

134 LEGAL EDUCATION IN COLONIAL NEW YORK

man. He was never a student at King's College, but was "bred at Jersey 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 1779, 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 total 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 Ritzema.
- 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 Harison, John Jay.
- 1765: Egbert Benson, Robert R. Livingston.
- 1766: John Watts, James Livingston.
- 1767: Peter Van Schaack.
- 1768: Gouverneur Morris, John Stevens.
- 1770: James Creighton, William Hubbard, Stephen Lush, Philip Pell, Thomas Beaven, Edward Vaughan Dongan.
- 1771: Clement Cooke Clarke.
- 1772: Thomas Barclay.
- 1773: Cornelius Bogert, Beverly Robinson.
- 1774: Robert Nicholls Auchmuty, Edward Dunscomb, Benjamin Seaman, Robert Troup.
- 1775: William Cock (s), 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 1773-1777 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 1689-90¹
- 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 1670
- 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, 1730-1750-²

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

¹A 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.

²Total lawyers in New York prior to 1750 with baccalaureate degrees, 21. Thirteen were awarded degrees by Yale; seven by Cambridge; and one by Harvard.

³After 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, 1751-1767-1

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

¹In 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.

Jonathan Landon, Yale 1763
 John Lawrence, Princeton 1764
 Ezra L'Hommedieu, Yale 1754
 Philip Livingston, Jr., King's 1760
 Robert R. Livingston, Jr., King's 1765
 William Livingston, Yale 1741
 John McCrea, Princeton 1762
 John McKesson, Princeton 1753
 Silas Marsh, Yale 1764
 David Mathews, Princeton 1754
 Richard Morris, Yale 1748
 Benjamin Nicoll, Yale 1734
 William Nicoll, Yale 1734
 David Ogden, Yale 1728
 Isaac Ogden, King's 1758
 Solomon Phelps, Harvard 1762
 Benjamin Pratt, Harvard 1737
 Joseph Reade, Jr., King's 1758; Pennsylvania 1760
 Rudolph Ritzema, King's 1758
 John Roosevelt, Jr., Yale 1735
 Anthony Rutgers, Yale 1744
 James Sayre, Pennsylvania 1765
 John Morin Scott, Yale 1746
 Caleb Smith, Yale 1744
 William Smith, Sr., Yale 1719
 William Smith, Jr., Yale 1746
 William Peartree Smith, Yale 1742
 Micah Townsend, Princeton 1766
 Thomas Treadwell, Princeton 1764
 Peter Van Schaack, King's 1767
 John Watts, Jr., King's 1766
 William Wickham, Yale 1753
 John Woods, Yale 1755

During all or part of the period, 1768-1776

Edward Antill, King's 1762
 Robert Nichols Auchmuty, King's 1774
 Thomas H. Barclay, King's 1772

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 (s), 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'Hommedieu, 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

Gouverneur Morris, King's 1768
 Richard Morris, Yale 1748
 William Nicoll, Yale 1734
 David Ogden, Yale 1728
 Isaac Ogden, King's 1758
 Philip Pell, Jr., King's 1770
 Joseph Reade, Jr., King's 1758; Pennsylvania 1760
 Jacob Remsen, King's 1775
 Rudolph Ritzema, King's 1758
 Beverly Robinson, Jr., King's 1773
 James Sayre, Pennsylvania 1765
 John Morin Scott, Yale 1746
 Benjamin Seaman, Jr., King's 1774
 Richard Sill, Yale 1775
 Caleb Smith, Yale 1744
 George Smith, Princeton 1770
 William Smith, Sr., Yale 1719
 William Smith, Jr., Yale 1746
 William Peartree Smith, Yale 1742
 John Stevens, Jr., King's 1774
 Micah Townsend, Princeton 1766
 Thomas Treadwell, Princeton 1764
 Robert Troup, King's 1774
 Peter Van Schaack, King's 1767
 John Watts, Jr., King's 1766
 William Wickham, Yale 1753
 William Wilcocks, Princeton 1769
 John Woods, Yale 1755

During all or part of the period, 1777-1784¹

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.

Aaron Burr, Princeton 1772
 William Cock (s), King's 1775
 Thomas Cooper, Princeton 1784
 Abraham DePeyster, King's 1763
 Edward Dunscomb, King's 1774
 Lucas Elmendorf, Princeton 1782
 Peter Elmendorf, Princeton 1782
 Ezekiel Gilbert, Yale 1778
 Elihu Chauncey Goodrich, Yale 1784
 Elihu Gridley, Yale 1781
 Richard Nichols Harison, King's 1764
 Jonathan Nicoll Havens, Yale 1777
 Nicoll Havens, Yale 1753
 Michael D. Henry, Rutgers 1783
 St. John Honeywood, Yale 1782
 John Jay, King's 1764
 Robert Charles Johnson, Yale 1783
 John Johnston, Princeton 1782
 James Kent, Yale 1781
 Moss Kent, Yale 1752
 Jonathan Landon, Yale 1763
 John Lawrence, Princeton 1764
 Nathaniel Lawrence, Princeton 1783
 Morgan Lewis, Princeton 1773
 Ezra L'Hommedieu, Yale 1754
 James Linn, Princeton 1769
 Edward Livingston, Princeton 1781
 Henry Brockholst Livingston, Princeton 1774
 Philip Livingston, Jr., King's 1760
 Robert R. Livingston, Jr., King's 1765
 William Smith Livingston, Princeton 1772
 John Lovett, Yale 1782
 Stephen Lush, King's 1770
 John McCrea, Princeton 1762
 John McKesson, Princeton 1753
 Silas Marsh, Yale 1764 (1780)
 Silas Marsh, Jr., Yale 1784
 Josiah Marsters, Yale 1783

Gouverneur Morris, King's 1768
 James Morris, Princeton 1784
 Richard Morris, Yale 1748
 Jacob Morton, Princeton 1778
 Philip Pell, 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.
- Richard Bradley, C., 1677-8.
- 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 (s), 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 DePeyster, K., 1763.
- Edward Dunscomb, K., 1774.
- *Lucas Elmendorf, Pr., 1782.
- *Peter E. Elmendorf, Pr., 1782.

- Edmund Fanning, Y., 1757.
- *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., 1663-4
- *St. John Honeywood, Y., 1782
- William Hubbard, K., 1770
- James Jauncey, Jr., Pr., 1763
- 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 Livingston, Pr., 1781
- Henry Brockholst Livingston, Pr., 1774
- Philip Livingston, Jr., K., 1760
- Robert R. Livingston, Jr., K., 1765
- William Livingston, Y., 1741
- William Smith Livingston, Pr., 1772
- *John Lovett, Y., 1782
- Stephen Lush, K., 1770
- John McCrea, Pr., 1762
- John McKesson, Pr., 1753

Silas Marsh, Sr., Y., 1764 (1780)
 *Silas Marsh, Jr., Y., 1784
 *Josiah Marsters, Y., 1783
 David Mathews, Pr., 1754
 Gouverneur Morris, K., 1768
 *James Morris, Pr., 1784
 Richard Morris, Y., 1748
 *Jacob Morton, Pa., 1778
 Benjamin Nicoll, Y., 1734
 William Nicoll, Y., 1734
 David Ogden, Y., 1728
 Isaac Ogden, K., 1758
 Philip Pell, Jr., K., 1770
 Solomon Phelps, H., 1762
 Benjamin Pratt, H., 1737
 *Jacob Radcliffe, Pr., 1783
 John Rayner, C., 1678
 Joseph Reade, Jr., K., 1758; Pa., 1760
 Jacob Remsen, K., 1775
 Rudolph Ritzema, K., 1758
 Beverly Robinson, Jr., K., 1773
 John Roosevelt, Jr., Y., 1735
 Anthony Rutgers, Y., 1744
 James Sayre, Pa., 1765
 John Morin Scott, Y., 1746
 Benjamin Seaman, Jr., K., 1774
 *Leonard D. Shaw, Pr., 1784
 Richard Sill, Y., 1775
 Caleb Smith, Y., 1744
 George Smith, Pr., 1770
 *Jeremiah Smith, R., 1780
 William Smith, Sr., Y., 1719
 William Smith, Jr., Y., 1746
 William Peartree Smith, Y., 1742
 *Ambrose Spencer, H., 1783
 *Philip Spencer, Jr., H., 1783
 John Spragge, C. 1665-6; O., 1675
 †John Stevens, C., 1661

John Stevens, Jr., K., 1774
 *Abraham Ten Broeck, Pr., 1784
 *William A. Thompson, Y., 1782
 Micah Townsend, Pr., 1766
 Thomas Treadwell, Pr., 1764
 Robert Troup, K., 1774
 *Pierre Van Cortlandt, R., 1780
 Peter Van Schaack, K., 1767
 John Watts, Jr., K., 1766
 John West, C., 1656-7.
 William Wickham, Y., 1753
 William Wilcocks, Pr., 1769
 John Woods, Y., 1755

*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 Mompesson, Oxford
 Thomas Weaver, Oxford

During all or part of the period, 1730-1750

James DeLancey, 1st, Cambridge
 Francis Harrison, Oxford

During all or part of the period, 1751-1767

James DeLancey, Cambridge
 James DeLancy, Jr., Cambridge
 James Graham, King's

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 or part of the period, 1664-1784¹

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, 1778.
Samuel Peach Cruger, Lincoln's Inn, 1785.
Thomas Elde, Middle Temple, 1733.
Neil Jamison, Lincoln's Inn, 1782.
Henry James Jessup, Inner Temple, 1786.
Thomas Kennedy, Lincoln's Inn, 1751.
Robert Livingston (b. 1742), Middle Temple, 1761.
James Morris, Inner Temple, 1721.
Christopher Robert, Inner Temple, 1771.
James Robertson, Inner Temple, 1783.
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.

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, 1701-1729

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 DeLancey, 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, 1730-1750

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

James DeLancey, 1st, Inner Temple
 John Chambers, Middle Temple
 Andrew Hamilton, Gray's Inn
 Daniel Horsmanden, Inner Temple, Middle Temple
 William Kempe, Middle Temple
 Robert Livingston, Jr., Middle Temple
 William Livingston, Middle Temple
 John McEvers, Jr., Inner Temple
 Joseph Murray, Middle Temple
 William Smith, Sr., Gray's Inn

During all or part of the period, 1751-1767

James Alexander, Gray's Inn
 John Chambers, Middle Temple
 William Corry, Lincoln's Inn
 James DeLancey, 1st, Inner Temple
 James DeLancey, 2nd, Lincoln's Inn
 Peter DeLancey, Lincoln's Inn
 William Hicks, Middle Temple
 Daniel Horsmanden, Inner Temple; Middle Temple

William Kempe, Middle Temple
 John C. Knapp, Inner Temple
 Philip Livingston, Lincoln's Inn
 Philip John Livingston, Lincoln's Inn
 Robert Livingston (b. 1688), Middle Temple
 Walter Livingston, Middle Temple
 William Livingston, Middle Temple
 John McEvers, Jr., Inner Temple
 Josiah Martin, Jr., Inner Temple
 Joseph Murray, Middle Temple
 Joseph Reade, Jr., Middle Temple
 William Smith, Sr., Gray's Inn

During all or part of the period, 1768-1776

James DeLancey, 2nd, Lincoln's Inn
 Peter DeLancey, Lincoln's Inn

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 McEvers, Jr., Inner Temple
 Joseph Reade, Jr., Lincoln's Inn
 William Smith, Sr., Gray's Inn

During all or part of the period, 1777-1784

Daniel Horsmanden, Inner Temple; Middle Temple
 Philip Livingston, Jr., Lincoln's Inn
 Walter Livingston, Middle Temple

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	James Graham
Edward Antill	Alexander Griffith
Isaac Arnold	Francis Hall
Nicholas Bayard	William Huddleston
Peter Chock	David Jamison
George Cooke	John Knight
Barne Cosens	Samuel Leete
William DeMeyer	Robert Livingston (First Lord of the Manor)
Walter Dongan	John Mathews
Samuel Edsall	Lewis Morris, II
James Emott	Thomas Newton
Abraham Gouverneur	

Matthias Nicolls	William Sharpas
William Nicolls	John Sharpe
Thomas Owen	Isaac Swinton
Henry Peirson	John Tudor
William Pinhorne	Olaff S. Van Cortlandt
John Rider	Philip Wells
Thomas Rudyard	Samuel Winder
Jacob Rutsen	Jonas Wood

During all or part of the period, 1701-1729

John Abeel	Gilbert Livingston
James Alexander	Philip Livingston (Second Lord of the Manor)
Edward Antill	Robert Livingston, Jr. (b. 1688)
Leigh Atwood	Robert Livingston (admit- ted 1712/13)
May Bickley	Phineas MacIntosh
Richard Brewer	Robert Milwood (Milward)
John Chambers	Lewis Morris, II
George Clarke	Lewis Morris, Jr.
Samuel Clowes, 1st	Joseph Murray
Samuel Clowes, 2nd	William Nicolls, 1st
Barne Cosens	William Nottingham
Francis Costigan	Benjamin Price
John Crooke, Jr.	Robert Robinson
Walter Dongan	Jacob Rutsen
James Emott	William Sharpas
Abraham Gouverneur	Joseph Smith
Andrew Hamilton	James Stevenson
Robert Hempstead	Alexander Stuart
Samuel Hopkins	John Tudor
William Huddleston	Henry Vernon
Samuel Hudson	Evert Wendell
David Jamison	Thomas Whitehead
William Jamison	Henry Wileman
Philip Kearney	Thomas Williams
John Kinsey	
John Knight	

During all or part of the period, 1730-1750

James Alexander	David Jones
Edward Antill	William Kempe
John Bartow	John Kinsey
Theodosius Bartow	Gilbert Livingston
Edward Blagge	Gilbert Livingston, Jr.
John Blagge	James Livingston
John Burnet	Philip Livingston (Second Lord of the Manor)
John Chambers	Robert Livingston (b. 1688)
George Clarke	Robert R. Livingston
Charles Clinton	Abraham Lodge
Gerhardus Clowes	Gabriel G. Ludlow
Samuel Clowes, 1st	Gabriel H. Ludlow
Samuel Clowes, 2nd	George Lurting
Edward Collins	Phineas MacIntosh
William Corry	John McEvers, Jr.
Daniel Corsen	Vincent Mathews
Francis Costigan	Frederick Morris
Bartholomew Crannell	Lewis Morris, Jr.
John Crooke	Theodoric Morris
Walter Dongan	Adam Mott
John Gale	Richard Nichols
Nathaniel Gilbert	William Nicolls, 2nd
James Graham	Benjamin Parker
Lancaster Green	Elisha Parker
Andrew Hamilton	Benjamin Price
Francis Harrison	Joseph Smith
Robert Hempstead	James Stevenson
Samuel Hopkins	Joseph Warrel
Daniel Horsmanden	Evert Wendell
Samuel Hudson	Henry Wileman
David Jamison	Richard Williams
William Jamison	Joseph Yates
Simon Johnson	

During all or part of the period, 1751-1767

James Alexander	Basil Bartow
Edward Antill	John Bartow

John Blagge
 Crean Brush
 John Burnet
 John Chambers
 John Chetwood
 Charles Clinton
 George Clinton
 Gerhardus Clowes
 Samuel Clowes
 Samuel Clowes, Jr.
 Alexander Colden
 Cadwallader Colden, 2nd
 John Colden
 William Corry
 Bartholomew Crannell
 James DeLancey
 James DeLancey, Jr.
 James Duane
 James Emott
 John Gale
 James Graham
 Francis Hall
 Benjamin Helme
 Robert Hempstead
 Thomas Hicks
 Whitehead Hicks
 William Hicks
 Daniel Horsmanden
 Simon Johnson
 Samuel Jones
 John Tabor Kempe
 Benjamin Kissam
 Daniel Kissam
 Joseph Kissam
 John C. Knapp

Gilbert Livingston
 James Livingston, Jr.
 James G. Livingston
 James P. Livingston
 Robert Livingston (b. 1688)
 Robert R. Livingston
 Walter Livingston
 Abraham Lodge
 Cary Ludlow (M.A., King's
 College 1758)
 Gabriel G. Ludlow
 Gabriel H. Ludlow
 George Duncan Ludlow
 John McEvers, Jr.
 Fletcher Mathews
 Paul Micheau
 Lambert Moore
 Lewis Morris, 2nd
 Charles Morse
 Joseph Murray
 William Nicolls, 2nd
 William Nicolls, 3rd
 Elisha Parker
 James Riker
 Peter Silvester
 John Wm. Smith
 Thomas Smith
 Richard Snedeker
 James Stevenson
 Augustus Van Cortlandt
 Timothy Wetmore (M.A.,
 King's College 1758)
 Abraham Yates, Jr.
 Robert Yates

During all or part of the period, 1768-1776

John Antill
 John Bartow
 Thomas W. W. Beavens
 George Bond
 Crean Brush
 Walter Butler
 John Chetwood
 John Child
 George Clinton
 Samuel Clowes, 3rd
 John Cozine, Jr.
 Bartholomew Crannell
 John D. Crimshire
 Charles W. Crooke
 Dudley Davis
 Balthazar DeHaert
 Stephen DeLancey
 Edward Vaughn Dongan
 James Duane
 John Dumont
 John Duncan
 James Emott
 Abraham Ferdon
 John Gale
 Leonard Gansevoort (b. 1751)
 Leonard Gansevoort, Jr. (b. 1754)
 Henry Godwin
 James Graham
 Lewis Graham
 Robert Graham
 Francis Hall
 Richard Hatfield
 Benjamin Helme
 Robert Hempstead
 George Hepburn
 Philip Hicks
 Thomas Hicks

Whitehead Hicks
 Reuben Hopkins
 Daniel Horsmanden
 Samuel Jones
 John Tabor Kempe
 Terence Kerin
 Benjamin Kissam
 Daniel Kissam
 John C. Knapp
 John George Leake
 Gilbert Livingston
 James Livingston, Jr.
 James G. Livingston
 James P. Livingston
 Philip John Livingston
 Robert Livingston (b. 1688)
 Robert R. Livingston
 Walter Livingston
 Cary Ludlow (M.A., King's
 College 1758)
 Gabriel G. Ludlow
 Gabriel H. Ludlow
 George Duncan Ludlow
 John McEvers
 Fletcher Mathews
 Paul Micheau
 Richard Miller
 Lambert Moore
 Robert Morris
 Lindley Murray
 William Nicolls, 3rd
 Peter Ogilvie
 Daniel Osborne
 James Riker
 John LeChevelier Roome
 John F. Roorback
 Benjamin Seaman

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 Visscher
 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

Theodorus Van Wyck
 Graham
 Richard Hepburn
 Anthony A. Hoffman
 Reuben Hopkins
 James M. Hughes
 Samuel Jones
 John Lansing
 John George Leake
 Gilbert Livingston
 James Livingston, Jr.
 James G. Livingston
 Walter Livingston
 Cary Ludlow (M.A., King's
 College 1758)
 George Duncan Ludlow
 Lindley Murray
 William Nicolls, 3rd
 Peter Ogilvie
 William Popham
 James Riker
 John F. Roorback
 John Rutherford

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 Visscher

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, 1695¹

TO HIS EXCELLENCY BENJA[MI]N FLETCHER CAPT' GENERAL AND—
Governor in Cheif of his Majties Provin[ce] [of] Newyorke and
all y^e Territoryes & Tracts of Land depending thereon in Amer-
ica & Vice [Ad]miral of y^e Same his Majties Leiut and Comand^r
in chief of y^e Militia & of a[ll] y^e fforces by sea & Land within
his Majties Collony of Connecticut & of all y^e efforts [an]d
places of Strength within y^e Same &c^a

T[h]e Humble Peticon of William Huddleston

SHEWETH

That yo^r Pet^r was educat'd in England (at y^e great charge
& Expence) of his ffather) under Currwen Rawlinson Esq^r for
the Space of three yeares or thereabout in y^e practi[c]e of y^e
Law & being now desireous to use his Indeavor and dilli-
ge[nce] therein

HUMBLY p[ray]es that yo^r Excellency would be pleased to
admit him yo^r Pr an Attorney in this Province who prom-
iseth Loyalt[y] and ffidelity to his Maty & this p^rsent Gov-
ernment.

And yo^r Pet^r shall ever pray &c.

[Signed] W^m. Huddleston

Coll William Smith and
[J]udge Pinhorn are hereby
directed to Ex[a]min the Con-
tents of the above petition
an[d] make report thereof to
m^e, what they Judge proper to
be done therein Dated October
2^d. 1694 [5]

[Signed] Ben ffletcher

Oct^r 4th 1695

In obedience to Y^r Excell^r di-
recon We have inquired and
finde the petitioners allegacon
to be true and think propper
he be permitted to use his En-
deavores & diligence in the
practice of the Law which is
humbly Submitted. By Yo^r
Excell humble servan[ts].

[Signed] W^m Pinhorne.

W^m. Smith

¹"New York Colonial Manuscripts," Vol. 39:194. (MSS). N. Y. State
Library, Albany, N. Y. This is the earliest extant petition to practice law
in New York.

Petition of John Kelly, 1727¹

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 Reigne of our Sovereigne
Lord King George the Second over Great Britain Made Oath
on the Holy Evangelists of Allmighty God that whilst he this
Depont. & Resided in the Island of Barbados which was in
orabout the Year of our Lord God one Thousand Seven Hundred
& Twelve he Lived with one M^r. William Verman who was then
a Lycenced Attorney at Law of that Island & that he this Depont.
continued with the said M^r. 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 M^r. 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 M^r. 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
Drawne 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
Lewis Morris

John Kelly

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*¹

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 whereto 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 either of us to be concerned, such of us who shall be so applied to, shall

¹Jay Papers, Box 3 #16-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 1729, 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.

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

2th. 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 or 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 afores^d.

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 mischeifs aforesaid Dated this 28th July 1729

[Signed] W^m. Smith
S: Clowes
Jos: Murray
Jas Alexander
Jⁿ: Chambers
H: Wileman

*Agreement of the Bar of New York City Entered into in
October of 1756¹*

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^r. 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 Colledge, 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 any ways 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.

¹Only one copy of this Agreement is known to exist, and to it no signatures are appended. See *James Alexander Papers*, New York Historical Society Library.

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^r from taking John the Son of Peter Delancey Esq^r. 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, 1756*¹

Articles of Agreement to establish a Quarterly Meeting of the Attornies 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 such 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 Mess^{rs}. Alsop Nicoll Livingston Smith Jun^r 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	}	{	Jn ^o . Alsop
John V. Cortlandt			B Nicoll
Ja ^s . Emott	}	{	W ^m . Smith Jun ^r
John M ^o . Evers			W ^m Livingston
Whitehead Hicks			
Jn ^o : Morin Scott			
Ja ^s : Duane			
Lamb ^s : Moore			
John Burnet			
Thomas Jones			
Benj: Kissam			

¹The original of this agreement is in the Library of The Association of the Bar of the City of New York.

*Agreement of the Bar of New York City, 1764*¹

WHEREAS this Province is so well supplied with Attornies at Law that it is thought proper in some measure to prevent the unrestrained Admission of Clerks for the future, and therefore the Subscribers have agreed to observe the following Articles concluded upon this fifth Day of January 1764.

1st That no Person henceforth shall be taken by any of the Subscribers as a Clerk, unless he shall have been educated at some University or College for two Years at least—and shall pay down the sum of two hundred Pounds—and be bound to serve a Clerkship of five Years—Nor shall any Attorney take another Clerk till three Years Service of the first Clerk is expired so that no Attorney shall have more than two at a Time.

2^d: That no Attorney shall recommend any Person to practice in any of the Inferior Courts except such as shall be entitled to a Recommendation by this Agreement nor shall any Clerk be recommended to practice in the Supream or Inferior Courts until he shall have signed this Agreement.

3^d. That any of the Practicers shall be at Liberty to take as a Clerk a Son of Benjamin Nicoll, Esq^r: or of any of the Attornies signing this Agreement without any pecuniary Consideration.

4th. That the Subscribers shall subsist as a Fraternity and be governed by Rules and Orders made be a Majority of all the Subscribers who shall then be resident in the City of New York and that any three of them applying by a Letter to the Secretary shall be sufficient to call a Meeting of the whole Body and that M^r. Duane be the Secretary.

LASTLY, To enforce the Execution of this Agreement such of the Subscribers as shall infringe the same shall be treated by the Rest with Contempt and held to strict Practice; Provided always that the Delinquent be first pronounced after full Hearing guilty of such Infraction. Provided also that every Practicer shall be at Liberty to employ as many Writers as he shall think proper

¹William Smith Papers, Manuscript Room, New York Public Library. The folder in which it is found reads: "New York—Law Society."

being such as he has good Reason to believe are not intended to practice as Attornies in New York—

[Signed] W ^m . Wickham	Wil: Livingston
Aug ^t . v: Cortlandt	W ^m Smith Jun ^r .
Lamb ^t : Moore	Benj ^r : Kissam
Jos: Reade Jun ^r	Tho ^r : Smith
	John Woods
	Ja ^r : Duane
	James Riker
	Whitehead Hicks
	Jn ^o : Morin Scott
	Samuel Jones
	Ja ^r : Emott
	Tho ^r : Hicks

APPENDIX V

JAMES ALEXANDER—JAMES GILCHRIST APPRENTICESHIP AGREEMENT, 1723¹

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 Esqr. 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 faithfull 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

¹This 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 truly perform all and every thing 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 Tappen

APPENDIX VI

WILLIAM LIVINGSTON'S CRITICISM OF THE TREATMENT OF
APPRENTICED LAW CLERKS¹

Sic vos, non vobis, Mellificatis 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

¹For 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 Exuberance 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 introductive 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 averr, 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 61-63 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 45-63 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]
- Nelsons Lutwych [Lutwyche, Sir E., translated by W. Nelson, 1718]
- Moor [Moore, Sir Francis, 1663; 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, 1713; 1719; Part VII, 1716]
- Chancery Cases [1660-88, Parts I-III, 1697-1715]
- Brounlow 2 vol. [Brownlow, R. and Goldesborough, J., 1675]
- Goldsborough [Goldsborough, J., 1682]
- 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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Paschall			
Nelson—	Continuation of Puffendorf	1	0.5.0
Alexander			
Campbell—	Molineaux's Cases of Ireland	1	0.1.0
Samuel			
Heath—	Communication of property	1	

The following legal treatises were bought for "Cash" from Governor Montgomerie's Library:

Vernalls's Reports in Chancery	2	£3.18.0
Domat's Civil Law	2	5.0.0
D'Anver's Abridgement	2	3.10.0
Cases in Chancery	1	1.3.0
Dalton's Justice	1	0.19.0
Lock's Works	3	6.0.0
Collection of State Tryalls	6	12.6.0
Acts of K. George 2 ^d .	3	1.12.0
Vinnii Insti ^a :	1	0.12.0
Acts and Ordinances of N: Jersey pamphlets ¹		0.1.0

The following persons also made purchases from the Montgomerie Library:

James Orem	James Favier
Anthony Duane	John Moore
Capt. Wm. Dick	Robert Livingston
Charles Williams	Robert Watts
Capt. Richard Riggs	John Lindway
Charles Robinson	Abraham Gouverneur
Enoch Stevenson	Moses Gembrauld
John Haskell	Alexander Malcolm
Andrew Nicoll	Gulian Verplank
Henry Lane	Benjamin Burleigh
John Rothead	Obadiah Hunt
John Avory	Charles Home
Archibald Kennedy	George Burnet
John Miller	

¹The second-hand value of the law books sold from this library amounted to £99.17.11 This value was computed by the author.

APPENDIX VIII

WILLIAM SMITH'S COURSE OF STUDY FOR LAW STUDENTS

"Some Directions Relating to the Law"¹

The Sciences necessary for a Lawyer are.

- 1^s— The English, Latin, and French Tongues.
- 2^d— Writing Arithmetick, Geometry, Surveying. Merchants Accounts, or Bookkeeping.
- 3^d— Geography, Cronology, History.
- 4— Logick and Rhetorick.
- 5— Divinity.
- 6— Law of Nature and Nations
- 7— Law of England.

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 & Metaphysicks 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 Cronology he may learn enough of by inspecting and perusing Talents Cronological 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 Logyck 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 Catechism & Daily reads the Holy Scharptures & 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.
- 2^d Puffenorf 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.
- 3^d 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.
 - 2^d Fortescues praises of the Laws of England.
 - 3^d Sr: Thomas Smith de Republica Anglorum or some Book that gives an Idea of the English Constitution
 - 4^d 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
 6. Woods Institutes of the Common Law.

- 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

2^d Puffendorf at large with Barbayracts Notes.

3^d 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 intituled a treatise of Equity lately printed,² 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 Priviledge, 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 Inst: 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 orabis, des Epulisq: Duas.

Quod Superest Ultro, sacris Largine Camaenis.

¹William Smith Papers, "Commonplace Book, Miscellanea A," Manuscript Room, New York Public Library, New York City.

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 Members¹

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 majo]rity 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

¹The 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.

-[in]troduce any Discourse about the Party Politics of this Province, and to persist in such Discourse after being desired by the President to drop it, on Pain of Expulsion.

VI No new Member shall be admitted, but by the unanimous Consent of all the Members present at such Admission, and for the more regular Choice of Members every new Member shall always be chosen by Ballot, at a stated Meeting, and shall be first proposed to the Moot at the Meeting next before the balloting.

VII Every Member shall be at Liberty to introduce to the Moot any Non Resident Gentlemen of the Law as a Visitor.

VIII The President for the Night shall take Care to keep due Order and Regularity, and if any Member is refractory after Admonition by the President, he shall be absolutely expelled.

IX If any Member shall be absent for three successive Meetings, & shall not assign a sufficient Reason to the Satisfaction of the Moot, he shall ipso Facto be expelled.

X No Member to be expelled for any Cause by less than three fourths of all the Members present.

XI The Secretary at the Request of any two Members shall summon *extr[ordin]ary Meetings*.

XII Every Member shall be equally charged at every stated Meeting, whether he attends or not.²

XIII The Bill shall always be settled at ten of the Clock.

[Signed]

Benjamin Kissam
David Mathews
William Wickham
Thomas Smith
Whitehead Hicks
Rudolphus Ritzema
John Watts, Jr.
Gouverneur Morris
William Livingston
Richard Morris

Samuel Jones
John Jay
William Smith
John Morin Scott
James Duane
John T. Kempe
Robert R. Livingston Jun.
Egbert Benson
Peter Van Schaack
Stephen DeLancey

²The phrase, "whether he attends or not," is in a handwriting different from that of the preceding sections of the Constitution.

At a Meeting of the Moot 23^d. 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

For President	{ William Livingston — 5
	{ William Smith — 3
Vice President	{ Will ^m . Smith — 4
	{ John M. Scott — 3
	{ Will ^m . Livingston — 1
For Secretary	{ Samuel Jones — 5
	{ John Jay — 3

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 plene administravit to the Suit afterwards commenced by the Obligee, or is he obliged to plead the Specialty to avoid the Payment of the Book Debt?³

³Rudolphus Ritzema was elected to membership March 1, 1771; Stephen DeLancey, February 7, 1772; 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 6^d 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

¹*James 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 22, 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 Vardil the negative. Egbert 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 Consciento* 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 Vardil, Stephen DeLancey, and Peter Van Schaack. This might have been called the "King's College Debating Society."

- hearing any Argument or Altercation, shall ascertain the Meaning in which it is to be considered for the Evening.
7. That the President shall have the same decisive Power with Respect to all other Doubts.
 8. That every Evening three of the Members, alternis Vicibus, regarding the order of the Alphabet, shall produce Subjects stated in writing from which the President Shall select one for Discussion at the next Meeting.
 9. That every honorary Member pay for each Nights Attendance the sum of two Shillings.
 10. That the Admission of Members shall be by Ballot.
 11. That every Person intended to be introduced into the Society shall be proposed, one Evening before that, in which he shall be balloted for.
 12. That there shall be no one admitted without the Consent of two-thirds of the Members present.
 13. That the Society depart at ten o'clock, unless &c.*.