J. L. Dorgenois, executed these directions. After a period of deliberation by Livingston, a suit was entered in the U. S. District Court in New Orleans, based on the action of the marshal. The suit was entitled Livingston vs F. J. L. Dorgenois, Docket of Suits, (Vol. I), Case No. 375, filed July 4, 1810. Later, under the date of March 17, 1813, Livingston produced a mandate of the Supreme Court of the United States, upholding his side of the argument against F. J. L. Dorgenois.

In the celebrated batture case, a great public furor was raised. Pamphlets were written by both Jefferson and Livingston; these were circulated throughout the country. Years passed before all aspects of the controversy ended.

The contempt sentence levied upon Andrew Jackson, on March 22, 1815, unquestionably stirred louder public comments than any other case handled in the early years of this tribunal. It is beyond the scope of our talk to relate all versions of this case. In the language of court records, we find salient circumstances well summarized in the Minutes,

(Vol. IV) of the district court. Incidentally, we are glad to tell you that this volume is in an excellent state of preservation, notwithstanding that the paper and ink used have endured through some 147 years.

[The Jackson case is marked Number 791; it appears in the Minutes, (Vol. IV, pp. 13-14, 16-18, 20-21).] On page 13, we find the following: "It is ruled and ordered that the said Major General Andrew Jackson show cause why...an Attachment should not be awarded against him for contempt of this court, in having disrespectfully wrested from the clerk aforesaid an original order of the honorable the Judge of this Court, for the issuing of a writ of habeas corpus in the case of a certain Louis Louaillier then imprisoned by the said Major General Andrew Jackson, and for detaining the same; also for disregarding the said writ of habeas corpus when issued and served; in having imprisoned the honorable the judge of this Court; and for other contempts as stated by the witnesses."

Judge Hall pronounced judgement on March 31, 1815. It was that "...Major General Andrew Jackson do pay a fine of \$1,000 to the United States." [Minutes, (Vol. IV. p. 21).]

Newspapers in different cities printed many comments about the case. State legislatures, in Louisiana and Maine, passed resolutions favoring Jackson. It is also reported that the citizens of New Orleans voluntarily raised \$1,000 to reimburse Jackson for the fine. But Jackson, in turn, stated he would accept no contributions. If offered, he said he would give the money to the poor.

In retrospect, we can clearly see that the Jackson case is highlighted by ironic twists of destiny. Even the records, which we have with us this afternoon here in the Queen Ann room, reveal some of these curious circumstances.

We should remember that the Jackson case, like the earlier Burr Conspiracy, involved a prominent military figure. For example, General Wilkinson, like General Jackson, was extremely popular in the eyes of the public. And, in both cases, the awarding of the writ of habeas corpus provoked a tempest of criticism on Judge Hall.

It has been said by one responsible historian that Jackson received the sentence handed him by Judge Hall with a cool aplomb. That, after leaving the court room, Jackson made a speech to the excited crowd in the streets, urging them to abide by the decision of the court. And, that Jackson, in this moment, revealed to all and sundry his greatness.

A description of events which followed immediately after the conviction of Jackson was written by Bernard Marigny, a member of the Committee of Defense of New Orleans. This committee was named by the state legislature, just prior to the Battle of New Orleans. Marigny writes: "At last the General left New Orleans to return to his home. The volunteers did the same. New Orleans therefore was left to its old population; calm replaced agitation. Louaillier (who was awarded a writ of habeas corpus by Hall thereby causing Hall's arrest) continued to enjoy the public esteem. As for

Dominique Hall, he always was, until his death, the object of general veneration."

But the curious path - the path of destiny in the Jackson case - did not end here. We have with us this afternoon another volume of the Minutes of the court. Here (Volume 6, p. 252) is the recording of a document issued by Andrew Jackson, dated April 2, 1829. The document, as you can see, is a commission issued by President Andrew Jackson with Senate approval. In this document Jackson names Samuel Harper as judge for the federal court in New Orleans - the same court where Jackson himself was sentenced for contempt about fourteen years earlier.

There are two other noteworthy aspects of the Jackson case. First, Edward Livingston, a lawyer who represented Jackson in the contempt case, was made Secretary of State. This occurred, after Jackson was elected President. Following the appointment, Livingston was designated as the Minister of the United States to France.

Secondly, in 1844, some years after he had left the office of President of the United States, Jackson was reimbursed \$1,000, plus 6 percent interest, by the U. S. Congress. This was the sum Judge Hall fined him for contempt of court.

Records of the Era of Piracy

Cases relating to piracy, in the period 1809 - 1825, are numerous among retained records of the court.

Some of the earlier cases of piracy seem related to a certain extent, to the expulsion of French settlers from Santo Domingo and,

[March 24, 1815]

Richardson's copy of the
of
70th { Captain Good, 17th Regt
An order, this case was set for trial on Wednesday next.

That when the court adjourned until the 28th inst. tomorrow morning.

Special Court, Tuesday March 24 1815.

The Court met according to adjournment.

Present the Honble Amos A. Hall.

1760 { Daniel Patterson and others
vs
The General Postoffice }

On motion of Mr Smith, on filing the claim of Christian Swando to the proceeds of the vessel labelled in this cause, and on reading and filing the affidavit of Thomas Diggs, Deponent that the deposition of Stone, a witness in this case, about to depart the country, be taken de bene esse, at nine o'clock before S^r Spalderson Esquire Justice of the Peace on giving notice to the counsel for the appellants, and the counsel for the other claimants.

The Court then adjourned until tomorrow morning the 28th inst.

Special Court, Wednesday, March 22^d 1815.

United States
vs
Major Gen^l Genl^l Jackson }

The Court met according to adjournment.

Present the Honorable Benjamin A. Hall.

On this day the depositions of P^r J^r Duffless, Madam Adelaide, P^r J^r Mind, 19th Regt, W^o O'Keefe, Richard Claiborne and Louis Souther were taken and sworn to in open Court, except Richard Claiborne's which was sworn to the 21st instant.

On motion of Mr^r Wick, Attorney of the United States for this district, upon the affidavit of Richard Claiborne Clerk of this Court, and upon the testimony of P^r J^r Duffless steward of the above, and upon the testimony of other witnesses. It is ruled and ordered that the said Major General Andrew Jackson shall cause on Friday next, the 24th of March instant at New Orleans N^o: why an attachment should not be awarded against him for contempt of this Court, in having disrespectfully withheld from the Clerk of Courts an original order of the Honorable the Judge of this Court, for the issuing of a writ of Habeas Corpus in the case of Captain David Swando the imprisoned by the said Major General Andrew Jackson, and for detaining the same, also for disregarding the said writ of Habeas Corpus when issued and served, in having imprisoned the Honorable the Judge of this Court, and for other contempts as stated by the witnesses.

That when the Court adjourned until tomorrow morning the 28th inst.

[March 29th 1815]

Special Court, March 29th 1815.

The Court met according to adjournment

Present the honorable gentlemen, Abbott,

Michael Reynolds Esquire appeared before your Court, and presented his commission

as Alcalde of the Louisiana District, and also took the oath of office according to Law; whereupon

the Court ordered that the said Commission be recorded - and the same is in the words and

figures following, to wit:

James Madison, President of the United States of America;

do all who shall in these presents, bearing;

Sheweth, That requiring special trust and confidence in the Integrity, Ability

and Diligence of Michael Reynolds of Louisiana, I have nominated, and by and with

the advice and consent of the Senate do appoint him Alcalde in and for the District of

Louisiana, and do authorize and empower him to execute and fulfil the duties of that office

according to Law; and to receive and to hold the said office with all the powers, privileges

and emoluments to the same of right appertaining unto him the said Michael Reynolds

for the term of four years from the day of the date hereof, unless the President of the

United States for the time being should be pleased sooner to revoke this Commission.

My testimony whereof I have caused this Letter to be made

patent and the seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington the twentieth

day of January, A. D. 1815, and after the Independence of the

United States of America the thirty ninth.



James Madison

President

asking Secretary of State.

United States
MS
115

Major General Andrew Jackson

The motion of Major General Jackson is ordered that the said Commission be recorded - and the same is in the words and figures following, to wit:

Oblect A. H.

The condition of this obligation is such, that whenever the said Michael Reynolds was on the 1st day of January 1815 appointed and commissioned by the President of the United States to the office of Marshal in and for the Louisiana district and being desirous to enter upon the duties of said office, there of the said Michael Reynolds and such disputes as he may appoint under him, shall with and satisfying full force and virtue.

And then he went adjourned until Monday the 27th instant at 10 o'clock A.M.

That this cause be set for trial on Thursday next.

On motion of Mr. Clerk of Court for the defendant, it is ordered by the Court that the cause be set for trial on Thursday next.

On motion of Mr. Attorney for the defendant, it is ordered that the defendant should not furnish additional security in this case, he that herebefore given and bonds.

Reinstated then cause on Monday next why he should not furnish additional security in this case, he that herebefore given and bonds.

1788 }
 No }
 Peter Davidson & Co }
 Koerber & Co }
 Oregon }

1791 }
 No }
 Major General Andrew Jackson }
 United States }

On motion of Mr. Attorney for the defendant, it is ordered that the defendant should not furnish additional security in this case, he that herebefore given and bonds.

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- Michael Reynolds
- William Reynolds
- Abner B. Morgan
- William Dumburn
- Wm. Montgomery

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 No }
 Major General Andrew Jackson }
 United States }

1788 }
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Reinstated then cause on Monday next why he should not furnish additional security in this case, he that herebefore given and bonds.

[March 28th 29th]

United States
791 { Major General Andrew Jackson }

On this day his honor delivered the following opinion:

The Court has taken time to consider the propriety of admitting the answer that was offered yesterday. It was proper to do so - 1st because this is the first proceeding of any importance for contempt instituted in this Court since its establishment - 2nd because from the constitution of the Court it consists of but one Judge, and it so happens that one of the causes of the contempt assigned is the imprisonment of the Judge and the consequent obstruction of the course of Justice. This is no reason why the proceeding should not have been instituted and persevered in, but it is a good one for much deliberation. No personal considerations ought for an instant to induce a Judge to abandon the defence of the laws, the support of the dignity of the Tribunal, and the rights of his fellow citizens. I have considered this case well, and I think I perceive the clear course. On the Rule to show cause, the party called on may take legal grounds to show that the attachment should not issue, - he may take exceptions to the mode of proceeding, or prove from the affidavits offered that the facts charged do not amount to a contempt. If the Court be convinced that the attachment may legally issue, it goes to bring the party into Court, and then interrogatories are proposed to him. He may object to any of the interrogatories as improper, or he may deny the facts charged, and purge himself of the contempt on oath. His single testimony counteracts that which may have been adduced. I will hear any of the exceptions made in the answer, or any other question of Law that may be urged. Should the Court think that the attachment may issue, interrogatories will then be filed.

Whereupon after the reading of the affidavits, and the hearing of arguments by the Counsel of the United States, the Court took time to consider.

And then the Court adjourned until tomorrow morning about 10 o'clock.

Special Court, Wednesday 29th March 1815.

The Court met according to adjournment.

Present the honorable Dominick A. Hall.

Ex parte
792 { Mr. Nathan }

A habeas corpus having been awarded in this case, the defendant appeared before the Court, and after hearing the arguments of Counsel, it is ordered that the said Defendant be and he is hereby discharged.

United

[29th March 1815]

726 { United States
vs
Laws and Law Co. }

Judgment for the United States for Two thousand and forty six dollars, to be discharged by the payment of one thousand and twenty three dollars with interest from the 25th of April 1814, and costs.

New Orleans 29 Mar 1815.

Don. A Hall

788 { Hector Mc Organ
vs
Peter Saidlaw & Co. }

On motion of Counsel for the defendants, and on hearing the arguments of Counsel, it is ordered that the Rule taken in this case on the 25th of March instant be and the same is hereby made absolute, and that the Plaintiff give security in the further sum of Five hundred dollars.

John C. Wedderstrand was offered and received as security.

795 { United States
vs
6 boxes, 2 Trunks, 2 1/2 bales. V. O. Co. }

On motion of W. Porter of counsel for the Claimant J. B. Davis. It is ordered the Messrs Andrew Milne, Hector Mc Organ, and David Wegehant be and they are hereby appointed Appraisers in this case, and it is further ordered that upon the said Claimant's entering into bond in the appraised value thereof, that the Goods, Wares and merchandize libelled and appraised be delivered to him, by the Marshal.

791 { United States
vs
Major General Andrew Jackson }

The Court being of opinion that sufficient cause had not been shown why an attachment should not issue: It is ordered that an attachment do issue against the defendant Major General Andrew Jackson, returnable on Friday the 31st of March instant.

And then the Court adjourned until Friday next 11 O'clock AM.

[21st Monday of April 1815]

Special Court, Friday 21st April 1815

The Court met according to appointment
Present Mr. Linnell Clerk. J. Hall.

United States
795 { ^{vs} _{vs} Linnell, J. Hall, & Co. }
1815

On this day Mathew Boyce and J. W. Fleming were offered to the Court by the defendant
J. W. David as his sureties, who were approved of, and a final verdict awarded.

United States
791 { ^{vs} _{vs} Major General Andrew Jackson }
1815

Intentional to the defendant Major General Andrew Jackson was ~~refused~~ by the plaintiff
attorney.

On this day appeared in person Major General Andrew Jackson, and being informed
by the Court that an attachment had issued against him for the purpose of bringing him into
Court, and the district attorney having filed his objections, the Court informed General Jackson
that they would be tendered to him for the purpose of answering thereto, — the said General
Jackson refused to receive them or to make any answer to the said Subpoenas.

Whereupon the Court proceeded to pronounce judgment, which was that Major General
Andrew Jackson do pay a fine of one thousand dollars to the United States.

And then the Court adjourned until Friday next the 2nd of April at Ten o'clock in the forenoon.

Special Court, April 5th 1815.

Present the Honorable B. Dominick & A. Hall.

Ex parte
795 { ^{vs} _{vs} B. Williams }
1815

General Justice in obedience to the writ of Habeas Corpus granted in this case brought the
defendant B. Williams into Court.

On motion of Mr. Chief Justice of course for B. Williams: It is ordered that the
said B. Williams enter into recognizance in the sum of Five hundred dollars with Major Boyce
and J. W. as securities to appear before the Court on tomorrow morning Ten o'clock.

In this case the Court heard them to consider.

Done

To the Honorable Dea Hall Judge of the United States District Court in and for the District of Louisiana

Louwallier, an inhabitant of this district and member of the house of Representatives of the State of Louisiana -

Humbly sheweth - that he has been this day illegally arrested by F Arnelong an officer in the 4thth Regiment, who ~~informed~~ your petitioner that he did arrest your said

Petitioner is now illegally detained pursuant to said Orders.

Wherefore your petitioner prays that a writ of Habeas Corpus be issued to bring him before your honor, that he may be dealt with according to the Constitution and the laws of the United States.

Signed P L Morel

Attorney for the Petitioner

In said petition relative to the arrest of the said ~~person~~ are true: In testimony whereof he subscribed the present in New Orleans on the 5th day of March 1815.

Sworn and subscribed before me.

Signed Dom. A. Hall Dis Judge

on which was the following endorsement

~~The writ of Habeas Corpus in the Petition is granted, and the petitioner is brought before me at 11 o'clock tomorrow morning.~~

Dom A Hall

5th Mar: 15.

Copy Test

H. Claiborne Clerk

B
~~1/10/1901~~

No 791

Develops opinion

1000

B

1001

The Court has taken time to consider the propriety of admitting
the answer that was offered yesterday. ~~It~~ ^{to do so} was proper ~~to~~ Because
this is the first proceeding of any importance for contempt instituted in
this court since its establishment. — 2nd Because from
the constitution of the Court it consists of but one judge & it
so happens that one of the causes of ^{the} contempt assigned is the in-
~~fluence~~ ~~of~~ ~~the~~ ~~judge~~ & the consequent obstruction of the
justice. This is no reason why the proceeding sh^d not have
been instituted & pursued in, but it is a good one for ^{much} deliberation
& no personal considerations ought for an instant, ^{it} induce a
judge to abandon the defence of the law, & the support of
the dignity of the tribunal & the rights of his fellow citizen-
~~ship~~ ~~of~~ ~~the~~ ~~country~~ ~~and~~ ~~the~~ ~~rights~~ ~~of~~ ~~his~~ ~~fellows~~ ~~citizens~~
~~of~~ ~~the~~ ~~country~~ ~~and~~ ~~the~~ ~~rights~~ ~~of~~ ~~his~~ ~~fellows~~ ~~citizens~~
occupy. — I have considered the case well & I think I
perceive the clear course. On the rule to show cause
the party called on may take legal ground to show that the
attachment sh^d not issue — he may take exception to the mode
of proceeding ^{now} ~~show~~ for the affidavits offered that the facts
charged do not amount to a contempt. If the Court be
convinced that the attachment may legally issue, it
goes to bring the party into Court, & then interrogatories
are proposed to ~~him~~ ^{himself} ~~he~~ may object to any of the interrogatories
as improper, or may deny the facts charged & perjure himself
of the contempt on oath. His single testimony counters what
evidence may have been adduced. I will hear any of
exceptions ~~made~~ made in the answer or any other question of law
that may be urged; sh^d the Ct think that the attachment
may issue, Interrogatories will then be filed?

1. J. Smith Const

American Baptist

M. W. H. W.

200

in a book

Associations

Recd March 31st 1815

W. W. L. W. W.

W. W. L. W. W.

203

W. W. L. W. W.

The U. S.
vs.

Monday

On this day ~~the~~ Magr. Genl and in

~~presence~~

to show cause
that pursuant to the rule, personally
appeared Magr. Genl. Andrew Jackson
having offered a certain paper, the
reading of parts of which an objection
was made by the Counsel of the U. S.
The Court thereupon took time to consider.

Tuesday the 28th —

On this day his honour delivered
the following opinion

(paper no 1. B)

Whereupon after ~~argument~~ the reading of the
affidavits, the hearing of arguments by the
Counsel of the U. S. The Court took time
to consider.

Wednesday the 29th

The Court being of opinion that sufficient
cause had not been shown, ^{why an attachment should} as attachment
was ordered to be issued returnable on

Friday Ne 31st

On Motion of the Dist. J. J. for reads
of the affidavits, it is ordered that an
attachment do issue against Genl. Gual.
Andrew Jackson for the Breach of
Contempt set forth in the said affidavits
returnable on Friday Ne 31st at 11 O'Clock

Friday Ne 31st

on this day app^r in person of

a. J. being informed by the Court that
an attachment had issued against
him for the purpose of bringing
him into court, the Dist. J. J.
having filed interpleas, the Court informed
Genl. Jackson that they would be
served to him for the purpose
of answering thereto, that the said
Genl. refused to receive them or to
make any answer to the said

which had been made in the order of the
Judge granting the W^t upon the Petition;
expressed his willingness to obey the civil
authorities of the country; & the right
of the Judges to issue Writs of Habeas
Corpus elsewhere than in his camp;
& that he would obey him. This deponent
inferred from the general tenor of Genl
Jackson's conversation; that he did not
intend to concern it proper to draw any
attention to the w^t of Habeas Corpus for
Louisiana or any other writ issued within the
limits of his camp.

Wm O. Winston

791

A

Judges Rules.

27 March.

205

[Faint handwritten text]

27th March.

1. If the part of an act to the jurisdiction, the Court is ready to hear.
2. If the party's affidavit contain a denial of the facts sworn to, or if he will to show that the facts charged do not in law amount to a contempt, the Court is ready to hear.
3. If the answer contain any thing in an apology to the Court, it is ready to hear.
4. If the party be desirous to show that by the Constitution or Laws of the U. S. he is entitled of his military Commission to hold a right to act as charged in the affidavit the Court is ready to hear. —

District Court U. S. Louisiana District, Baton Rouge.

March 25th 1815. Present the Hon^{ble} Dominick

A. Hall.

The United States

Upon motion of Mr. Livingston

Major Genl. Andrew

of Counsel for Major Genl.

Jackson

A. Jackson and with consent

of the District Attorney. It is ordered that the
Rule in this case, which was made returnable on
this day be laid over till Monday next 10 o'clock

Extract from the Minutes.

W. Cariborne clk

V Monday 27th

In pursuance of a rule granted ~~in~~^{to}
New Cause why an attachment should not
issue against the deft. for the causes therein

set forth, he has ~~not~~ personally appeared
in open court, ~~and admitted~~ offered a copy
~~of certain parts~~ of the paper as his defence

said to be ~~his~~ sworn to & subscribed
by him, the reading of parts of the said
paper was objected to whereupon the
Court ~~and~~ laid down the following rules,

(~~the~~ paper A)

after argument again as to the admissibility
of certain parts of the said paper the
Court took time to advise.

rights. Whereupon the Court
proceeded to pronounce judgment,
which was that Col. Andrew
Jackson do pay a fine of \$1000
to the U. S.

791.

Rough entries of Rules
and decrees.

MS
1791-1795

Handwritten text, possibly a name or title, oriented vertically.

no 9

Rough Rules

1901

District Court of the United States,
Louisiana District.

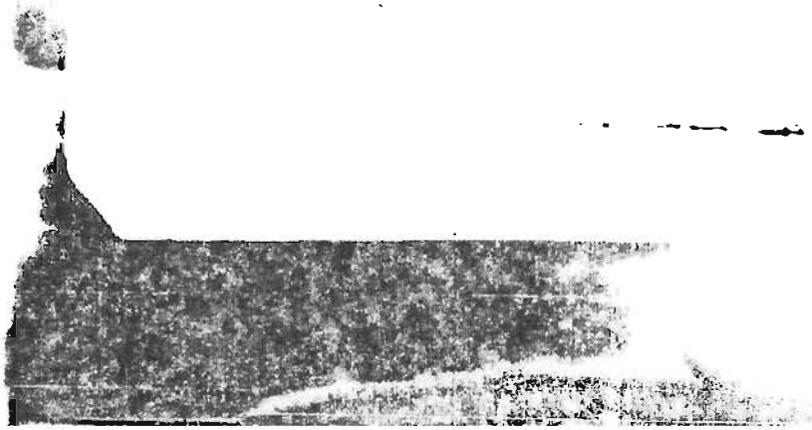
The United States

vs
Major General Andrew Jackson.

On motion of John Dick, Attorney of
the U. States for this district, upon the affidavit
of Richard Claiborne, Clerk of this Court,
and upon the testimony of P. L. B. Duplessis,
Marshal of the same, and upon the testimony
of other witnesses, it is ruled and ordered, that
the said Major Genl. Andrew Jackson show
cause, on Friday next, the 24th of March, next, ^{at ten o'clock A.M.}
why an attachment should not be awarded
against him, for Contempts of this Court, in having
disrespectfully wrested from the ~~the~~ Clerk
aforesaid an original order of the Honourable
Judge of this Court, for the issuing of a writ
of Habeas Corpus in the Case of a certain
— Sonallier, then imprisoned by the said
Major Genl. Andrew Jackson, and for advising
the same; also for disregarding the said writ
of Habeas Corpus when issued; ^{and served} in having
imprisoned the Hon the Judge of this Court,
for other Contempts as stated by the
witnesses.

No 13

7-10-1914



~~Alto~~

Cap^t: Peter V Ogden appeared who being duly sworn saith, that on Sunday morning the 11th instant, he received through an orderly sergeant an order from General Jackson, of which the following is a copy -

Permitted to the City
New Orleans March 11th 1815

Sir

You will detail from your Troop a discreet non Commissioned officer and four men, and direct them to call on the officer commanding the 3^d U.S. infantry for Dominick a Hall who is confined in the Guard house for exciting mutiny and desertion within the encampment of the City.

Upon the receipt of the prisoner, the non Commissioned officer will conduct him up the Coast beyond the lines of Gen^l: Carroll's encampment, deliver him the enclosed orders, and set him at liberty.

By Command

The Butler Aid de Camp.

Cap^t: Peter V Ogden
Commanding Troop of Cavalry
N. Orleans.

— That the deponent, in obedience to s^d: foregoing order, he the deponent ordered a guard to be detailed of four men and a non Commissioned officer, with directions to convey Judge Hall beyond the lines of Gen^l: Carroll's Camp which was about four miles above the Town of New Orleans - That the said Non Commissioned Officer returned about in the Ev

and

and reported that he had executed the said order.

Peter Weyburn

no 13

M^r Louallier appeared, who being duly sworn with, that the same had ^{or understanding} conversation, directly or indirectly with Judge Hall on the subject of an article published in the Louisiana Courier the 3^d of March instant, signed a ^{Citizen} ~~citizen~~ of Louisiana of French origin, the writing of which article was alleged to be the cause of confining the deponent by military authority.  Louaillier aine

Major W O Winston appeared who being duly sworn with - that the paper marked A, being a writ of habeas Corpus issued ⁱⁿ behalf of M^r Louallier by Judge Hall was given to this deponent by Major Reed aid de Camp of Major General Jackson, in order to be used by this deponent on the trial of the said Louallier before a Court Martial of which this deponent was the Judge advocate - that the said writ was applied for by the deponent - that the deponent was detailed by Gen^l Jackson as Judge advocate to the Court

aforesaid

of which he was informed by General Jackson
before breakfast on the 6th of March instant: that
in a conversation with Genl. Jackson he
expressed doubts as to his (Lorillon's being
subject to be tried by a C^t. Martial;) but
on re-examination of the B. O. & Act of
& advising with some gentlemen present whom he
cons^d as authority on fact subjects; his impression
was that he was embraced by certain Act of
War for the Americas therein designated; Genl
Jackson thought him liable to be tried by a
Court Martial by virtue of an order
issued by him declaring "Martial Law to
exist in the City of New Orleans & its
environs" - He appeared clear in his
conviction as to this subject - This opinion
expressed a doubt as to the extent & effect
of legal operation of the order declaring
Martial Law - Genl. Jackson spoke of
a W^t of Habeas Corpus which had been
issued, of Erasures & interlineation,



attachment to take the so

335
82

The President of the United States of America
to the Marshal of Louisiana and District

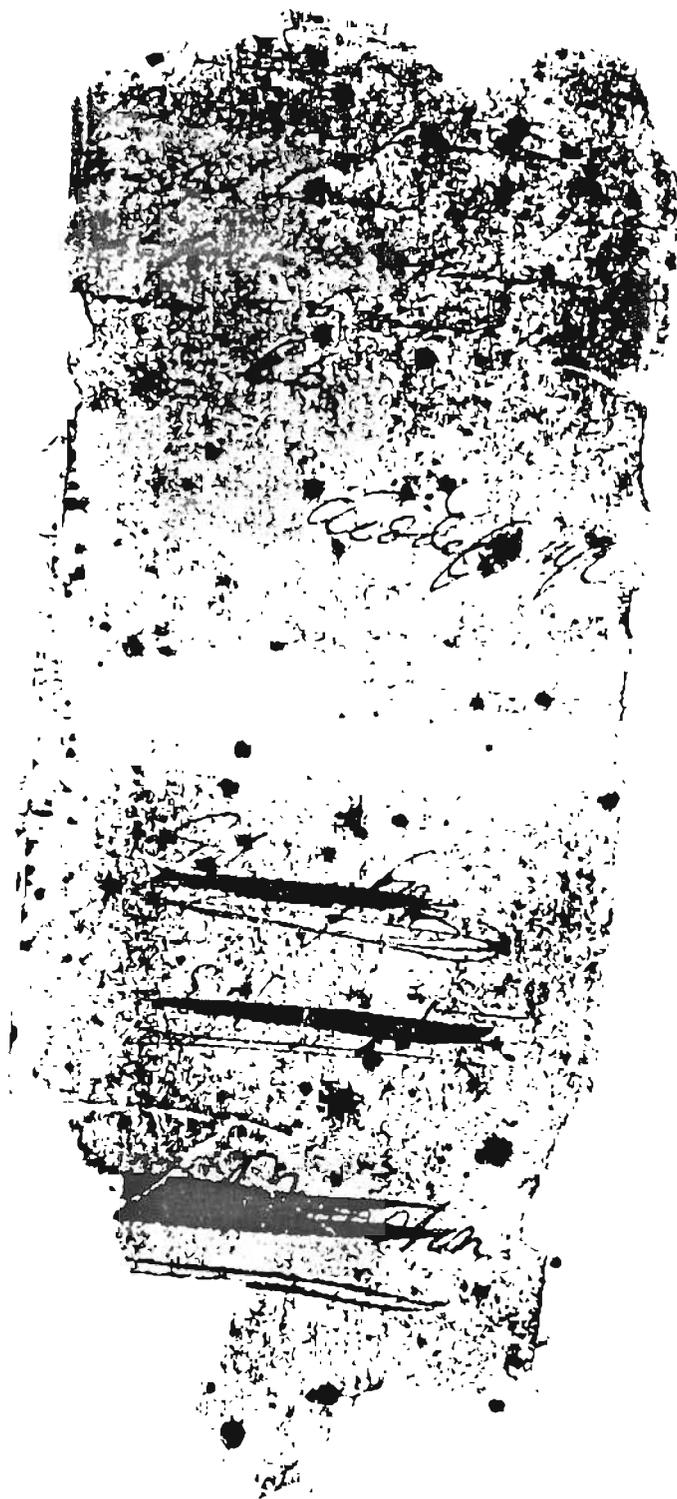
Friend

You are hereby commanded that you
bring before me ^{at Jackson, La} Clayton General Officer
that he and his accomplices the District of the United
States for the Louisiana District to be taken at the
city of Orleans in the usual place of judicators on
Friday the 31st day of this present month of March at eleven
of the clock before noon then & there to answer to certain
matters of Contempt against the said Court ^{publicly said to be} and ^{in the} alleged
to have been committed, either ^{by} or those therein.

Witness my hand & seal this 1st day of March at New
Orleans this 30th day of March in the
year of our Lord 1775 and in the 3rd
year of the Independence of the United
States of America

Wm. C. C. Clerk of
the Court

Clark



To the Honble. Dist. Court Judge of the 1st District
Court in and for the District of Louisiana

Louwallor, an inhabitant of this district and member of
the house of Representatives of the state of Louisiana -

Humbly sheweth - that he has been this day illegally
arrested by J. Covington an officer in the 4th Regiment, who
has since been taken that he did arrest your said

Petitioner is now illegally detained pursuant to said Order

Wherefore Your petitioner prays that a writ of Habeas
Corpus be issued to bring him before your honor, that he
may be dealt with according to the Constitution and the laws
of the United States.

Signed P. L. Morel

State of Louisiana

and are true: In testimony whereof he subscribed
New Orleans on the 5th day of March 1815.

Sworn and subscribed before me.

Signed Dom. A. Hall Dist. Judge

on which was the following endorsement

morning.

Dom. A. Hall

5th Mar. 15

Copy Test

Charles McK

B

No 791

Developa Opinions

Mo 2

B

No 1

The Court has taken time to consider the propriety of admitting
the answer that was offered yesterday. ~~It~~ ^{to do so} was proper ~~because~~
this is the first proceeding of any importance for contempt instituted in
this court since its establishment. — 2nd Because from
the constitution of the Court it consists of but one judge & it
is happens that one of the causes of ^{the} contempt applied is the ~~in~~
~~of the judge~~ & the consequent obstruction of the
~~justice~~. This is no reason why the proceeding sh^d not have
been instituted & pursued in, but it is a good one for ^{much} deliberation
& personal considerations right for an instant, ^{it} induce a
judge to abandon the defence of the law, & the support of
the dignity of the tribunal & the rights of his fellow citizens.
~~It is not proper to~~
occupy. — I have considered the case well & I think I
perceive the clear course. On the rule to show cause
the party called on may take legal ground to show that the
attachment sh^d not issue — he may take exception to the mode
of proceeding ^{now} ~~show~~ for the affidavits offered & that the facts
charged do not amount to a contempt. If the Court be
convinced that the attachment may legally issue, it
goes to bring the party into Court, & the interrogatories
are proposed to ~~him~~ ^{himself} he may object to any of the interrogatories
as improper, or may deny the facts charged & purge himself
of the contempt on oath. his single testimony counters what
the other may have been adduced. I will hear any of the
exceptions ~~made~~ made in the answer or any other question of law
that may be urged; sh^d the Ct think that the attachment
may issue, Interrogatories will then be filed?

1. J. Patrick Smith

Lawrence Baker

M. H. H. H.

no

in a book

Associations

land March 31st 1815.

W. H. H. H.

W. H. H. H.

no 3

W. H. H. H.

711

The U. S.
No.

Monday

On this day ~~the~~ Judge and in

~~form~~

to show cause

~~that~~ ~~just~~ ~~and~~ ~~to~~ ~~the~~ ~~rule~~ ~~being~~ ~~with~~
~~affidavit~~ ~~made~~ ~~in~~ ~~the~~ ~~case~~ ~~of~~ ~~the~~ ~~U. S.~~

having offered a return paper, the
reading of parts of which an objection
was made by the Counsel of the U. S.

The Court therefore took time to consider.

Tuesday the 28th —

On this day his honour delivered
the following opinion

(paper No 1 B)

Whereupon after ~~argument~~ the reading of the
affidavits & the hearing of arguments by the
Counsel of the U. S. the Court
to consider.

Wednesday the 29th

The Court being of opinion that sufficient
cause had not been shown, ^{why an attachment should} as an attachment
was ordered to be issued returnable on

Friday the 31st

On Motion of the Dist. J. J. For reads
of the affidavits, it is ordered that an
attachment do issue against Capt. Genl.
Andrew Jackson for the Breach of
Contempt set forth in the said affidavits
returnable on Friday the 31st at 11 o'clock

Friday the 31st

on the 31st after

a. J. being informed by the Court that
an attachment had issued against
him for the purpose of bringing
him into court, the Dist. J. J.
having filed interrogatories, the Court informed
Genl. Jackson that they would be
served to him for the purpose
of answering them, that he said
he refused to receive them or to
make any answer to the said

which had been made in the order of the
Judge granting the W^t upon the Petition;
expressed his willingness to obey the civil
authorities of the country; & the right
of the Judges to issue Writs of
Copoly elsewhere than in his camp:
that he would obey him. This deponent
inferred from the general tenor of Genl
Jackson's conversation; that he did not
[redacted] it proper
attention to the w^t of Habeas Copus for
Douglas or any other writ issued within the
limits of his camp.

Wm. O. Winston

791

A

Judges Rules.

27 c. March.

705

~~Handwritten scribble~~

27th March.



1. If the part object to the jurisdiction, the C. is ready to hear.
2. If the party's affidavit contain a denial of the facts sworn to, or if he will to shew that the facts charged do not in law amount to a contempt, the C. is ready to hear.
3. If the answer contain any thing in apology to the C., it is ready to hear.
4. If the party be desirous to shew that by the Constitution a loss of the U. S. is a violation of his military Commission he had a right to act as charged in the affidavit the Court is ready to hear. —

791.

District Court
Louisiana District

U. States

vs.

Major Genl
A Jackson.

to. copy
minutes

James H. [unclear]
at [unclear]

H. [unclear]
[unclear]

no 6

✓ Monday 27th

In pursuance of a rule granted ~~in~~
then came why an attachment should not
issue against the deft. for the cause therein

in open court ~~and~~ papers as his deft.

said to be ~~sub~~ sworn to & subscribed
by him, the reading of parts of the said
paper was objected to whereupon the
Court ~~and~~ laid down the following rule,

(~~the~~ paper A)

after argument again as to the admissibility
of certain parts of the said paper the
Court took time to advise.

Rough Rules,

no 9

791-

Summit Printing

District Court of the United States,

Louisiana District.

The United States

vs
Major General Andrew Jackson.

On motion of John Dick, Attorney of
the U. States for this district, upon the affidavit
of Richard Claiborne, Clerk of this Court,
and upon the testimony of P. L. B. Duplessis,
Marshal of the same, and upon the testimony
of other witnesses, it is ruled and ordered, that
the said Major Genl. Andrew Jackson show
cause, on Friday next, the 24th of March, next, ^{at ten o'clock A.M.}
why an attachment should not be awarded
against him, for Contempts of this Court, in having
disrespectfully wrested from the ~~the~~ Clerk
aforesaid an original order of the Honourable
Judge of this Court, for the issuing of a writ
of Habeas Corpus in the Case of a certain
— Donallier, then imprisoned by the said
Major Genl. Andrew Jackson, and for delaying
the same; also for disregarding the said writ
of Habeas Corpus when issued; ^{and served} in having
imprisoned the Hon^{ble} the Judge of this Court,
& for other Contempts as stated by the
witnesses.

12
No 13

12/12/40



Capl Peter N. Ogden appeared who being duly sworn deposed that on Sunday morning the 19th instant, he received through an orderly sergeant an order from General Jackson of which the following is a copy -

Quarter, 2nd U.S. Regt
New Orleans March 11th 1815

You will detach from your Regt a discreet non Commissioned officer and four men and direct them to call on the officer commanding the 3rd U.S. Infantry for permission a horse who is confined in the guard house for exciting mutiny and desertion within the encampment of the City.

Upon the receipt of the prisoner, the non Commissioned

and let him at liberty.

Ray Command
M. J. Butler Aide de Camp.
Commanding Troop of Cavalry
New Orleans.

That the report, in obedience to the foregoing

order, he the report ordered a guard to be

detached of four men and a non-commissioned

officer, with directions to convey Judge Hall

beyond the lines of Fort Barradeau's Camp which

was about four miles above the town of

New Orleans - That the said non Commissioned

Officer returned about in the evening

and reports that he has executed the said order.

Peter W. Gordon

NO 13

Mr. Louallier appeared, who being duly sworn with,
or understanding

published in the Louisiana Courier the 3^d of
instant, signed a ^{Citation} ~~Warrant~~ of Louisiana of French
origin, the writing of which article was attested
to be the cause of confining the deponent by
military authority. Louallier aine

Major W. O. Winston appeared who being duly sworn
saith - that the paper marked A, being a writ
of habeas Corpus issued ⁱⁿ behalf of Mr. Louallier
by Judge Hall was given to this deponent by
Major Reed Aid de Camp of Major General
Jackson, in order to be used by this deponent
on the trial of the said Louallier before a
Martial of which this deponent was the Judge
advocate - that the said writ was applied for
by the deponent - that the deponent was detailed
by Genl Jackson as Judge advocate to the Court

aforesaid

of which I was informed by Gen. Jackson
before breakfast on the 6th of March inst. that
in a conversation with Gen. Jackson he
expressed doubt as to his (Louiell's) being
subject to be tried by a Ct. Martial; but
in advising with some gentlemen present
cons^d as authority on facts subjects; his impression
was that he was embraced by certain Act^s of
War for the offences therein designated; Gen^l
Jackson thought him liable to be tried by a
Court of Martial; & was
opined by him declaring "Martial Law to
exist in the City of New Orleans, & its
environs" - He appeared clear in his
opinion as to this subject - This appears
to have expressed a doubt as to the
of legal operation of the order declaring
Martial Law - Gen. Jackson spoke of
a lot of Habeas Corpus which had been
issued, of Erasures & interlineations