



NARA Northeast Region-New York Federal Court Records

Brief Administrative History of the Courts

U.S. district and circuit courts were created by the Judiciary Act of September 24, 1789. District courts generally have had original jurisdiction in admiralty and bankruptcy cases, suits for penalties or seizures under Federal laws, non-capital criminal proceedings, and suits exceeding \$100 in value in which the United States was the plaintiff.

The circuit courts heard appeals from the district courts and had original jurisdiction over actions involving aliens or citizens of different States and law and equity suits where the matter in dispute exceeded \$500. In 1891, the appellate jurisdiction of the circuit courts was transferred to the newly created circuit courts of appeals. The Judiciary Act of 1911 abolished the circuit courts and provided for the transfer of their records and remaining jurisdiction to the district courts.

U.S. Circuit and District Court Records at the National Archives Northeast Region – New York

The National Archives and Records Administration Northeast Region - New York has custody of records filed at the following U.S. Circuit and District Courts located in New York, New Jersey, and Puerto Rico:

New Jersey

(The jurisdiction of the Court covers the entire State as one judicial district. The Court now holds sessions at Camden, Newark, and Trenton)

U.S. Circuit Court for the District of New Jersey, 1842-1920.

U.S. District Court for the District of New Jersey, 1820-1967.

New York (Pre-Federal)

Vice Admiralty Court for the Province of New York, 1685-1775.

New York

(New York is now divided into four judicial districts)

U.S. Circuit Court for the Southern District of New York, 1790-1913.

U.S. District Court for the Southern District of New York, 1789-1979.

(The District of New York was one of the original 13 courts established by the Judiciary Act of 1789. When it convened on November 3, 1789, it was the first meeting of a court ever held under the sovereignty of the United States)

U.S. Circuit Court for the Northern District of New York, 1812-1919.

U.S. District Court for the Northern District of New York, 1852-1968.

(The Northern District was established by the Act of April 9, 1814)

U.S. Circuit Court for the Eastern District of New York, 1865-1914.

U.S. District Court for the Eastern District of New York, 1865-1979.

(The Eastern District was established by an Act of February 25, 1865)

U.S. Circuit Court for the Western District of New York, 1891-1911.

U.S. District Court for the Western District of New York, 1815-1976.

(The Western District was established in 1900. The District was formed from the 17 western-most counties of the Northern District)

Puerto Rico

U.S. District Court for the District of Puerto Rico, 1897-1976.

(Established as one judicial district by the Act of March 2, 1917)

Pre-Federal Court Records

The earliest court records at the National Archives Northeast Region - New York are those of the Vice Admiralty Court for the Province of New York (1685-1775) and the Court of Admiralty of the State of New York (1784-1788).

The records consist of libels, monitions, claims, interrogatories, depositions, articles, letters of marque, manifests, and orders that were filed in prize cases, suits relating to seamen's wages, salvage cases, violations of customs laws, mutiny, cruel and unusual treatment of seamen, and piracy. There are also three volumes of minutes.

The earliest case is the 1685 slave trading case involving the pink **Charles**. Also of interest is a 1717 piracy case that contains depositions that provide a vivid account of the plundering of vessels, the forceful detention of crews, and other acts of maritime lawlessness.

Alexander Hamilton appears as a proctor in some of the cases brought before the Court of Admiralty for the State of New York.

Common Types of Federal Court Records at the National Archives Northeast Region - New York

Admiralty Records

Most of the early admiralty cases before the U.S. District Courts concerned seizures and forfeiture of vessels and cargoes for violations of customs laws, nonpayment of seamen's wages, physical abuse of seamen, or prize, ransom, and salvage rights. Other cases involved operating a steamboat without an annual inspection certificate, carrying an excess of passengers, violations of embargo, piracy, and engaging in the slave trade. There are also a small number of common law suits for the period 1863-78, chiefly involving foreign consuls, and suits brought against obscene and immoral importations.

Later cases would also involve suits arising out of collisions, cargo loss or damage, pilotage and towage, breach of charter party, debts for supplies and materials, bills of bottomry, marine insurance, and illegal sale and purchase transactions between U.S. citizens and foreign persons resulting in violations of vessel registration acts. Personal injury suits brought by seamen (Jones Act) are also numerous.

A major part of admiralty litigation involves the limitation of liability statutes. Under these laws a ship owner may limit both his maritime and non-maritime liability to the value of the vessel or its freight after any disaster, act, loss, or damage incurred without his knowledge, fault, or neglect.

Prize cases form a major part of the admiralty records located at NARA's Northeast Region - New York. Prize law concerns the capture of enemy property by a belligerent at sea during war. The determination of the legality of the capture and its liability to confiscation and condemnation rests with the prize courts of the belligerent state. Special collections of prize records exist for the War of 1812 and the Civil War. There are also files for prizes taken in the Spanish American and Second World Wars.

Types of documents to be found in admiralty case files and records

Document series found in admiralty records include case files, dockets, minutes, stipulations for value, bonds, and marshal's reports of sale.

Types of documents in the files include libels, narratives, and informations explaining the nature of the suits; amended informations and libels; answers of respondents to allegations; monitions summoning interested parties to appear; respondents' claims for property libeled; interrogatories, depositions, affidavits, and transcripts of testimony of witnesses; demurrers, rejoinders, and other pleadings; bills of exception to decisions of the court on points of law; opinions of the court, consents, writs, and reports of court costs; reports of commissioners relating to the ascertainment of the amounts of damages and other matters; invoices, contracts, reports of survey for repair, shipping articles, crew lists, vessel logs, manifests, and other documents submitted as evidence; and petitions, proofs of claims for damages, appraisers' reports, and related documents filed in limitation of liability suits.

Some Notable Admiralty Cases at NARA's Northeast Region

Famous case files include the limitation of liability actions related to the sinkings of the *Titanic*, *Lusitania*, *Morro Castle*, and the *Andrea Doria*. There is also a case file seeking to ban James Joyce's *Ulysses* as an obscene import.

Bankruptcy Records

NARA's Northeast Region has custody of the records generated by the national bankruptcy Acts of 1800, 1841, 1867, and 1898. Each of the laws was approved shortly after a period of business depression and, with the exception of the 1898 Act, was repealed when business conditions improved. The Act of 1800 was repealed in 1803, the Act of 1841 in 1843, and the Act of 1867 in 1878. The Act of 1898 is still in force, although it has been amended periodically.

Types of documents to be found in bankruptcy case files and records

Document series found in bankruptcy records include case files, dockets, indexes, records of accounts and expenditures, bankruptcy decrees, bonds, and certificates of discharge.

Types of documents often found in case files include schedules of the petitioner's debts, real and personal estate inventories, proof of publication of bankruptcy notices, depositions, affirmations, affidavits, and proofs of debt by petitioners or creditors; transcripts of testimony; exhibits presented by debtors at examinations containing statements of debts due and owed by them, general accounts of business profits and losses; assignee appointments and assignee reports; commissioner reports; and reports of trustees, receivers, and appraisers relating to the administration, liquidation, and distribution of bankrupt's assets. There are also indentures, subpoenas, bonds for the security of costs, bonds to prove bankruptcy, powers of attorney, orders for a dividend, and certificates of discharge.

A Special Note About Act of 1898 Case Files

The case files of the 1898 bankruptcy act were screened. Only those filed under certain chapters of the act, those involving real property, and those of notable individuals or companies were retained as permanent records.

Some Notable Bankruptcy Cases at NARA's Northeast Region

There are personal bankruptcies of famed photographer Mathew Brady, theatrical performer Edwin Booth, and singer-actor Dean Martin. There are also corporate bankruptcy files of the New York, Ontario, and Western Railway and the Munson Steamship Line.

Law-Equity-Civil Records

Law

Law cases, as distinguished from equity cases, were civil cases in which a remedy was provided by common law or statute. Many of the cases concerned suits for the recovery of sums due under various forms of obligation or promise, including nonpayment of promissory notes, failure to pay for goods, and settlement of estates; personal injuries; the use of contract labor; damages sustained by forcible ejectment from lands and tenements, which in effect usually meant contested title to real estate; infringement of patents or copyrights; suits for damages for the publication of false and defamatory matter; for overpayment of Government salaries and pensions; and for retailing alcoholic beverages without a license. There are also cases relating to the enforcement of customs and internal revenue laws, seizures on land and water made under Federal laws, and records relating to wages and effects of deceased and deserting seamen.

The district courts also exercised concurrent jurisdiction, with State and circuit courts, over all cases where an alien sued for a tort in violation of the laws of nations, or a treaty of the United States; concurrent jurisdiction, with State and circuit courts, over all suits at common law where the United States, or one of its officers, sued under the authority of an act of Congress; and exclusive original jurisdiction over suits against foreign consuls and vice consuls, with the exception of criminal prosecutions. Periodically this jurisdiction was expanded to cover cases arising under United States postal laws and under civil rights legislation.

Types of documents to be found in law case files and records

Document series found in law records include case files, dockets, minutes, judgment rolls, bonds, orders, decrees, writs of *capias* and *venire*, process and execution registers (to satisfy financial judgments), bail registers, and bail pieces. There are also petitions for the remission of fines, penalties, and forfeitures incurred under revenue or maritime laws, warrants of remission, and Presidential warrants of remission.

Types of documents found in the case files include complaints and declarations or narratives explaining the plaintiffs' causes of action; answers of defendants; demurrers, rejoinders, and other pleadings; bills of exceptions to decisions of the court upon points of law; affidavits and depositions of witnesses and other documents submitted as evidence; and orders of the court, opinions, consents, warrants, writs, bonds, judgments, and reports of court costs. In suits removed

from State courts, a certified copy of the proceedings, processes, and other papers constituting the State court records is usually in the case file.

Equity Records

A number of special laws gave circuit courts jurisdiction over various matters, such as those relating to the infringement of patents and copyrights and controversies between trustees in bankruptcy and adverse claimants to property held by the trustees. Equity cases, as distinguished from law cases, excluded those in which a "plain, adequate, and complete remedy may be had at law." The equity jurisdiction of the United States courts is subject to neither limitation nor restraint by State legislation. While the procedure in law cases in Federal courts before 1938 generally followed procedures in the State courts, according to the State a particular Federal court covered, the practice in Federal equity was uniform throughout the country.

The equity jurisdiction of the districts courts was limited to the granting of junctions, reviewing cases filed to recover property from defendants as assets of bankrupts, and jurisdiction over all suits to enforce the lien of the United States upon real estate for any internal revenue tax.

Upon the termination of the circuit courts in 1911, all equity jurisdiction passed to the district courts.

Most of the equity cases concerned alleged infringements of patents, trademarks, and copyrights. Other cases involved violation of contract, conveyance of property to delay or deter payment of debt from bankruptcy, and antitrust actions by and against labor unions for conspiracies in restraint of trade and commerce. Suits in district courts often involved proceedings against consuls and vice consuls, petitions for writs of habeas corpus, deportation and denaturalization hearings, and receivership reorganizations of companies in bankruptcy. Actions were also brought by receivers of defunct national banks to collect funds from individual stockholders to discharge the banks' debts.

Types of documents to be found in equity case files and records

Document series found in equity records include case files, dockets, minutes, rule books, orders, and decrees. The case files can contain bills of complaints, answers, affidavits, depositions, trial transcripts, injunctions, and exhibits. The exhibits will often include copies of patent drawings, photographs, scripts, music scores, and other items at issue in copyright, trademark, and patent infringement suits

A Special Note About Civil Court Records

The Federal district courts had been bound in civil cases by the Conformity Act of 1872 to follow the procedures of the State in which they were meeting. Federal procedures varied from State to State and were filled with inconsistencies. In 1938 the Federal Rules of Civil Procedure went into effect. The new rules abandoned the complex forms of action of the common law, unified law and equity, and provided for a single set of procedures for Federal courts throughout the nation. After September 1938 “equity” and “law” cases became “civil.”

Source: Morris, Jeffrey B. Federal Justice in the Second Circuit: A History of the United States Courts in New York, Connecticut, and Vermont 1787 to 1987. Second Circuit Historical Committee, 1987.

Some Notable Law-Equity-Civil Cases at NARA’s Northeast Region

There are numerous suits in equity brought by and against Thomas Edison relating to his numerous inventions, a copyright case brought against Orson Welles relating to *Citizen Kane*, the patent infringement case between the Wright Brothers and Glen Curtiss, the reorganization of the Shubert Theater group, and anti-trust actions against the sugar, tobacco, oil, and steamship industries. There are copyright cases involving Charlie Chaplin, Cole Porter, and Oscar Hammerstein, and the song “Happy Birthday.” A notable civil case was that of Curt Flood’s challenge to professional baseball’s reserve clause.

Criminal Records

The great mass of Federal criminal jurisdiction rests upon the Constitutional authority of Congress to enact laws “necessary and proper” to the execution of specifically conferred powers. Criminal cases relate to such crimes as mutiny, piracy, assault, theft, murder on the high seas, the slave trade, counterfeiting and forgery, perjury, mail theft, sedition, smuggling, overloading a passenger vessel, revenue fraud, and conspiracy to invade nations at peace with the United States. Criminal charges were also brought for encouraging soldiers to desert and resisting the draft. Treason, Communist activity, the theft of goods in interstate commerce, labor racketeering, organized crime activities, and murder committed on Federal property or military reservation are also tried in Federal court.

Types of documents to be found in criminal case files and records

Document series found in criminal records include case files, dockets, and minutes. The number and types of documents found in the case files vary. The type of document found most often is the indictment. Other documents frequently filed are depositions, warrants, recognizances, subpoenas, briefs, notes, trial

transcripts, judgments, commitments, proceedings, notices, certificates, letters, and writs.

Some Notable Criminal Cases at NARA's Northeast Region

Notable cases include the espionage cases involving Ethel and Julius Rosenberg and Alger Hiss, and the prosecution of Susan B. Anthony for illegal voting. There are also case files concerning the slave trade and the *General Slocum* disaster. Also prominent are the prosecutions of Gus Hall, William Remington, William Z. Foster, and Elizabeth Gurley Flynn for communist conspiracy and subversion, of Marcus Garvey for mail fraud, and the trial of Jacob Abrams and his co-defendants for violation of the World War I sedition laws, a landmark case in first amendment jurisprudence.

Habeas Corpus Records

The writ of habeas corpus has been employed for many centuries to remove illegal restraint on personal liberty. In the Federal courts the writ has been used to maintain the supremacy of the Constitution, laws, and treaties of the United States and to protect personal liberty against unlawful restraints, insofar as the duty lies within the Federal government. The writ is also used to bring a prisoner into court to testify.

Many of the early cases concerned minors fraudulently enlisted in the Army or Navy for whom discharges and cancellations of enlistment were sought. There were also proceedings for the relief of persons imprisoned for debt. In the early part of the 20th century many of the actions involved aliens detained by the immigration authorities or arrested on the complaints of foreign governments for extradition as fugitives from justice.

Types of documents to be found in habeas corpus case files and records

The records consist of case files and dockets. The case files can contain writs of habeas corpus, returns of writs, affidavits, orders of the court, and occasionally transcripts of testimony and depositions.

Appellate Jurisdiction Records (1793-1912)

The revisionary or appellate power of the circuit courts over final decrees and judgments of the district courts was derived from the original Judiciary Act of 1789 and an act of March 3, 1803 (2 Stat. 244). It was exercised either by appeal, a proceeding that subjected both the law and the facts to a review; or by writ of error, a process that subjected only the laws to reexamination. When the amount in controversy exceeded \$50, the appellate jurisdiction applied to all final decrees of the district courts in cases of admiralty and maritime jurisdiction (in which case the remedy was by appeal) and to all judgments in civil actions (in which case the remedy was by writ of error). As a result, the appellate case files were called "Error and Appeal" records by the circuit court.

The appellate cases pertain to a variety of subjects and relate to such matters as the maintenance of U.S. neutrality during foreign wars, the "quasi-war" with France during the John Adams Administration, the embargo during the Jefferson Administration, evasion of customs duties and trespass laws, salvage, privateer and prize law, mutinies and revolts, bankruptcy, slavery and the slave trade, protection of patents for inventions, and ejection of tenants and rent procedures.

Types of documents to be found in appellate jurisdiction case files

The records consist of case files, dockets, bonds, and minutes.

The number and types of documents in the appellate, or error and appeal, case files vary. Some case files contain only an attested copy of the proceedings in the district court along with notations on the endorsement wrapper. Usually the case files also include certified transcripts or "apostles" of record of the cases in the district court, consisting of copies of the papers filed and of minute entries of the district court's actions in the cases. The transcripts include copies of libels, exhibits, notices of hearings, monitions, depositions, interrogatories, affidavits, briefs, bonds, statements of court costs, decrees, sentences, opinions, notices of appeal, and petitions for rehearing.

Some case files contain such circuit court documents as petitions of appeal for a reversal or modification of decrees of the district court, writs of error for the review of alleged mistakes of the district court, appeals from decisions of the district court refusing discharges to bankrupts, bills of exception, orders of the courts, assignments of error to rulings of the district court, and mandates of the Supreme Court of the United States in cases appealed from the circuit court.

For those case files involving seizure of ships and cargoes for violations of embargo acts or evasion of customs duties, there are copies of additional documents. Included are certificates of registry or enrollment, licenses, crew lists, shipping articles, clearance papers, repair bills, bills of lading, invoices, and depositions of ship's officers, crews, and passengers.

Records of the U.S. Court of Appeals for the Second Circuit

Administrative History

The courts of appeals are intermediate courts created by an act of March 3, 1891, to relieve the Supreme Court of considering appeals in cases originally decided by Federal courts. They are empowered to review final and certain interlocutory decisions of district courts except where the law provides for direct review by the Supreme Court. They also review orders of Federal administrative bodies such as the Securities and Exchange Commission and the National Labor Relations Board.

The records of the U.S. Court of Appeals for the Second Circuit document appeals of lower Federal court decisions in Connecticut, New York, and Vermont.

Types of documents to be found in U.S. Court of Appeals case files

The records consist of case files, dockets, minutes, and calendars.

The case files contain bills of cost, opinions, stipulations, transcripts of record from lower courts and administrative agencies, briefs, Supreme Court orders on petitions for writs of certiorari, and mandates.

Some Notable Appeals Cases at NARA's Northeast Region

There are appeals files for the Alger Hiss and Rosenberg espionage cases, the Danbury Hatters' boycott, and the Curt Flood litigation regarding baseball's reserve clause.

Finding Aids

There are docket books available for most of the court records described in this brochure. Many docket books are indexed by the names of the parties in the case and provide the docket or case number. Each docket sheet will provide the date when the case commenced and list, in chronological order, the various documents filed and all the important acts done in court in the course of each proceeding. The docket will also indicate whether a case was appealed to the Court of Appeals or Supreme Court. Each book covers a specific time period.

In some cases there are general indexes to cases that cover longer time frames. The indexes will provide a docket number, but do not record the information found in a docket book. The indexes are in book and microfilm formats.

Requesting Court Records

The staff of the National Archives and Records Administration Northeast Region - New York will do a search for a case file and related court records in response to written, facsimile, or e-mail requests. To facilitate a search the following information will be needed:

- *The names of the parties involved (individual, company, organization, etc.)*
- *The nature of the litigation (civil, criminal, bankruptcy, admiralty, etc.)*
- *Approximate time period when the case was heard.*

You can send your request to:

National Archives and Records Administration
Northeast Region (New York City)
201 Varick Street – 12th Floor
New York, NY 10014

You can also fax (212-401-1638) or e-mail us (newyork.archives@nara.gov).

You can also submit a research request through the National Archives Order Online! system. The search is free, and you will be given a price quote for any charges for copies should we find a record you want. The web site is www.archives.gov/research/order/orderonline.html.

Please provide your mailing address, telephone number, and e-mail address (optional) in your request.

If records are found you will be notified of the size of the file and the cost for photocopies. However, if the file is voluminous, you might be required to hire a document service to photocopy the file, or visit our research room and copy the file yourself.

We are open Monday through Friday from 8 a.m. to 4:30 p.m. Original records are returned to the stack area at 4 p.m. We are closed on Sundays and Federal holidays.

Special Note on the Location of Our Court Records

All of the U.S. District Court records in the custody of NARA's Northeast Region - New York City, with the exception of those filed at the U.S. District Court in New Jersey, are stored off-site at NARA's Federal Records Center in Lee's Summit, Missouri. The cases filed at the U.S. Court of Appeals for the Second Circuit are also stored at that facility.

We can have files sent to our office at no charge to the researcher. It usually takes three to four business days for a case to arrive at our research room.

Some Suggestions for Further Reading

The information for this flyer was taken from the following:

Celardo, John and Nancy Malan, comp. *Guide to Records in the National Archives-Northeast Region, New York, New York*. Reference Information Paper 94. National Archives and Records Administration, 1996.

Marion M. Johnson and Henry T. Ulasek, comp., *Preliminary Inventory of the Records of the United States District Court for the Southern District of New York*, PI 116 (1959).

Morris, Jeffrey B. *Federal Justice in the Second Circuit: A History of the United States Courts in New York, Connecticut, and Vermont 1787 to 1987*. Second Circuit Historical Committee, 1987.

Descriptive Pamphlets for microfilm publications relating to court records.