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DOCKETS OF THE SUPREME COURT
OF THE UNITED STATES



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This pamphlet is intended to serve as a guide for users of this microfilm publication as well as for those desiring information on its contents prior to acquisition.

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DOCKETS OF THE SUPREME COURT OF THE UNITED STATES

In this microfilm publication are reproduced the engrossed dockets of the Supreme Court of the United States, 1791-1905, and the single series of dockets created by the Court since 1905, together with the portions of the rough dockets that contain entries for original-jurisdiction cases, 1829-1905. Until May 31, 1905, there are two series of Supreme Court dockets, the engrossed or smooth dockets, 1791-1905, which give the complete history of each case as compiled from the various docket books in which the case had been entered, and the rough dockets, 1803-1905, in which all unfinished and new cases were entered for each term. The series of engrossed dockets contains entries for cases that came before the Court during the period covered, with the exception of cases in original jurisdiction, 1829-1905, which are recorded only in the rough dockets. Beginning with May 31, 1905, the Court has maintained only one series of dockets in which are recorded all cases that come before the Court, in both original and appellate jurisdictions.

Among the cases brought before the Court are those that established the implied powers of the Federal Government and the power of the Court to pass on the constitutionality of acts of Congress and of the State legislatures; prize and admiralty cases; those involving questions concerning the neutrality of the United States in wars between foreign nations; treason cases; and those involving the contract clause of the Constitution, interstate and foreign commerce, the slave trade and the status of slavery, the powers of the Federal Government during the Civil War and foreign wars, civil rights, labor disputes, immigration, wage and hour legislation, and Federal and State police power.

The Supreme Court of the United States, provided for in article III, section 1, of the Constitution, was established by authority of the Judiciary Act of September 24, 1789 (1 Stat. 73). The Court's jurisdiction extends to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime law; to controversies in which the United States is a party; and to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or its citizens and foreign states, citizens, or subjects. In all cases affecting ambassadors, ministers, and consuls, and those in which a State is a party, the Supreme Court has original jurisdiction. Its appellate jurisdiction is defined in various statutes; but as the circuit courts of appeals are competent to give final decision in the majority of cases, the Supreme Court usually hears only those cases that

involve the construction or the constitutionality of legislative enactments or other issues of general importance.

Membership of the Supreme Court, as specified by the establishing act, consisted of a Chief Justice and five Associate Justices. Congress made frequent changes in the number of Associate Justices until in 1869 it fixed the number at eight.

The date set for the Court's convening has also changed frequently. The act that established the Court provided that two annual sessions be held, one to begin the first Monday in February and the other the first Monday in August. In 1801 an act provided that the Court should meet on the first Monday in June and December of each year. In the following year this legislation was repealed and the times for convening were restored as set forth in the act of 1789. Later in 1802 an act abolished the August term except for the receipt of motions and other routine business. As a result of these changes there was no session of the Court from December 1801 to February 1803. By an act effective in 1827 the annual term was set to begin on the second Monday in January; and effective in 1845, the day was changed to the first Monday in December. Again in 1873 the day was changed to the second Monday in October, and in 1916 to the first Monday in October, which remains as the day for convening the annual term. The Supreme Court may also hold special terms when necessary for the despatch of its business.

The volumes reproduced in this microcopy are arranged chronologically and within each volume the cases are entered chronologically according to the dates they were docketed. Each volume contains a register of the proceedings in each case, which may also be referred to as a docket of the case. The entries consist of a dated notation of the filing of each paper and of each action of the Court. Typical entries show the receiving and filing of the record of the case brought from the lower court, continuation of the case from one term to another, argument of the case, judgment, and issuance of a mandate to the lower court, or stipulation to dismiss the case and the dismissal. Beginning with the docket for the October Term, 1905, appellate cases are indexed at the front of each volume by names of parties to each case.

Most of the cases in the engrossed dockets that are reproduced on Rolls 1-11 of this microcopy are appellate cases, numbered continuously from 1 to 19782, that were docketed from 1792 to 1905. A few unnumbered original-jurisdiction cases, docketed from 1791 to 1801, are in volume A on Roll 1, and the last part of Roll 11 shows the sections from the rough dockets that contain entries for original cases docketed from 1829 to 1905. These original cases were not copied into the engrossed dockets as were the appellate cases.

Beginning with the volume for the October Term, 1905 (Roll 12), there is a separate volume for each term, with sections in each volume for original and appellate cases. The appellate section of each volume is headed "October Term." Parts or all of the dockets for cases continued from the preceding term of court are copied from the volume for that term. All cases are given numbers in a new series for each term, but appellate cases continued from a previous term of court carry in addition the number originally assigned in that term. In this microcopy the inclusive dates given for each volume are those between which new cases were docketed.

Beginning with the volume for the October term in 1937, each volume has a separate section for original actions. Until 1945 this section was known as "Original Actions" and after that year, as "Miscellaneous Docket." This docket, indexed at the front of the volume, contains entries for such proceedings as motions for leave to file a petition for a writ of habeas corpus and orders extending the time to docket a case, some of which may end in the formal docketing of a case. Before the volume for October Term, 1937, these actions were included in the regular section for original cases.

The originals of the dockets are in the custody of the Supreme Court. Other records also in the custody of the Court have been reproduced as a part of the microfilm publication program of the National Archives. These include the minutes of the Supreme Court, from February 1, 1790 (Microcopy 215); the attorney rolls, from February 5, 1790 (Microcopy 217); the case files, from 1790 (Microcopy 214); and the records of prize cases heard on appeal from Colonial courts by committees of the Continental Congress, 1776-80, and by the Court of Appeals in Cases of Capture, 1780-86 (Microcopy 162).

Several groups of records that relate to the activities of Federal courts are in the National Archives. In Record Group 21, Records of the District Courts of the United States, are dockets, minutes, case files, and other records of some district courts and former circuit courts of the United States relating to the same types of cases and in some instances to the same cases as are recorded in the dockets of the Supreme Court. Record Group 60, General Records of the Department of Justice, contains correspondence, memoranda, reports, and other records relating to cases in which the United States was a party or had an interest. Record Group 118, Records of United States Attorneys and Marshals, contains records of United States attorneys and marshals that relate to Federal legal proceedings.