

NUNC PRO TUNC



THE HISTORICAL SOCIETY OF THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

HAPPY 200TH ANNIVERSARY

YESTERDAY



Hon. David Brearley
First U.S. District Judge

TODAY



Hon. John F. Gerry
Chief Judge U.S. District Court



The State House, 1792
Trenton, New Jersey



Martin Luther King Jr. Federal Courthouse & Office
Building, Newark, New Jersey
Proposed Completion, Summer 1991

PROFILE

HONORABLE PHILEMON DICKERSON

HON. VINCENT P. BIUNNO

The biographical references are not in agreement about the date of birth of Philemon Dickerson, the sixth United States District Judge for the District of New Jersey.

His listing in "Judges of the United States", published by the Bicentennial Commission of the Judicial Conference in 1978, says that he was born January 11, 1788. His biography in the Dictionary of American Biography says he was born June 26, 1788. Edward Q. Keasbey, in his "Courts and Lawyers of New Jersey" says he was born in 1792. The question is unresolved at this writing, but there is no dispute about his term of service, which ran more than 21 years, one of the longest periods among all the members of the court.

Philemon Dickerson was the much younger brother of Mahlon Dickerson, his immediate predecessor on the court. He was born at the family home in Succasunna, NJ, but is said to have grown up in Philadelphia, probably under the guidance of his older brother. He attended the public schools there, and then the University of Pennsylvania, from which he was graduated in 1808, with an A.B. degree.

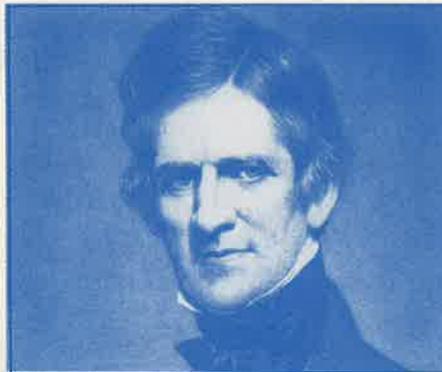
He then undertook the study of law, doing his reading with Gen. Vannata in Philadelphia until 1813, when he was admitted to the bar, and opened his office there. He practiced in Philadelphia until 1816, and then moved to Paterson, NJ, where he lived thereafter. He may have been influenced by the return from Philadelphia to New Jersey of his older brother in 1810. Although the biographies of neither of them mention it, Mahlon must have served as a quasi-parent. Certainly, it was for Philemon's benefit that Mahlon accepted appointment as a district judge so that Philemon could complete his term as a member of Congress, at which time Mahlon resigned and his brother Philemon replaced him.

In 1817, Philemon Dickerson was admitted as a counselor-at-law, and in 1834 became a sergeant-at-law (a higher rank of barrister associated with the Order of the Coif), and is said by the "Dictionary" to have been the last to hold that dignity in New Jersey.

He was elected a member of the New Jersey Assembly in 1821 and served one

term. His public life really began when he was elected a representative to the 23rd and 24th Congresses. Fitzgerald's Legislative Manual lists him as elected from Essex for the 1833-1835 term, and from Passaic for the 1835-1837 term; but in any case, he resigned his seat in 1836 when the Legislature in joint session elected him Governor (and Chancellor) of New Jersey. He served only one term, being defeated for reelection in 1837 by William Pennington (who had been clerk of the U.S. District and Circuit Courts from 1817).

At the end of his third term in the House, Dickerson was appointed by President Van Buren to be U.S. District Judge for the District of New Jersey.



Philemon Dickerson, District Judge
(1788 - 1862)

He was the first in the line of judges who had not served on the Supreme Court of New Jersey, though he had served one year as Chancellor, during his term as Governor. Reported opinions of his in that period include Assoc. Ref. Church v. Trustees of Princeton Theo. Sem. 3 Green's Ch. 77, and Hulme v. Shreve 3 Green's Ch. 116.

It was during his service that the patent case involving Goodyear's invention of "India rubber" came to be heard and decided. That was in 1852, and the argument for Goodyear was presented by Daniel Webster, Esq., while that for Day was by Rufus Choate, Esq., of Boston, who had been inspired to take up a career in law after hearing Webster's argument in the Dartmouth College case.

The case came up for final hearing at the March term, 1852, of the U.S. Circuit Court for the New Jersey District, before Justice Robert C. Grier and Judge Philemon Dickerson.

A copy of the testimony used at the hearing is believed to be in the collection of the NJ Historical Society in Newark, under the reference N 347 D 33; and the "speech" of Daniel Webster "in the

(Continued on Page 4)

LETTER FROM
THE PRESIDENT

The three major projects I reported in our last edition will soon be completed.

The 200th Birthday Party of our beloved Federal Court in New Jersey will be held in the Courthouse on December 14 at 3:15 p.m. Judge Bissell is developing a program that will include presentations from Judges Fisher, Brotman and Debevoise. They will relate interesting, historical episodes that occurred in the Court. Also, Professor Stanley Katz of Princeton, one of the country's leading legal historians, will have some comments.

Following the formal program, there will be a champagne-birthday cake reception in the Great Hall on the third floor of the Courthouse.

Our second project, the Third Annual Banquet, will, as usual, be on the first Tuesday in October (the 5th). A gala buffet reception will be held at the Hyatt, New Brunswick. This year we are responding to the many requests that our format avoid a formal sit-down dinner. While there will be many convenience tables, the reception from 6:15 p.m. to 9:15 p.m. will be a moveable gala of fun, plenty of food and cocktails. Chief Judge Gerry will M.C. the very short program.

Our third project, the two-volume history of the Court, is in its final stages toward publication. It will be available for distribution no later than the Birthday Party on December 14.

Do your best to join the fun on October 5th and December 14th.

Donald A. Robinson
President

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Editors
Ann G. McCormick
James J. Waldron

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**SOCIETY RECEPTION
HELD AT THE STATE BAR
MEETING IN ATLANTIC CITY**

For the second year in a row, the Society held a reception at the annual meeting of the New Jersey State Bar Association in Atlantic City at Bally's Park Place.

Featured during the reception was a continuation of the exhibition ("The Court's First Hundred Years, 1789-1889") presented during the first reception last year. This year's exhibition was entitled "THE COURT: 1889-1939" and included photographs of the 16 judges of the District Court who were appointed during the years 1889 to 1939*, the last of which was the Honorable Thomas G. Walker, who will be one of the Society's honorees at its Banquet on October 13, 1988. Also part of the exhibit were copies of Court documents and pertinent newspaper clippings from those years as well as a booklet giving a short overview of changes in the Court during that time period.

The reception again was a great success. Included among the attendees were: Honorable Robert E. Cowen of the Third Circuit Court of Appeals, Honorable Clarkson S. Fisher, Senior Judge of the District Court, District Judge Stanley S. Brotman, District Judge Harold A. Ackerman, District Judge Mary Anne T. Barry, District Judge Joseph H. Rodriguez, Bankruptcy Judge William T. Gindin, Magistrate Ronald J. Hedges and Magistrate Freda L. Wolfson.

***Judges Appointed to the United States District Court**

District of New Jersey, 1889-1939	
Judge	Years Served
Edward T. Green	1889-1896
Andrew Kirkpatrick	1896-1904
William M. Lanning	1904-1909*
Joseph Cross	1905-1913
John Rellstab	1909-1930
Thomas G. Haight	1914-1919*
J. Warren Davis	1916-1920*

**"IF YOU MUST SWEAR,
DO IT TO THE FOREMAN"**

By Sally Lane

The first federal grand jury to be convened in Trenton's new federal building celebrated the completion



First Grand Jury to Convene in the New Federal Court Building at Trenton

Rear - standing, left to right: Richard J. Galvin, Perth Amboy; Walter F. Clayton, Ocean Grove; Irving D. Butler, New Brunswick, and W. Egbert Thomas, Millford.

Center-standing, left to right: William H. Fischer, Phillipsburg; Henry W. Jeffers, Plainsboro; David H. Agans, Three Bridges; Robert H. Gulliver, Trenton; Edward Downs, Jr., Bordentown; J. Roy Marlin, Yardville; Rulus D. Renniger, Meluchen, W.

The jury's guests were identified on the menu's cover: Judge Phillip Forman; District Attorney Harlan Besson; Assistant District Attorney T.V. Arrowsmith; District Court Clerk George T. Cranmer; Deputy Clerk B.F. Havens, and Deputy Marshal W.D. Snowden.

A look at one of the famous menus, found in the Trenton Free Public Library's Trentoniana collection, suggests that Prohibition played a large part in the jury's deliberations.

The final note on the menu bears repeating today: "If you must swear, do it to the Foreman."

JUDGES APPOINTED

(continued from previous column)

Charles F. Lynch	1919-1925
Joseph L. Bodine	1920-1929
William N. Runyon	1923-1931
James W. McCarthy	1928-1929
William Clark	1925-1938*
Guy L. Fake	1929-1951
John Boyd Avis	1929-1944
Phillip Forman	1932-1959*
Thomas Glynn Walker	1939-1941

* Went to the Court of Appeals

of its service with a luncheon on November 6, 1933 at the Trenton Country Club.

Each of the printed menus for the luncheon included a glossy print of the grand jury's group photograph.

Menu

FRUIT CUP
with smuggled D'Orsay

CELERY
from the still-ry Pines

OLIVES
in cellophane

Soup
CREAM OF FRESH MUSHROOM
blended with molasses mash

Surprise
STEAMED MERCER COUNTY APPLES
with IT

Entree
PLAINSBORO STEAK
with the milk extracted

POTATOES AU GRATIN
"I detected the odor!"

BROCCOLI
the sauce is only 46%

Dessert
PUMPKIN PIE
found in a small 25,000 gallon still

CAFE AU LAIT IN A CHEVROLET
without dope

RACKETEER CHEESE

CIGARS

CIGARETTES

REPUBLICAN PUNCH
"I detected the odor!"

DEMOCRATIC FAVORS
impossible to analyze

APPLAUSE—PERSIFLAGE—WISDOM

If you must swear, do it to the Foreman

SOCIETY RECEPTION HELD AT THE STATE BAR MEETING IN ATLANTIC CITY



Hon. Ronald J. Hedges, Hon. Freda L. Wolfson and Hon. Jerome B. Simandle.



Hon. Stanley S. Brotman and Samuel A. Alito, Jr., U.S. Attorney.



Hon. Mary Anne T. Barry, Mrs. Ackerman, Hon. Harold A. Ackerman, Bill Whitlock, Dean Elizabeth DeFeis, John Barry.



Hon. Clarkson S. Fisher and Mrs. Fisher.



Joseph Markowitz and Mary Rose Markowitz.



Pat McCann, Lifetime Member, and Don Robinson, Society President.



Hon. Jerome B. Simandle, William Walsh, Hon. Robert E. Cowen and Richard Collier.



William Walsh, Hon. Clarkson S. Fisher and Hon. Maurice A. Walsh, Jr.

HISTORICAL SOCIETY IN CONJUNCTION WITH ASSOCIATION
OF THE FEDERAL BAR ASSOCIATION ANNUAL LUNCHEON



Fred Friendly entertains the crowd



Panelists mull Mr. Friendly's questions



Another provocative moment



Mr. Friendly entertains the Court

DATES TO REMEMBER

Third Annual Banquet, Hyatt Regency, New Brunswick, Thursday, October 5, 1989

200th Birthday of the Court, Newark Courthouse, Thursday, December 14, 1989, 3:00 p.m.

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(Continued from Page 2)
 India Rubber suit at Trenton, March 1852, before Justices Grier and Dickerson'' was evidently printed in 1853 (54 pages), and appears to be in the same collection with reference N pf.

The opinion was handed down September 28, 1852, and was by Justice Grier. It was reported in 2 Wallace Jr.'s Reports (Third Circuit) 283. It was reprinted as 10 Fed. Cas. 678 (No. 5,569).

During his service as a member of the Circuit Court of the U.S. for New Jersey District, Judge Dickerson sat with two Supreme Court justices. The first was Justice Henry Baldwin, assigned to that court from 1830 to 1846; and the second was Justice Robert Cooper Grier, who was assigned over the period 1846-1870.

Keasbey reports that in 1859, when there was no Chancellor in New Jersey due to a vacancy, the United States judges were the only ones within the state having power to grant an injunction. He says that there was a case at that time in which ''Judge Dickerson, while sailing on Jamaica Bay, was applied to by A.Q. Keasbey for an injunction with respect to the laying out of a road in Cape May which affected the rights of citizens of Pennsylvania. The defendants had hoped to take advantage of the fact that there was no Chancellor in New Jersey, and were much surprised at being served with an injunction from Judge Dickerson.''

The start of the Civil War in early 1861, soon after President Lincoln's inauguration, greatly increased litigation in all the federal courts, and Judge Dickerson's health broke down under the

heavy workload, but he continued on the bench until his death in Paterson on December 10, 1862.

His service on the bench evidently did not prevent him from continuing to be active in matters of public interest. He is credited, for example, with being instrumental in procuring for Paterson, NJ its charter as a city dated March 19, 1851. His interest was further indicated by a book of his, published a few years later, entitled ''The City of Paterson, its Past Present and Future'' (1856).

He was married to Sidney N. Stotesbury, daughter of Col. John Stotesbury of New York. They had a daughter, Mary, and two sons, Philemon, Jr., and Edward N., the latter becoming a leading member of the New York bar.

THE HISTORICAL SOCIETY OF THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY
 MEMBERSHIP RENEWAL APPLICATION FOR 1990

NAME _____

ADDRESS _____

CITY, STATE, ZIP CODE _____

Please renew my membership in the Historical Society of the United States District Court for the District of New Jersey in the following category:

ANNUAL MEMBERSHIPS	
_____ Student	- \$ 5.00
_____ Regular	- \$ 25.00
_____ Sustaining	- \$ 50.00
_____ Patron	- \$100.00

All memberships may be held only by individual persons. Applications, with checks made payable to the U.S.D.C.N.J. Historical Society, should be returned to U.S.D.C.N.J. c/o William T. Walsh, Clerk, U.S. District Court, DNJ, U.S. Post Office & Courthouse, Newark, NJ 07102. Inquiries may be directed to William T. Walsh (201) 645-6485.

The Historical Society
 of the United States District Court
 for the District of New Jersey

P.O. Box 419
 Newark, NJ 07102

