



John B. Hannum

Born: March 19, 1915, in Chester, Pennsylvania  
Died: April 23, 2007, in Unionville, Pennsylvania

**Federal Judicial Service:**

Judge, U.S. District Court for the Eastern District of Pennsylvania  
Nominated by Richard M. Nixon on March 24, 1969, to a seat vacated by Francis L. Van Dusen.  
Confirmed by the Senate on May 5, 1969, and received commission on May 6, 1969. Assumed senior status on May 29, 1984.  
Service terminated on April 23, 2007, due to death.

**Education:**

Dickinson School of Law (now Penn State Dickinson Law), LL.B., 1941

**Professional Career:**

Private Practice, Chester, Pennsylvania: 1941-1942, 1946-1949  
U.S. Naval Reserve Lieutenant: 1942-1946  
Private Practice, Philadelphia, Pennsylvania: 1949-1968  
Judge, Superior Court of Pennsylvania: 1968-1969

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## Judicial Biography

\*President Richard M. Nixon announced John Berne Hannum as his first nominee a few months after his inauguration in 1969. Hannum's father had been the Orphans' Court Judge in Delaware County for sixteen years in the 1920's and 1930's. Although Hannum, a World War II Navy veteran, practiced law in Philadelphia at Pepper, Hamilton & Scheetz, he resided in the horse country of rural southwestern Chester County. He was active in that community as a member of the Boards of the Unionville-Chadds Ford School District, the Chester County Hospital, and Lincoln University. His resume also included membership on the Board of Dickinson Law School. For two years, he chaired the Republican Party in Chester County and was elected as a delegate to the 1967-1968 Pennsylvania Constitutional Convention. He was an accomplished equestrian and enjoyed fox hunting. Before joining the District Court, Governor Raymond Shafer had appointed him to an interim term on the Pennsylvania Superior Court. Hannum was confirmed to the District Court without difficulty.

Cases attacking long-accepted legal procedures and practices joined the many other constitutional cases in the Eastern District. For centuries, something known as a writ of replevin existed in the English common law. It had undergone changes over time, but in some form it was deeply entrenched in the law of Pennsylvania and other states. In the Commonwealth, a party without any prior notice or hearing could summarily obtain from the prothonotary (clerk) of the Court of Common Pleas a writ of replevin authorizing the seizure of certain goods or chattels in another person's possession simply by filing an affidavit swearing to the value of the goods or chattels and by filing a bond in double that amount. The Sheriff, upon the issuance of the writ, would then seize the described property, again, without any prior notice to the opposing party and without a hearing to determine who actually was entitled to possession or ownership.

Under Pennsylvania procedure, the party from whom the property was seized was then permitted to file a bond within three days in the same amount as the bond of the party seeking seizure of the property and in this way trump the seizure. If no bond was filed, the Sheriff would turn over the property to the person who had obtained the writ of replevin.

This legal procedure was most commonly used to take back consumer goods when the buyer allegedly fell behind in payments under an installment contract. Usually, the consumer did not have the sophistication or money to challenge any taking.

A three-judge Court was convened in the Eastern District to decide a case brought by consumers who alleged that a Pennsylvania statute and the procedure authorizing replevin were in conflict with the Due Process Clause of the Fourteenth Amendment to the Constitution. The panel, made up of District Judges Mac Troutman and John Hannum as well as Circuit Judge Cullen Ganey, denied relief on the ground the procedure on its face was not "fundamentally unfair."

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\* The following material is excerpted from JUDGE HARVEY BARTLE, III, MORTALS WITH TREMENDOUS RESPONSIBILITIES, A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 3-12 (Saint Joseph's University Press, 2011). Reproduced with the permission of the author, Judge Harvey Bartle, III, and the publisher, Saint Joseph's University Press.

On appeal, the Supreme Court reversed. It held that due process under the circumstances presented required prior notice and an opportunity to be heard, before a creditor, with the help of the state, could seize the consumer goods in issue. The Court concluded that the Pennsylvania law served no important governmental or general public interest and improperly involved the state in a summary action where only private gain was at stake.

Judge Hannum was married to the late Mrs. Nancy Penn Smith Hannum, a leader in land conservation efforts. She was the granddaughter of railroad magnate E.H. Harriman and Mary Harriman, and the niece of W. Averell Harriman, the former Governor of New York and Secretary of Commerce.

Judge Hannum assumed senior status on May 29, 1984, and served in that capacity until he died on April 23, 2007 in Unionville, Chester County, at the age of 92.