

The committee consisting of Mr. Pinckney, Mr. R.R. Livingston, Mr. King, Mr. Monroe and Mr. Johnson, to whom were referred a letter of the [blank] of December, from the Honorable Cyrus Griffin and John Lowell, Esquires, judges of the Court of Appeals, and a motion of Mr. Howell's ...

THE Committee consisting of Mr. Pinckney, Mr. R. R. Livingston, Mr. King, Mr. Monroe and Mr. Johnson, to whom were referred a letter of the of December, from the honorable Cyrus Griffin and John Lowell, esquires, judges of the court of appeals, and a motion of Mr. Howell's;—to whom also were referred the petition of Joseph Ellis, praying a rehearing in the case of the sloop Hannah, condemned in the court of the admiralty, in the state of New-Jersey, a reversal of which decree was obtained before the judges of appeal, together with the report of the secretary of foreign affairs, in the case between Daniel Darby, qui tam, appellant, and the imperial brig Ersten, and her cargo, Pd. Thomson, master, &c.—and to whom also were referred the memorial and petition of George Meade; as attorney to Thomas Lake, W. C. Lake and Richard Lake, subjects of his Britannic majesty, respecting the condemnation of the brigantine Hope and her cargo, in the court of admiralty in the state of Connecticut, stating the reasons of their appeal not being lodged in time, and praying relief, **REPORT,**

THAT in the opinion of your committee, the present judges of the court of appeals must be still considered as in commission, no information having been communicated to Congress of their intention to resign, and that it will be necessary the court of appeals should remain upon their present establishment except with respect to the salaries of the judges, which should cease from the day of and that in lieu thereof, they shall be entitled to dollars per

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day, during the time they shall attend the sitting of the court, and including the time they shall be necessarily employed in travelling to and from the said courts. That the present judges should be acquainted with the determination of Congress upon this subject.

That with respect to the cases of the sloop Hannah, and the imperial brig Ersten, your committee beg leave to recommend that it be [???

RESOLVED, That the court of appeals be authorised in these and every other cause before them, to grant rehearings or new trials of the same, whenever justice and right may in their opinion require it; provided that such rehearing is

Provided also, that an order for a rehearing shall in no instance suspend the execution of the first sentence, if the party in whose favour it may be, shall give satisfactory security for the payment of such costs and damages, as the court, on rehearing the cause and reversing the decree, may think proper to award.

That with respect to the case of the brig Hope, as it appears by affidavits accompanying the memorial of the owners, that the reason alledged by them why the appeal was not lodged with the register within the time prescribed by the resolutions of Congress, was, in consequence of an agreement between the libellants and respondents, stated in their opinions, that the judges of the court of appeals be directed to enquire into the reasons which prevented the appeal being lodged in time; and if it shall appear to them upon investigation that it was not owing to the neglect or default of the said J. Lake, W. C. Lake and R. Lake, or their attorney, that the said appeal was not lodged, but to the agreement of the parties to suspend any farther proceedings until it could be known whether any explanation of that article of the treaty which respected this particular case should be made between the two powers, or otherwise settled and determined, that in this case the said judges be, and they are hereby empowered to receive said appeal, and to rehear and determine the said cause, any resolution of Congress to the contrary notwithstanding.

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Court of Appeals Mr. Johnson