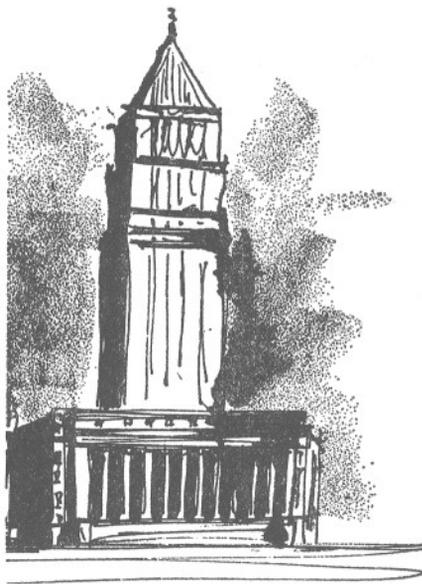


HISTORY
of the
UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF NEW YORK



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On November 3, 1789, in the Exchange Building near the foot of Broad Street, the United States District Court for the District of New York convened in first session; Judge Duane's commission was read and "such gentlemen as chose to attend"¹ were admitted to the Bar of the new court, including Aaron Burr, who later killed Alexander Hamilton in their unhappy duel.² Thus began the first court ever organized under the sovereignty of the United States, preceding by a number of weeks the organization of the Supreme Court of the United States which did not occur until February, 1790.³

New York's distinction of being first in time is tarnished somewhat, if at all, only by the fact that such precedence arose by reason of fortuitous circumstances. The Judiciary Act of 1789, which fixed dates for the opening of courts in the different districts, set the same date for the New York and New Jersey District Courts. However, due to illness on the part of the New Jersey judge, that court's opening was delayed several weeks.⁴

And if it be illustrative of the relative importance of New York in 1789, our District Judge was grouped salary-wise with Maryland and Georgia at \$1,500. per annum, below that of South Carolina, Virginia and Pennsylvania.⁵

DISTRICT OF NEW YORK

President Washington's first appointee, James Duane, had been a distinguished attorney of many years standing, Advocate General and Attorney General under the Crown and New York's first mayor following the British evacuation. His commission was signed by the President on the same day that the President signed the commission of John Jay, first Chief Justice of the Supreme Court.⁶ Appointed to office at the age of fifty-seven, Judge Duane, in contrast to his active life, presided over a District Court that "had nothing to do."⁷

1. Hough, *The United States District Court for the Southern District of New York* 8 (1934).

2. KNOX, A JUDGE COMES OF AGE 144 (1940).

3. *Proceedings Had on November 3, 1939 in the United States District Court for the Southern District of New York on the One Hundred and Fiftieth Anniversary of its Organization* 13 (1939) (hereinafter "Proceedings"). The first three men to be admitted to the Bar of the Supreme Court were admitted on February 5, 1790, three months and two days after the first admissions to the Bar of the New York District Court. *Id.* at 8-9.

4. *Id.* at 12; KNOX, *op. cit. supra*.

5. Act of September 23, 1789, 1 STAT. 72. Salaries of district judges varied in the several districts, as follows: \$800, Delaware; \$1,000, Connecticut, Kentucky, Maine, New Hampshire, New Jersey; \$1,200, Massachusetts; \$1,500, Georgia, Maryland, New York; \$1,600, Pennsylvania; \$1,800, South Carolina, Virginia.

6. *Proceedings*, at 13; KNOX, *op. cit. supra*.

7. *Proceedings*, at 16.

More than five months elapsed before the first action was commenced in April, 1790, *United States of America v. Three Boxes of Ironmongery, Etc.* This was a customs case involving application before Judge Duane to find certain articles dutiable, in which he ruled that \$95 was the maximum amount of duty that might be claimed by the government.⁸ Such applications constituted more than three-fourths of the Court's minutes during the entire incumbency of Judge Duane; the few admiralty suits before the Court were not seriously contested and the process of admiralty apparently was used to perfect title when selling vessels.⁹

To characterize such judicial business we are reminded of the remarks of Judge Thacher, who served the Court for five years at a later and much busier period in its history: "The work of such a court must have been extremely dull."¹⁰

Judge Duane resigned in the Spring of 1794 and was succeeded to office by John Lawrence, who had served in the Continental Congress and the House of Representatives. Apparently, Judge Lawrence considered his judgeship as a brief interlude in the process of moving from the House to the Senate, for he resigned in December, 1796 to take up his new legislative chores and had, in fact, served as Senator-elect for several months prior to his resignation.

Such a short judicial tenure is nonetheless marked by at least one significant event. Judge Lawrence was the first judge whose conduct was reviewed by the Supreme Court. This arose on a motion for mandamus by the French Vice-Consul to compel Judge Lawrence to issue a warrant to apprehend a deserter from the French navy.¹¹

Robert Troup, a graduate of Columbia and student of law under John Jay, became the third District Judge on Lawrence's resignation. Best known as Colonel Troup for his military service during the Revolutionary War, Judge Troup resigned after less than one and a half years service on the Court (December 1796—April 1798) to resume private practice. During his brief administration admiralty business slowly but steadily increased in volume and in apparent importance.

By April 1798, the District Court had not yet reached its ninth birthday, but it had already witnessed the rapid turnover of three district judges. John S. Hobart, Colonel Troup's successor, became the fourth District Judge at the age of sixty-five, and he served in office until his death on February 4, 1805. Of this man, Judge Hough has stated that

8. Hough, *supra* at 8-9.

9. *Id.* at 9.

10. Proceedings, at 16.

11. *United States v. Judge Lawrence*, 3 U. S. (3 Dall.) 42 (1795); Hough, *supra* at 10.

he was "the first Judge who regarded his judicial position as the fitting end of a life consistently devoted to legal work" and "for him the court was a permanency, and with him began the line of Judges who, once appointed, found in their judicial work professional occupation and inspiration."¹²

During Judge Hobart's incumbency the state of undeclared hostilities between the United States and France brought forth an important increase in admiralty work arising from the seizure of vessels, perhaps best exemplified by the case of *The Amelia*,¹³ a German vessel, seized by the French and then captured by the U.S.S. Constitution and brought into New York for condemnation, where she was claimed by her original German owners.

Matthias B. Tallmadge, President Jefferson's appointment to succeed Judge Hobart, hailed from upstate New York. Little has been said of his judicial ability or work other than the fact that he was frequently absent due to illness and was instrumental in separating New York State into two judicial districts, Northern and Southern.

SOUTHERN DISTRICT OF NEW YORK

In 1812 a second New York District judgeship was created to meet the requirement that terms of court be held upstate.¹⁴ Appointed to this new office was William P. Van Ness, locally best known as Aaron Burr's second in the Hamilton duel.¹⁵ Animosity between the two judges soon led Tallmadge to seek the separation of the State into two districts so that he might serve in one, unfettered by Van Ness. Thus, in April 1814,¹⁶ as perfected the following year,¹⁷ the Southern District but including certain northern counties that were not removed until 1818, was carved out of the State for Judge Van Ness, with the rest of New York, denominated the Northern District, assigned by name to Judge Tallmadge.

Judge Tallmadge continued to serve, nominally at least, in the Northern District until 1819, but apparently, as was permissible by statute, most of the work in that District, as well as the Southern District, was conducted by Judge Van Ness.

Judge Hough has observed that while the right of the New York District judges to sit as well in one district as the other was a concession to Tallmadge's physical weakness, it marks the start of the system,

12. Hough, *supra* at 11-12.

13. *Talbot v. Seeman*, 1 Cranch 1 (1801); Hough, *supra* at 12.

14. Act of April 29, 1812, 2 STAT. 719.

15. Hough, *supra* at 18.

16. 3 STAT. 120.

17. Act of March 3, 1815, 3 STAT. 235.

prevalent today, of using judges out of their own districts in order to relieve the press of judicial business.¹⁸

Judge Van Ness served his office with distinction until his death in November, 1826. Under him, the court grew steadily, both in quantity and quality of business transacted. On the horizon were the great days and men of admiralty, who would soon prove to make lasting contributions to our jurisprudence.

ADMIRALTY HERITAGE

Judge Thacher has stated that it was rightly assumed at the time of its organization that the District Court's most important function would be the exercise of admiralty and maritime jurisdiction which it inherited from Colonial Vice-Admiralty Courts and the State Admiralty Court.¹⁹

The Vice-Admiralty Court of the Province of New York existed from 1696 to 1795, and adjudicated ordinary marine cases of which salvage and seamen's wages predominated, prize and breaches of acts of trade and navigation and other parliamentary measures. It was replaced by the Court of Admiralty of the State of New York, created primarily to determine capture of prizes on the high seas. While provision had been made for the State Admiralty Court in 1778, it first became active in 1784 and lasted but several years until New York adopted the Constitution which vested admiralty jurisdiction in the Federal courts.

An inventory of the records of the Southern District Court, recently prepared by the National Archives and Records Service,²⁰ reveals that the admiralty tribunals heard an assortment of cases, ranging all the way from prize, seamen's wages, salvage, customs regulation evasions, maritime contracts, piracies and other maritime felonies, to cruel and unusual treatment of seamen, insubordination and mutiny, assault upon passengers of an immigrant ship for publicly objecting to short food allowance, and proceedings against individuals for cutting down trees reserved for masts of vessels of the Royal navy. These records also reveal that Alexander Hamilton appeared as proctor in a number of the cases.

Judge Hough has pointed out the strong ties that the first District Court had with these admiralty tribunals: Judge Duane had been a

18. Hough, *supra* at 19.

19. Proceedings, at 13-14.

20. *Preliminary Inventory of the Records of the United States District Court for the Southern District of New York*, compiled by Henry T. Ulasek and Marion Johnson, The National Archives, National Archives and Records Service, General Service Administration (Washington, 1959). References to records and case files of the District and Circuit Courts to 1912 are from this inventory.

distinguished lawyer well known in the Vice-Admiralty Court; Robert Troup, Clerk and subsequent District Judge, had actively practiced in the State Admiralty Court; John Lamb, Collector, had held the office under the State; and Richard Harison, first United States Attorney, was a lineal descendant of Vice-Admiralty Court Judge Francis Harison.²¹

AGE OF ADMIRALTY

On December 21, 1826, Samuel Rossiter Betts was appointed to office, thus commencing a lengthy tenure of outstanding service on the bench which lasted 41 years until 1867. A graduate of Williams and veteran of the War of 1812, Judge Betts had been a member of Congress, District Attorney of Orange County and Circuit Judge of the Supreme Court of the State prior to becoming District Judge.

Although the Court had come a long way from the fledgling days of Judge Duane, in 1868 Betts' eulogist has been quoted as saying that when Judge Betts assumed office in 1826 "there was almost no business in the court" which "did not then sit a week where now it sits a month"; and thus Judge Betts "had leisure to familiarize himself with the law of admiralty" and soon to become "one of the most learned judges in that branch of the law."²²

Such leisure must have been short lived; the rapid growth in the population of New York and its unique position as a harbor and center of commerce produced, in Judge Hough's terms, a "legal harvest", soon making the District Court a "busy" tribunal.²³ Admiralty work, in particular, multiplied many times in volume and in importance.

Judge Betts contributed greatly to the development of our maritime law and admiralty practice. Shortly after taking office, in 1828 he promulgated prize court rules, and ten years later published the first leading work on American admiralty practice. One of his pupils was Erastus C. Benedict, author of the classic text, *Benedict on Admiralty*, first published in 1850.

Near the close of Judge Betts' incumbency, with the advent of the Civil War, he dealt extensively with questions of prize, blockade and contraband, resulting mainly from captures of enemy property by United States vessels in the blockade of Confederate ports.

In 1865 the Eastern District of New York was established,²⁴ thus avoiding the necessity of appointing additional judges to the growing Southern District. Because of Judge Betts' poor health, most of the

21. Hough, *supra* at 7-8.

22. Proceedings, at 10.

23. Hough, *supra* at 26; in 1838, the District Court entered 424 final orders; between 1840 and 1845, it attended to 1,645 motions or cases.

24. Act of February 25, 1865, 13 STAT. 438.

business of the Southern District between 1865 and 1867 was in fact conducted by other district judges in the Circuit, especially Judge Benedict of Brooklyn.²⁵

Judge Betts was succeeded by Samuel Blatchford, a distinguished jurist whose judicial career of over 25 years spanned the entire federal judiciary from District to Supreme Court. While peculiarly adept in admiralty, Judge Blatchford is also remembered for his work in bankruptcy and later, as Circuit Judge, development of the law of patents. Upon his death in 1893, it was said that "his labors as District Judge will live in the shape and form that the law of bankruptcy and of admiralty received from his judicial hand."²⁶

William G. Choate was appointed District Judge to replace Blatchford in the Spring of 1878. Apparently equally skilled in the law of admiralty, rarely were his judgments appealed to Circuit Judge Blatchford.²⁷ However, he served only three years, resigning in June, 1881, the first judge to resign, except to assume other judicial office, since Colonel Troup in 1798.

Judge Thacher has observed that probably three years was all Choate could afford, the salary then being only \$4,000 a year. Judge Choate is said to have remarked that if he remained on the bench, proceedings might be instituted against him in his own court.²⁸

On Judge Choate's resignation, Addison Brown, who had been his classmate at Harvard where they ranked first and second in their class, respectively, became District Judge. Interestingly, Judge Brown was actually appointed by two Presidents, Garfield in 1881 (recess), renewed by Arthur after Garfield's assassination.

Like Judges Betts and Blatchford, Brown reached great heights in the pursuit of admiralty. Of him Judge Hough has said that the growth of American admiralty law during the next twenty years was more largely due to Judge Brown than to any other man or court, not excluding the Supreme Court itself.²⁹

To consider the admiralty records of the Court from its inception to 1912, when the Circuit Court for the Southern District of New York was formally abolished, is to span the entire range of admiralty and maritime jurisdiction. Case files include seizures for violation of custom laws, for operating steamboats without annual inspection certificates, for carrying an excess of passengers, violating embargo, and engaging in slave trade. Suits also arose out of collisions, salvage,

25. Hough, *supra* at 27 n. 57.

26. 150 U. S. 707 (1893).

27. Hough, *supra* at 29.

28. Proceedings, at 20.

29. Hough, *supra* at 29.

pilotage and towage, breach of charter party, debts for supplies and materials, seamen's wages, bills of bottomry and marine insurance. Many of the limitation of liability cases concerned major marine disasters, such as the Steamship *General Slocum* which caught fire going through Hell Gate in the East River in 1904 and cost 1,021 lives.

Important phases of admiralty work occurred during and by reason of periods of armed conflict, such as the state of belligerency between United States and France around 1800, the War of 1812, and the Civil War.

The prize court records for the period 1812 to 1816 are rich in American naval history. They include libels for condemnation of seized enemy property as a lawful prize, among others, the sloop of war *Alert*, the first British vessel during the War of 1812 to strike its flag to an American victor; the British war frigate *Macedonian*, subdued and captured by the U. S. frigate *United States* commanded by Stephan Decatur; and the British warships *Confiance*, *Chub*, *Finch* and *Linnett*, defeated and taken on Lake Champlain by an American naval force under Thomas Macdonough.

BANKRUPTCY WORK

Prior to the Bankruptcy Act of 1898 the one district court judge apparently was able to handle both the admiralty and bankruptcy business of the Court. Admiralty, of course, occupied the major portion of his time and bankruptcy legislation was at most infrequent and short lived. The Bankruptcy Act of 1867, following the post-Civil War depression, coincided with the incumbency of Judge Blatchford whose work in the field of admiralty speaks for itself.

With the repeal of this statute, the district judge was once again able to devote most of his judicial duties to the pursuit of admiralty. And Judge Addison Brown did this to perfection. However, the Bankruptcy Act of 1898 produced such a mass of business that Judge Brown was compelled within three years to retire at the age of 71.

The need for an additional judge to share the new bankruptcy burdens had become obvious, but, unfortunately, only one judge was chosen to succeed Judge Brown. Experienced in admiralty, and selected by that Bar, George B. Adams was appointed to office August 30, 1901, soon to become ill from overwork from which he never fully recovered. In 1903 a second judgeship was created, to which was appointed George C. Holt, who, following graduation from Columbia Law School, had practiced in New York for many years and had been a referee in bankruptcy. Thereafter, Judge Adams confined himself exclusively to admiralty cases and continued to hold office until his death in 1911.

The case files of the District Court covering the period from 1869 to 1911 reveal suits by assignees and trustees in bankruptcy to recover assets of bankrupts allegedly conveyed to dependents either to commit fraud or to give preferences to certain creditors. They further reveal ancillary proceedings in bankruptcy to permit receivers appointed in other judicial districts to take charge of property of bankrupts in the Southern District.

Judge Hough has noted that in the year 1900 close to 1,400 bankruptcy causes were initiated in the District and Circuit Courts of the Southern District of New York; this was greater than the combined total of all other new business in those courts that year.³⁰

MISCELLANEOUS WORK OF THE EARLY COURT

Admiralty and, at times, bankruptcy so predominated the early life of the District Court that little can be said concerning the exercise of jurisdiction in other areas. Case files reveal judicial activity in actions by the United States to recover sums due it under various forms of obligations or promises; as fines, penalties and forfeitures for defrauding customs revenue, among others; for overpayment of government salaries and pensions; and as succession and legacy taxes. Among a wide range of miscellany, the District Court also heard petitions for the remission of fines, penalties and forfeitures; actions for the recovery of debts against consuls and vice consuls; suits to repeal patents; suits by receivers of defunct national banks to enforce and collect the personal liability of stockholders in order to discharge the banks' legal debts; and proceedings in naturalization cases. Apparently, the equity business of the District Court did not increase substantially in size or importance until Judge Blatchford was appointed to the Court in 1867.³¹

There is also evidence of some slight judicial activity by the District Court in the area of habeas corpus, mainly for release and cancellation of enlistment of minors illegally enlisted in the armed forces, but apparently the major portion of this work went to the Circuit Court.

The Judiciary Act of 1789 had conferred very limited criminal jurisdiction on the District Courts, and from all that appears, the bulk of criminal work in this District was conducted by either the Circuit Court or by Judge Benedict of the Eastern District, who held criminal terms for nearly 30 years in both the Southern and Eastern Districts of New York.³² However, the criminal records of the Court reveal

30. *Id.* at 34; total bankruptcy, 1378; total all other business, 1247.

31. *Id.* at 28.

32. *Ibid.*

prosecutions involving assault and larceny on the high seas, cruel and unusual punishment of seamen, fitting out ships to engage in slave trade, enlistment of men to serve a foreign prince, smuggling, passing false invoices and counterfeit coins, mail theft and related crimes.

UNITED STATES CIRCUIT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

While the District Court had jurisdiction in various areas, it remained for over 100 years primarily a court of admiralty and maritime jurisdiction, plus, at times, bankruptcy. During this long period, under the leadership of Judges Betts, Blatchford and Brown, the court made its great contributions to our jurisprudence in the field of admiralty and maritime law. But the "substantially unchanging work"³³ of the District Court could not keep pace with the legal developments attending our nation's growth, and it was before the United States Circuit Court for the Southern District of New York that our more important civil cases, other than admiralty and maritime, and criminal cases came to be heard.

The Circuit Court for the District of New York first convened on April 4, 1790 before Chief Justice Jay, Justice Cushing and District Judge Duane. Like the District Court, it had little, if any, business to transact in its early years, which was all the more embarrassing because the presence of at least two judges was required for court action.³⁴

Judge Hough has observed that the Circuit Court's first case was an indictment for conspiring on the high seas to destroy a brigantine and to commit murder, for which the two prisoners were found guilty and sentenced. But, at no time during the indictment or trial did either the eminent bench or distinguished counsel raise the point that there existed no United States statute defining or punishing the offense charged.³⁵

The early lack of judicial business was not for want of jurisdiction. The Judiciary Act of 1789 had vested in the Circuit Court original jurisdiction concurrent with the District Court generally over crimes and offenses cognizable under the authority of the United States, suits by aliens for torts in violation of the law of nations or treaties of the United States, and all suits at common law where the United States was plaintiff or petitioner. In addition, the Circuit Court had been granted exclusive original jurisdiction generally over suits at common law or equity where the amount in controversy exceeded \$500, disputes be-

33. *Id.* at 7.

34. Judiciary Act of 1789, 1 STAT. 75.

35. Hough, *supra* at 14.

tween citizens of different states and suits where an alien was a party. Appellate jurisdiction from the District Court also reposed in the Circuit Court. Nevertheless, the records of the court to 1795 cover only 75 pages and show the trial or other disposition of but 46 causes, mostly criminal trials.³⁶

This situation did not last very long. As our nation and the metropolitan business of New York grew, so did the Circuit Court. It soon became a busy and important tribunal hearing a wide variety of matters, many of which, particularly on the equity side, were of national significance. From time to time a number of special laws were enacted which further increased the jurisdiction of the Court in such significant areas as copyright and patent infringement, trademark registration, violation of civil rights and elective franchises, controversies between trustees in bankruptcy and adverse claimants to property held by trustees, and unlawful restraints of trade and monopolies.

Hardly was there a type of case that did not come before the Circuit Court. On the all important equity side, the records reveal a predominant number of suits arising out of alleged infringements of patents and copyrights. Among such patent suits were the rubber vulcanization process, early sewing machine, fire extinguishers, toothache gum, railroad couplings and the manufacture of printing ink. Other equity cases heard by the court included threatened violation of contract; conveyances to delay or deter payment of debt; use, imitation or simulation of trademarks; union statements intended to restrain persons from working on certain projects; and agreements, contracts and conspiracies in restraint of trade. Litigation involved such noteworthy persons as Charles Goodyear, Thomas Edison, Samuel Colt, Rudyard Kipling, Oscar Hammerstein and the Sultan of Turkey.

Early cases include applications for habeas corpus brought by persons in prison for debt and by minors fraudulently enlisted in the armed forces seeking discharge or cancellation of enlistment. Later, with the surge of immigration, many aliens detained by immigration authorities or arrested on the complaint of foreign governments for extradition as fugitives from justice, sought out the traditional writ in the Circuit Court.

Criminal cases embraced almost every type of crime cognizable. Paralleling familiar historical periods, this court heard prosecutions for violation of the Sedition Act of 1789; treason, mutiny, piracy, assault and murder on the high seas; cruel and unusual punishment of seamen; resisting Civil War draft; enticing soldiers to desert; engaging in slave trade; and violations of neutrality, among others.

36. *Id.* at 13.

As can be expected, the Circuit Court law records also cover a broad area. Reminiscent of the early custom case days of Judge Duane, many actions were brought before the Circuit Court by the United States to recover penalties for violation of customs and Internal Revenue laws. Similarly, there were numerous actions against the Collector of customs for recovery of illegally exacted duty imports. In the later years of the court's existence, railroad litigation appears to have come on the scene, involving mostly suits against the New York City Railway Company and the Metropolitan Street Railway Company.

In summary, the National Archives inventory of the Circuit Court's law records reveals that suits heard by the Court fell mainly within the four broad categories of recovery of sums due under various forms of obligation or promise; personal injuries; damage from forcible ejection from lands and tenements, publication of false and defamatory matter, copyright and patent infringement; and recovery of penalties imposed by Congress for encouraging migration of aliens to perform contract labor.

In 1891 the appellate jurisdiction of the Circuit Court was transferred to the newly established Circuit Court of Appeals. Some twenty years later, the Circuit Courts were abolished, effective January 1, 1912, and their remaining jurisdiction and records were transferred to the District Courts. This change and transfer resulted in making the District Courts the principal federal courts of original jurisdiction.

GROWTH IN PERSPECTIVE

The true role and importance of any court, and especially, as will be shown below, the Southern District of New York, cannot be seen through statistics alone. However, Judge Hough's figures of causes begun in the District and Circuit Courts of the Southern District of New York covering ten year periods commencing 1860³⁷ are interesting reflections on the developing patterns of the Court's growth.

In that year there were a total number of 543 new causes in both courts, 245 in admiralty, followed in order by law, equity and criminal. Ten years later, total cases almost doubled in number, with predominant increases in equity, bankruptcy (both of which surpassed admiralty), appeals and miscellaneous, and criminal. A new high was reached in 1880, which saw once again admiralty cases rise to the top of the list, slightly exceeding the growing equity business. The year 1890 witnessed a total loss of more than 400 new cases. This was all but made up for in 1900, excluding the burgeoning bankruptcy work, with a substantial increase in law cases to just slightly below admiralty.

37. *Id.* at 34.

Finally, by 1910, with a jump of over 300 admiralty cases and almost 200 equity causes, the courts reached a new high of 1,780 cases, in addition to 1,346 bankruptcy matters.

Thus, comparing 1860 to 1910 we find substantial increases in equity and criminal work, an entirely new area of bankruptcy, and smaller though not insignificant increases in law and admiralty. But, however impressive these figures may be, the change that was yet to come can only be described as phenomenal.

THE MODERN ERA

When Judge Brown retired in 1901 the work of the District Court had already grown beyond the capacity of one judge. Within five years, the Court was still undermanned, notwithstanding the appointment in 1903 of a second District Judge, and the laboring oars of Judges Adams and Holt. Thus, in 1906 a third judgeship was created, to which was appointed Charles Merrill Hough. Born at Philadelphia in 1858 and schooled at Dartmouth, Judge Hough served as District Judge for ten years and then as Circuit Judge for eleven more, death terminating his distinguished judicial career in the Spring of 1927.

Still another judgeship was authorized in 1909. Appointed to this new office was a thirty-seven year old Harvard trained attorney from Albany, our revered Learned Hand. For fifteen years, from 1909 through 1924, Judge Hand sat on the District bench before he was appointed to the Court of Appeals. Of Learned Hand's decisions and judicial philosophy, perhaps best expressed by him in "The Spirit of Liberty", we can do little more than re-echo the accolades of praise that have poured forth for this great American jurist. When he died last Summer, free men the world over lost an indomitable combatant in the cause of justice.

The growth of the District Court as an institution was greatly enhanced by the transfer to it of the wide jurisdiction of the abolished Circuit Court. Private litigation in diversity of citizenship increased due to the rapid development of commerce in New York, and government litigation similarly multiplied with the extension of federal control over many private and public activities. When Judge Adams died in September 1911, the District Court was reduced to three judges. Julius M. Mayer was appointed in February, 1912 to fill this vacancy. A native of New York (City College and Columbia Law School), Judge Mayer had been a former Attorney General of the State.

In 1914 Judge Holt retired and Learned Hand's older cousin (by some 2½ years), Augustus N. Hand, became District Judge. For

many years both cousins sat on the District bench at the same time, joined by Judges Hough and Mayer, and later by Judges Manton, Knox, Winslow, Goddard and Bondy.

The appointment of Judge Hough to the Court of Appeals in 1916 once again created a vacancy on the District bench, which was filled by Martin T. Manton. Judge Manton served little more than a year and a half, when he too became a Circuit Judge.

The year 1918 marks the start of the judicial career of John Clark Knox. Perhaps no man today has lived through as much history of the Court as has Judge Knox. A District Judge for 37 years, from 1918 to 1955, and thereafter and still Senior District Judge, Judge Knox's tenure on the Court is exceeded only by Judge Betts. During these years, the Southern District was transformed into a court whose jurisdiction perhaps "is wider than that of any tribunal upon the earth."³⁸

When in 1940 Judge Knox authored "A Judge Comes of Age" he could vividly testify to the amazing changes in the character of the Court. A running chronicle of significant developments in American history as they affected the Court, Judge Knox takes the reader through the upheavals of World War I; prohibition, with the great increase in criminal matters; his granting of an injunction in the *Lambert* case, restraining prohibition officials from interfering with physicians in the treatment of their patients; applications for citizenship and change of name; the Harding administration and the Daugherty and Miller trials; New York bankruptcy scandal; Judge Winslow's resignation; the great depression and bankruptcy business; the 1932 conviction for selling "Lady Chatterly's Lover", and acquittal for "Ulysses"; and the famous 1938 German spy trial.

A staggering total of 7,620 new causes, excluding bankruptcy, faced the District Court in 1920³⁹, a more than fourfold increase over the preceding ten year period. To meet this additional work, in 1923 Judges Winslow, Goddard and Bondy were appointed District Judges, increasing the court to six in number, Judge Mayer having resigned in 1921 to become Circuit Judge.

Of the three new judges, Francis A. Winslow sat only six years, resigning in 1929. However, Henry W. Goddard and William Bondy served 31 and 33 years, respectively, such tenure exceeded only by Judges Betts and Knox. In February, 1954, Judge Goddard retired and continued to sit as Senior District Judge until his death in August, 1955. Judge Bondy retired in May, 1956 and still sits as Senior District Judge, although past the age of 90.

38. Proceedings, at 5.

39. Hough, *supra* at 34.

When Learned Hand became Circuit Judge in December, 1924, the vacancy thus created in the District Court was promptly filled by the appointment of Thomas D. Thacher. Judge Thacher, a Yale man, admitted to the New York Bar in 1906, served as an Assistant United States Attorney for the Southern District, and then was an associate and partner in his father's distinguished firm, Simpson, Thacher & Bartlett. Called to the District Court bench in 1925, he served for five years, resigning in 1930 to become Solicitor General of the United States. Thereafter, Judge Thacher became New York City Corporation Counsel and Judge of the New York Court of Appeals.

Augustus Hand's ascendancy to the Circuit Court in 1927, led to the appointment of Frank J. Coleman, a former Assistant District Attorney for New York County and Justice of the Municipal Court. Judge Coleman served until his death in 1934.

Three judges were appointed to the court in 1929: John M. Woolsey, Francis G. Caffey and Alfred C. Coxe, Jr.

Judge Woolsey was born in 1877 at Aiken, South Carolina, and received his education at Yale and the Columbia Law School where he was a founder and first Secretary of the Columbia Law Review. Later, Judge Woolsey taught equity at Columbia and was a member and Chairman of the Law School's Board of Visitors, as well as a member of the Advisory Commission on Research in International Law of the Harvard Law School. Apart from academics, Judge Woolsey was admiralty counsel to the French High Commission in New York City and from 1920 to his judicial appointment a member of a distinguished New York admiralty firm.

Judge Caffey also hailed from the south, Montgomery, Alabama, where he practiced for some eight years before coming to New York. Thereafter, he engaged in private practice and government service, first as Solicitor of the Department of Agriculture, and then as United States Attorney for the Southern District.

Judge Coxe, son of Circuit Judge Alfred Conkling Coxe, had practiced upstate and in New York City prior to his appointment to the bench in May, 1929.

The combined tenure of these three 1929 Judges, excluding service as Senior District Judges, is approximately 54 years.

The next District Court Judge, Robert P. Patterson, was appointed in 1930 upon the resignation of Judge Thacher. A graduate of Union College and Harvard Law School, Judge Patterson served nine years until 1939 when he became a Circuit Judge. Thereafter, he shortly resigned from that Court to become Assistant Secretary of War, from which position he was elevated to Undersecretary and in 1945 Secretary of War.

To reflect for one moment on the business of the Federal courts generally, from 1918 to 1932 there was a tremendous increase in the disposition of both civil and criminal cases, as highlighted by the report published in 1934 by the American Law Institute, under the auspices of its President, George W. Wickersham, Chairman of the National Commission on Law Observance and Enforcement, appointed by President Hoover in May, 1929.⁴⁰ This study reveals, with statistical clarity rarely found, the character of the business of selected Federal courts, including the Southern District of New York. The most striking observation is the affect that prohibition had on the courts, resulting from 1920 in a staggering increase in government civil business, such as actions for tax or penalty, forfeitures, and "padlock" cases, and an even greater rise in criminal liquor cases.

To fully appreciate the scope of this business, during the three year period ending June 30, 1930 the Southern District disposed of a total of 25,728 criminal cases, of which 23,167 were liquor cases. On the civil side, during the year ended June 30, 1930, the Southern District disposed of a total of 2,075 cases, of which more than half were cases where the United States was a party. And more than half of these were attributable to liquor cases.

Apart from prohibition, the American Law Institute study reveals that the Southern District disposed of a considerable number of admiralty forfeitures, naturalization proceedings, negligence (predominantly seamen), federal tax and contract cases where the United States was a party; cases raising federal questions, mainly in admiralty and negligence, as well as patents, copyright and trademark; and diversity cases in contract and negligence, with some equity suits involving unfair competition, copyrights and trademarks.

With the repeal of the Eighteenth Amendment, there was removed from the Federal courts the heavy volume of civil and criminal business dependent upon it. New legal, economic and political changes, such as the New Deal legislation, came on the scene, seriously affecting the business of the Federal courts.

On Judge Coleman's death in 1934, George M. Hulbert, a graduate of New York Law School, ex-Congressman and past President of the New York City Board of Aldermen, became District Judge. Two years later, not without political difficulties, President Roosevelt appointed three additional judges, Vincent L. Leibell, a law partner of Senator Wagner; John W. Clancy, a Fordham Law School graduate,

40. AMERICAN LAW INSTITUTE, A STUDY OF THE BUSINESS OF THE FEDERAL COURTS (Part 1 Criminal, Part 2 Civil) (1934). Statistical references to the work of the Southern District, covering the three year period ending June 30, 1930, are from this study.

noted Referee and Commissioner in condemnation proceedings; and Samuel Mandelbaum, Assemblyman and New York State Senator credited with sponsoring a large part of the social legislation enacted from 1932 to 1936. The Court was further increased to twelve in number in 1938, with the appointment of Edward A. Conger, a former District Attorney of Dutchess County, City Judge and associate of Supreme Court Justice Mack.

When in 1939 the Southern District celebrated the 150th anniversary of its organization, the Court could look back with extreme satisfaction and pride on the tremendous progress that had been accomplished since its foundation. Of the men who served the Court over these years, perhaps Mr. Justice Frankfurter summed it best when he said, "It has a great tradition of eminent judges of the highest standard of judicial administration."⁴¹

The 150th anniversary of the Southern District was also the occasion for Judge Knox to note the court's heavy caseload and need for additional judges. "I suppose that there is no more heavily burdened court than this District Court whose anniversary we celebrate,"⁴² said Judge Knox.

As America entered the war years, with the appointment in 1941 of Simon H. Rifkind and John Bright, the 13 man court experienced, along with the nation generally, a decrease in the number of civil cases and a moderate rise in criminal work, mainly due to price controls and selective service. Throughout the war, pending civil cases ranged in the neighborhood of 3,500 to 4,500, but by the end of fiscal year 1945 they rose above 5,800.⁴³ While private civil cases declined, there was a noticeable increase in the volume of government civil cases, price and rent control, and the like.

With the retirement of Judge Woolsey at the end of 1943 and the death of Judge Mandelbaum some three years later, the Court was reduced to 11 judges at the difficult period of rising post-war litigation. By the end of fiscal year 1947 pending civil cases had surged to 10,099, notwithstanding the court's termination that year of 4,708 such cases. Thus, a heavily burdened court especially welcomed the appointments in 1947 of Harold R. Medina and Sylvester J. Ryan.

Judge Medina was born at Brooklyn in 1888 and graduated from Princeton and Columbia Law School, Class of 1912, where he was an

41. Proceedings, at 26.

42. *Id.* at 10.

43. Unless otherwise noted, all figures are from the three tables contained in the appendix, which were taken from the 1960 Congressional Hearings on Bills to Provide for the Appointment of Additional Circuit and District Judges, and from the 1960 Annual Report of the Director of the Administrative Office of the United States Courts.

outstanding student and later Professor of Law. Although Judge Medina served on the District bench only four years before becoming Circuit Judge, his relatively brief tenure is marked by the important and lengthy trials over which he presided, such as the first Smith Act Communist trial and the Investment Bankers anti-trust case.

President Truman appointed Judge Ryan late in 1947 to replace Judge Caffey who had retired after 18 years service on the bench. A graduate of City College and Fordham Law School, Judge Ryan, prior to his appointment, had been associated for 10 years with the office of the late Judge Olcott and then as Assistant and Chief Assistant District Attorney of Bronx County where he handled many of the more notable prosecutions of the Bronx for over 20 years. Chief Judge since April, 1959 when Judge Clancy retired, Judge Ryan heads the biggest and busiest District Court in our land, and it is much to his great credit and skill that this significant court with problems *sui generis* functions in such exemplary fashion.

By 1948, government civil cases, especially price and rent control, declined considerably, but the tremendous increase in the more difficult and time consuming private civil cases left the Court at the end of the fiscal year with a net increase of 800 pending civil cases. During this year, Judge Bright died in office, and he was succeeded by Samuel H. Kaufman, a graduate of City College and New York University Law School, where he later taught for a number of years. Prior to his appointment, Judge Kaufman had served in various investigatory and administrative areas, as Special Assistant United States Attorney General investigating immigration and naturalization frauds, Special Counsel to the Federal Communications Commission and Associate General Counsel of the Joint Congressional Committee investigating the Pearl Harbor disaster.

The history of excessive caseloads since World War II had prompted the Judicial Conference from 1947 to recommend additional appointments to the Court. In that year, for example, the total civil caseload per judge for the Southern District was 614 compared to a national average of 271; an even higher ratio existed for private civil cases.

Relief finally came to the undermanned Court in November, 1949 with four new district judges, John F. X. McGohey, Irving R. Kaufman who last year became Circuit Judge, former United States Attorney Gregory F. Noonan, and Sydney Sugarman. Fordham can be proud of the fact that each of the first three judges either went to its college, law school or both.

Although the Court had been increased to 16 judges, plus senior Judge Caffey, there soon followed the death in office of Judge Hulbert

and the resignation of Judge Rifkind to resume private practice. At about this time, on June 30, 1950, there were pending in the Southern District 11,134 civil cases, or more than one-fifth the entire district caseload⁴⁴ which prompted the Judicial Conference to seek five more judges.

Through most of 1951 the Court remained below its authorized strength. Edward Weinfeld, a graduate of New York University Law School (LL.B. 1921; LL.M. 1922) and former New York State Commissioner of Housing, became District Judge in the Summer of 1950. But early the following year Judge Coxe retired after serving 22 years, and in June, Judge Medina became Circuit Judge, reducing the Court to 13 judges and two retired judges.

The make-up of the Court was further changed in the latter half of 1951 with the death of senior Judge Caffey and the appointment of three new District Judges, Thomas F. Murphy, of Georgetown and Fordham Law School, a former Assistant United States Attorney and New York City Police Commissioner; Edward J. Dimock, a graduate of Yale and Harvard Law School; and Fordham trained former Assistant United States Attorney David N. Edelstein.

Thus the Court remained until 1954, amid an ever increasing tide of work, arrearages and delay, which by the end of fiscal year 1953 had reached a record number of 11,768 pending civil cases, including 9,385 private civil cases. In addition, there were delays in criminal matters and the pending criminal caseload exceeded 1,000 for the first time in almost 10 years. With this imposing burden, in 1954, two of the five recommended judgeships were created.

The retirement of Judges Leibell and Goddard in early 1954, plus the two new judgeships, left the Court with four vacancies, subsequently filled by Judges Archie O. Dawson, Lawrence E. Walsh, Alexander Bicks and Edmund L. Palmieri, all Columbia men except for Judge Bicks who was graduated from New York University Law School. Later that year, Judge Conger retired, reducing the Court to 17 judges and four senior judges.

From 1955 to 1958 the Court was able to reduce its pending caseload by over 2,000 cases, particularly through concerted efforts in 1956 and 1957. During these years there were many changes in the Court's personnel. On the minus side, Chief Judge Knox, Judge Samuel Kaufman and, in the following year, Chief Judge Bondy retired; Senior Judges Goddard and Coxe died; and Judge Walsh, who prior to his appointment had been counsel to the Governor and to the Public Service Com-

44. *Hearings Before the Subcommittee on Bills to Provide for the Appointment of Additional Circuit and District Judges of the House Committee on the Judiciary*, 87th Cong., 1st Sess. 237 (March, 1961) (hereinafter "Hearings").

mission and Director of the Waterfront Commission, resigned at the end of 1957 to become Deputy Attorney General of the United States.

As valuable additions to the Court, there were appointed four new District Judges: John M. Cashin, Cornell trained, former Assistant United States Attorney, Kingston Corporation Counsel and City Treasurer, and Ulster County Judge; Richard H. Levet, who held several degrees from Colgate and New York University Law School, including a Doctor of Jurisprudence, and later taught at its School of Commerce; William B. Herlands, of City College and Columbia Law School, a former Assistant United States Attorney, Assistant New York City Corporation Counsel, investigator and prosecutor; and Frederick Van Pelt Bryan, a graduate of Columbia College and Law School, former Assistant and First Assistant New York City Corporation Counsel, and Counsel to the Temporary Commission on the Courts of the State of New York.

In 1958, the number of private and all civil cases commenced in the Southern District increased considerably and by the end of that fiscal year the Court once again faced a pending civil caseload in excess of 10,000 cases. The Jurisdiction Act of July 25, 1958⁴⁵, designed to cut down on the amount of Federal litigation, had but slight effect on the Southern District, the reduction of less than 3%⁴⁶ being more than made up for by 1960. If anything, the Act has increased the number of Southern District filings because it deems a corporation a citizen not only of the State of its incorporation but also of the State of its principal place of business, and most large corporations, while not incorporated in New York, have their principal place of business there.

The retirement of Chief Judge Clancy in April, 1959 reduced the Court to 16 district judges, plus six senior judges. Later that year Charles M. Metzner and Lloyd F. McMahon were appointed to office. Judge Metzner, a graduate of Columbia, had been, prior to his appointment, a member of the New York Judicial Council, law secretary to New York Supreme Court Justice Hecht and Executive Assistant to United States Attorney General Brownell. Judge McMahon, a Cornell graduate, had served as Chief Assistant United States Attorney for two years under Judge Lumbard and was for three months in 1955 Acting United States Attorney. As Chief Assistant he prosecuted successfully Frank Costello for income tax evasion, Henry (the Dutchman) Grunwald, for conspiracy to fix income tax cases, and Robert Thompson, Communist party secretary, for contempt.

45. 72 STAT. 415.

46. Hearings, at 238; there was an overall reduction of 17% in the number of civil cases filed in the Federal district courts.

By 1959, the Judicial Conference had been prompted by the growing volume of cases to increase its recommendations to six new judges. Congressional hearings there followed, and finally, in 1961, the need for such additional Southern District Judges was recognized.

First to be appointed that year, following the retirement of Judge Dimock and the appointment of Judge Kaufman to the Court of Appeals, was Thomas F. Croake, past president of the Westchester County Bar Association and Clinton County Judge. Also appointed were Dudley B. Bonsal, a graduate of Dartmouth and Harvard Law School and past president of the distinguished Association of the Bar of the City of New York, who in 1956 had been chosen by the city bar leaders to head their study of the Federal Loyalty Security Program; Wilfred Feinberg, Columbia College and Law School and editor-in-chief of the Law Review, who previously served in the New York State Banking and Insurance Departments and with the General Services Administration; and Irving Ben Cooper, a graduate of the University of Missouri and Washington University Law School, former Chief Justice of the Court of General Sessions.

Within the past month, President Kennedy has nominated Edward C. McLean, who would become the 21st judge on the present court. A graduate of Williams and Harvard Law School, Mr. McLean is an eminent New York attorney, particularly knowledgeable in the field of anti-trust, which today constitutes an important part of the court's work.

WORK OF THE CONTEMPORARY COURT

To say that the Southern District is the largest of all district courts, has the highest civil caseload in the country and has pending before it approximately 18% to 20% of all civil litigation in the Federal courts, is indeed significant but hardly the entire story. Into this great court sitting in the metropolis of the world come the heavy private civil cases, time consuming, complicated and involved suits, many without precedent, having national and international significance.

A large percentage of all anti-trust litigation in the Federal courts, as well as patent, copyright and trademark cases are handled by the Southern District. Litigation has covered an immense range of industries, services and enterprises—French perfume, bottled baby foods, Swiss watches, bananas, copyright music, radio tubes, computers, television broadcasting, color photography and championship prize fight promotion, among others.

Where would one start to begin to describe, for example, some of the mammoth anti-trust cases that have come before this Court within

the past 10 years and the effect of their decisions the world over? Perhaps it would be the Imperial Chemical Industries and DuPont case, involving an illegal conspiracy to effect a world-wide territorial division through patents and unlawful processes agreements, or the IBM consent decree requiring the sale of tabulating machines and licensing of patents. And had the government been successful in *United States v. Morgan*, commonly called the "Investment Bankers" case, there undoubtedly would have been required at the minimum new mechanisms for the distribution of securities to the public. More recently, this Court enjoined the proposed merger between Bethlehem Steel and Youngstown Sheet and Tube, the second and sixth largest companies in the industry, respectively. It goes without saying that many more cases of the size and significance of these examples can be found in the Southern District.

The judicial business of the Southern District has so grown in scope and volume that today we may tend to minimize the significance of admiralty, which in early years was the backbone of the court's work. This is hardly the case. Situated in the shipping center of the nation and including much of the Port of New York, a vast volume of admiralty litigation continues to flow through the Court. Indeed, in the past few years the Southern District had approximately 40% of all admiralty and maritime litigation in the Federal courts, excluding the large number of Jones Act seamen personal injury actions.

Much publicized limitation of liability proceedings are brought into the Southern District, often requiring the adjudication of difficult multiple death and personal injury claims. In the two recorded cases of the *S.S. Andrea Doria* and the *M/V Stockholm* there were approximately 3500 claims filed, many of which involved settlement of infants and deceased persons' claims. Actually, each claim represents a separate suit. Similarly, the sinking of the *M/V Mormackite* produced about 50 death and personal injury claims. Thus, while the number of reported admiralty cases commenced in the Southern District is significant in and of itself, it does not truly reflect the volume of admiralty business presented to the Court.

While criminal cases, numerically, may be more voluminous in other districts, as can be expected, the Southern District has a heavier concentration of important and lengthy prosecutions. For example, the first Smith Act Communist trial was heard here, *United States v. Dennis*. This trial extended over nine months, six of which were devoted to the taking of evidence, resulting in a record of 16,000 pages; a second similar case, *United States v. Flynn* lasted over eight months.

Many of the so-called big criminal cases, indictments for violating security laws, multi-defendant "narcotic" prosecutions, net worth in-

come tax indictments, anti-trust prosecutions and anti-racketeering indictments come into the Southern District.

During the fiscal year 1959-1960, for example, there were twenty-two criminal trials lasting over 20 trial days in duration; five of them, involving extortion, income tax, perjury and securities fraud, were before the Southern District, and they occupied a full 181 trial days.⁴⁷

The importance and extensiveness of these big criminal proceedings are self evident.⁴⁸ In the securities field, *United States v. Crosby*, involved a 50 count indictment alleging interstate wire and mail fraud, violation of the Securities and Exchange Act in the sale of unregistered and non-exempt securities and conspiracy to sell unregistered stock. Twelve defendants, 88 witnesses and 1811 trial exhibits, the trial lasted 64 days, almost twice the length of any other criminal trial in America that year. In *United States v. Guterma*, a criminal prosecution for violation of the reporting requirements of the same Act, there were five defendants, 34 days of trial, 675 trial exhibits and 65 witnesses.

Of the major racketeering cases, the recently concluded conspiracy to obstruct justice trial, *United States v. Bonanno*, resulting from the infamous Appalachin meeting, occupied 33 days of trial, with 195 trial exhibits and 89 witnesses. There were approximately 90 pre-trial motions filed in this case. One further example is the three month *Genovese* narcotics trial of 17 defendants, 15 of whom were convicted for conspiring to import, distribute, purchase and sell narcotics in violation of law.

Bankruptcy proceedings continue to play an important role in the business of the Southern District, particularly so since they often entail intricate work and time consuming supervision of all sorts by the Court. As is true of all litigation in the Southern District in general, by reason of the commercial, industrial and financial standing of New York, understandably the more important corporate reorganizations and arrangements come into this Court. The full dimensions of the attention required of the Court to these proceedings can be observed through the recent reorganizations of General Stores Corporation, Hudson & Manhattan Railroad Company and the Third Avenue Transit System.⁴⁹

In similar fashion, an enormous amount of work went into the recent case of *United States v. Freeman*, a suit by the United States to enforce its tax lien against the New York, Ontario & Western Railway

47. 1960 ANNUAL REPORT, DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS 284.

48. Ryan, *Report on the Judicial Work of the United States District Court for the Southern District of New York, July 1, 1959 to July 1, 1960*, at 9-10.

49. *Id.* at 7-8.

System. Judge Ryan, noting the hundreds of claims and millions of dollars involved, has said that "to set forth in detail all of the affairs of this receivership would take volumes."⁵⁰

SUMMARY

We have seen the United States District Court for the Southern District of New York grow from a leisurely one man court to America's largest and busiest Federal district court, whose importance to our national welfare, in Chief Judge Ryan's words, "springs not only from the volume but from the nature of the matters which are filed and brought on for determination."⁵¹ We know, as we must, that the Southern District will continue to grow. And we can be confident that the job will be done and done well, for as Mr. Chief Justice Hughes has stated:

"The courts are what the judges make them, and the District Court in New York, from the time of James Duane, Washington's first appointment, has had a special distinction by reason of the outstanding abilities of the men who have been called to its service."⁵²

New York, New York
April 24, 1962

50. *Id.* at 9.

51. Ryan, *Report on the Judicial Work of the United States District Court for the Southern District of New York, July 1, 1960 through June 30, 1961*, at 1.

52. Proceedings, at 9.

APPENDIX

TABLE 1

SOUTHERN DISTRICT OF NEW YORK
 CIVIL CASES COMMENCED AND TERMINATED,
 BY FISCAL YEAR, AND PENDING AT THE
 END OF EACH YEAR BEGINNING WITH 1941

TOTAL CIVIL CASES				PRIVATE CIVIL CASES			
<i>Fiscal Year</i>	<i>Com- menced</i>	<i>Termi- nated</i>	<i>Pending June 30</i>	<i>Fiscal Year</i>	<i>Com- menced</i>	<i>Termi- nated</i>	<i>Pending June 30</i>
1941.....	3,597	3,423	4,087	1941.....	2,395	2,276	2,949
1942.....	2,778	3,371	3,494	1942.....	2,017	2,319	2,647
1943.....	2,949	2,950	3,493	1943.....	1,977	2,150	2,474
1944.....	4,552	3,568	4,477	1944.....	1,888	1,895	2,467
1945.....	6,698	5,317	5,858	1945.....	1,687	1,633	2,521
1946.....	6,492	4,916	7,434	1946.....	1,665	1,366	2,820
1947.....	7,373	4,708	10,099	1947.....	3,645	1,759	4,706
1948.....	5,896	5,147	10,848	1948.....	4,302	2,270	6,738
1949.....	5,380	5,130	11,098	1949.....	3,917	3,017	7,638
1950.....	5,210	5,174	11,134	1950.....	3,836	3,211	8,263
1951.....	4,946	4,932	11,148	1951.....	3,697	3,284	8,676
1952.....	5,453	5,173	11,428	1952.....	4,050	3,766	8,960
1953.....	5,871	5,531	11,768	1953.....	4,400	3,975	9,385
1954.....	4,803	5,582	10,989	1954.....	3,697	4,199	8,883
1955.....	4,522	5,177	10,334	1955.....	3,543	3,963	8,463
1956.....	5,033	7,162	8,205	1956.....	4,061	5,762	6,762
1957.....	5,790	5,426	8,569	1957.....	4,850	4,351	7,261
1958.....	6,727	4,897	10,399	1958.....	5,764	3,900	9,125
1959.....	6,549	6,011	10,937	1959.....	5,388	4,796	9,717
1960.....	6,924	6,580	11,281	1960.....	5,967	5,523	10,161

TABLE 2

SOUTHERN DISTRICT OF NEW YORK
U. S. CIVIL CASES AND CRIMINAL CASES
COMMENCED AND TERMINATED, BY FISCAL YEAR,
AND PENDING AT THE END OF EACH YEAR
BEGINNING WITH 1941

U. S. Civil Cases (U. S. a party) Price and rent control cases are in parentheses*				Criminal Cases Cases transferred are not included in "Commenced" and "Terminated" columns			
<i>Fiscal Year</i>	<i>Com- menced</i>	<i>Termi- nated</i>	<i>Pending June 30</i>	<i>Fiscal Year</i>	<i>Com- menced</i>	<i>Termi- nated</i>	<i>Pending June 30</i>
1941....	1,202	1,147	1,138	1941.....	1,095	1,091	1,041
1942....	761	1,052	847	1942.....	1,150	1,123	1,068
1943....	972 (66)	800	1,019	1943.....	1,189	1,211	1,046
1944....	2,664 (1,160)	1,673	2,010	1944.....	1,471	1,512	1,005
1945....	5,011 (2,782)	3,684	3,337	1945.....	1,506	1,565	946
1946....	4,827 (1,866)	3,550	4,614	1946.....	1,266	1,481	731
1947....	3,728 (1,000)	2,949	5,393	1947.....	1,317	1,357	730
1948....	1,594 (172)	2,877	4,110	1948.....	933	1,148	538
1949....	1,463 (254)	2,113	3,460	1949.....	869	933	515
1950....	1,374 (245)	1,963	2,871	1950.....	987	826	697
1951....	1,249 (3)	1,648	2,472	1951.....	940	903	798
1952....	1,403 (75)	1,407	2,468	1952.....	970	882	920
1953....	1,471 (103)	1,556	2,383	1953.....	1,033	908	1,073
1954....	1,106	1,383	2,106	1954.....	924	1,109	921
1955....	979	1,214	1,871	1955.....	999	1,266	697
1956....	972	1,400	1,443	1956.....	910	1,122	508
1957....	940	1,075	1,308	1957.....	934	899	576
1958....	963	997	1,274	1958.....	932	1,011	551
1959....	1,161	1,215	1,220	1959.....	1,019	991	616
1960....	957	1,057	1,120	1960.....	1,003	1,111	531

* Price and rent control cases are separately listed from 1943 to 1953. In many of these years they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition. They are included in the figure which they follow.

TABLE 3

SOUTHERN DISTRICT OF NEW YORK

CASES COMMENCED PER JUDGESHIP

Fiscal Year	No. of Judgeships	Total Civil Cases		Private Civil Cases		Criminal Cases (Less Immigration)*	
		New York Southern	National Average**	New York Southern	National Average**	New York Southern	National Average**
1941.....	13	277	164	184	82	84	153
1942.....	13	214	168	155	77	88	161
1943.....	13	227	158	152	58	90	174
1944.....	12	379	169	157	56	121	184
1945.....	12	558	295	141	57	124	176
1946.....	12	541	321	139	70	105	142
1947.....	12	614	271	304	109	108	134
1948.....	12	491	205	359	117	77	123
1949.....	12	448	238	326	121	71	123
1950.....	16	326	222	240	113	61	116
1951.....	16	309	204	231	111	56	106
1952.....	16	341	236	253	126	60	112
1953.....	16	367	261	275	146	63	114
1954.....	18	267	210	205	127	49	103
1955.....	18	251	212	197	126	52	104
1956.....	18	280	225	226	135	43	102
1957.....	18	322	236	269	151	48	105
1958.....	18	374	259	320	167	48	108
1959.....	18	364	215	299	129	53	108
1960.....	18	385	221	332	133	50	107

* Immigration cases have been eliminated from this table because they occur in volume in only 5 districts on the Mexican border and because the average judicial time per case for their disposition is small.

** This column includes 86 districts for 1949 and thereafter; 84 districts before 1949.

UNITED STATES JUDGES

Judges of the District of New York, 1789-1814

James Duane	1789-94.....	Resigned.
John Lawrence	1794-96.....	U. S. Senator.
Robert Troup	1796-98.....	Resigned.
John S. Hobart	1798-1805.....	Died in Office.
Matthias Tallmadge	1805-14.....	Northern District.
William P. Van Ness.....	1812-14.....	Southern District.

Judges of the Southern District of New York, 1814-1962

William R. Van Ness.....	1814-26.....	Died in Office.
Samuel R. Betts	1826-67.....	Died in Office.
Samuel Blatchford	1867-78.....	Circuit Judge.
William Choate	1878-81.....	Resigned.
Addison Brown	1881-1901.....	Retired.
George B. Adams	1901-11.....	Died in Office.
George C. Holt	1903-14.....	Retired.
Charles M. Hough	1906-16.....	Circuit Judge.
Learned Hand	1909-24.....	Circuit Judge.
Julius M. Mayer	1912-21.....	Circuit Judge.
Augustus N. Hand	1914-27.....	Circuit Judge.
Martin T. Manton	1916-18.....	Circuit Judge.
John Clark Knox	1918-55.....	Retired.
Francis A. Winslow	1923-29.....	Resigned.
Henry W. Goddard	1923-54.....	Retired.
William Bondy	1923-56.....	Retired.
Thomas D. Thacher	1925-30.....	Solicitor General.
Frank J. Coleman	1927-34.....	Died in Office.
John M. Woolsey	1929-43.....	Retired.
Francis G. Caffey	1929-47.....	Retired.
Alfred C. Coxe, Jr.	1929-51.....	Retired.
Robert P. Patterson	1930-39.....	Circuit Judge.
George M. Hulbert	1934-50.....	Died in Office.
Vincent L. Leibell	1936-54.....	Retired. ♀
John W. Clancy	1936-59.....	Retired.
Samuel Mandlebaum	1936-46.....	Died in Office.
Edward A. Conger	1938-54.....	Retired.
Simon H. Rifkind	1941-50.....	Resigned.
John Bright	1941-48.....	Died in Office.
Harold R. Medina	1947-51.....	Circuit Judge.
Sylvester J. Ryan	1947-	

Judges of the Southern District of New York, 1814-1962 (Cont'd)

Samuel H. Kaufman	.....1948-55.....	Retired.
John F. X. McGohey	.....1949-	
Irving R. Kaufman	.....1949-61.....	Circuit Judge.
George F. Noonan	.....1949-	
Sidney Sugarman	.....1949-	
Edward Weinfeld	.....1950-	
Thomas F. Murphy	.....1951-	
Edward J. Dimock	.....1951-61.....	Retired.
David N. Edelstein	.....1951-	
Archie O. Dawson	.....1954-	
Lawrence E. Walsh	.....1954-57.....	U. S. Dep. Atty. Gen.
Alexander Bicks	.....1954-	
Edmund L. Palmieri	.....1954-	
John M. Cashin	.....1955-	
Richard H. Levet	.....1956-	
William B. Herlands	.....1956-	
Frederick van P. Bryan	.....1956-	
Charles M. Metzner	.....1959-	
Lloyd F. McMahon	.....1959-	
Thomas F. Croake	.....1961-	
Dudley B. Bonsal	.....1961-	
Wilfred Feinberg	.....1961-	
Irving Ben Cooper	.....1961-	
Edward C. McLean	.....1962-	(Designate)