



“Inferior Courts”

The History of the Existing and Former Federal Trial and Appellate Courts of the United States, 1789-2024

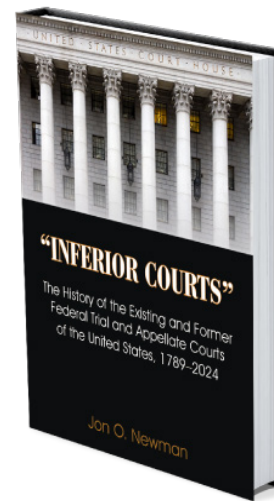
Jon O. Newman

Senior Judge, U.S. Court of Appeals for the Second Circuit

The first complete history of existing and former federal trial and appellate courts, compiled by a **best-selling Hein author!**

“This book will be a godsend to federal court scholars and observers, defined broadly to include not just judges and academics but also journalists and lawyers and laypersons interested in the courts.”

- Russell Wheeler | A leading scholar on the history of federal courts



Discover the Untold Story of America’s Federal Courts

While the Constitution places the judicial power in “one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish,” it is essential to understand that “inferior” denotes their rank below the Supreme Court—not their importance or quality.

This book, illustrating the fascinating 235-year history of America’s Federal Trial and Appellate Courts, is the first book to offer a comprehensive, court-by-court and state-by-state account of these vital institutions. Unlike other books that analyze court decisions, this book meticulously details and analyzes:

- **The creation and evolution of federal trial and appellate courts from 1789 to 2024**
- **The increase in the number of judges and the development of court jurisdiction**
- **Former federal courts, including those abolished or merged into existing structures**
- **Federal statutes affecting the courts**

Explore the rich statutory history of courts both still in existence and those that have been abolished. Sourced from the 296 volumes of the United States Statutes at Large, federal statutes in the United States Code, and the federal rules of civil, criminal, and appellate procedure, this book is a necessity for anyone interested in the history of the federal courts.

Table of Contents

Preface

Glossary of Frequently Cited Statutes and Abbreviations

Part I: Federal Trial Courts

Introduction

Sec. 1. Article III Trial Courts

Sec. 1.1. State-by-State Growth of the Districts, 1789-Present

Sec. 1.2. State-by-State Increases in the Number of Judges in the 94 Districts with Life-Tenured Judges and Changes in the Authorization of Judges Among Districts Within Some States, 1789–Present

Sec. 1.3. Development of the Jurisdiction of the District Courts, 1789-Present

Sec. 2. Other Article III Trial Courts

Sec. 3. Article I Trial Courts

Sec. 4. Article IV Trial Courts

Sec. 5. Former Article III Trial Courts

Sec. 6. Former Article I Trial Courts

Sec. 7. Former Article II Trial Court

Sec. 8. Former Article IV Trial Courts

Part II: Federal Appellate Courts

Introduction

Sec. 1. Article III Appellate Courts

Sec. 1.1. Creation and Changes in the Geographic Scope of the 13 Circuits, 1801-Present

Sec. 1.2. Increases in the Number of Judges for the Circuits, 1801-1890

Sec. 1.3. Circuit-by-Circuit Increases in the Number of Judges for the U.S. Courts of Appeals, 1891-Present

Sec. 1.4. Development of the Jurisdiction of the United States Courts of Appeals, 1891-Present

Sec. 2. Article I Appellate Courts

Sec. 3. Former Article III Appellate Courts

Index for Creation and Development of Districts (by States and Territories)

Index for Creation and Development of Circuits

From the Pages of “*Inferior Courts*”...

Sec. 1.1. State-by-State Growth of the Districts, 1789–Present

ALABAMA

Alabama became a state in 1819.

* * * * *

In 1820, the District of Alabama was created with a district court.¹ The district was not then placed within any circuit. Because the District of Alabama did not then have a circuit court, the judge of the district court exercised the trial court jurisdiction of a circuit court.² Congress conferred that authority indirectly by giving the judge the same authority as a district judge of the District of Kentucky,³ which included the trial court jurisdiction of a circuit court.⁴ Statutes giving the trial court jurisdiction of a circuit court to a district court were enacted for several states that had no circuit court.⁵

In 1824, the District of Alabama was divided into the Northern and Southern Districts with a district court in each district.⁶ In 1837, the circuit court trial jurisdiction of the district courts was terminated,⁷ when Congress created a circuit court for each of the two districts of Alabama.⁸

Also in 1837, the two districts of Alabama were placed in the Ninth Circuit.⁹

In 1838, the circuit court for the Northern District of Alabama was abolished,¹⁰ and the circuit court trial jurisdiction of the district court for that district was restored.¹¹ In 1839, the Middle District was created, in addition to the Northern and Southern Districts,¹² and the one district judge already in place was authorized to

Sec. 1.1. Creation and Changes in the Geographic Scope of the 13 Circuits, 1801–Present

First Circuit, 1801–Present

The First Circuit was created in 1801, comprising the districts of Maine, Massachusetts, New Hampshire, and Rhode Island. In March 1802, Congress repealed the 1801 Act, thereby in effect briefly abolishing the First Circuit.¹ In April 1802, a new First Circuit was created, comprising the districts of Massachusetts, New Hampshire, and Rhode Island.²

In 1820, the First Circuit expanded to include the District of Maine.³

In 1891, a new appellate court, called a “circuit court of appeals,” was established for all the then existing nine circuits, including the First Circuit.⁴

In 1915, the First Circuit expanded to include the district of Porto Rico (as it was then spelled).⁵

The First Circuit currently includes the districts of Maine, Massachusetts, New Hampshire, Puerto Rico, and Rhode Island.⁶

Second Circuit, 1801–Present

The Second Circuit was created in 1801, comprising the districts of Albany (split off from the District of New York), Connecticut, New York, and Vermont.⁷ In March 1802, Congress repealed the 1801 Act, thereby in effect briefly abolishing the Second Circuit.⁸ In April 1802, a new Second Circuit was created, comprising the districts of Connecticut, New York (into which the District of Albany was merged), and Vermont.⁹ The Second Circuit is the only circuit with the same configuration today that it had in 1802.

In 1891, a new appellate court, called a “circuit court of appeals,” was established for all the then existing nine circuits, including the Second Circuit.¹⁰

About the Author



Jon O. Newman is a senior judge of the U.S. Court of Appeals for the Second Circuit, on which he has served for 45 years. He was chief judge from 1993-97 before assuming senior status in 1997. Previously he was a federal trial judge in the District of Connecticut for seven years, U.S. Attorney for Connecticut, and assistant to Abraham Ribicoff while Ribicoff was the governor of Connecticut, the Secretary of Health, Education and Welfare, and a U.S. senator. Judge Newman graduated from Princeton University and Yale Law School, after

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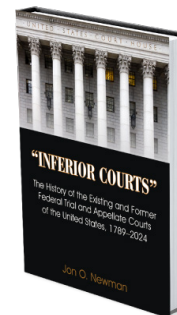
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