

# COURT FAMILY

## THE 8TH AND 10TH CIRCUITS

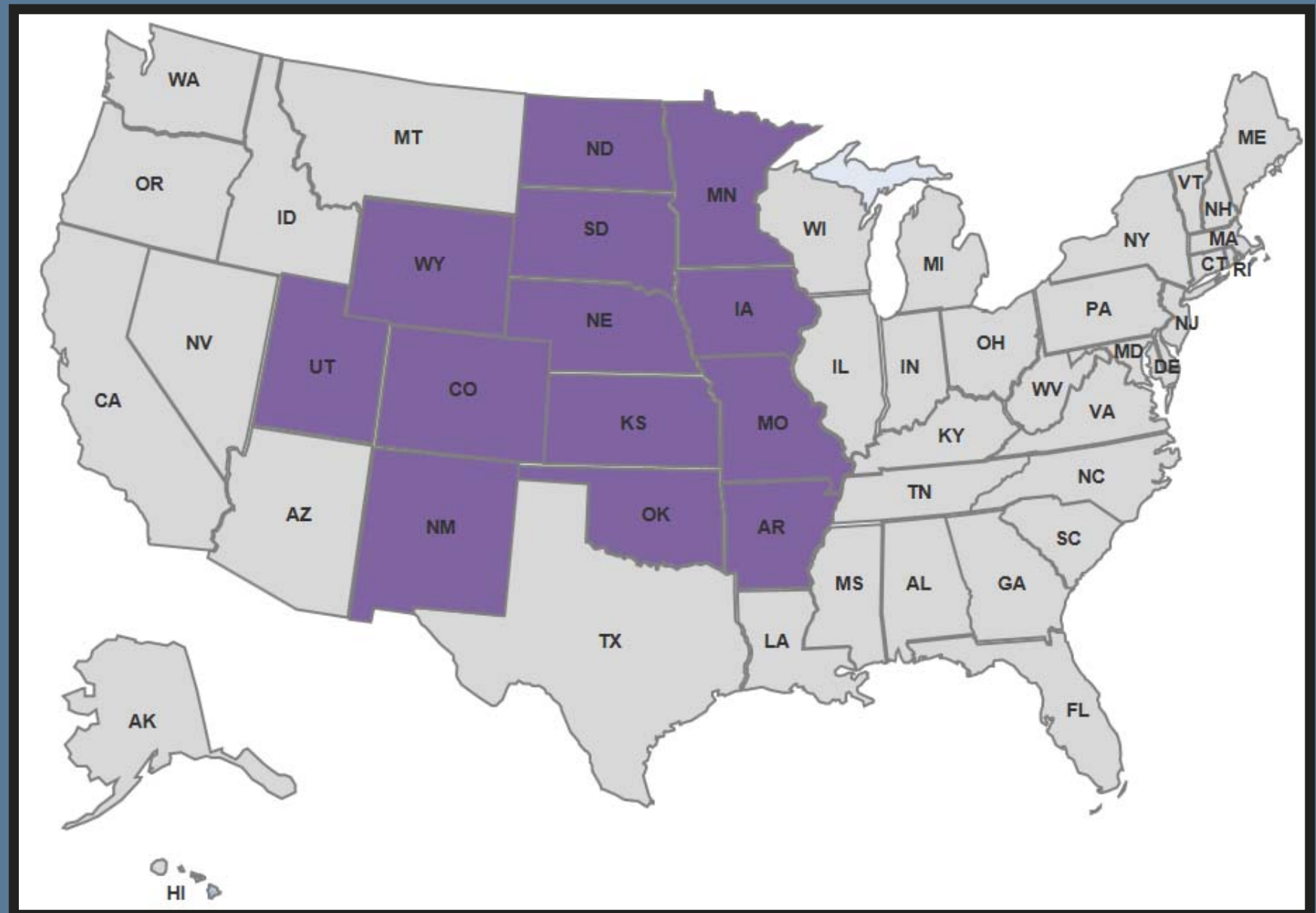
The Eighth and Tenth Circuits enjoy a special relationship, for out of the Eighth Circuit was born the Tenth. This happened in 1929 after the Eighth Circuit had grown to consist of 13 states.

### The Geography

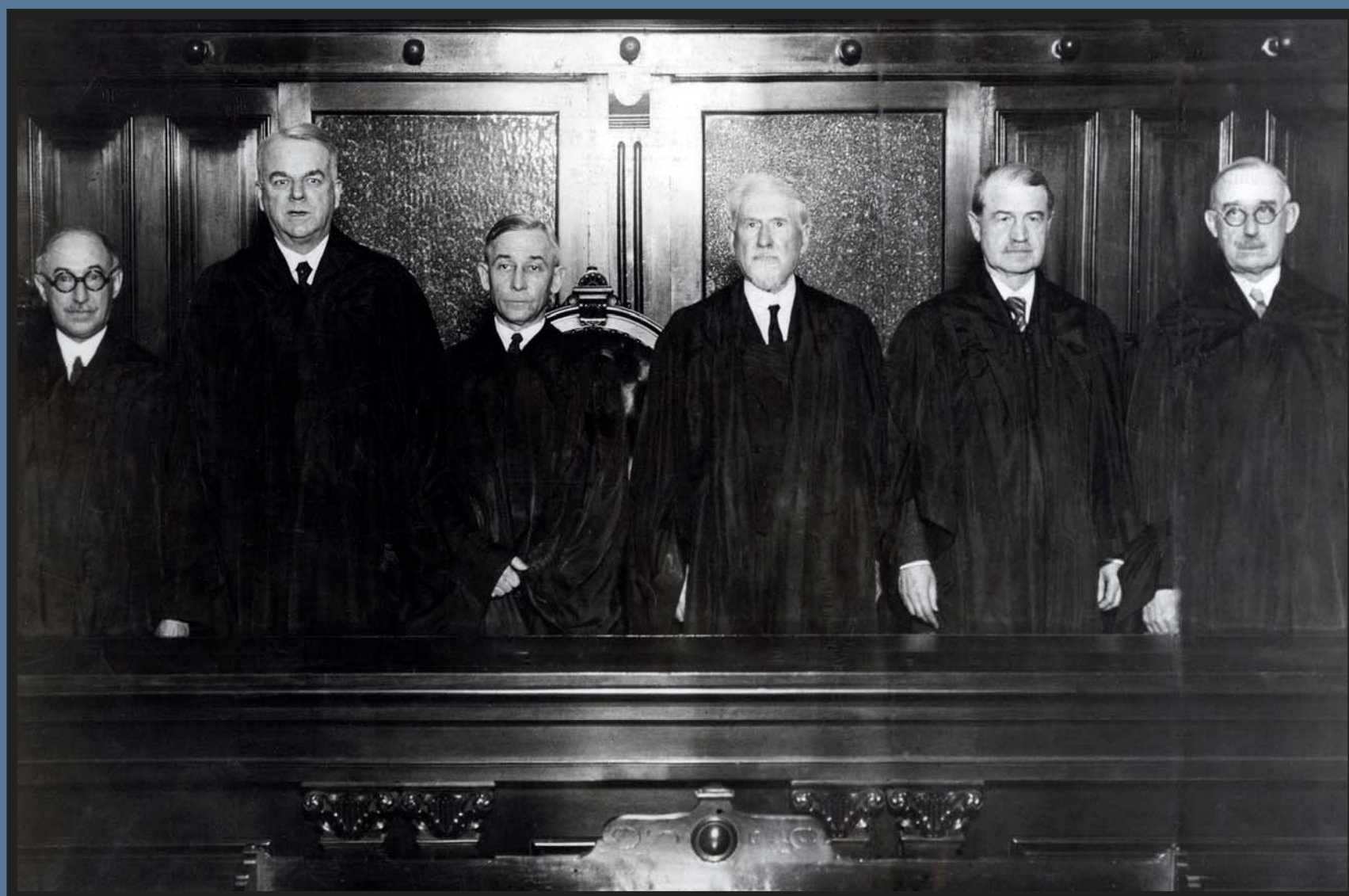
Although the Eighth Circuit was established in 1837, it was not until after the Civil War that it began to take on aspects of its modern day configuration. In 1866, Congress passed legislation defining the U.S. Circuit Court for the Eighth Circuit to include Arkansas, Iowa, Kansas, Minnesota, and Missouri. 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. Cotteral 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. Cotteral (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 Orle L. Phillips of New Mexico and George T. McDermott of Kansas were appointed to the Tenth Circuit.