



The Documentary History of the Supreme Court of the United States, 1789-1800: Volume 8

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The eight volumes of *The Documentary History of the Supreme Court of the United States, 1789-1800* gather together documents from the National Archives and dozens of additional repositories, resulting in a rich portrait of the first decade of the Court. It is an invaluable series for any scholar interested in the development of the Supreme Court as an institution and in the cases that came before the Court during its infancy.

The final volume of *The Documentary History* concerns cases heard between 1798 and 1800. In these years, the United States was virtually at war with France, and issues arising from that conflict came before the Court. For example, in *Baas v. Tingey*, the Court ruled that although Congress had not declared war, France should still be considered an "enemy." But the Court's docket also featured cases that arose naturally in the burgeoning nation. Several involved disputes over land—most notably a controversy centering on a substantial strip of territory running along the southern border of New York. The Court heard cases concerning bills of exchange, bankruptcy, and violations of trade laws and resolved a number of procedural issues. In *Bingham v. Cabot II*, the justices ruled that the citizenship of the parties had to be explicitly stated in the pleadings for the federal courts to assume jurisdiction on the basis of diversity.

During this period, the Supreme Court continued to exercise the authority of judicial review, though it did not strike down a statute. In both *Calder v. Bull* and *Cooper v. Telfair*, however, it did examine the constitutionality of state laws. Documents of particular interest in this volume are the notes of Justice William Paterson and William Tilghman, a member of the Supreme Court bar, but all of the cases are accompanied by engaging narratives that guide the reader through the facts and the intricacies of the judicial process.

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