

1189. -

Tuesday Morning March 2^d 1824 -

Pursuant to adjournment the Court met this morning at the Capitol.

Present -

The Honorable John Marshall Chief Justice

Bushrod Washington

William Johnson

The Honorable: Thomas Todd associate

Gabriel Searall Justice

Joseph Story &

Smith Thompson

Proclamation being made the Court is opened

29. Thomas Gibbons vs Aaron Ogden

This cause came on to be heard on the Transcript of the Record of the Court for the trial of Impediments and correction of Errors of the State of New York, and was argued by counsel on consideration whereof this Court is of opinion that the several licenses to the Steam Boats the *Thosdinger* and the *Bellona* to carry on the coasting trade which are set up by the appellants Thomas Gibbons in his answer to the Bill of the appellee Aaron Ogden filed in the Court of Chancery for the State of New York, which were granted under an act of Congress passed in pursuance of the constitution of the United States gave full authority to these vessels to navigate the Waters of the United States

(States)

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States by steam or otherwise for the purpose of carrying on the coasting trade, any law of the State of New York to the contrary notwithstanding; and that so much of the several laws of the State of New York as prohibits vessels licensed according to the laws of the United States from navigating the waters of New York by means of fire or steam is repugnant to the Constitution and void. This court is therefore of opinion that the decree of the court of the State of New York for the trial of impeachment and the correction of errors, affirming the decree of the chancery of that State, which perpetually enjoins the said Thomas Gibbons the appellant from navigating the waters from the state of New York, with the Steam Boats the Stouinger and the Bellona by steam or fire is erroneous and ought to be reversed and the same is hereby reversed and annulled: and this court doth further direct order & decree, that the Bill of the said Anna Ogden be dismissed and the same is hereby dismissed accordingly.

Thomas Tenant

^{vs}
The process of the ship
Mata Allegre & Cargo

This cause was further argued by Mr. Merwin for the plaintiff and by Mr. Hoffman for the defence abt. —

Ex parte Charles Blood and Gilbert Brundage. Petition for the District Judge of the Southern District of New York to show cause why a Mandamus should not issue &c. —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. —