

**Ex Parte Tillinghast**

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**Court :** US Supreme Court

**Decided On :** 1830

**Appeal No. :** 29 U.S. 108

**Appellant :** Ex Parte Tillinghast

**Judgement :**

Ex Parte Tillinghast - 29 U.S. 108 (1830)

U.S. Supreme Court Ex Parte Tillinghast, 29 U.S. 4 Pet. 108 108 (1830)

**Ex Parte Tillinghast**

**29 U.S. (4 Pet.) 108**

*ON APPLICATION FOR ADMISSION TO*

*THE BAR OF THE SUPREME COURT*

## **SYLLABUS**

That a counselor practicing in the highest court of the State of New York, in which he resides, had been struck off from the roll of counselors of the district court of the United States for the Northern District of New York by the order of the judge of that court for a contempt does not authorize this Court to refuse his admission as a counselor of this Court.

This Court does not consider the circumstances upon which the order of the district judge was given within its cognizance or that it is authorized to punish for a contempt which may have been committed in the District Court of the Northern District of New York.

Mr. Hoffman moved the court for the admission of Mr. J. L. Tillinghast as a counselor of this Court.

He stated that he was a counselor of the Court of Chancery of the State of New York and of the supreme court of that state, and was at this time in the full exercise and enjoyment of the rights and privileges of a counselor of those courts. He exhibited the certificates in due form of the time of the admission of Mr. Tillinghast to practice in the courts, and that he is now a practitioner of the same. He was enabled to say, from knowing the opinions of three of the judges of the supreme court of New York, and Mr. Tillinghast was respected and had their confidence.

It was understood that the rule of this Court was to admit persons who practiced in the highest courts of the several states, and Mr. Tillinghast was therefore completely within the rule.

It would be disingenuous not to refer to a circumstance which had occurred in relation to Mr. Tillinghast in the District Court of the United States for the Northern District of New York. In that court he had been struck off the roll of counselors of the court by order of the district judge.

If the causes of that proceeding are now to be inquired into under the relations which existed between him and Judge Conklin and the respect he entertained for him, Mr. Hoffman said he should not interfere. But this Court will not look into this circumstance, and the mere fact of an individual's

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having been stricken off the roll would not in itself induce the Court to refuse his admission here. This might occur at the request of the individual or it might be the

effect of his acceptance of an office which disqualified him to practice, as that of marshal. Upon this fact alone the Court will not reject this application.

But if the Court will go into an examination of the circumstances of the case, Mr. Tillinghast is fully prepared and willing to proceed, in which he will have the aid of other counsel. He is desirous that this Court would hear the facts and decide upon them, and he expects to be able in the investigation fully to vindicate himself from all reproach.

It is understood that on a former occasion, when a mandamus was applied for to the district judge to restore the applicant to the roll of counselors, this Court would not go into an examination of the facts of the case, and it may not now be disposed to do it. It might also be objected to it that it would be *ex parte*, and will give to Judge Conklin no opportunity to be heard on the matter.

The certificates of the admission of Mr. Tillinghast to practice in the highest courts of New York and of his now being a counselor of those courts were then filed by Mr. Hoffman.

MR. CHIEF JUSTICE MARSHALL.

The Court has had under its consideration the application of Mr. Tillinghast for admission to this bar.

The Court finds that he comes within the rules established by this Court. The circumstance of his having been stricken off the roll of counselors of the District Court of the Northern District of New York by the order of the judge of that court for a contempt is one which the Court does not mean to say was not done for sufficient cause, or that it is not one of a serious character, but this Court does not consider itself authorized to punish here for contempts which may have been committed in that court.

When, on a former occasion, a mandamus was applied for to restore Mr. Tillinghast to the roll of counselors of the district

court, this Court refused to interfere with the matter, not considering the same within its cognizance.

The rules of this Court having been in every respect complied with, Mr. Tillinghast must be admitted a counselor of this Court.

*On consideration of the motion made by Mr. Hoffman, it is ordered by the Court that John L. Tillinghast, Esq. of the State of New York, be admitted as an attorney and counselor of this Court, and he was sworn accordingly.*

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