



Francis Hopkinson

Born: October 2, 1737, in Philadelphia, Pennsylvania.

Died: May 9, 1791, in Philadelphia, Pennsylvania.

Federal Judicial Service:

Judge, U.S. District Court for the District of Pennsylvania

Nominated by George Washington on September 24, 1789, to a new seat authorized by 1 Stat. 73.

Confirmed by the Senate on September 26, 1789, and received commission on September 26, 1789. Service terminated on May 9, 1791, due to death.

Education:

College of Philadelphia (now University of Pennsylvania), A.B. 1757

College of Philadelphia (now University of Pennsylvania), A.M., 1760

Professional Career:

Private practice, Philadelphia, Pennsylvania: 1761-1766

Collector of customs, Salem, New Jersey: 1763

Merchant, Bordentown, New Jersey: 1768-1772

Collector of Customs, New Castle, Delaware: 1772-1773

Private Practice, Bordentown, New Jersey: 1773-1774

Member, Governor's Council of New Jersey: 1774-1776

Delegate, Continental Congress: 1776

Member, Navy Board, Philadelphia, Pennsylvania: 1776-1777

Treasurer, Continental Loan Office, Philadelphia, Pennsylvania: 1778-1781

Judge, Admiralty Court of Pennsylvania: 1779-1789

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Judicial Biography

*Francis Hopkinson was the first United States District Judge appointed to what was then known as the United States District Court for the District of Pennsylvania.

The Constitutional Convention completed its work and adjourned on September 17, 1787 after thirty-nine delegates from twelve states signed the Constitution and submitted it to the states for ratification. The Constitution took effect on June 21, 1788, when New Hampshire became the ninth state to give its assent. Congress convened on March 4, 1789, and George Washington was inaugurated as President on April 30.

That first Congress voted to “ordain and establish” federal courts “inferior to the Supreme Court,” by passing the Judiciary Act which President Washington signed on September 24, 1789. The Act created thirteen District Courts including the United States District Court for the District of Pennsylvania. There was one court for each of the eleven states which by that time had ratified the Constitution as well as a court for Maine, which was then part of Massachusetts and one for Kentucky which was then part of Virginia.

The Act authorized one District Judge for each court, although the salaries of the judges varied.

President Washington, a proponent of a strong federal government, moved swiftly to submit to the Senate for its advice and consent the names of his nominees for lifetime appointments to the Supreme Court and the thirteen District Courts. In fact, he transmitted his list on September 24, 1789, the same day he signed the Judiciary Act into law, except for the District Court nominees for New Jersey and New York which came a day later. All were leading citizens and supporters of the Constitution.

Included among Washington’s choices were Francis Hopkinson, a signer of the Declaration of Independence and a state Admiralty judge, to fill the seat on the District Court for the District of Pennsylvania. Hopkinson was well known to Washington. He had lobbied the President for a judgeship, and his selection came as no surprise. The Senate confirmed Hopkinson two dates later, on Saturday, September 26, and the President signed his Commission before the day had come to an end. At least in regard to judicial appointment, events of the eighteenth century moved with greater alacrity than today. There were no lengthy questionnaires to fill out, no American Bar Association evaluations, no FBI or IRS background checks, no fingerprinting, no Judiciary Committee hearings, and no filibusters.

Hopkinson’s Commission read:

* 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.

George Washington, President of the United States of America.

To All who shall see these Presents – Greeting.

Know Ye, that reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of Francis Hopkinson of Pennsylvania, Esquire, I have nominated, and by and with the Advice and Consent of the Senate, do appoint him Judge of the District Court in and for Pennsylvania District; and do authorize and empower him to execute and fulfil the Duties of that Office according to the Constitution and Laws of the said United States; and to have and to hold the said Office, with all the Powers, Privileges and Emoluments to the same of Right appertaining, unto him the said Francis Hopkinson during his good Behaviour. In Testimony whereof I have caused these Letters to be made patent, and the Seal of the United States to be hereunto affixed. Given under my Hand the twenty sixth Day of September in the Year of our Lord one thousand seven hundred and eighty nine.

G. Washington

This wording for the Commission of a United States District Judge continues in use to the present time with only minor changes.

In a letter to Hopkinson enclosing his commission, Washington wrote:

I have the pleasure to enclose to you a commission as Judge of the United States for the District of Pennsylvania, to which office I have nominated, and, by and with the advice and consent for the Senate, have appointed you.

In my nomination of Persons to fill offices in the Judicial Department, I have been guided by the importance of the object-- considering it as of the first magnitude, and as the Pillar upon which our political fabric must rest. I have endeavored to bring into the office of its administration such Characters as will give stability and dignity to our national Government, --and I persuade myself that they will discover a due desire to promote the happiness of our Country by a ready acceptance of their several appointments.

Francis Hopkinson was born into an eminent colonial family in Philadelphia in September 1737. His father, Thomas Hopkinson, who died when Francis was fourteen, was a close friend of Benjamin Franklin. The elder Hopkinson had sat as an admiralty judge and for a time was a member of the Council of the Pennsylvania Governor.

A few years after his father's death, Hopkinson entered the College of Philadelphia (the forerunner of the University of Pennsylvania) and was graduated in its first class in 1757 at the age of nineteen. He proceeded thereafter to study law under Benjamin Chew, the Attorney General of Pennsylvania, and in due course was admitted to the Pennsylvania bar.

In May 1766, he set sail for England where his mother's cousin, James Johnson, officiated as the Anglican Bishop of Worcester. In October 1767, after an extended stay at Hartlebury Castle, the country seat of the Bishop, he returned to Philadelphia and, within a year, married Anne Borden of Bordentown, New Jersey. Her father was a leading citizen in Burlington County.

In late 1773 or early 1774, as the storm clouds preceding the American Revolution were gathering, the Hopkinson family moved from Philadelphia to Bordentown. At that time, William Franklin, son of Benjamin Franklin, was the Royal Governor of New Jersey. Hopkinson soon was named a Justice of the Peace for Burlington County and a member of the Governor's Council. He also joined the New Jersey Bar.

By 1774, despite Hopkinson's ties with prominent loyalists, he had become an ardent patriot. In late June 1776, he was elected as a delegate from New Jersey to the Second Continental Congress sitting in Philadelphia. A few days later, on July 2, he voted for the resolution declaring the colonies free and independent states and thereafter signed the Declaration of Independence. With the stroke of the pen, he joined that group of patriots about whom Benjamin Franklin purportedly remarked, "... we must indeed all hang together, or most assuredly we shall all hang separately."

In August 1776, while serving in the Continental Congress, John Adams wrote a letter from Philadelphia to his wife Abigail in which he described Hopkinson after meeting him in the studio of the artist Charles Wilson Peale:

At this shop [Peale's] I met Mr. Francis Hopkinson, ... now a member of the Continental Congress, who, it seems, is a native of Philadelphia, a son of a prothonotary of this county, who was a person much respected. The son was liberally educated, and is a painter and a poet. I have curiosity to penetrate a little deeper into the bosom of this curious gentleman, ... He is one of your pretty, little, curious, ingenious men. His head is not bigger than a large apple ... I have not met with anything in natural history more amusing and entertaining than his personal appearance; yet he is genteel and well-bred, and is very social.

Hopkinson remained a member of the Continental Congress for only a few months. In November 1776, it named him to the three member Navy Board where he probably served as its Chair. The Board had responsibility during the Revolution for the oversight and operation of the American Navy.

There is evidence that at this time he designed the American Flag, albeit with six rather than five pointed stars. Several years later, he attempted to obtain compensation from the Government for that effort but was unsuccessful. A committee responsible for looking into the matter decided that others were also involved with Hopkinson and that no payments should be made.

During part of the time Hopkinson served on the Navy Board, the British occupied Philadelphia. In May 1778, as the British General William Howe was about to evacuate the City

and return to New York, he decided to put the homes of a few selected patriots to the torch. He sent an expedition of Hessians to Bordentown who burned down the home of Joseph Borden, Hopkinson's father-in-law. Hopkinson's home, across the street, was spared. Legend has it that when the Hessian Captain entered the house, he saw Hopkinson's library filled with scientific apparatus and volumes of books. He purportedly commented that while Hopkinson may be a rebel, he must also be "a very learned man." The Captain could not bring himself to destroy Hopkinson's property and ordered the fires that were started to be extinguished. This house in Bordentown can still be seen today.

A year later, in 1779, Hopkinson was back in Philadelphia. The Supreme Executive Council of Pennsylvania appointed him a Judge of Admiralty, a position his late father Thomas Hopkinson had held many years before. His time in that office, which continued until he was appointed a federal District Judge, was marked with distinction.

He authored many significant pamphlets and poems, often satirical, supporting the colonists' struggle with Great Britain. In the mid-1780's, while on the state bench, Hopkinson did not shrink from the political thicket in advocating a new constitution to replace the ineffective Articles of Confederation. After the Constitutional Convention, he pushed hard for ratification through his writings. On December 12, 1787, Pennsylvania became the second state, following Delaware, to ratify the Constitution and join the Union. In the summer of 1789, after the new Constitution took effect, Hopkinson provided suggestions to Congress for the Judiciary Act which it was then drafting. According to Robert Morris, one of Pennsylvania's first senators, the suggestions were received with "great effect."

Hopkinson was a true renaissance man. He was a prolific poet and writer, not only on political and legal subjects but also an insightful writer on a wide range of topics, including education and science. Furthermore, he composed a large amount of music both secular and religious, including hymns for the singing of the Psalms.

The most famous of his many poems, which showed his mastery of satire, was called the *Battle of the Kegs* written in early 1778 to ridicule the British troops occupying Philadelphia. On January 1 of that year, the Continental forces, with the approval of General Washington and the Navy Board, floated kegs of gunpowder down the Delaware River from Bordentown, New Jersey. They were rudimentary mines designed to blow up the British ships anchored at Philadelphia if and when the kegs came into contact with the ships. No ships were ever destroyed or damaged by these devices, but the British were so concerned that their troops were ordered to shoot at the kegs to explode them as they appeared in the waters at Philadelphia. The popular poem was set to music and sung throughout the Revolution.

While a state admiralty judge, he wrote a satire entitled "A Specimen of a Modern Law-Suit" about the mysteries of the legal profession and the public's need for a better understanding of the law. He bemoaned the fact that "the subject matter [was] concealed in technical jargon, and a cloud of artificial terms, to many of which professors themselves have not yet assigned a determinate meaning." To remedy this sad state of affairs, he recommended that "all trials and law proceedings" including the rendition of the "opinions of the judges" should be stated in "as few and plain words as may be" and "in *dramatic* form."

In 1788, in support of the new Constitution, he penned a ballad called *The New Roof: A Song for Federal Mechanics* which included an encomium to judges:

Our *King Posts* are judges – how upright they stand,
Supporting the *Braces*, the Laws of the Land

--

The Laws of the Land, which divide right from wrong.
And strengthen the weak, by weak'ning the strong.

Hopkinson was active in the American Philosophical Society for most of his adult life where from time to time he presented scholarly papers. He was also an inventor. He made a significant improvement to the construction of the harpsichord which enhanced its sound. The Society presented him shortly before his death with a medal for his invention of a spring block to assist vessels in sailing. His correspondence with Thomas Jefferson and Benjamin Franklin contained frequent discussions of scientific topics. Franklin held him in such high esteem that he wrote in his will: "The philosophical instruments I have in Philadelphia I give to my ingenious friend Francis Hopkinson." He designated Hopkinson as one of his executors. In addition to all of Hopkinson's other achievements, it appears he was an amateur artist.

Hopkinson served as a member of the Vestry and a Warden of Christ Church in Philadelphia as well as its organist for a number of years. In 1789, shortly after he was appointed a federal judge, he was named a deputy and secretary of the organizing convention which established the Protestant Episcopal Church of the United States with a form of governance with lay participation. He helped craft the Church's Book of Common Prayer. Just as he played a prominent role in severing the political ties between Great Britain and the American Colonies in 1776, he was an important participant in severing the ecclesiastical ties between the Church of England and the Episcopal Churches in America.

When Hopkinson assumed his duties as a federal District Judge in September 1789, the jurisdiction of the District Court was quite limited. Congress, bowing to Anti-Federalist sentiment, had not vested the lower federal courts with the full scope of jurisdiction allowed by the Constitution. The District Courts, for the most part, were created to hear admiralty and maritime claims, an area of the law in which Hopkinson had considerable expertise as a Pennsylvania Admiralty judge. Of all the areas of federal court jurisdiction, this was the one on which there was clearly a consensus for inclusion. The Judiciary Act of 1789 also granted those courts cognizance of tort actions by aliens in violation of the law of nations or a treaty, suits by the United States where the amount in dispute did not exceed \$100, certain suits against consuls and vice-consuls, and suits for penalties and forfeiture under United States law. It was not to be long after the passage of the Judiciary Act that Congress expanded the types of civil claims to be heard by the District Courts to include those under the patent and copyright laws as well as bankruptcy matters.

The Court's criminal jurisdiction was restricted to those crimes "where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding one hundred dollars or a term of imprisonment not exceeding six months, is to be inflicted."

The District Judges had additional responsibilities besides those within the jurisdiction of the District Court. The Judiciary Act established three Circuit Courts on which a District Judge sat along with two Supreme Court justices. The Middle Circuit consisted of Pennsylvania, New Jersey, Delaware, Maryland, and Virginia. The Circuit Courts had jurisdiction of "all suits of a civil nature at common law or in equity" where the amount in dispute exceeded \$500, exclusive of interest and costs, and either the United States was a plaintiff or the parties were of diverse citizenship, that is, citizens of different states. Removal of diversity actions from the state court to the Circuit Court was authorized. The latter also heard appeals from certain cases assigned to the District Court.

The Circuit Court was vested with "exclusive cognizance of all crimes and offenses cognizable under the authority of the United States" except as otherwise directed and with "concurrent jurisdiction with the District Court of the crimes and offenses cognizable therein." In 1793, Congress reduced from two to one the number of Supreme Court justices needed to hear a matter with a District Judge in the Circuit Court.

Judge Hopkinson opened the first session of the District Court on November 10, 1789, in the Pennsylvania State House where thirteen years earlier, at the age of 38, he had courageously voted for separation from Great Britain as a delegate to the Second Continental Congress. At this first proceeding of the Court, the Mayor and Recorder of Philadelphia, as well as members of Congress attended along with a "number of respectable citizens." The commissions of Judge Hopkinson, the United States Attorney for the District of Pennsylvania William Lewis, and the Marshal for the District Clement Biddle were "proclaimed" and a number of "Gentlemen of the Bar" admitted.

Judge Hopkinson on this occasion addressed the grand jury. In that early era, the grand jury address was more than legal instructions concerning the handing down of indictments. It served as an opportunity for the judge to endorse the new Constitution and federal government. At the outset Hopkinson spoke of the importance of the courts:

... The institution of courts for the administration of justice is the conclusive criterion of an organized system of polity; in as much as it implies the security of all just rights and the redress of all real injuries to every individual of the community. Revolutions may take place, former systems of government may be done away, by the all powerful will of the people, and new constitutions proposed, and even agreed to; but until laws are enacted, and courts established for carrying those laws into effect, the business is not complete, nor can the people boast of a settled government or a national character.

He then reviewed for those assembled the weakness of the Articles of Confederation and the subsequent formation of the Constitution with its judiciary article. He also outlined the

jurisdiction of the District and Circuit Courts under the recently passed Judiciary Act. Thereafter, he brought his address to a close:

Thus hath the Government of the United States been established on the broad basis of the will of the people; which is the only just and permanent foundation on which government can be built; for the people are the true source of power, and the object of government should be the good and prosperity of those from whom government is derived and for whom it is instituted.

My hearers will, I am sure, rejoice with me in the prospect of the future glory of our new founded empire -- a dominion extending to various climates -- resources inexhaustible -- the blessings of nature improved and heightened by the powers of art -- endless population -- commerce unlimited -- and, above all, the wealth and strength of so many potent states, united and bound together by a liberal, and yet vigorous constitution, give us a reasonable hope that America will soon rise, like her own eagle, and soar above those clouds and storms which disturb and terrify birds of a weaker wing.

Thus began the work of the District Court. Hopkinson had no law clerks and no secretary. His only staff consisted of the Court Clerk, Samuel Caldwell whom he had appointed on October 6, 1789, pursuant to authority granted him under the Judiciary Act. In 1790, a court crier, Joseph Fox, was added.

The Court's docket was sparse compared with the situation today. Admiralty matters, in which Hopkinson was well versed, seemed to have accounted for the bulk of his workload. One of his first cases in 1789 involved the attachment of the Sloop *Polly* in Philadelphia to secure the payment of wages to two seamen who had boarded the vessel in Halifax, Nova Scotia. In another, he ruled in favor of seamen who sought their wages after leaving a brig in Lisbon because of cruel beatings by the ship's captain. While acknowledging that the master of a vessel must be given great discretion, he determined the relationship is properly dissolved "when the master is found to abuse his authority by undue severity and cruelty."

In April 1790, Supreme Court Justice James Wilson and Judge Hopkinson presided in Independence Hall at the first session of the Circuit Court "in and for the Pennsylvania District of the Middle Circuit." A formal Rule for Admission of Attorneys was adopted and read into the record:

Ordered, that it shall be requisite to the admission of Attorneys and Counsellors, to practice in this Court, that they shall have been such, for two years past, in the Supreme Court of the States to which they respectively belong, and that their private and professional characters shall appear to be fair. That they respectively take the following oath (or affirmation), vis:

I, A.B. do solemnly swear (or affirm) that I will demean myself, as an Attorney of the Court, uprightly and according to law; and that I will support the Constitution of the United States.

At this session of the Circuit Court, on the motion of William Lewis, the Attorney for the United States in the District of Pennsylvania, twenty-six attorneys, including Lewis, were formally admitted. The minutes refer to them all as “gentlemen” and presumably the “private and professional characters” of all appeared to be “fair”. With Pennsylvania having been founded by William Penn, a member of the Society of Friends (Quakers), and with a significant presence of coreligionists in Philadelphia, it was not surprising that six, including Lewis, “affirmed” according to Quaker practice rather than “swore” the required oath.

Unfortunately, Hopkinson’s days on the federal bench were short-lived. Sometime in 1790, it appears that he had a stroke, and while he continued to sit as a judge and participate in the life of the American Philosophical Society, he had to be assisted to and from the courtroom at least for a time. He died suddenly on May 9, 1791, at the age of fifty-three, less than two years after taking office. A couplet lauding him read:

And be this truth upon his marble writ
He shone in virtue, science, taste and wit

He was interred in the Christ Church burial ground at Fifth and Arch Streets, approximately two blocks from Independence Hall and the present federal courthouse.

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Biographical Materials

1. President George Washington’s September 26, 1789 commission appointing Honorable Francis Hopkinson as the first judge of the United States District Court for Pennsylvania, later known as the United States District Court for the Eastern District of Pennsylvania.
2. Appointment of Samuel Caldwell as the first Clerk of the Court, dated October 6, 1789 signed by Judge Francis Hopkinson.
3. Admiralty Order entered by Judge Francis Hopkinson dated August 17, 1784.
4. Appointment of Francis Hopkinson, issued by the Supreme Executive Council of Pennsylvania dated April 6, 1787.

George Washington President of the United States of America.

To All who shall see these Presents—Greeting.

Know Ye, that reposing special Trust and Confidence in the Wisdom, Uprightness and Sincerity of Francis Hopkinson of Pennsylvania, Esquire, I have nominated, and by and with the Advice and Consent of the Senate, do appoint him Judge of the District Court in and for Pennsylvania District; And do authorize and empower him to execute and fulfil the Duties of that Office according to the Constitution and Laws of the said United States; And to have and to hold the said Office, with all the Powers, Privileges and Emoluments to the same of Right appertaining, unto him the said Francis Hopkinson during his good Behaviour. In Testimony whereof I have caused these Letters to be made patent, and the Seal of the United States to be hereunto affixed. Given under my Hand the twenty sixth Day of September, in the Year of our Lord one thousand seven hundred and eighty nine.

George Washington

PRESIDENTIAL COMMISSION OF FEDERAL JUDGES

Depicted on the front cover of this year's calendar is a reproduction of President George Washington's 1789 commission of the Honorable Francis Hopkinson as the first judge of the United States District Court for the Eastern District of Pennsylvania. Article II, section 3 of the Constitution provides that the President "shall Commission all the Officers of the United States." This is now codified at 5 U.S.C. §§2901 and 2902(c). As with the oath of office for federal judges, the language of the commission evolved from similar English instruments at common law and has changed little over the nearly two centuries of our court's history.

OATH OF OFFICE FOR UNITED STATES JUDGES

I,, do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all of the duties incumbent upon me as, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of the evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

The judges of the United States District Courts, as well as other federal judges, are required to take two oaths of office: one specifically addressed to the responsibilities of the judiciary and one that is required of all officeholders and appointees by Article VI of the Constitution. The present federal judicial oath of office, highlighted herein, first appeared as section eight of the Judiciary Act of September 24, 1789, Ch. 20, 1 Stat. 73, 76 (1789) and has changed little since, the word "upon" being substituted for "on". The Article VI oath immediately follows the judicial portion of the oath.

Throughout history those who have been appointed as judges have been required to take an oath of office. Judges in ancient Greece and Rome, as well as in biblical Israel, were all charged with swearing an oath of some sort upon taking office.

In medieval England, as the royal courts of justice gradually evolved from the King's council, the first oath of office for justices appeared in 1290 and demanded in law French that the justices "...dreiture a lur poer frunt a tuz ausiluen a puores cum a riches..." - "to use their power to do equal right to the poor and to the rich."

By the seventeenth century, when English law was well entrenched in the American colonies, oaths of office for judges were common. The Judiciary Act oath for federal judges and justices was adopted from a long tradition of Anglo-Saxon oaths brought to the American courts.

THE FIRST JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The United States Constitution, as finally drafted and ratified by the states, placed near-exclusive jurisdiction over the regulation of interstate commerce with the new federal government. Hence, in realization that it was unlikely that state judges would be able to uniformly apply federal law throughout the diverse new nation, Congress subsequently enacted the Judiciary Act of 1789, creating the three-tiered federal judicial system of the district and circuit courts and the Supreme Court.

One of the original 13 district courts created by the Judiciary Act of 1789, the United States District Court for the District of Pennsylvania was established to serve the entire commonwealth of Pennsylvania under one judge. In 1815, the District of Pennsylvania was divided into two separate districts designated Eastern and Western. The Eastern District was a one-judge court from the appointment by President George Washington of its first judge, the Honorable Francis Hopkinson, on September 10, 1789, until an additional judgeship was added in 1901 by an Act of Congress which also established a new Middle District. With the appointment of the Honorable James B. Holland, the bench of the Eastern District was expanded to two judges in 1904.

One indication of the phenomenal growth of the federal judiciary in recent years is the fact that during all of the 18th and 19th centuries a total of only nine judges sat consecutively in the Eastern District of Pennsylvania. During this 115-year period, the presiding judge also served as Chief Judge. The advent of the 20th century saw the expanding role and growing importance of the nation's federal courts. Today, the Eastern District is authorized nineteen (19) active judges and has six (6) senior judges, making it one of the largest courts in the federal system.

In 1789, however, when Judge Hopkinson took his seat on the bench of the court, the United States was a much different country. The first hearing before the court concerned a deposition taken in a case involving a head-cracking fracas aboard the sloop "Polly". Given the limited jurisdiction of the federal courts in these seminal years and the bustling maritime activities of the port of Philadelphia, then the country's largest city, it is not surprising that the great majority of cases heard before the Court concerned the law of admiralty and seizure under the various imports, navigation or trade statutes. It must also be recognized that many of the court's early judges were Federalists strongly interested in promulgating commercial law and economic development in our fledgling nation. Hence, we find the cases heard by the court in the 18th, 19th and early 20th centuries to be chiefly admiralty and commercial law disputes.

With the benefit of hindsight, we can appreciate and admire the creativity of many of our court's early judges in articulating and applying new principles of law to the cases they heard. It is in honor of the first 12 judges who sat in our court that the Historical Society of the United States District Court for the Eastern District of Pennsylvania dedicates its 1988 calendar. Members of the Society researched some 2100 decisions reached by these 12 jurists to mark the anniversaries of the most significant decisions on the calendar by caption and citation. A brief biography of each one of the judges is also presented on each monthly page of the calendar. We hope you enjoy it.

Francis Hopkinson Esquire, Judge of the District Court
in Pennsylvania,

To all whom it may concern

Be it known that by the Authority in me vested by an Act of the
United States of America Entitled "An Act to establish the judicial Courts
of the United States," I have appointed, by these Presents to appoint Samuel
Caldwell of the City of Philadelphia, Esquire, Clerk of the District Court in
Pennsylvania & also Clerk of the Circuit Court in the said Districts and I do
certify that the said Samuel Caldwell Esquire hath taken before me the oath
of office & given the security required by the said Act of the United States -

Given under my Hand & Seal at Philadelphia, this sixth Day of
October, in the year of our Lord one Thousand Seven Hundred & Eighty Nine -

Thos. Hopkinson

statement of
James Caldwell
agent of the District Court
Court
in & for the District of
Pennsylvania

Oct. 6, 1897

R. F. Mease A4

PENNSYLVANIA, ss.

FRANCIS HOPKINSON, Esquire, Judge of the Court of Admiralty of the
Commonwealth of Pennsylvania, To the Wardens of the Port of Philadelphia, GREETING:

APPLICATION having been made to me by *Joseph Groanway* Master of the *Brigantine*
or Vessel, called *the Hope* ———— lately arrived from *Amsterdam*
and now lying in this Port, for a Survey to be made on the said *Brigantine* You, or any two of you, taking to
your Assistance any Ship-Carpenter or other Tradesman if you shall think it necessary so to do, are hereby directed and re-
quired diligently and carefully to survey and examine as well the said *Brigantine* as the Goods, Wares and Merchandizes
laden on board, or any Parts or Portions thereof, as you shall be thereto requested by the Owners or Consignees of the said Cargo or
of any Part thereof; and you are to estimate the Amount of Damage, Wastage or Loss, if any, which the said Cargo or any Part
thereof may have sustained on board the said *Brigantine* and also to ascertain the Occasion of such Damage, Wastage or
Loss, to the best of your Skill and Judgment, particularly specifying the Marks and Numbers of the Bales, Boxes, Casks or
Packages, wherein such damaged Goods or Deficiencies may be found: In Pursuance and according to the Directions of an Act
of General Assembly of this Commonwealth, entitled "An Act for the further Regulation of the Port of *Philadelphia*, and
"enlarging the Powers of the Wardens thereof." And how you shall have executed this Writ make a Return to me, under your
Hands duly signed, on the *Twenty fifth* Day of *August* instant or on the next Court-Day, together with
this Writ.

GIVEN under my Hand, and the Seal of the Court aforesaid, at Philadelphia, the *Seventeenth* Day
of *August* in the Year of our LORD One Thousand Seven Hundred and Eighty *four*

Francis Hopkinson

The Supreme Executive Council, of the
said Commonwealth,

To Francis Hopkinson Esquire



WE, reposing especial Trust and Confidence in your Prudence,
Integrity, and Abilities, have appointed you the said Francis
Hopkinson Judge of the Court of Admiralty of the said Commonwealth.

You are therefore by these presents commissioned to be Judge of the
Court of Admiralty in the said
to have and hold the said Office of Judge of the Court of Admiralty
with all the Rights, Powers, Salaries, and
Emoluments to the said Office belonging, or by Law in any Wise appertaining, for and during
the Term of seven years from the date hereof

GIVEN in Council, under the Hand of His Excellency Benjamin Franklin Esquire, --- President, and the Seal of the
State, at Philadelphia, this sixth Day of April in the Year of our Lord one thousand seven hundred and
eighty seven.

ATTEST.

Benjamin Franklin

Enrolled in the Public Office for the State of Pennsylvania
On Commission Book A. 1. page 287

Witness my Hand and Seal of Office
Benjamin Franklin
April 11th 1787
John B. Smith

B. Franklin