

490.

Tuesday March 2<sup>nd</sup> 1824 cont?

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 impeachments and the correction of errors, affirming the decree of the chancellor 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 be reversed, and the same is hereby reversed and annulled: and this court doth further direct order & decree, that the Bill of the said Aaron Ogden be dismissed and the same is hereby dismissed accordingly.

Thomas Tenant  
 do  
 the proceeds of the ship  
 Monte Allegre & cargo

This cause was further argued  
 by Mr. Mercille for the  
 plaintiff and by Mr. Hoffman  
 for the defendant. —

Ex parte Charles Flood and Gilbert Brundage - Rule 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. —