LEGAL EDUCATION IN COLONIAL NEW YORK

man. He was never a student at King's College, but was "bred at [his] Col." He was, however, given his degree at King's. "The Matricula & Register of Admissions & Graduates & of Officers employed in King's College at New York."

Several other King's College students probably studied law; for instance Abraham De Peyster and James Stevenson, non-graduates of the class of 1759. Some others may have been licensed locally, particularly after 1775 in the newly settled portions of the State.

Thus approximately 25 per cent of the graduates of King's College, and 10 per cent of the non-graduates, entered the legal profession. When not enrollment is considered, nearly one-sixth of all students whose names are found upon the records of the college by 1777 were admitted to the Bar of New York. By classes these were:

1758: Isaac Ogden, Joseph Reade, Rudolph Rizema.
1759: William Hanna.
1760: Anthony Hoffman, Philip Livingston, Gilbert Livingston.
1761: John DeLancey, Peter DeLancey, James Graham.
1762: Edward Antill, Henry Cuyler.
1763: Abraham DePeyster.
1764: Richard Nichols Harrison, John Jay.
1765: Ebenezer Benson, Robert R. Livingston.
1766: John Watts, James Livingston.
1767: Peter Van Schack.
1768: Gouverneur Morris, John Stevens.
1771: Clement Cooke Clarke.
1772: Thomas Barclay.
1773: Cornelius Bogert, Beverly Robinson.
1774: Robert Nichols Auchmuty, Edward Dunscomb, Benjamin Seaman, Robert Troup.
1775: William Cock (2), Jacob Remsen.
1776: Edward Thomas.

As of 1778: Alexander Hamilton, Paul Randall.

The war prevented the majority of the students who entered between the years 1772-1777 from receiving A.B. degrees. Thirty-four entered; seven dropped out prior to April 6, 1776; two became lawyers; two entered the ministry, and one earned the degree of M.D.

APPENDIX II

LAWYERS OF EDUCATION IN COLONIAL NEW YORK

Lawyers who were college graduates and who were in the Province of New York all or part of the period, 1664-1784

During all or part of the period, 1664-1700

*William Anderson, Cambridge 1689-90
John Guest, Oxford 1667; Cambridge 1672-3
*John Holden, Cambridge 1663-4
John Spragge, Cambridge 1665-6; Oxford 1675
*John Stevens, Cambridge 1661
John West, Cambridge 1656-7

During all or part of the period, 1701-1729

*William Anderson, Cambridge 1689-90
Richard Bradley, Cambridge 1677-8
John Bridges, Cambridge 1665-6
William Burnet, Cambridge 1702
*John Collins, Cambridge 1679
John Guest, Oxford 1667; Cambridge 1672-3
John Rayner, Cambridge 1678
William Smith, Sr., Yale 1719
*John Stevens, Cambridge 1661

During all or part of the period, 1730-1750

Richard Bradley, Cambridge 1677-8
William Burnet, Sr., Cambridge 1702
William Burnet, Jr., Harvard 1742-3

A name marked with an asterisk signifies a lawyer who practiced in New York. Although a person of the same name graduated from Cambridge University some few years earlier, and although in each case substantial evidence exists that this graduate was such practitioner, definite proof of identity has not been established. The full names, Cambridge University, Yale College, King's College, etc., have been cited simply as Cambridge, Yale, King's, etc.

*Total lawyers in New York prior to 1750 with baccalaureate degrees. x1.
Thirteen were awarded degrees by Yale; seven by Cambridge; and one by Harvard.

*After studying at Middle Temple, William Burnet, Jr. returned to New York. For years he was mentally unbalanced.
Thomas Jones, Yale 1750
William Livingston, Yale 1741
Richard Morris, Yale 1748
Benjamin Nicoll, Yale 1734
William Nicoll, Yale 1734
David Ogden, Yale 1728
John Roosevelt, Jr., Yale 1735
Anthony Rutgers, Yale 1744
John Morin Scott, Yale 1746
Caleb Smith, Yale 1744
William Smith, Sr., Yale 1719
William Smith, Jr., Yale 1746
William Peartree Smith, Yale 1742

During all or part of the period, 1731-1761:

Edward Antill, King's 1762
John Bay, Princeton 1765
Egbert Benson, King's 1765
Daniel Isaac Browne, Princeton 1753
Henry Cuyler, King's 1762
John DeLancey, Pennsylvania 1762 (Attended
King's 1757)
Peter DeLancey, Pennsylvania 1762 (Attended
King's 1757)
Abraham DePeyster, King's 1763
William Hanna, King's 1759
Richard Nichols Harison, King's 1764
Nicoll Havens, Yale 1753
Anthony Hoffman, King's 1760
James Jauncey, Jr., Princeton 1763
John Jay, King's 1764
Elias Jones, Princeton 1767; Yale 1767
Thomas Jones, Yale 1750
Moss Kent, Yale 1752

1 In citing the colleges, the College of New Jersey is designated by its modern name, Princeton; the College at Philadelphia, as Pennsylvania, and Queen's College at New Brunswick, as Rutgers.
John Bay, Princeton 1765
Egbert Benson, King's 1765
Cornelius T. Bogert, King's 1773
Daniel Isaac Browne, Princeton 1753
Aaron Burr, Princeton 1772
Clement Cooke Clarke, King's 1771
William Cock (q), King's 1775
James Creighton, Tertius, King's 1770
Henry Cuyler, King's 1762
John DeLancey, Pennsylvania 1762
Peter DeLancey, Pennsylvania 1762
Abraham DePeyster, King's 1763
Edward Dunscomb, King's 1774
Edmund Fanning, Yale 1757
William Hanna, King's 1759
Richard Nichols Harison, King's 1764
Nicoll Havens, Yale 1753
Anthony Hoffman, King's 1760
William Hubbard, King's 1770
James Jauncey, Jr., Princeton 1763
John Jay, King's 1764
Thomas Jones, Yale 1750
Moss Kent, Yale 1752
Jonathan Landon, Yale 1763
John Lawrence, Princeton 1764
Morgan Lewis, Princeton 1773
Ezra L'Homedieu, Yale 1754
James Linn, Princeton 1769
Henry Brockholst Livingston, Princeton 1774
Philip Livingston, Jr., King's 1760
Robert R. Livingston, Jr., King's 1765
William Livingston, Yale 1741
William Smith Livingston, Princeton 1772
Stephen Lush, King's 1770
John McCrea, Princeton 1762
John McKesson, Princeton 1753
Silas Marsh, Yale 1764 (1780)
David Mathews, Princeton 1754

During all or part of the period, 1777-1784:

Edward Antill, King's 1762
John Bay, Princeton 1765
Egbert Benson, King's 1765
Cornelius T. Bogert, King's 1773

1In these lists are included a number of lawyers who practiced both before the War for Independence and after it. If a lawyer—such as Peter Van Schaack, King's 1767—did not engage in practice during this period, his name is not here included.
APPENDIX II

Gouverneur Morris, King's 1768
James Morris, Princeton 1784
Richard Morris, Yale 1748
Jacob Morton, Princeton 1778
Philip Fell, Jr., King's 1770
Jacob Radcliffe, Princeton 1783
Jacob Remsen, King's 1775
Rudolph Ritzema, King's 1758
James Sayre, Pennsylvania 1765
John Morin Scott, Yale 1746
Benjamin Seaman, Jr., King's 1774
Leonard D. Shaw, Princeton 1784
Richard Sill, Yale 1775
George Smith, Princeton 1770
Jeremiah Smith, Rutgers 1780
William Peartree Smith, Yale 1742
Ambrose Spencer, Harvard 1783
Philip Spencer, Jr., Harvard 1783
John Stevens, Jr., King's 1774
Abraham Ten Broeck, Princeton 1784
William A. Thompson, Yale 1782
Micah Townsend, Princeton 1766
Thomas Treadwell, Princeton 1764
Robert Troup, King's 1774
Pierre Van Cortlandt, Rutgers 1780
John Watts, Jr., King's 1766
William Wickham, Yale 1753
William Wilcocks, Princeton 1769
John Woods, Yale 1755
Lawyers who were college graduates, and who were in the Province of New York all or part of the period, 1664-1784

(Alphabetically arranged)

Note: Those marked with an asterisk (*) graduated between 1777-1784. Concerning those marked with a cross (†), some doubt exists as to the identity of the graduate and the New York practitioner of the same name.

C. = Cambridge University; H. = Harvard College; K. = King's College; O. = Oxford University; Pa. = Pennsylvania College at Philadelphia; Pr. = Princeton College; R. = Rutgers College; Y. = Yale College.

†William Anderson, C., 1689-90.
Edward Antill, K., 1762.
Robert Nicholls Auchmuty, K., 1774.
Thomas H. Barclay, K., 1772.
John Bay, Pr., 1765.
Egbert Benson, K., 1765.
Cornelius T. Bogert, K., 1773.
Aaron Burr, Pr., 1772.
John Bridges, C., 1665-6.
Daniel Isaac Browne, Pr., 1753.
William Burnet, 1st, C., 1702.
William Burnet, 2nd., H., 1742.
Clement Cooke Clarke, K., 1771.
William Cock (3), K., 1775.
†John Collins, C., 1670.
*Thomas Cooper, Pr., 1784.
James Creighton, Tertius, K., 1770.
Henry Cuyler, K., 1762.
John DeLancey, Pa., 1762.
Peter DeLancey, Pa., 1762.
Abraham DeFeyster, K., 1763.
Edward Dunsecomb, K., 1774.
*Lucas Elmendorf, Pr., 1782.
*Peter E. Elmendorf, Pr., 1782.

*Ezekiel Gilbert, Y., 1778
*Elihu Chauncey Goodrich, Y., 1784
*Elihu Gridley, Y., 1781
John Guest, O., 1667; C., 1672-3
William Hanna, K., 1759
Richard Nichols Harison, K., 1764
*Jonathan Nicoll Havens, Y., 1777
Nicoll Havens, Y., 1753
*Michael D. Henry, R., 1783
Anthony Hoffman, K., 1760
†John Holden, C., 1669-4
*St. John Honeywood, Y., 1782
William Hubbard, K., 1770
James Jauncey, Jr., Pr., 1768
John Jay, K., 1764
*Robert Charles Johnson, Y., 1783
*John Johnston, Pr., 1782
Elias Jones, Y., 1767; Pr., 1767
Thomas Jones, Y., 1750
*James Kent, Y., 1781
Moss Kent, Y., 1752
Jonathan Landon, Y., 1763
John Lawrence, Pr., 1764
*Nathaniel Lawrence, Pr., 1783
Morgan Lewis, Pr., 1773
Ezra L'Hommedieu, Y., 1754
James Linn, Pr., 1769
*Edward Livingstone, Pr., 1781
Henry Brockholst Livingston, Pr., 1774
Philip Livingston, Jr., K., 1760
Robert R. Livingston, Jr., K., 1765
William Livingstone, Y., 1741
William Smith Livingstone, Pr., 1772
*John Lovett, Y., 1782
Stephen Lush, K., 1770
John McCrea, Pr., 1762
John McKesson, Pr., 1753
APPENDIX II

Lawyers who had attended college and who were in the Province of New York all or part of the period, 1664-1784

During all or part of the period, 1664-1700

George Farewell, Cambridge
Thomas Johnson, Oxford
John Palmer, Cambridge

During all or part of the period, 1701-1729

William Atwood, Cambridge
Sampson Shelton Broughton, Oxford
James DeLancey, 1st, Cambridge
Thomas George, Cambridge
Francis Harrison, Oxford
Roger Monpeson, Oxford
Thomas Waver, Oxford

During all or part of the period, 1730-1750

James DeLancey, 1st, Cambridge
Francis Harrison, Oxford

During all or part of the period, 1751-1769

James DeLancey, Cambridge
James DeLancy, Jr., Cambridge
James Graham, King's
LEGAL EDUCATION IN COLONIAL NEW YORK

Gilbert Livingston, King's
James Livingston, Jr., King's

During all or part of the period, 1768-1776
Thomas W. W. Beaven, King's
Edward Vaughn Dongan, King's
James Graham, King's
James Livingston, Jr., King's
Edward Thomas, King's

During all or part of the period, 1777-1784
James Graham, King's
Alexander Hamilton, King's
Gilbert Livingston, King's
James Livingston, Jr., King's
Paul Randall, King's
Edward Thomas, King's

Barristers-at-Law who were in the Province of New York all at part of the period, 1664-1784

During all or part of the period, 1664-1700
George Farewell, Inner Temple

1Aside from the 43 known Barristers-at-Law who practiced in New York during the years 1664-1784, and whose names are in these lists, the following joined Inns in London giving New York as their residence. None of them appears ever to have practiced in New York. They were:
  Clement Cooke Clarke, Lincoln's Inn, 1728.
  Samuel Peach Cruger, Lincoln's Inn, 1735.
  Thomas Elde, Middle Temple, 1735.
  Neil Jamison, Lincoln's Inn, 1762.
  Henry James Jesup, Inner Temple, 1786.
  Thomas Kennedy, Lincoln's Inn, 1781.
  Robert Livingston (b. 1728), Middle Temple, 1761.
  James Morris, Inner Temple, 1721.
  Christopher Robert, Inner Temple, 1771
  James Roberson, Inner Temple, 1788.
  Henry Walton, Lincoln's Inn, 1787.

It is believed that all of these were born in New York. Only 12 of the 43 members of Inns who engaged in practice in the province were native sons.

APPENDIX II

Alexander Griffith, Gray's Inn
John Guest, Lincoln's Inn
Francis Hall, Gray's Inn
Thomas Johnson, Middle Temple
Matthias Nicolls, Lincoln's Inn; Inner Temple
Thomas Owen, Gray's Inn
John Palmer, Inner Temple
John Spragge, Gray's Inn
John Stevens, Gray's Inn

During all or part of the period, 1701-1799

James Alexander, Gray's Inn
Leigh Atwood, Inner Temple
William Atwood, Gray's Inn
John Bridges, Middle Temple; Inner Temple
Sampson Broughton, Middle Temple
Sampson Shelton Broughton, Middle Temple
William Burnet, Middle Temple (1711)
John Collins, Gray's Inn
William Corry, Lincoln's Inn
James DeLancay, 1st, Inner Temple
John Guest, Lincoln's Inn
Andrew Hamilton, Gray's Inn
Robert Livingston, Jr., Middle Temple
Roger Mompesson, Lincoln's Inn
Joseph Murray, Middle Temple
John Rayner, Gray's Inn
Jacob Regnier, Inner Temple
William Smith, Sr., Gray's Inn
John Stevens, Gray's Inn
Henry Vernon, Inner Temple
Thomas Weaver, Inner Temple

During all or part of the period, 1730-1759

James Alexander, Gray's Inn
William Corry, Lincoln's Inn
APPENDIX II

William Hicks, Middle Temple
Daniel Horsmanden, Inner Temple; Middle Temple
John C. Knapp, Inner Temple
Philip Livingston, Jr., Lincoln's Inn
Philip J. Livingston, Lincoln's Inn
Robert Livingston (b. 1688), Middle Temple
Walter Livingston, Middle Temple
William Livingston, Middle Temple
Josiah Martin, Jr., Inner Temple
John McEvans, Jr., Inner Temple
Joseph Reade, Jr., Lincoln's Inn
William Smith, Sr., Gray's Inn

Lawyers who had received a liberal education and who were in the Province of New York all or part of the period, 1664-1784

During all or part of the period, 1664-1700

John Abeel
Edward Antill
Isaac Arnold
Nicholas Bayard
Peter Chock
George Cooke
Barnes Cosens
William DeMeyer
Walter Dongan
Samuel Edsall
James Emott
Abraham Gouverneur
James Graham
Alexander Griffith
Francis Hall
William Huddleston
David Jamison
John Knight
Samuel Leete
Robert Livingston (First Lord of the Manor)
John Mathews
Lewis Morris, II
Thomas Newton
Matthias Nicolls
William Nicolls
Thomas Owen
Henry Peirson
William Pinhorne
John Rider
Thomas Ruddyard
Jacob Rutsen

William Sharpas
John Sharpe
Isaac Swinton
John Tudor
Olaff S. Van Cortlandt
Philip Wells
Samuel Winder
Jonas Wood

During all or part of the period, 1701-1729

John Abeel
James Alexander
Edward Antill
Leigh Atwood
May Bickley
Richard Brewer
John Chambers
George Clarke
Samuel Clowes, 1st
Samuel Clowes, 2nd
Barne Cozens
Francis Costigan
John Crooke, Jr.
Walter Dongan
James Emott
Abraham Gouverneur
Andrew Hamilton
Robert Hempstead
Samuel Hopkins
William Huddleston
Samuel Hudson
David Jamison
William Jamison
Philip Kearney
John Kinsey
John Knight

Gilbert Livingston
Philip Livingston (Second
Lord of the Manor)
Robert Livingston, Jr. (b. 1688)
Robert Livingston (admitted 1712/13)
Phineas MacIntosh
Robert Milwood (Milward)
Lewis Morris, II
Lewis Morris, Jr.
Joseph Murray
William Nicolls, 1st
William Nottingham
Benjamin Price
Robert Robinson
Jacob Rutsen
William Sharpas
Joseph Smith
James Stevenson
Alexander Stuart
John Tudor
Henry Vernon
Evert Wendell
Thomas Whitehead
Henry Wileman
Thomas Williams

APPENDIX II

During all or part of the period, 1730-1739

James Alexander
Edward Antill
John Bartow
Theodosius Bartow
Edward Blagge
John Blagge
John Burnet
John Chambers
George Clarke
Charles Clinton
Gerhardus Clowes
Samuel Clowes, 1st
Samuel Clowes, 2nd
Edward Collins
William Corry
Daniel Corsen
Francis Costigan
Bartholomew Crannell
John Crooke
Walter Dongan
John Gale
Nathaniel Gilbert
James Graham
Lancaster Green
Andrew Hamilton
Francis Harrison
Robert Hempstead
Samuel Hopkins
Daniel Horsmanden
Samuel Hudson
David Jamison
William Jamison
Simon Johnson

David Jones
William Kempe
John Kinsey
Gilbert Livingston
Gilbert Livingston, Jr.
James Livingston
Philip Livingston (Second
Lord of the Manor)
Robert Livingston (b. 1688)
Robert R. Livingston
Abraham Lodge
Gabriel G. Ludlow
Gabriel H. Ludlow
George Lurtling
Phineas MacIntosh
John McEvers, Jr.
Vincent Mathews
Frederick Morris
Lewis Morris, Jr.
Theodoric Morris
Adam Mott
Richard Nichols
William Nicolls, and
Benjamin Parker
Elisha Parker
Benjamin Price
Joseph Smith
James Stevenson
Joseph Warrel
Evert Wendell
Henry Wileman
Richard Williams
Joseph Yates

During all or part of the period, 1731-1767

James Alexander
Edward Antill

Basil Bartow
John Bartow
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<td>Gilbert Livingston</td>
<td>John Antill</td>
<td>Whitehead Hicks</td>
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<td>James Livingston, Jr.</td>
<td>John Bartow</td>
<td>Reuben Hopkins</td>
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<td>George Bond</td>
<td>Samuel Jones</td>
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<td>John Chetwood</td>
<td>Robert Livingston (b. 1688)</td>
<td>Crean Brush</td>
<td>John Tabor Kempe</td>
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<td>Abraham Lodge</td>
<td>John Child</td>
<td>Daniel Kissam</td>
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<td>Samuel Clowes</td>
<td>Cary Ludlow (M.A., King's College 1758)</td>
<td>George Clinton</td>
<td>John C. Knapp</td>
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<td>Gabriel H. Ludlow</td>
<td>John Cozine, Jr.</td>
<td>Gilbert Livingston</td>
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<td>Cadwallader Colden, 2nd</td>
<td>George Duncan Ludlow</td>
<td>Bartholomew Crannell</td>
<td>James Livingston, Jr.</td>
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<td>John McEvers, Jr.</td>
<td>John D. Crimshire</td>
<td>James G. Livingston</td>
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<td>Charles W. Crooke</td>
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<td>Bartholomew Crannell</td>
<td>Paul Micheau</td>
<td>Dudley Davis</td>
<td>Philip John Livingston</td>
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<td>James DeLancey</td>
<td>Lambert Moore</td>
<td>Balthazar DeHaert</td>
<td>Robert Livingston (b. 1688)</td>
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<td>Stephen DeLancey</td>
<td>Robert R. Livingston</td>
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<td>Abraham Ferdon</td>
<td>John McEvers</td>
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<td>Peter Silvester</td>
<td>John Gale</td>
<td>Fletcher: Mathews</td>
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<td>John Wm. Smith</td>
<td>Leonard Gansevoort (b. 1751)</td>
<td>Paul Micheau</td>
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<td>Whitehead Hicks</td>
<td>Thomas Smith</td>
<td>Leonard Gansevoort, Jr. (b. 1754)</td>
<td>Richard Miller</td>
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<td>William Hicks</td>
<td>Richard Sneedeck</td>
<td>Henry Godwin</td>
<td>Lambert Moore</td>
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<td>Daniel Horsmanden</td>
<td>James Stevenson</td>
<td>James Graham</td>
<td>Robert Morris</td>
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<td>Simon Johnson</td>
<td>Augustus Van Cortlandt</td>
<td>Lewis Graham</td>
<td>Lindley Murray</td>
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<td>Samuel Jones</td>
<td>Timothy Wetmore (M.A., King's College 1758)</td>
<td>Robert Graham</td>
<td>William Nicolls, 3rd</td>
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<td>Robert Yates</td>
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<td>Daniel Osborne</td>
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<td>Joseph Kissam</td>
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<td>Robert Hempstead</td>
<td>John LeChevelier Roome</td>
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<td>John C. Knapp</td>
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<td>George Hepburn</td>
<td>John F. Roorkback</td>
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<td>Benjamin Seaman</td>
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Abraham Skinner
John Wm. Smith
Joshua Het Smith
Thomas Smith
Richard Snedeker
James Stevenson
John Stratton, Jr.
Joseph Strong
Edward Thomas
William W. Thompson
Augustus Van Cortlandt
Richard Varick
Matthew Vischer
Robert H. Wendell
Timothy Wetmore (M.A.,
King's College 1758)
Joseph Wickham
Isaac Willet
Jenkins Williams
John Williamson
Abraham Yates, Jr.
Christopher Yates
Peter W. Yates
Robert Yates

During all or part of the period, 1777-1784

Theodorus Bailey
John Bartow
George Bond
George Clinton
John Cozine, Jr.
Dudley Davis
Balthazar DeHaert
Walter Dongan
James Duane
John Dumont
John Duncan
James Emott
James Everitt
Abraham Ferdon
Jacob G. Fonda
George Foster
Hendrick Frey
Leonard Gansevoort (b. 1751)
Leonard Gansevoort, Jr. (b. 1754)
James Giles
Henry Godwin
Lewis Graham
Robert Graham

APPENDIX II

Peter Silvester
Abraham Skinner
Thomas Smith
Thomas Smith, Jr.
John Strang
Augustus Van Cortlandt
Killian Van Rensselaer
Abraham Van Veghten
Richard Varick
Daniel C. Verplank
Matthew Vischer
Robert H. Wendell
Timothy Wetmore (M.A.,
King's College 1758)
Joseph Wickham
Joseph Winter
John C. Wynkoop
Abraham Yates, Jr.
Christopher Yates
Christopher P. Yates
Peter W. Yates
Robert Yates
APPENDIX III
PETITIONS TO PRACTICE LAW

Petition of William Huddleston, 1695

To His EXCELLENCY BENJAMIN FLETCHER Capt. General and
Governor in Chief of his Majties Province of New York and
all ye Territories & Tracts of Land depending thereon in Amer-
ica & Vice [Ad]miral of ye Same his Majties Lieut and Com-
dor in chief of ye Militia & of ye forces by sea & Land within
his Majties Colony of Connecticut & of all ye efforts [an]d
places of Strength within ye Same &c.

T[h]e Humble Petition of William Huddleston

SHEWETH

That yr Pet was educat'd in England (at ye great charge
& Expence) of his Father under Cust'w. Rawlinson Esq for
the Space of three yeares or thereabout in ye practic[e] of ye
Law & being now desireous to use his Indeavor and diligence
therein

HUMBLY p[ray]es that yr Excellency would be pleased to
admit him yr Pr. an Attorney in this Province who promises
loyalt[y] and fidelity to his Maty & this present Government.

And yr Pet shall ever pray &c.

[Signed] Wm. Huddleston

Coll William Smith and
[Judge Pinhorn are hereby
directed to Ex[a]mine the Con-
tenst of the above petition
and make report thereof to
me, what they Judge proper to
be done therein Dated October
2d. 1694 [5]

[Signed] Ben Fletcher

New York John Kelly of the City of New York of full age
Personally Came and appeared before me this Tenth Day of
November and in the first year of the Reign of our Sovereigne
Lord King George the Second over Great Britain Made Oath
on the Holy Evangelists of Allmight God that whilst he this
Depont. & Resided in the Island of Barbados which was in
or about the Year of our Lord God one Thousand Seven Hundred
& Twelve he Lived with one Mr. William Verman who was then
a Licenced Attorney at Law of that Island & that he this Depont,
continued with the said Mr. Verman for about the Space of
Two or three years & During that time he this Depont. had the
Opportunity of being Employed in Variety of practice belonging
to the business of an Attorney (he the said Mr. Verman being
well knowne to have been in Very Considerable Practice in that
Island, and Lastly this Depont. Saith that the Latter part of
the time he Did Live with the said Mr. Verman he frequently
Carried on the proceedings at Law in Several Suits himself &
that Since he this Depont. Left the Island Barbados and Trading
in Merchandising, he this Depont. hath from time to time
Draunw Variety of writings in the Law between Sundry Persons
of this Province to the Satisfaction of those that Employed him
& which have been well approved of by Some Gentl. of the Law
here and more Saith not

Taken & Sworne before
me the Day and Year above mentioned

John Kelly

Lewis Morris

1James Alexander Papers, New York Historical Society Library. This peti-
tion illustrates the quality and degree of education for admission to the bar
deemed sufficient by at least one applicant at the close of the first quarter of
the eighteenth century. It was the admission of candidates possessed of such
training which brought about the agreement of the leaders of the bar two
years later, 1729. See Appendix IV, pp. 158-9.
APPENDIX IV

BAR AGREEMENTS

Agreement Made among Lawyers in 1729

We the Subscribers taking into Consideration the great Number of persons who lately have obtained Licenses to practise the Law, and many others who are endeavouring, or propose to obtain them, Several of whom are not sufficiently qualified for that business, and as they depend thereon for their Subsistence they naturally must as in fact they do, use low and undue methods for acquiring business to themselves which does & must tend to stir up litigious Suits and by their want of Capacity the Subjects are deceived abused and mislead, and their undue practices will not be confined only to them who use them but will reflect a general Odium on the profession of the Law which renders it highly our Duty as much as in Us lies to prevent & remedy the Evils that do & may arise from such abuses in order whereby we have come to the following Articles of Agreement to wit

1. That when any practitioner who has obtained his Licence since the last day of June 1725 is employed in any Cause We or either of Us shall not directly or indirectly be concerned on that Side, by advice or otherwise and if any such practitioner or his Client or any other person shall apply to any of us to be concerned, such of us who shall be so applied to, shall

Jay Papers, Box 3 f16-V, New-York Historical Society Library. Also see Iconography of Manhattan Island, IV, 513. for the following comment on this agreement: "Thomas Scurlock, at whose house the lawyers agreed to hold monthly meetings, was a 'Vintner' (evidently an Irish tavernkeeper) of New York City, whose will, dated March 21, 1747, was proved May 14, 1747. (N. Y. Hist. Soc. Collections 1893, 116.)

"Prior to the discovery of this 'Agreement made among Lawyers,' our knowledge was quite incomplete regarding the requirements for admission to the bar in the first half of the eighteenth century. . . . Thus the efforts of the lawyers in 1744 was not the earliest association. The 'Agreement' dates from 1799, and had for its aim the maintenance of a high standard of legal education and efficiency."

Of course with the discovery of the Association of the New York City Bar of 1709-1710 it can no longer be said that the "Agreement made among Lawyers" in 1729 was the earliest Bar Association in the Province of New York.

APPENDIX IV

absolutely refuse to be concern'd with such practitioner & immediately send word thereof to the rest of us.

2nd. When any person does actually employ any such practitioner, as aforesaid in their common & easie business, but upon difficult matters comes to employ any of us we will desire him to apply to, or depend upon such practitioner, usually employ'd by him and acquaint such person we resolve not to undertake any such cause for Him while Such practitioner is usually employ'd in their common business for them, and (unless Such person shall declare or promise that he will not continue such practitioner in his common business) wholly to decline & refuse to undertake such Cause, and shall immediately send word thereof to the rest of us.

3. We will even give no Advice to such person who usually employ[s] any such practitioner as aforesaid while they do employ them nor draw nor give them any Copies of Entries or proceedings on any ways assist in the doing thereof, but will wholly refuse so to do, and immediately send notice of such refusal to the rest of us.

4th. That by all other reasonable ways & means we shall endeavour to undeceive the people by exposing the ignorance and Inabilities of such practitioner[s] as aforesaid.

5th. That we meet on the first Wednesday in every month at the house of Thomas Scurlock, or such other house as shall be agreed on by the major part of us the better to keep up to these articles and to concert such further measures as may be proper to remedy the growing mischiefs aforesaid Dated this 28th July 1729

[Signed] Wm. Smith
S: Clowes
Jos: Murray
Jas Alexander
Jn: Chambers
H: Wileman
Agreement of the Bar of New York City Entered into in October of 1756

Whereas this Province is at present sufficiently supplied with Attorneys at Law, the number of which will in a few Years, if some obstruction is not given to the unrestrained, admission of clerks, very greatly increase, to prevent which, We the Subscribers have thought proper to enter into the following Articles of Agreement, which We promise inviolably to observe and Keep. Dated Octob. 1756.

First: that no Person within fourteen Years from the date hereof be taken as a Clerk by any Attorney, with a view to have him, after his Clerkship expires, admitted as an Attorney in any Court within this Province, excepting that each of the Subscribers shall be at Liberty to take one of his Sons as a Clerk.

Secondly: That after the expiration of the said Term of fourteen Years no Attorney shall take any Person for his Clerk unless such Person shall have had a Liberal Education in some University or College, having resided there four years and obtained a Batchelors Degree.

Thirdly: That no Attorney shall take more than one such Clerk at a time, nor a second till the Clerkship of the first is within one year of expiring.

Fourthly: That no Attorney shall take a Clerk with a view of procuring him an admission into the Practice unless such Clerk shall first actually pay down to such Attorney the Sum of two hundred Pounds and bind himself by indenture to serve him faithfully a Clerkship of at least five years. And that the Practisers may be satisfied, that such Payment is bona fide made, the Attorney taking such Clerk, shall, upon the request of three of the Subscribers, make Oath relating to the same.

Fifthly: That no Attorney shall recommend or be in any way assisting to procure a Licence for the Admission of any Person whatsoever, except their present Clerks, into the Practice of any of the Inferior Courts of this Province.

Sixthly: That no Attorney shall recommend any Clerk to the Judges of the Supreme Court for a Licence to practice unless such Clerk shall have first had a Previous Examination, by such Practisers as shall attend the same, & the Certificate in Writing of at least Six Attorneys, that he is well qualified for the Practice.

Seventhly: That no such examination shall be deemed sufficient unless Ten Days Notice of the Time & Place of holding the same in writing be first left at the Houses or usual Residence of all the Attorneys of the Supreme Court dwelling in the City of New York.

Eighthly: That nothing herein Contained shall be construed to effect the present Clerks of the Subscribers nor to debar Benjamin Nicoll, Esq. from taking John the Son of Peter Delancey Esq. agreeable to a previous Contract made between them— But it is nevertheless to be understood that the said Clerk shall be affected by every part of this Agreement except the Article relating to the Money to be paid down upon the Commencement of his Clerkship.

Ninthly: That no Attorney shall after the Date hereof recommend any Clerk to the Judges of the Supreme Court or either of them for a Licence to practise in the same untill such Clerk shall have signed this Agreement.

Tenthly: To enforce the execution of this Agreement in the most punctual manner We agree, that if any one of the Subscribers shall infringe the same, all the rest shall treat him on all occasions with Contempt, and take every advantage against him which strict practise will admit of. But this Article shall not be carried into execution, untill the Subscribers, who may be resident in the City of New York, have been summoned to meet on a written request signed by any two of us, and the Majority of those present have, after hearing the Party accused, and certified under their Hands that they find him guilty of such infraction.
New York City Bar Agreement Dated November 26, 1764

Articles of Agreement to establish a Quarterly Meeting of the Attorneys at Law in the City of New York, and for settling the Sums to be received by them for all Business in the Profession as well as by the Course of the Practise is taxable as such as is not & for such other purposes as are hereinafter mentioned.

1. It is agreed that the said quarterly meetings be held in the Evening of the several following Days in the Year to wit on the last Wednesdays in November, February & June & the first Wednesday in October at such place, as shall be appointed by Mr. James Duane who is to officiate as Clerk for one Year from the Date hereof and that at the Expiration of every Year another Clerk shall be appointed by Plurality of Voices for the ensuing Year.

2. That Messrs. Alsop, Nicoll Livingston Smith Junr. Hicks & Scott----be a Committee for drawing the Plan of a regulation of the several Rates of Business in the profession both such as is taxable & such as is not & that a Copy of the same be delivered by them to some one of the Subscribers who is not of the Committee to be handed round to the rest of the Subscribers of which each person is to take a Copy & consider the same by the next quarterly Meeting. As Witness our hands the 26th Day of November 1756.

[Signed] Rich'd Morris
John V. Corlantd
Ja'. Emott
John M'. Evers
Whitehead Hicks
Jn'. Morin Scott
Ja'. Duane
Lamb'. Moore
John Burnet
Thomas Jones
Benj: Kissam

Jn'. Alsop
B Nicoll
W'. Smith Junr
W'. Livingston

The original of this agreement is in the Library of The Association of the Bar of the City of New York.
being such as he has good Reason to believe are not intended to practice as Attorneys in New York—

[Signed] Wm. Wickham
Aug't v: Cortlandt
Lamb't: Moore
Jos: Rcade Junr

Wil: Livingston
Wm Smith Junr
Benj't: Kissam
Tho't: Smith
John Woods
Ja': Duane
James Riker
Whitehead Hicks
Jn': Morin Scott
Samuel Jones
Ja': Emott
Tho': Hicks

APPENDIX V

JAMES ALEXANDER—JAMES GILCHRIST APPRENTICESHIP AGREEMENT, 1723

THIS INDENTURE made the twenty fourth day of May in the ninth year of the reign of our Sovereign Lord George over Great Brittain France and Ireland King Defender of the faith Annoq Domini 1723 Between James Alexander of the City of New York Attorney at Law of the one part and James Gilchrist Son of Robert Gilchrist of Woodbridge Esq, and the same Robert Gilchrist the father of the other part Witnesseth that the said James Gilchrist with the advice and Consent of his said father hath by these presents put and bound himself Servant and apprentice to the said James Alexander for and during the Term of six years next ensuing the date hereof during all which time he is the said James Alexander to serve all his lawfull Commands obey. Day nor night from the service of his said Master he shall not absent without the consent of his said Master Taverns and Gaming houses he shall not use nor frequent and during the term aforesaid Matrimony shall not Contract nor fornication Commit his Masters Secrets he shall in no wise disclose and he shall not know of his Masters hurt or Damage without immediate discovery thereof to him And Generally in all things during the term aforesaid shall behave and demean himself as a faithful dutifull and oblidging apprentice and Servant and for the Considerations aforesaid the said James Alexander by these presents does agree to entertain the said James Gilchrist as an apprentice to an Attorney at Law giving him what insight in his power is or may be into the busyness of an Attorney As also into the busyness of Surveying Land will give him sufficient meat Drink washing and lodging during the same Term as also such sufficient Cloathing as the said James Alexander shall think proper for his said apprentice In CONSIDERATION whereof the said Robert Gilchrist hath bargained and agreed and by

This agreement was found among the James Alexander Papers, Box 10, New York Historical Society Library. It probably was Alexander's copy. For the Apprenticeship Agreement between James Alexander and William Livingston, see pp. 41-2 herein.
these presents doth for him his heirs Executors and Administrators Covenant bargain and agree to and with the said James Alexander his Executors and Administrators that his said Son shall well and truely perform all and everything by him to be done as the apprentice and Servant of the said James Alexander and will yearly and every year during the Term aforesaid pay unto the said James Alexander towards furnishing his said Son with Cloaths the sum of six pounds In Witness whereof the parties aforesaid to these presents have interchangeably set their hands and seals day and year above written.

MEMORANDUM that its agreed that for the last year of the term aforesaid the six pounds shall not be paid

Sealed and Delivered [Signed] Robert Gilchrist (S)
In the presence of [Signed] James Gilchrist (S)

[Signed] Elisha Parker
Abraham Tappan

APPENDIX VI

WILLIAM LIVINGSTON’S CRITICISM OF THE TREATMENT OF APPRENTICED LAW CLERKS

Sic vos, non nobis, Melliificatis opis

"There is perhaps no Set of Men that bear so ill a Character in the Estimation of the Vulgar, as the Gentlemen of the Long Robe: Whether the disadvantageous Idea they commonly entertain of their Integrity, be founded upon Solid Reasons, is not my Design to enquire into: but if they deserve the Imputation of Injustice and Dishonesty, it is in no Instance more visible and notorious, than in their Conduct towards their Apprentices.

-That a young Fellow should be bound to an Attorney for 4, 6, or 7 Years, to serve him part of the Time for the Consideration that his Master shall instruct him in the Mystery of the Law the Remainder of the Term; and that notwithstanding this solemn Compact (which if binding on either Side, is reciprocally obligatory) the Attorney shall either employ him in writing during the whole Term of his Apprenticeship, or, if he allows him a small Portion of the Time for reading, shall leave him to pore on a Book without any Instruction to smooth and facilitate his Progress in his Study, or the least Examination of what Proficiency he makes in that perplexed Science; is an Outrage upon common Honesty, a Conduct scandalous, horrid, base, and infamous to the last Degree!

These Gentlemen must either have no Manner of Concern for their Clerks’ future Welfare and Prosperity, (which greatly or perhaps totally depends upon his present Improvement) or must imagine, that he will attain to a competent Knowledge in the Law, (tho’ confessedly The most abstruse of all Science) by gazing on a Number of Books, which he has neither Time nor Opportunity to read; or that he is to be metamorphos’d into an Attorney by virtue of a Hocus Pocus. To make a young Fellow trifle away the Bloom of his Age, when his Invention is readiest, his Imagination warmest, and all his Faculties in their full Vigour and Maturity, in a servile Drudgery nothing

3For this criticism see The New-York Weekly Post-Boy, August 19, 1745.
to the Purpose, and fit only for a Slave to submit to; is a Conduct as they especially ought not to be guilty of, who have for many years been conversant in the Study of Law and Equity, and pretend to a quicker Sense of Right and Wrong than their neighbours; it being the plain Language of video melior a proboque deteriora sequor. Is it the Father's Intention, when he puts his Son to an attorney, and gives a large Sum into the Bargain, (unmerited money. God knows!) that he shall only learn to write a good Hand, or, as they send Children to School before they can speak distinctly, to keep 'em out of Harm's Way? No surely, the Parent's Motive is, that his Son shall be instructed in the Law; and for that he is willing he should serve his Master part of the Time: But whoever attentively considers how these Apprentices are used, and forms a Judgment from the Treatment they meet with, would certainly imagine, that the Youth was sent to the Lawyer on Purpose to write for him, because his Father could find him no Employment; and if his Master, out of the Exubrance of his Humility, graciously condescends to instruct him, it's only by the Bye, in order to enable him to be a more profitable Servant; as we feed Horses, not out of a real Regard to the Beast, but because without Sustenance, they are incapable of Labour; base Motive! ill Principle! low, sordid, abject, and mercenary Turn of Mind! As if, in order to be fitted for a Profession of all others the most genteel and venerable, and which requires a penetrative Genius and assiduous Applications to reading, a Man must devote himself to the Servitude of Scribbling eternally; a way of spending Time the most irksome and intolerable to a young Gentleman of a thoughtful and studious Turn of Mind, and introdutive of a total Depression of Spirit. For to so high a Pitch do many of them carry their Inhumanity, as to deprive their Clerks of the proper Seasons for that Exercise, which is absolutely necessary for the Preservation of Health, by throwing off Redundancies, and helping Nature in those secret Distributions, without which the Body cannot subsist in its Vigour, nor the Soul act with Cheerfulness. Thus must Health itself, one of the most invaluable Blessings we enjoy, and without which the greatest Affluence can yield no Comfort, be sacrificed to their avaricious Humours:

For so is this momentous Matter abus'd and perverted, that if a Clerk sits with a Book in his Hand, when fatigued, dispirited and half dead with writing, as soon as he hears his Master at the Door, he will fling aside the forbidden Fruit, with the same Caution, Fear and Precipitation, that a Murderer would his bloody Weapon, because he is not at (what is call'd) his Business; that is, answering the Character of the Bees in the Motto of my Paper; Not that I would be understood to mean, that the Book ought entirely to supplant the Pen; for this were a Doctrine so shocking and unprofitable to this Denomination of Men, that I might as reasonably hope to argue a Miser into Generosity, as persuade them to embrace so disadvantageous an Opinion; but I aver, that 'tis a monstrous Absurdity to suppose, that the Law is to be learnt by a perpetual copying of Precedents. These Gentlemen may indeed plead Custom, and in pleading that, they admit my Assertions; but Time immemorial can never give a Sanctum to what is against Reason and common Sense; for Length of Time works nothing towards establishing any Thing that could never have a legal Commencement; and it's a maxim in Law; that Malus usus abolendus est: and if this Objection overthrows all Customs, the Mischief of which extends perhaps to a single Person, and effects him in no great Concern: shall it not much more prevail, when the Interest of a Multitude of young Gentlemen is concerned (and in them probably the Interest of the Common Wealth) in no less a Point than their Fortunes and Happiness?

Were it not a Matter of the utmost Importance, one would scarce know how to be serious in the Confutation of an Absurdity which shews itself at the first Sight: It does not want any great Measure of Knowledge to see the Ridicule of this monstrous Practice; but what makes it the more astonishing, is its being practis'd by Men of Learning and unquestion'd Honesty: It is therefore an Affront to common Sense to multiply Arguments for the Proof of a Thing which none but a Lawyer and a Madman will pretend to deny. And if no Logick can convince them of the Injustice of such a Practice; I believe no reasonable Person would blame an Apprentice for discharging at them the Argumentum Basilinum, or what the English call Club-Law,
with full Force and Virtue. This is an Argument of mighty Energy, and was much in Vogue in the Protector's Time, when a Man, unable to convince his Antagonist by Syllogism, knock'd him down. And in no Case can this coercive Way of Reasoning more justly be made use of, than in the Case under Consideration, as nothing whatsoever can be of greater Provocation, or demand a more forcible kind of Logick".

"Tyro Philolegis"

APPENDIX VII

LAW LIBRARIES

Law Books in James Alexander’s Library

This list of books occurs on pages 61-69 of James Alexander’s “Diary”.

James Alexander Papers, New Jersey Historical Society Library, Newark, N. J.

On the top of pages 60 and 64 is written: "Perth Amboy in New Jersey March 25th, 1720". The list appears as the last item of inventory given by Alexander of his possessions, real and personal. The inventory covers pages 45-69 inclusive. Heading this list Alexander wrote: "I have the following Law books".

Reports of

Cook [Coke, Sir Edward, 1658; 1680]
Dyer [Sir J., 6th Edition 1688]
Crook 3 vol. [Croke, Sir G., 1669; 1683]
Keble 3 vol. [J., 1706]
Levinz 3 vols. in 2 parts [Sir Creswell, 1702]
Ventris [Sir P., 1696; 1701; 1716]
Nelson’s Lutwyche [Lutwyche, Sir E., translated by W. Nelson, 1718]
Moor [Moore, Sir Francis, 1683; 1675; 1688]
Keilway [Keilwey, R., 1688]
Benlo & Dallison [Dalison, Sir W. and Benloe, W., 1688]
Carter [S., 1688]
Saunders 2 vol. [Sir E., 1686]
Hobart [Sir H., 1683]
Vaughan [Sir J., 1706]
Davis [Davies, Sir J., 1651]
Modern Cases [Part VI, 1715; 1719; Part VII, 1716]
Chancery Cases [1660-88, Parts I-III, 1697-1715]
Brounlow 2 vol. [Brownlow, R. and Goldesborough, J., 1675]
Goldesborough [Goldesborough, J., 1684]
Murch [March, J., 1651]

Entries of

Cook [Coke, Sir Edward, 1671]
Rastal [Rastell, W., 1670]
Hansard [J., 1685]
Vidian [A., 1684]
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<th>Price</th>
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<td>Paschall</td>
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<tr>
<td>Alexander</td>
<td>Molineaux's Cases of Ireland</td>
<td>1</td>
<td>0.1.0</td>
</tr>
<tr>
<td>Samuel</td>
<td>Communication of property</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Heath</td>
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The following legal treatises were bought for "Cash" from Governor Montgomery's Library:

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<th>Quantity</th>
<th>Price</th>
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<tr>
<td>Vernall's Reports in Chancery</td>
<td>2</td>
<td>£3.18.0</td>
</tr>
<tr>
<td>Domat's Civil Law</td>
<td>2</td>
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<tr>
<td>D'Anver's Abridgement</td>
<td>2</td>
<td>3.10.0</td>
</tr>
<tr>
<td>Cases in Chancery</td>
<td>1</td>
<td>1.3.0</td>
</tr>
<tr>
<td>Dalton's Justice</td>
<td>1</td>
<td>0.19.0</td>
</tr>
<tr>
<td>Lock's Works</td>
<td>3</td>
<td>6.0.0</td>
</tr>
<tr>
<td>Collection of State Tryalls</td>
<td>6</td>
<td>12.6.0</td>
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<tr>
<td>Acts of K. George 2d.</td>
<td>3</td>
<td>1.12.0</td>
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<tr>
<td>Vinnii Inni:</td>
<td>1</td>
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The following persons also made purchases from the Montgomery Library:

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<td>Anthony Duane</td>
<td>John Moore</td>
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<tr>
<td>Capt. Wm. Dick</td>
<td>Robert Livingston</td>
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<tr>
<td>Charles Williams</td>
<td>Robert Watts</td>
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<tr>
<td>Capt. Richard Riggs</td>
<td>John Lindway</td>
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<tr>
<td>Charles Robinson</td>
<td>Abraham Gouverneur</td>
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<td>Enoch Stevenson</td>
<td>Moses Gambrault</td>
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<td>John Haskell</td>
<td>Alexander Malcolm</td>
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<td>Andrew Nicoll</td>
<td>Guliun Verplank</td>
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<td>Henry Lane</td>
<td>Benjamin Burleigh</td>
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<td>John Rohead</td>
<td>Obadiah Hunt</td>
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<tr>
<td>John Avory</td>
<td>Charles Home</td>
</tr>
<tr>
<td>Archibald Kennedy</td>
<td>George Burnet</td>
</tr>
</tbody>
</table>

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APPENDIX VIII

**William Smith's Course of Study for Law Students**

"Some Directions Relating to the Law"

The Sciences necessary for a Lawyer are:

1st. The English, Latin, and French Tongues.
2nd. Writing Arithmetick, Geometry, Surveying. Merchants Accounts, or Bookkeeping.
3d. Geography, Chronology, History.
4. Logick and Rhetorick.
5. Divinity.

These seem to be all the Arts & Sciences necessary to make a compleat Lawyer; there are other Sciences, which may contribute their part to the perfecting a Scholar, & consequently to the rendering a Lawyer more perfect, such as the Greek & Hebrew Tongues, Astronomy at least the knowledge of the Heavenly Bodies & their Motions, natural Philosophy & Metaphysics but they may in some sort be spared, but as for Ethicks, Economicks & Politicks being Moral Sciences, I suppose them to be contained under the Heads of Divinity and Law. As to the Languages I say nothing of them supposing the Student Qualified with them. I also suppose him to be acquainted with the common hands of Business, & with so much Arithmetick as contains the doctrine of whole Numbers & Fractions, and so much Geometry as relates to the mensuration of Superficies & Solids, he also should be acquainted with the Arts of Surveying & Book keeping because he will have frequent Occasion for this Branch of Knowledge in the Practice of the Law.

As for Geography he may content himself with so much at first as may be found in Gordons Geographical Grammar Chronology he may learn enough of by inspecting and perusing Talents Chronological Tables. which exhibit in a general View The dates of the Grand Events of past times. in History our Student must take a larger Scope. & here I would recommend Bossuets View of Universal History. Rollins antient History of the Egypsians,
Assyrians, Medes, Persians Macedonians and Greeks & his Roman History, & for the English History Rapin is the best. For Logycck the plainest and easiest system is written by Dr: Watts. and for Rhetorick I recommend the Art of Speaking These contain enough of the principles of the Arts, the rest must be learned by reading the best writers upon the several Subjects herein recommended & the Imitation of the best Examples. As to Divinity. I do not suppose that our Lawyer should Study it as a Divine; it is enough if he takes the General Scheme of it from his Cathecism & Daily reads the Holy Scharpures & constantly attends upon the best preaching, though this is a thing too much out of Fashion in our Days. If he adds to this the reading of some of the best Sermons he will find his Advantage in it.

But now I come to bring our Student home to the Studies of his profession of the Law & I would advise him to read these Books in the following Order.

1st For the Knowledge of the Law in general.
   The Treatise of Laws in Woods Institutes of the civil Law or in 1st Domat which are both the same.

2d Puffendorf de Officio Hominis & Civis or an English translation of it called the Whole Duty of Man according to the Law of Nature, or the Abridgement of Puffendorf in two volumes by Spavin.

3d Before our Student enters deeply into the Knowledge of the Law of Nature and Nations or the civil Law I would recommend a general view of the Common Law by reading in this Order.

1st Hales History of the Common Law.


3d Sr: Thomas Smith de Republica Anglorum or some Book that gives an Idea of the English Constitution

4th The first book of Dr: & Student de fundamentis Legum Angliae—

5 The Second part of Bacons Elements to shew in the general Use of the Law for the preservation of our Persons goods & good Name


APPENDIX VIII

7 When these have been read twice or three times over with the Utmost diligence & Application I would recommend a more extensive View of the Laws of Nature & the civil Law in this Order.

1st Tyrrels Treatise of the Laws of Nature being a Methodical Abridgement of Bishop Cumberlands Philosophical Enquiry into the Laws of Nature

2d Puffendorf at large with Barbayracts Notes.

3d Grotius of War and Peace with Barbayracts Notes

4th Woods Institutes of the Civil Law.

5th Domats Civil Law according to its Natural order then resume the Study of the Common Law and give Woods Institutes a second or third reading & make yourself perfect Master of his Method & accustom yourself to refer to all your other Reading in the Law to his Scheme.

Then to fill up and enlarge your Ideas you may read Bacons Abridgement of the Law, which it is presumed will be soon all published. In reading this Abridgement which is contrived so as to be read pleasantly, I would advise that you constantly refer from the Abridgement to Wood and from Wood to the Abridgement, because I would have these Books the Basis or foundation of all your Studies. As to the reports I advise you to read them as they are referred to from the Abridgements otherwise they will confound you. But this may be Omitted till you have read the Abridgement with Constant References to & from Wood once over. Then you may Enlarge your Ideas by reading the Reports referred to in the Abridgement & you may refer from the Report back to the Abridgement & thus you may make your Scheme of Knowledge in the Law in its highest Improvements perfectly methodical. & also by this means you will have all your Knowledge in the Law so digested as to be ready for use upon every Occasion & will obtain such a comprehension of learning as few in these parts arrive at.

When you come to study that Branch of Learning called Equity
as it is opposed to strict Law I would advise you to read a book intitled a treatise of Equity lately printed, afterwards take the Abridgement of Cases in Equity next in hand & refer from the treatise as you did from Wood to the First Abridgement & from the first Abridgement to Wood. When these have been both thus read over, then read the Chancery reports & Cases as they are referred to in the Abridgement, & by this means you will obtain a regular & well digested knowledge of that Subject. thus I have conducted my Student in the shortest course possible to a Knowledge of the Scheme or Theory of the Law. the practical part in this Country is best learned by a Clerkship with some Lawyer who has a large Share of it. this having been your Privilege, I must refer you to what you have learnt therein with only this that for your greater Readiness it will be proper that you will acquaint yourself with the Books of Presedents & forms of Entries and as the Distinct Knowledge of the Remedies given by action makes a great part of the Science of Law, so almost the whole practice centers in them, & for your further help in both, I would recommend to you the Study & constant use of the Modern Entries in folio, the Work is not so perfect but that I have discovered Errors in the Abridgement of the Cases but the Method is good, & the Books when finished may be made Exceedingly Useful.

Upon this foundation of Theory & practice the largest Superstructure of Knowledge may be raised which in all its Advances will notwithstanding be in Symmetry & proportion I advise that the Morning Hours be applied to the Law & that the After part of the Day be employed in History and such Studies as relieve the Mind. As to the distribution of time for the several kinds of Studies, I know of no general Rule that will suit all Cases. My Lord Coke (I Ins: 64,6) says I would have our Student follow the Advise given in these antient Verses for spending the Day

Sex hovas Somno, totidem des Legibus Aquis
Quatuor orbis, des Epulisq: Duas.
Quod Superest Ultro, sacris Largine Camaenis.

2The title of this book is not given.

APPENDIX IX

EARLY LEGAL AND DEBATING SOCIETIES IN NEW YORK CITY

Original Constitution of “The Moot,” its Members, and a portion of the Minutes of the First Meeting of its Members

The Establishment and Rules of [defaced] Moot. The Establishment & Rules of the [defaced] [sic] The Subscribers being desirous of forming [defaced] Conversation, and the mutual Improvement [defaced] have determined to meet in the Evening of the [defaced] of every Month, at Barden's or such other Place as [a major]ity of the Members shall from Time to Time app[oint] and for the better regulating the said Club, do agree

I That the said Club shall be called the Moot.
II That the Members present at the first Meeting shall choose by Ballot a President, Vice-President, and Secretary, who shall continue for twelve Months, and the others shall annually be chosen, in like Manner [to] succeed them.
III The President for the Time being shall preside at every Meeting, and in his Absence the Vice President And in Case of the Absence of both, the Members atten[sic] shall by Plurality of Voices, choose one of their Number President for the Night.
IV At every Meeting, any Member may propose a Question of Law to be debated in the Club at the next Meeting, and if more than one Question be proposed, the Members present shall determine by Plurality of Voices, which Question shall be debated, at the next Meeting; and if none of the Members propose any Question the President for the Night shall put one, and the Discussion of such Question shall be the first Business of the next Meeting; after which the Members may discourse of such other Matters as shall occur. The Secretary [illegible] Question, and the Determinations of the Moot [illegible] Book to be kept for that Purpose
V [No] Member shall presume, upon any Pretence, to

*The first sheet of the paper containing the Constitution of the Moot is somewhat defaced. All meetings took place in New York City. See James Alexander Papers, “New York City—Moot Debating Club 1770-1774,” New York Historical Society Library.
APPENDIX IX

At a Meeting of the Moot 23rd. Nov: 1770 at Barden's

Present: William Livingston    Thomas Smith
          William Smith    Samuel Jones
          John Morin Scott John Jay
          Richard Morris  Egbert Benson

The Members present proceeded to choose a President, Vice President and Secretary, and upon inspecting the Ballots delivered for that Purpose, the Votes stood thus

<table>
<thead>
<tr>
<th></th>
<th>For President</th>
<th>Vice President</th>
<th>For Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Livingston</td>
<td>5</td>
<td>John M. Scott</td>
<td>5</td>
</tr>
<tr>
<td>William Smith</td>
<td>3</td>
<td>Willins. Smith</td>
<td>4</td>
</tr>
<tr>
<td>Willins. Smith</td>
<td>4</td>
<td>Willins. Livingston</td>
<td>1</td>
</tr>
<tr>
<td>Samuel Jones</td>
<td>5</td>
<td>John Jay</td>
<td>3</td>
</tr>
<tr>
<td>John Jay</td>
<td>3</td>
<td></td>
<td></td>
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</tbody>
</table>

And thereupon William Livingston was unanimously declared to be duly elected President, William Smith Vice President and Samuel Jones Secretary for the ensuing year.

The President put the following Question to be debated at the next Meeting of the Moot.

The Testator owes $50 on Book Debt, and $50 on Bond. The Executor is sued on the Book Debt. Can he pay it and plead the plene administrav to the Suit afterwards commenced by the Obligee, or is he obliged to plead the Specialty to avoid the Payment of the Book Debt?*  

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*The phrase, "whether he attends or not."

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*Rudolphus Ritsma was elected to membership March 1, 1771; Stephen DeLancey, February 7, 1771; Gouverneur Morris and John Watts, Jr., March 4, 1774. Whitehead Hicks was ordered expelled for non-attendance on March 4, 1774. All other members were charter members. These twenty members were but one-quarter of the lawyers in active practice in New York City during the years 1770-1775.
Constitution of “The Debating Society” (1768)1

1. That every Member attend regularly every Thursday Evening at six o’clock at Mrs. Brass’s.
2. That every Member in Turn agreeable to the Order of the Alphabet shall sit as President for one Evening.
3. That the President for the Time being take the Chair at fifteen minutes after six.
4. That every Member coming in after the President has taken the Chair shall be fined 6s If he does not come till the Disputes are ended or if any one is absent the whole Evening he shall be fined in 2/.
5. That the Members shall speak alternately, One on the Affirmative Side of the Question to open, to be answered by one on the other Side. The affirmative side to reply & the other to rejoin & conclude.
6. That if any Doubt arise about the true Sense of the Subject such Doubt shall be suggested to the President, who without

1James Alexander Papers, “New York City Moot Debating Club, 1770-1774.” New York Historical Society Library. The first meeting of the Debating Society of which there are extant records was held January 28, 1768. The subject debated was: “Whether in an absolute monarchy it is better that the Crown should be elective than hereditary.” Benjamin Kissam and John Jay took the affirmative; Peter Van Schaack, Stephen DeLancey and John Vardill the negative. Ebenezer Benson was the presiding officer, a fact which tends to show that this was the first meeting of the Society since its Constitution stipulated that the presiding officers should come in alphabetical order. Judgment was given for the affirmative with Jay supporting the arguments of his former preceptor. Subjects debated at other meetings were: “Whether in the Constitution of Great Britain it would be a good political maxim that the King can do no wrong”; “Whether the King is justifiable in Toro Consiento for reserving a yearly Quitrent for every 100 acres of land he grants”; “Whether the Laws ought to compel a subject to accept of a public employment.” Most of the matters discussed were political, with the relationships between subject, colony, and crown emphasized.

Although the membership of this Society is not fully known, the following young men are listed as having taken part in the debates—Benjamin Kissam, John Jay, Lindley Murray, Samuel Bard, Stephen Laight, John Vardill, Stephen DeLancey, and Peter Van Schaack. This might have been called the “King’s College Debating Society.”