

# COURT FAMILY

## THE 8TH AND 10TH CIRCUITS

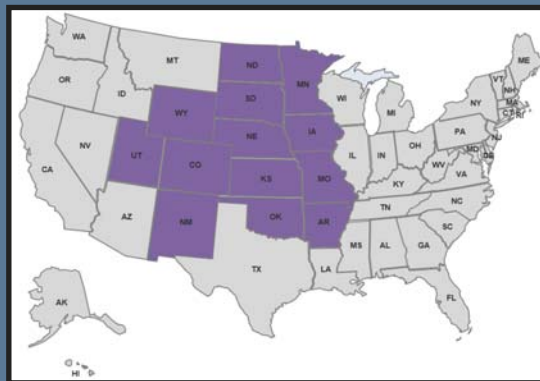
The Eighth and Tenth Circuits enjoy a special relationship, for out of the Eighth Circuit was born the Tenth. This happened in 1929 after the Eighth Circuit had grown to consist of 13 states.

### The Geography

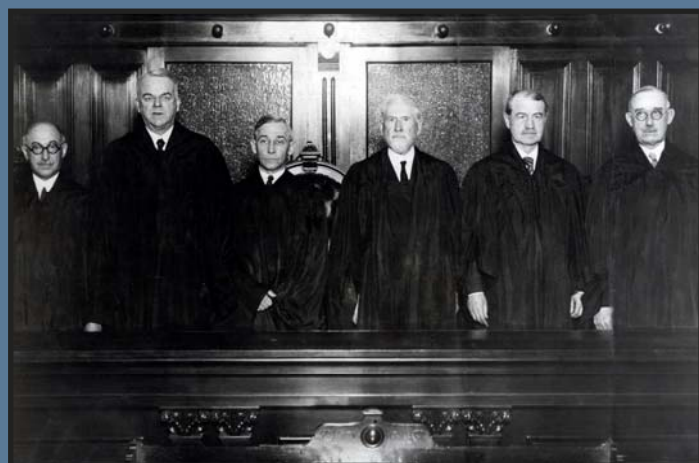
Although the Eighth Circuit was established in 1837, it was not until after the Civil War that it began to take on aspects of its modern day configuration. In 1866, Congress passed legislation defining the U.S. Circuit Court for the Eighth Circuit to include Arkansas, Iowa, Kansas, Minnesota, and Missouri. Then between 1867 and 1912, Nebraska, Colorado, North Dakota, South Dakota, Wyoming, Utah, Oklahoma, and New Mexico were added as they were admitted to the Union.

By 1912, the Eighth Circuit was easily the largest circuit in the nation, covering almost one third of the country, having the greatest population, and confronting the heaviest caseload. As Theodore J. Fetter stated in *A History of the United States Court of Appeals for the Eighth Circuit*, the circuit was “huge, comprising miners and sodbusters, cotton farming and irrigation systems, great railroad lines and acres of open lands susceptible to everything from grazing to oil exploitation.”

In an effort to relieve the Eighth Circuit of its burgeoning caseload, Congress passed legislation in 1929 dividing it into two circuits. The Eighth Circuit took on its present geographic configuration of Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, and the Tenth Circuit was created out of the western states of the original Eighth Circuit: Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming.



**Eighth Circuit Geography Before Division in 1929:** Arkansas, Iowa, Kansas, Minnesota, Missouri (1866); Nebraska (1867); Colorado (1876); North Dakota, South Dakota (1889); Wyoming (1890); Utah (1896); Oklahoma (1907); New Mexico (1912)



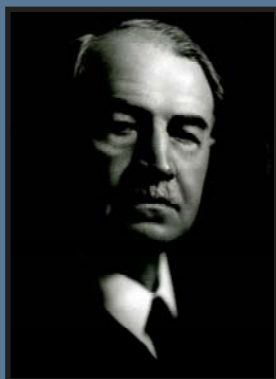
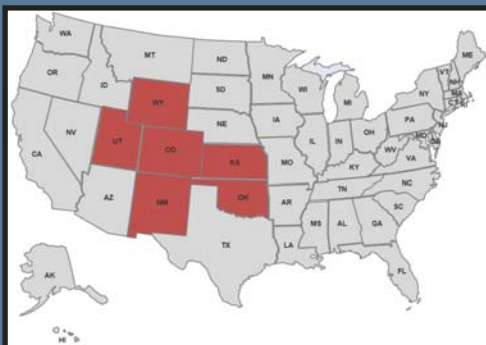
**Eighth Circuit Court Before Division in 1929.** Left to right: Judges Wilbur F. Booth, William S. Kenyon, Kimbrough Stone, Walter H. Sanborn (Chief), Robert E. Lewis, and Arba S. Van Valkenburgh. Judge Sanborn died on May 10, 1928, and Judge John H. Cottrel succeeded him on May 23, 1928, joining the court before the division on February 28, 1929.

### The Judges

Before the division, the Eighth Circuit had six judges: Kimbrough Stone (MO; 1916-1958), Robert E. Lewis (CO; 1921-1929), William S. Kenyon (IA; 1922-1933), Wilbur F. Booth (MN; 1925-1944), Arba S. Van Valkenburgh (MO; 1925-1944), and John H. Cottrel (OK; 1928-1929).

The 1929 legislation called for the judges from states of the new Tenth Circuit to serve under that jurisdiction, leaving four judges in the Eighth Circuit and reassigning two to the Tenth. The Act also authorized one new judgeship for the Eighth Circuit and two for the Tenth. Archibald K. Gardner of South Dakota was appointed to the Eighth Circuit, and Orie L. Phillips of New Mexico and George T. McDermott of Kansas were appointed to the Tenth Circuit.

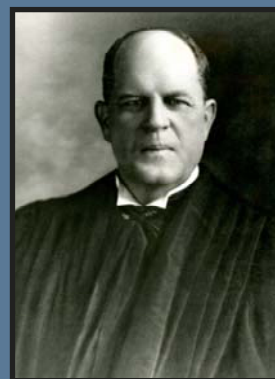
# 10TH CIRCUIT CREATED IN 1929



## Hon. Robert E. Lewis (CO)

**Federal Appellate Service:** Judge, U.S. Court of Appeals for the Eighth Circuit. Nominated by Warren G. Harding on November 3, 1921. Confirmed by the Senate and received commission on November 15, 1921. Service terminated on March 28, 1929, due to reassignment.

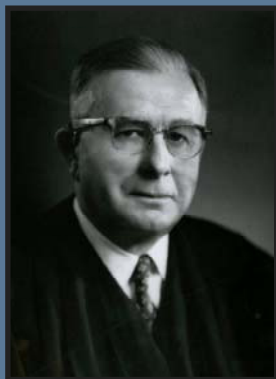
Judge, U.S. Court of Appeals for the Tenth Circuit. Reassigned on March 28, 1929, to a new seat authorized by 45 Stat. 1346. Assumed senior status on May 31, 1940. Service terminated on July 31, 1941, due to death.



## Hon. John H. Cotteral (OK)

**Federal Appellate Service:** Judge, U.S. Court of Appeals for the Eighth Circuit. Nominated by Calvin Coolidge on May 19, 1928. Confirmed by the Senate and received commission on May 23, 1928. Service terminated on March 28, 1929, due to reassignment.

Judge, U.S. Court of Appeals for the Tenth Circuit. Reassigned on March 28, 1929, to a new seat authorized by 45 Stat. 1346. Service terminated on April 22, 1933, due to death.



## Hon. Orie L. Phillips (NM)

**Federal Appellate Service:** Judge, U.S. Court of Appeals for the Tenth Circuit. Nominated by Herbert Hoover on April 18, 1929, to a new seat authorized by 45 Stat. 1346. Confirmed by the Senate and received commission on April 29, 1929. Assumed senior status on January 1, 1956. Service terminated on November 14, 1974, due to death.

## Hon. George T. McDermott (KS)

**Federal Appellate Service:** Judge, U.S. Court of Appeals for the Tenth Circuit. Nominated by Herbert Hoover on April 18, 1929, to a new seat authorized by 45 Stat. 1346. Confirmed by the Senate on April 29, 1929, and received commission on April 30, 1929. Service terminated on January 19, 1937, due to death.

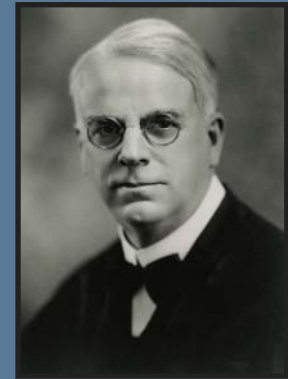


# 8TH CIRCUIT AFTER DIVISION IN 1929



**Hon. Kimbrough Stone (MO)**

**Federal Appellate Service:** Judge, U.S. Court of Appeals for the Eighth Circuit. Nominated by Woodrow Wilson on December 19, 1916. Confirmed by the Senate and received commission on December 21, 1916. Assumed senior status on May 15, 1947. Service terminated on February 27, 1958, due to death.



**Hon. William S. Kenyon (IA)**

**Federal Appellate Service:** Judge, U.S. Court of Appeals for the Eighth Circuit. Nominated by Warren G. Harding on January 31, 1922. Confirmed by the Senate and received commission on January 31, 1922. Service terminated on September 9, 1933, due to death.



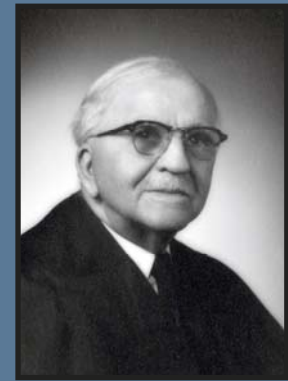
**Hon. Wilbur F. Booth (MN)**

**Federal Appellate Service:** Judge, U.S. Court of Appeals for the Eighth Circuit. Nominated by Calvin Coolidge on March 18, 1925, to a new seat authorized by 43 Stat. 1116. Confirmed by the Senate and received commission on March 18, 1925. Assumed senior status on January 1, 1932. Service terminated on July 7, 1944, due to death.



**Hon. Arba S. Van Valkenburgh (MO)**

**Federal Appellate Service:** Judge, U.S. Court of Appeals for the Eighth Circuit. Nominated by Calvin Coolidge on March 18, 1925, to a new seat authorized by 43 Stat. 1116. Confirmed by the Senate and received commission on March 18, 1925. Assumed senior status on May 1, 1933. Service terminated on November 4, 1944, due to death.



**Hon. Archibald K. Gardner (SD)**

**Federal Appellate Service:** Judge, U.S. Court of Appeals for the Eighth Circuit. Nominated by Herbert Hoover on April 18, 1929, to a new seat authorized by 45 Stat. 1346. Confirmed by the Senate and received commission on May 23, 1929. Assumed senior status on September 30, 1960. Service terminated on January 21, 1962, due to death.

# AN EVOLVING 8TH CIRCUIT



**U. S. Court of Appeals for the Eighth Circuit After Division in 1929.** Seated, left to right: Judges William S. Kenyon, Kimbrough Stone (Chief), and Arba S. Judge Van Valkenburgh. Standing, left to right: Judges Wilbur F. Booth and Archibald K. Gardner.

## DISTRICT COURTS

### ARKANSAS

District of Arkansas, 1836-1851  
Eastern District of Arkansas, 1851-present  
Western District of Arkansas, 1851-present

### IOWA

District of Iowa, 1846-1882  
Northern District of Iowa, 1882-present  
Southern District of Iowa, 1882-present

### MINNESOTA

District of Minnesota, 1858-present

### MISSOURI

District of Missouri, 1822-1857  
Eastern District of Missouri, 1857-present  
Western District of Missouri, 1857-present

### NEBRASKA

District of Nebraska, 1867-present

### NORTH DAKOTA

District of North Dakota, 1889-present

### SOUTH DAKOTA

District of South Dakota, 1889-present

