

# NUNC PRO TUNC



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

### LETTER FROM THE PRESIDENT

On December 14th our Court will have its 200th Birthday Celebration at the Newark Courthouse, Courtroom 2, third floor. As you know, this Society was founded in anticipation of this event and has evolved into a thriving, vibrant organization.

We have produced videotapes, oral histories and a two-volume book describing the history of the Court. We have sponsored exhibitions, Bar mixers and have held three successful banquets where we have honored those who have contributed to the Society and to the history of our beloved Court.

As you know, however, the work is never done. We must continue the enthusiasm into "our" next century. Please spread the word and set a goal to bring two new members into the Society. A membership form is on the back of the newsletter.

We plan to have other ongoing events. Please send me any suggestions that you may have to further the Society. Your participation is what makes us go.

Our Society continues to be grateful to Judge Biunno. His talent, devotion and tireless work are demonstrated in the volume of the Court's history he is writing. We are hopeful that it will be ready for publication at the 200th

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### SOCIETY HOLDS THIRD ANNUAL BANQUET

The Third Annual Banquet of the Historical Society was held on October 5, 1989 at the Hyatt Regency in New Brunswick.

Once again the affair was a spectacular success. However, since this is the year of our Court's 200th anniversary, it was a very special evening. The room was highlighted by



Donald A. Robinson  
President

two large ice sculptures of gleaming eagles. The food was extraordinary and entertainment was provided by the Garden State Arts Center Orchestra.

As usual, the crowd was entertained by comments from Chief Judge John F. Gerry and a special presentation was made to Donald A. Robinson, the Society's President, for all of the hard work that he has done to make the Society a thriving institution.

### BANKRUPTCY COMMITTEE VIDEOTAPE

The Bankruptcy Committee, under the guidance and dedication of Bankruptcy Judge Judith H. Wizmur, has provided a videotape entitled, "Glances Back: The Bankruptcy Court in New Jersey".

The tape is a collection of reminiscences of the history of the Bankruptcy Court. The final product was edited from hours and hours of taping sessions of former judges, discharge hearing speeches, current attorney groups, "old timer" attorney groups and individual practitioners. The final edited version was the result of many long hours by Judge Wizmur. She is to be congratulated for this fine addition to our archives.

Other participants in the process were Judge Gindin, Tom Subranni, Nona Ostrove, Gary Norgaard, Judge Stark, Diana Mueller, Joe Markowitz and Nola Bencze. The Historical Society thanks all of you for your efforts.

The videotape was premiered at the recent Historical Society banquet and has been requested for viewing at many bar events during the coming year.

### REMINDER

Come Celebrate the 200th  
Anniversary of the Court  
Thursday, December 14, 1989  
3:00 p.m., Newark Courthouse  
Third Floor, Courtroom 2

## PROFILE

HONORABLE RICHARD STOCKTON FIELD

HON. VINCENT P. BIUNNO

Richard Stockton Field was the seventh judge who sat in the U.S. District and Circuit courts for the District of New Jersey, from his appointment on January 24, 1863 by President Lincoln, until his death on May 25, 1870. Most of his time on the Circuit court was with Justice Robert C. Grier, until Judge William McKennan was appointed under the 1869 Act.

At the time of his appointment, the Civil War was nearing its end, and the post-war period of heavier litigation began. The point was reached for the first time since 1801 that the Congress was persuaded in 1869 to relieve Supreme Court Justices of the burden of "riding circuit" to hold the Circuit courts but only once each two years, and provided for the appointment of circuit judges in each circuit to replace them, but Judge Field did not sit long with Judge McKennan before his illness and death in the Spring of 1870.

In the term of his service, Judge Field was supported by a succession of three clerks (Andrew Dutcher, Ralph H. Shreve and Mercer Shreve), three U.S. Marshals (Benijah Deacon, W. Budd Deacon and Samuel Plummer) but only one U.S. Attorney, Anthony Q. Keasbey.

Keasbey's "Courts and Lawyers of New Jersey", describes a case he says was tried by Justice Grier and Judge Field in 1861, but that cannot be since Field was not appointed until 1863; either Keasbey's date is wrong, or else the case came on for re-trial after Field had joined the court. The case was United States v. Jackalow, in which the defendant had been convicted of murdering the captain and crew of the sloop "Spray" on Long Island Sound and while there was a special verdict to describe where the murder was committed, it did not find whether it was in Connecticut or New York or on the high seas. The Supreme Court ordered a new trial, holding that judgment could not be taken to sentence without a jury verdict to settle that point. After remand, the Circuit Court set Jackalow free, taking the position that:

"If the Supreme Court can't make up its mind whether the place where the murder was committed

was within the jurisdiction of the states or on the high seas, I am not going to come so near to committing judicial murder as to set twelve men to guessing at it."

The Supreme Court opinion is found at 66 U.S. 484, 17 L. Ed. 225.

Judge Field's immigrant ancestor came to America from England about 1630, and about 1638 settled in Rhode Island. The Field family eventually moved to White Hill, in Burlington County, where Judge Field was born December 31, 1803. His mother, Abigail, was a daughter of Richard Stockton (known as "Stockton the Signer" for having signed the Declaration of In-



Richard Stockton Field, District Judge  
(1803 - 1870)

dependence). When his father, Robert Field, died in 1810, the family moved to Princeton. There, Richard S. was educated, going to the then College of New Jersey (now Princeton) from which he was graduated in 1821 at the age of 17. He then studied law with his uncle, whose office was in "Morven", which was the Governor's residence from the late 1950's until about 1982 and which is now in process of being converted to a museum. There, William Paterson had studied law, also under Richard Stockton, as had many others who went on to illustrious careers.

After admission to the bar in 1825, Field began practice in Salem. There, he met and married Mary Ritchie in 1831, and in 1832 they moved to Princeton and lived there the rest of their days. Field served in the General Assembly from 1832 to 1834, and again in 1837. Meanwhile, he took up practice in Princeton, mainly attending to the interests of the Stockton family which involved the Camden & Amboy Railroad and the Delaware & Raritan Canal Company.

In 1844, when the convention was called to revise New Jersey's original 1776

Constitution, Field was a delegate from Mercer County and served with distinction. He is credited with considerable achievement in shifting most of the appointing power to the Governor and Senate, from the Legislature in joint session where it had been since 1776, and also for establishing the provision to protect the School Fund from other uses.

His interest in education was strong. He undertook to launch a law school at Princeton in 1847, providing a brownstone building at his own expense, and joining the faculty, which also included former Chief Justice Hornblower and James S. Green, Esq., a prominent attorney. This was the third of six known efforts to establish a law school and the most successful, as it operated until 1855, when the effort ended because tuition revenue was not enough to meet the costs. The building, later called Ivy Hall, was eventually sold to Trinity Episcopal Church, and still exists.

His interest in education was rewarded about the same time the law school stopped operations, with the enactment in 1855 of a law creating a state normal school. Field was named to its board of trustees, and became its first president, writing all the annual reports until his death in 1870. Note here the evident acceptance of the judge's activity in this regard throughout his judicial service, as commented on elsewhere.

He also served briefly in the U.S. Senate, from November, 1862 to January 1863, at which time he was appointed to the District court by President Lincoln, who was not only appreciative of his having helped organize the Union/Republican Party in 1862, but also of his having presented an able argument in support of the power of the president to suspend the writ of habeas corpus. This

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Editors

Ann G. McCormick  
James J. Waldron

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THIRD ANNUAL BANQUET OF THE HISTORICAL SOCIETY OF THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY



Hon. Ronald J. Hedges, Hon. Nicholas H. Politan,  
William T. Walsh



Herb Jaffee, Star Ledger



The Eagles Have Landed



Mrs. G. Donald Haneke, Mrs. William F. Tuohy,  
Bankruptcy Judge Tuohy, Magistrate Hedges



Jerome M. Lynes

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argument was delivered on the Senate floor, and is recorded in the Congressional Globe, 37th. Congress, 3rd. Session, pp. 28, 216-220.

Judge Field was also one of the founding members of the New Jersey Historical Society in 1845, and was serving as its third president at the time he died.

Among other writings, he is most noted for his volume, "The Provincial Courts of New Jersey, and Recollections of the Bench and Bar", published in 1849 as Vol. III of the Collections of the Historical Society. Because of when it was written, some believe it was derived from his faculty position at the Law Department at Princeton, and it may have been used by his students.

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birthday party on December 14th.

We wish Chief Judge Gibbons more and more health, happiness and success when he becomes Professor Gibbons. We shall never forget his splendid speech at our first annual banquet when he highlighted several episodes from the Court's history. That speech became the theme for our development of a second historical volume that we have commissioned an author to complete for the Society.

Donald A. Robinson  
President

DID YOU KNOW ...

... That the Knock-em-Dead Company was charged with misbranding an insecticide?

... That people were accused of illegal dumping of mud in Lower New York Bay?

... That Agnes G. Hess spent ten days in the Essex County jail in 1919 for mailing advertisements of articles for preventing conception?

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

