

15th CONGRESS.]

No. 463.

[2d SESSION.]

WEIGHTS AND MEASURES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 25, 1819.

Mr. LOWNDES made the following report:

The committee appointed to inquire whether it be expedient to make any amendment in the laws which regulate the coins of the United States and foreign coins, having been instructed also to inquire into the expediency of fixing the standard of weights and measures, have obtained, on the latter subject, nearly all the information which they had expected to procure during the present session of Congress, and respectfully submit their report:

The weights and measures in use in all the States of the Union have been derived from England. In Louisiana they were, until lately, French; but a recent law has established such as conform to those of the other States. The laws of the colonies, before the Revolution, evidence some attention to their regulation; but, since that event, there have been very few legislative provisions upon the subject in any of the States. But the highly commercial character of the people, their frequent changes of residence, and the absence of feudal institutions, have prevented the establishment of those local usages which are so embarrassing to the internal trade of most of the states of Europe. Although in some of the United States there are no laws for the regulation of weights and measures, and very defective laws in the others, yet is there more uniformity in the composition and division both of weights and measures in the United States, than there was in France before the adoption of her new metrical system, or than there is in England now. Indeed, he must be a negligent observer of the manners, the legislation, and even the language of the country, who does not remark the strong tendency to uniformity which prevails everywhere throughout it. This circumstance facilitates the establishment of a national standard of weights and measures, without superseding its necessity. Where standards are established by the laws of the States, they are in general such as exist in a foreign country, and are inconsistent with each other. The difference which subsists between the weights and measures of the different States is certainly less than might have been expected under such circumstances; but it is not inconsiderable.

The documents which accompany this report show a difference of fifty-one grains between the pound weights at Baltimore and Philadelphia; and one of them affords evidence that some banks have used weights for money which are considerably lighter than those of the mint. Our information on the discordance of measures is less precise and authentic; but (although the committee have been disappointed in the hope of obtaining a satisfactory comparison between those of different States) yet the greater difficulties in the comparison of measures of capacity than of weights, and the known inequality between the English models, from which our measures were originally taken, do not allow us to doubt that the difference of measure in the United States is still greater than that of weights.

The measures used in surveying the lands of the United States are all compared, as the committee have understood, with a brass chain, made under the direction of Mr. Rittenhouse; but, in general, the officers of the United States employ the weights and measures which are established, or rather used, in the districts in which they live. The changes which have been made by custom in the weights and measures of the United States are such as add to their simplicity. We have discontinued the use of many English weights and measures, and have introduced no new ones.

Of weights, we use the pound and ounce avoirdupois, and the troy grain, with the pennyweight; and for medicine, the scruple and drachm. The troy pound and ounce have been discontinued.

Of lineal measures, we use, generally, the inch, foot, yard, fathom, perch or pole, furlong, mile, and league.

We have discontinued the barleycorn, palm, link, nail, span, cubit, and pace.

For dry measures of capacity, we use the pint, quart, gallon, peck, and bushel.

We have discontinued the pottle, loom, quarter, wey, and last.

Of liquid measures, we have discontinued the ale and beer measure, and apply to all liquids the English wine measure.

We use the gill, pint, quart, and gallon. We have discontinued the rundlet.

In superficial measure, we use the inch, foot, yard, pole, rood, and acre, and have discontinued the pace.

For the measurement of firewood, we use the English cord; and for coal, the common bushel, heaped. We have discontinued the chaldron.

The committee are unanimous in the opinion that this subject ought not to be left to uncertain usages, or to the various laws of particular States. They will not enlarge upon its importance. Commercial credit is well secured in every part of this country, by enforcing the punctual performance of contracts. But commerce itself could hardly subsist, unless some security were given (beside the judgment of the purchaser) that the article which he buys is of the quantity which the seller describes; that the weight or measure which is employed is fair. The duty of providing this security has been devolved by the constitution upon Congress; and the committee express, with great respect, their opinion that it should not be neglected any longer.

It has been frequently proposed in foreign countries "to employ, as the fundamental unit of all measures, a type which should be taken from nature," and be exempt from the alterations to which arbitrary standards are exposed. In execution of this plan, the Government of France has employed, as the base of its system of measures, that arc of the terrestrial meridian passing through Paris which is contained between the equator and the north pole. It has adopted the ten millionth part of this arc as the unit of measures of length, calling it the metre, and deducing from it all its other measures and weights. It has taken, as the unit of superficial measures, the arc or square of ten metres; as the unit of measures of capacity, both for liquids and dry goods, the litre, or cube of the tenth part of the metre; as the unit of measures particularly intended for firewood, the stère, or cubic metre; and as the unit of weight, the gramme, or absolute weight of a volume of pure water in its state of greatest density, equal to the cube of the hundredth part of the metre.

The standard metre is placed on a rod of platina, and a kilogramme of platina (equal to a thousand grammes) has been declared by a law of 1800 to be the standard of weight.

The Government of the Netherlands has lately adopted the French system without material modification.

The establishment of a standard of weights and measures, which should be deduced from an invariable type in nature, has been more than once discussed in the English Parliament; but nothing definitive has yet been done in it.

In the United States, although the matter has been recommended to Congress by successive Presidents, no progress has been made in determining upon a standard of weights and measures beyond that of receiving a report

from the first Secretary of State, Mr. Jefferson. [See vol. 1, page 13.] Mr. Jefferson considers matter, by its mere extension, as furnishing nothing invariable; and its motion as the only remaining resource. He proposes the length of a metallic rod which shall vibrate seconds of mean time at the level of the ocean, in the forty-fifth parallel of north latitude, as the foundation of a system of measures for the United States. The committee abstain from the free quotations which they would otherwise make from this report, on the presumption that its principal views are in the memory of the House.

They do not know that any attempt at a general reform of weights and measures has of late been made in any other country.

The efforts to establish natural standards sufficiently prove the sense entertained of their advantages. These are strongly stated in the report of a commission of the French Institute, to which the subject had been referred by their Government "on the measurement of degrees of the meridian in France, and on the results which have been deduced from it for the determination of the basis of the new system of measures."

"It is the essential advantage," they say, "of this system, that even if all the standards should be destroyed or annihilated, leaving no other trace but the knowledge that one of them was the ten millionth part of the quarter of the terrestrial meridian, and the other the quantity of water taken in its state of greatest density, and contained in the cube of the tenth part of the first unity, the primitive value of both might be yet recovered."

Of the particular system adopted by France, they observe "that its parts are all intimately connected with each other, all dependant upon the primitive type; and its multiples and subdivisions follow a progression which is natural, simple, easily understood, and always uniform." These advantages were held to justify the expectation that the standard established in France would become the universal standard among civilized nations.

But the plan of obtaining an invariable standard from nature is of no easy execution. The type of such a standard should be equally accessible to all nations. This, indeed, the system is admitted to require. But the figure of the earth is irregular to observation. We do not know that gravitation is uniform in different longitudes, though in the same latitude; nor that the different meridians are similar; nor even that the two hemispheres on each side of the equator are equal. If the establishment of the same meridian be proposed, or for the pendulum the same longitude and latitude, it will follow that every country but one must verify its standard in a foreign state. If the figure of the earth be irregular, the extent of that part of the meridional arc which is obtained by computation must be uncertain; and even in ascertaining the part which is submitted to actual measurement, the most perfect instruments and the highest experience have left the accuracy of such a process in some doubt. The improvement which has been lately proposed in the use of the pendulum seems likely to make it more sensible, but not more uniform; and it is singular that respectable authorities differ by more than half an inch (59-100) as to the length of the pendulum which will vibrate seconds at the same level, and at the very latitude (that of forty-five) which has been proposed for the regulating pendulum. If, however, on either plan, a fixed proportion be established by law between the standard and a natural type, the standard itself, whose name and office imply immutability, must change with every corrected estimate of the type which is its base. The first standard of the French measures was accordingly declared to be provisional.

Whether standards derived from the natural types which have been proposed have all the advantages which have been attributed to them, seems therefore to be questionable; and the inconveniencies of change are not small. If a difference between the measures of two neighboring towns afford opportunities for fraud, how much greater must these be when entirely new measures are first introduced through a whole country? We have reason, from the experience of France, to think that these will be adopted slowly and imperfectly; partially in some places, and in all with the confusion which results from retaining both the old names and the old divisions, and giving them a new and a double meaning. It is obvious, in such a case, whatever benefits uniformity and system may give to posterity, that the present age must pay no scanty price for them. The difference between the weights and measures of the several provinces of France was so great that uniformity could not have been obtained without violent innovations. But such is not their condition in the United States.

The principal advantage of deducing a standard of measure from an invariable type in nature is represented to be, that, in the event of its loss or destruction, it may be restored without variation; but the proportion which either natural or arbitrary standards bear to any object of invariable magnitude, which nature may be thought to furnish, may be ascertained with equal accuracy: the restoration of either, therefore, must be equally practicable. The old toise, although not an aliquot part of the terrestrial meridian, may be as well obtained as the metre, which is supposed to be so, by the measurement of a meridional arc.

On the whole, the committee believe it best, at least in the circumstances of this country, to adopt absolute standards, conformed to the weights and measures which are in most general use among us. If it be thought necessary to provide by law for the loss of these standards, the provision may be formed on the basis of the best experiment and the exactest science which the country can now command, and without change of standard. This provision may be varied whenever the advancement of science shall furnish a better process.

The committee will therefore confine the proposals which they shall submit to the House to the object of the first plan proposed by Mr. Jefferson, "to render uniform and stable the measures [and weights] which we already possess."

In pursuance of this view, they propose that models of the yard, bushel, wine gallon, and pound, supposed to conform to those in most common use in the United States, shall be made under the direction of a commission of persons to be selected by the President of the United States, and, if satisfactory to Congress, that they shall be declared the standard yard, bushel, liquid gallon, and pound of the United States.

If these standards shall be adopted for our measures, the law which will establish them will determine how greater or less measures shall be formed from them. There is no variety in the composition of these in the different States, and, in the opinion of the committee, no adequate motive for proposing a change; there will, consequently, be no difficulty in this regulation.

As to weights, there seems to be no strong objection to confirming the change which general usage has made, by giving up, as is recommended by Mr. Jefferson, the pound and ounce troy, and the quarter and drachm avoirdupois. The pound troy has been long disused; there is no coin as heavy as a troy ounce, and no coin of the United States as heavy as an ounce avoirdupois. The silver or gold contained in the largest coins is stated generally in grains, without the use of any higher denomination. In the sale of drugs or bullion, indeed, large weights are necessary; but drugs are now sold by avoirdupois weight; and the suppression of the pound and ounce troy will produce no change in the weights used for bullion in the United States, as these are now multiples of the pennyweight as far as five thousand. But if it were not so, neither the mint, the banks, nor the merchants who deal with them, can be embarrassed by employing in their large transactions, not a new weight, but the common pound and ounce of the country.

If we suppose the proportion between the common pound of the United States and the grain used in money and medicine to be as 1 to 7,000, we shall probably not be materially wrong. It is the difference ascertained

between those weights in England, from which our weights were derived originally, and observations made, as the committee believe, with great care, at the Bank of the United States, [the result of which] gives 7,000 grains of the weights of that bank as equal to the pound used in the most commercial city of the United States, (New York.) Assuming this proportion, it will follow that, of weights that are in use below a pound avoirdupois, (if we omit the drachm and quarter avoirdupois, and the pound and ounce troy,) the ounce, the scruple, and the grain are aliquot parts of the pound; the pennyweight and drachm are not so; nor are the drachm, pennyweight, scruple, or grain, aliquot parts of the ounce. The want of a series in which all the weights should be multiples of those which are below them, and aliquot parts of those above them, may be inconvenient, and is certainly not systematic; but the inconvenience is not great. There is the same defect in the coins in common use. The quarters of a dollar are not multiples of a dime, nor the eighths multiples of a cent. The eighths of a dollar, indeed, are foreign coins, but the irregularity is found to be of little consequence.

The committee think that the defect in the series of weights can produce no real embarrassment if we have a uniform pound with subdivisions descending regularly to the sixty-fourth part of the pound, or quarter ounce; if we have a uniform grain, which is an aliquot part of the pound, (7,000th,) and of the eighth of the pound, or double ounce, and which bears to the ounce a proportion which, though expressed by a fraction, is represented and may be ascertained by weights in common use, (18 dwts. $5\frac{1}{2}$ grs., or 7 drms. $2\frac{1}{2}$ qrs., or $437\frac{1}{2}$ grs.) Small, however, as the defect is, if it can be removed without inconvenience, it ought not to be overlooked. They know no better plan for removing it than that suggested by Mr. Jefferson.

This is substantially to divide the pound into 6,912, instead of 7,000 grains, and the ounce into 18, instead of 20 pennyweights. The grain would be increased by this plan by about $1\frac{1}{3}$ per cent; the pennyweight by somewhat less. The eagle would contain three less of the new than of our present grains; or, if it were thought important that it should contain the same number of grains, its value would be about twelve cents greater. In medicine, it may be feared that the knowledge that there was a change might produce some uneasiness in those who could not exactly estimate its extent; nor would it much improve the system of apothecaries' weights, since, though it would make the grain an aliquot part of the ounce, neither the scruple nor the drachm would be so.

The committee think it best that the pound and the grain, which may be considered, for different purposes, as both units of weight, should be neither changed nor be suspected of being so. They propose, therefore, that the commission should ascertain the proportion between the grain and pound, and that that proportion should be maintained unalterably.

In respect to the composition of large weights, it seems proper that the discordance between the use of the hundred and the long hundred, (or 100 and 112 pounds,) and their divisions, should be removed; and of the two sets of weights, that of the hundred pounds, and its divisions, is the simpler and better. As to weights above the hundred, except the ton of shipping, they are properly but the names of vessels of capacity, of no very determinate contents, and ought not to be recognised as weights.

The modes of measurement and the allowances and tares which are used in the different States require correction as well as the measures themselves. The subject was brought to the view of the House by a report of the Secretary of the Treasury, in January last; but in that laborious session there was not time to undertake it. It will still be better to defer the provisions which it may require until they can be included in the law which shall establish the standards.

In fixing standards of weights and measures, it will be proper that Congress shall determine the means which shall be employed for their preservation, and, perhaps, as connected with this object, for their restoration, if they shall be lost; for the distribution of models with which the weights and measures employed in commerce may be compared, and for enforcing the use of such as correspond with these models.

The committee propose that the standards shall be deposited in the office of the Secretary of State. These will be employed but rarely to verify the models which may be issued under the authority of Government. The law which establishes the standard will determine the temperature at which it is to be used.

The means which may be employed for the restoration of the standards, if they should be lost or impaired, are sufficiently analogous to some of those which may be used for securing the accurate execution of the models, as well as the weights and measures in common use, to make it convenient to consider the two subjects together. Indeed, it must be an extravagant fondness for system which would lead us to deny that the models, if proper precautions be taken to secure their fidelity, will probably furnish a sufficiently correct as well as an easy mean for the restoration of the standards, if they should be lost.

The careful observation of the proportions which the standards of measure bear to each other, and that of the relations which each of these holds to the dimensions of a quantity of pure water, of a given temperature, which is equal to the weight of the standard pound, will sufficiently provide for the contingency of the loss of any number of these standards less than the whole. The committee propose that these relations shall be ascertained and reported by the commission whose appointment has been already suggested.

If it be thought prudent to provide for the contingency of the loss, at the same time, of all the standards and all the models on which a just reliance might be placed, it may be done by ascertaining the relation between the standard measure of length and the second pendulum and an arc of the meridian. Which of these relations can be most safely relied upon for the restoration of the standard, can be best determined when its loss shall occur. The designation of these relations by a commission may also facilitate a comparison with the measures of foreign countries. The committee do not, however, recommend the difficult and costly expedient of measuring a large arc of the meridian in this country; but the commission may ascertain the proportion between our standard and the great arc which has been measured by the French mathematicians, or the quarter of a meridional circle inferred from it. They can do this, indeed, only by a comparison with the French measures in which the result of that operation has been stated. The length of a pendulum or rod which shall vibrate seconds of mean time is an object of more convenient comparison; and the commission may probably think it necessary to ascertain the relation between this and our standard of length by their own observation.

The most accurate designation of the relation between the standard of length and the pendulum on an arc of the meridian cannot be expected to be of any direct service in promoting the accuracy of measures in common use. Considerable variation is less to be apprehended in the models of lineal measure than in any other; and the determination of the proportions between lineal measures and measures of capacity, and between both of these and weights, may have some effect in enabling us to detect, without too difficult a process, the defects of measures of capacity, and possibly of weights, in common use. For this purpose, it would, perhaps, be convenient to establish, not merely the cubical contents of the common measures of capacity, but to fix determinate forms for all these, and dimensions the correctness of which might be ascertained by the common measures of length. What these forms should be it would be proper to leave to the decision of the commission, although the strength of the cylinder, its general use, and, according to the commission of the French Institute, the greater exactness which may, in practice, be given to that figure, are strong reasons for employing it.

The designation of measures of capacity, the contents of which, if of rain water of a *convenient* temperature, would be equal in weight to a pound, or any part or multiple of it, would furnish a test which might sometimes be applied to common weights. But it will be easier to avoid considerable variation in the models of weight than of cubic measure; and the determination of the weight of rain water of a convenient temperature, which ought to be contained in the several measures of capacity, furnishes a security of easy employment for the fairness of such measures.

It will be necessary that models of weights and measures, exactly compared with their several standards, shall be deposited in the different States. To prevent unnecessary delay, it may be proper to allow the commission intrusted with the charge of preparing the models which are to be proposed as standards to cause to be prepared also a number of models for distribution. The committee think that there should be sent to each State, to be distributed as may be directed by its Legislature, a number of each of these models equal to the number of members to which the State is entitled in the House of Representatives of the United States, and that models of each standard should be deposited with the marshal of each State, and with every collector of customs throughout the United States. To enable the Government to make this distribution, and to reserve the number of models which it may be proper that it should have at its disposition, the committee propose that — of each model should be provided.

The committee are not unaware of the difficulty in the accurate execution of models of measure. There are too many memorials of this to allow them to doubt that it is in the province of the artist that the great impediment to uniform measures will be found. They believe, however, that all the practical advantages of uniformity may be obtained by a degree of skill and attention which it is not unreasonable to expect.

The committee do not deem it necessary to propose any penal provisions for enforcing the use of the standards which may be established by Congress. The constant interference which such provisions would imply with the minutest and most frequent transactions of society might be justified by the words, but, unless they shall be found indispensable, would ill comport with the general spirit and character of the constitution. It was right that there should be a provision for uniform standards of measures and weights as of coins throughout the United States. The only authority capable of establishing these was the General Government. But the power of enforcing the use of measures and weights which shall conform to these standards may be most conveniently and effectually exercised by the State authorities. The laws of many, and perhaps most of the States, are adequate to this purpose without much amendment. But, to admit of amendments where they may be necessary, it may be well, if Congress shall approve the standards proposed, that it should determine on a more distant day than would otherwise be proper, after which no other weights and measures than such as conform to these standards should be esteemed legal. For the execution of contracts made before that day in States whose legal weights and measures have been different from those which shall be prescribed by Congress, a table of equivalents between the new and old weights and measures must be formed; or, in this class of cases, comparatively few, and which will every day become fewer, the old ones may continue to be used without inconvenience.

There does not, however, appear to the committee to be any objection to the employment of the models of weight and measure (as soon as the standards shall have been established) in all the cases in which the Government is a party, either in sales or purchases, or the collection of duties. In old contracts, the same provision must apply to the Government, and to any other party.

The committee are sensible how large a part of their report consists rather in objections to the plans of others than in the recommendation and development of their own. They propose, indeed, that little should be done; that standards conformed to those in most common use among us should be accurately made, and carefully preserved at the seat of Government; that correct models should be placed in the different districts of the country; and that the proportions and relations between these should be ascertained.

The committee have directed their chairman to move the resolutions which will be necessary to carry into effect the proposals contained in their report.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall be authorized to appoint a commission of — persons, for the purpose of carrying into effect the following resolutions:

Resolved, That the commission so appointed shall cause to be traced on a rod (of whatever metal they shall deem best adapted to the purpose) the yard measure which is in most common use throughout the United States.

Resolved, That the commission shall cause to be made (of whatever material and shape they shall deem best adapted to the purpose) a vessel, whose capacity shall be the same as that of the bushel in most common use throughout the United States.

Resolved, That the commission shall cause to be made (of whatever material and form they shall deem best adapted to the purpose) a vessel, whose capacity shall be the same as that of the wine gallon in most common use in the United States.

Resolved, That the commission shall cause to be made (of whatever metal they shall deem most advisable) a pound avoirdupois, of the weight of that which is in most common use throughout the United States.

Resolved, That the commission shall cause experiments to be made, under their direction, to ascertain with the utmost exactness which the state of science permits, the proportion which the yard measure of the United States bears to the length of a pendulum, vibrating seconds of mean time, at the level of the sea, and at the place and temperature at which they shall deem it most advisable that the experiment shall be made.

Resolved, That the commission shall ascertain the proportion which this yard bears to an arc of the terrestrial meridian, intercepted between the equator and the north pole, according to the most accurate measurements which have been made of degrees of a meridional circle, and the best established computations of such arc.

Resolved, That the commission shall cause to be ascertained the number of cubical inches contained in the bushel of the United States, and the dimensions and forms of vessels of equal capacity to such bushel, and to the half, fourth, eighth, thirty-second, and sixty-fourth parts thereof, to which the common measures of length may be conveniently applied, to ascertain such capacity.

Resolved, That the commission shall cause to be ascertained the weight of rain water, at any temperature which they may deem it most advisable to use, which would be contained in the bushel of the United States.

Resolved, That the commission shall cause to be ascertained the number of cubical inches contained in the wine gallon of the United States, and the dimensions and forms of vessels of equal capacity to such gallon, and to the fourth, eighth, and sixteenth parts thereof, to which the common measures of length may be conveniently applied, to ascertain such capacity.

Resolved, That the commission shall cause to be ascertained the weight of rain water, at any temperature they may deem it expedient to employ, which would be contained in the wine gallon of the United States.

Resolved, That the commission shall cause to be ascertained the number of cubical inches of distilled water, at any temperature they may deem it most advisable to use, the weight of which shall be equal to the pound of the United States.

Resolved, That the commission shall cause to be ascertained the proportion between the pound of the United States and the grain employed for weighing medicines and the precious metals.

Resolved, That the commission shall cause to be prepared a number of the models of the yard, bushel, wine gallon, and pound, not exceeding _____ of each, of the form and material which may be most convenient for distribution and comparison among the States.

15th CONGRESS.]

No. 464.

[2d SESSION.

OFFICIAL CONDUCT OF THE JUDGE OF THE SOUTHERN DISTRICT OF NEW YORK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 17, 1819.

Mr. SPENCER, from the committee appointed on the 10th day of April last to inquire into the official conduct of William P. Van Ness, Esq., judge of the southern district of New York, of Matthias B. Tallmadge, Esq., judge of the northern district of New York, and of William Stephens, judge of the district of Georgia, reported:

That, in reference to the conduct of William P. Van Ness, Esq., judge of the southern district of New York, the committee have endeavored, by the examination of voluminous documents and of a number of witnesses, to arrive at a knowledge of the transactions to which their attention was necessarily directed by the report of the Judiciary Committee made to this House on the 5th day of March last. That report stated that \$117,307 01 of the funds of the district court of the southern district of New York was unaccounted for by Theron Rudd, the late clerk thereof, and that it has been most grossly and nefariously purloined. As the resolution under which this committee was appointed emanated from the Judiciary Committee, it became the first object of inquiry to ascertain how far Judge Van Ness was implicated in the misconduct of the clerk. After a diligent examination, no evidence has been discovered to establish any participation by Judge Van Ness in the embezzlement of the funds of the court; nor does it appear that he has received any of those funds, or derived any benefit from them. That there was, however, a remissness on the part of Judge Van Ness, a want of constant vigilance of the money of the court, and of rigor in enforcing the provisions of the law and the rules of court, will, in the opinion of your committee, appear from a statement of the facts. Rules had existed in the court from the 1st day of November, 1811, requiring the clerk to keep a distinct account in the bank where the court moneys were deposited, as clerk of the court, subject to the inspection of the judge and the district attorney, and forbidding the withdrawing any such money from the bank without an order signed by the clerk and countersigned by the judge, stating the title of the cause, and the party to whom the same was to be paid. Soon after Judge Van Ness took his seat on the bench, he repealed that part of the rule requiring his signature; the reasons for which, as assigned by Judge Van Ness on a former occasion, were, that the clerk was the responsible and accountable officer, in whose custody the law placed the funds of the court; and that the check contemplated by the rule would give great and unnecessary trouble to the judge in adjusting the claims of individuals, and to the suitors who might apply to him during the vacations, at his residence, one hundred and thirty miles from New York. The committee, however, think that, in most cases, the claims of suitors must have been ascertained in the judgment of the court; and to them it appears that, although the rule may have been originally adopted on a special occasion, yet the object of security to the funds was so great as to supersede all considerations of inconvenience, and to require its continuance. The rule subjecting the clerk's account to the inspection of the judge and the district attorney was also so modified by Judge Van Ness as to confine the right to the judges only.

It had been one of the rules of the court, and was adopted by Judge Van Ness, that the clerk should exhibit to the court on the first day of each August and February term a full account of all moneys in his hands, or standing to his credit as clerk, to be examined by the court or a judge, and to be filed in the office of the clerk of the northern district. From the certificate of the clerk of the southern district, it appears that no such account has ever been rendered. His certificate embraces a portion of time in which Judge Tallmadge presided in the southern district, and the whole time when Theron Rudd was clerk.

An old act of Congress requires the clerks of district courts to give bonds in the sum of \$2,000 for the faithful discharge of their duties. Although this sum is altogether inadequate to the security of such large amounts as were paid into the district court of New York during the time Theron Rudd was clerk, yet the hazard of losing even that amount would induce some watchfulness on the part of the clerk's sureties. Theron Rudd had been clerk of the district of New York some time previous to the act dividing the State into two districts, which passed 9th April, 1814, and, pursuant to that division, on the 11th April, 1814, he was appointed clerk of the southern district. From the certificates of the clerk of that district, and of the clerk of the northern district, it appears that there has not been filed, in either of their offices, any bond by Theron Rudd for the faithful discharge of his duties as clerk of the southern district. The omission is the more remarkable as Mr. Rudd had previously given several bonds as clerk, under various reappointments, after having been removed.

It appears from the statements of the Hon. Mr. Dagget and the Hon. Mr. Hunter, of the Senate, that so late as the last of February, 1817, Judge Van Ness appeared to be ignorant of the perilous condition of the funds of the court, at a time when apprehensions were entertained by several gentlemen of the city of New York, who had communicated them to their friends in Congress. Judge Van Ness appeared before the Judiciary Committee of the Senate on the 1st March, 1817, and stated his objections to the passage of a bill then pending before that committee, and which afterwards became a law, by which moneys in the courts of the United States were directed to be deposited within sixty days from the 3d March, 1817, in the office of the Bank of the United States, when there should be one within the district, and requiring the signature of the judge to an order for the payment of such moneys. The objections were substantially the same as the reasons urged for the repeal of the rule before mentioned, viz: that it would be unnecessary, and would give much trouble. He assured the committee of the Senate that the money was perfectly safe; that it was in the Middle District Bank, north of the highlands, where it had been carried from apprehensions of danger during the war; that the bank was respectable, and the clerk was responsible