



The Court Historian

The Federal Judicial Center, 1520 H Street, N.W., Washington, D.C. 20005

October 1990

Published by the Federal Judicial History Program

Vol. 1, no. 3

Bankruptcy Case Files an Underutilized Source for Social and Economic History

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As a research resource for the study of American social and economic history in the twentieth century, bankruptcy case files may be the best-kept secret in the holdings of the twelve regions of the National Archives and Records Administration. They are a valuable resource — standardized, voluminous, and meaty — yet they are rarely cited as sources by scholars.

Created by the thousands throughout the nation, bankruptcy case files provide a large pool of data for examining national trends or illuminating local studies. They are rich in detail, containing unique economic and social data about individual lifestyles, business operations, and commercial relationships.

Case files are customarily transferred to the National Archives when they are twenty-five years old. As open and public records, they are then maintained for researchers by the twelve regional archives as part of Record Group 21, the records of the federal district courts.

Throughout our history, various bankruptcy acts have been passed by Congress, and in each instance, the records created by the law reflected the economic and social conditions of the times: the Act of 1800 proceeded from the busi-

ness disturbances of 1797, the Act of 1841 became law following the Panic of 1837, and the economic distress caused by the Civil War required action in 1867, when a more comprehensive law attempted to establish a national bankruptcy system. However, in each of these cases, the laws were of short duration, and large portions of the nation generated few records.

The 1898 Act was markedly different from its precursors and has produced the richest store of research material. Responding to the Panic of '93, Congress tried again, this time successfully, to structure a permanent method of addressing bankruptcy. The Act, amended heavily in the 1930s, continued in force until replaced in 1978 by the bankruptcy act that established separate bankruptcy courts. But for nearly half our national life, the 1898 Act provided a uniform law prescribing standard procedures and use of common forms. While it was in effect, America finished its nation-building, fought five wars, and experienced wild fluctuations in the economic heartbeat.

The 1898 law not only provided each petitioner and creditor a method of settling debts; the records it engendered provide historians with an image of how Americans lived, struggled, and succeeded (or failed) in the economy of their community and the nation, both in hard times and happier days.

These records depict the methods by which each petitioner conducted business. They frequently hold detailed information on the occupation or business of the petitioner, names and locations of people with whom the petitioner conducted business, prices paid and demanded, routes of commerce, market boundaries and distribution, and the debtor's assets and expenses.

The list of assets presented by individual bankrupts may give information on the location of family homes and farmland, household goods, tools and equipment, contents of libraries, and value of livestock. The assets listed by businesses and corporations may include merchandise on hand, accounts receivable, notes and securities held, equipment, rolling stock, and raw materials.

Economic historians will find a satisfactorily large popu-

Contents

Bankruptcy Case Files an Underutilized Source for Social and Economic History	1
Events in the Life of a Bankruptcy Case File	2
Historical Society of the U.S. Court of Appeals for the Third Circuit	3
Arkansas Federal Judicial History Project	4
Federal Court History Updates	4

lation of case files from the 1898 Act, useful in developing quantitative studies based on time and/or place. For example, the Great Depression years show a noticeable jump in the volume of bankruptcy proceedings, while the post-World War II years show a dramatic drop in filings. Comparing national or local economic and fiscal policies and situations might provide useful insights for the economist, the historian, and the political scientist about the impact of governmental actions on perceived needs.

Because the records were created by specific courts, local historians will find they can easily study conditions over the entire eighty-year period for localities from towns and counties to an entire state. Social historians, sociologists, and genealogists can find a wealth of information about family lifestyles and locations, community relationships, and community vulnerability to external forces. Comparative regional studies can also prove rewarding, and comparing rural/urban, coastal/inland, North/South or East/West pairings might provide insight into the diversity of the American economy and society at any given time.

Business historians can expect to find data on individual firms and whole industries — restructuring of organizations, commercial relationships, mercantile routes and markets, and information on business operations. A general store in rural Mississippi, for instance, might reflect a variety of creditors, whereas a specialty business in an urban

setting such as Cleveland or New York might produce a more homogeneous list of creditors.

Since the 1898 Act permitted some discretion by judges in encouraging residents of their districts to file for bankruptcy, these differences among the courts — as reflected in the records — can also be instructive to legal scholars.

One caveat: While the 1898 Bankruptcy Act cases may aid researchers interested in demographic studies, information about ethnic origin is not specifically listed in the files and will have to be confirmed by consulting other sources such as the Federal population censuses, all of which indicate race and country of birth. The censuses are available on microfilm at all of the regional archives.

Bankruptcy case files offer a unique source of social and economic information. They contain vast amounts of data, they are certainly accessible, and they offer support to many scholarly disciplines. The National Archives invites researchers to the regional archives to explore the bankruptcy files.

For more information about bankruptcy case files in the regional archives, contact:

The Regional Archives System (NNA)
National Archives
Washington, D.C. 20408
(202) 501-5340; FTS 241-5340

Events in the Life of a Bankruptcy Case File

A typical bankruptcy case file created under the 1898 Act, regardless of where or when it originated or whose economic situation it reflected, has made several journeys during its existence. After the bankruptcy proceedings ended, the first trip was usually a short one, to a storage area or cabinet in the federal court where the case file came into being. It remained there until the time came for the journey to the appropriate federal records center miles (sometimes hundreds of miles) away. In the federal records center, the file was examined in an archival selection process, and, if it passed the test of historic value, made its last journey — from the federal records center to the regional archives (usually located in the same building).

When federal records, including these bankruptcy case files, reach the regional archives, they are given professional treatment to prolong their useful life. If necessary, documents are carefully flattened, cleaned of dust and grime, rusting metal and rotting rubber bands. They are then placed in new, specially treated acid-free file folders and archives boxes, and stored in climate-controlled conditions. Records maintained in the regional archives, like those in the National Archives building in Washington, are available to scholars, students, and the public.

Historical Society of the U.S. Court of Appeals for the Third Circuit

William J. Buckley
U.S. Court of Appeals for the Third Circuit

In response to the country's dramatic economic and social expansion in the second half of the nineteenth century and the concomitant increase of judicial business, Congress passed the Judiciary Act of 1891, which created the intermediate appellate courts of the federal judiciary. These new courts consisted of two circuit judges and either a district court judge or a Supreme Court justice. They exercised jurisdiction over the district and circuit courts, the latter of which were abolished in 1911. The effect of creating the intermediate appellate courts was to focus the Supreme Court's work on interpreting federal statutes and the Constitution.

The U.S. Court of Appeals for the Third Circuit first convened in Philadelphia on June 16, 1891. In its first appeal, argued that November, the court considered—and later upheld—the validity of the patent claimed by the National Cash Register Company for its new machine. Two circuit judges and a district judge then sat for about six months during the court's first session and heard forty-four cases. Today, seventeen active and senior judges sit year-round; almost 3,000 cases were decided in the last session.

On July 28, 1989, the Historical Society of the U. S. Court of Appeals for the Third Circuit was incorporated in the Commonwealth of Pennsylvania. The society's purpose is to preserve the court's history and to educate the public about the court's contributions to American jurisprudence. The preservation of the history of the court of appeals is accomplished through the centralized organization of the personal records of its judges and the officers of the court. Programs for the public, exhibitions, educational tours, and seminars all serve to inform the public about the court's role in our country's history.

In preserving the court's modern history, the society has been provided an excellent foundation with the donation of the papers and artifacts of Judge Albert B. Maris, who served on the court from 1936 until his death in 1989. During his almost fifty-three years on the bench, Judge Maris was active both within the circuit and on a national level. In addition to his Third Circuit duties, Judge Maris served as chief judge of the Emergency Court of Appeals from 1943 to 1962, as a special master for the Supreme Court in a number of important

cases during the 1960s and 1970s, and as a drafter of several territorial judicial codes. The Third Circuit's judicial philosophy during his term of service is well defined through the correspondence and case records that are preserved by the Historical Society.

The Historical Society's public programming has already shown promise. In September 1989, the society and the National Archives Mid Atlantic Region co-sponsored an exhibit commemorating the bicentennial of the Judiciary Act. Titled "The Courts Through Time," the exhibit was displayed at the Judicial Conference of the Third Circuit in Pittsburgh and later travelled to St. Joseph's University in Philadelphia. A permanent exhibit honoring Judge Maris will soon open outside the Albert Branson Maris Memorial Courtroom in Philadelphia.

For more information on the Historical Society of the U.S. Court of Appeals for the Third Circuit, please contact:

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U.S. Court of Appeals for the Third Circuit
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Philadelphia, PA 19106
(FTS/215) 597-0718

The Court Historian is published occasionally by the Federal Judicial History Program, which seeks information on publications and activities from history programs in the federal courts. News items and requests to receive *The Court Historian* may be sent to Cynthia Harrison, Federal Judicial History Program, Federal Judicial Center, 1520 H Street, N.W., Washington, D.C. 20005; (FTS/202) 633-6216. Requests will be honored as resources permit.

The Arkansas Federal Judicial History Project

The Arkansas Federal Judicial History Project started in the fall of 1986. At that time, Frances M. Ross of the History Department of the University of Arkansas at Little Rock began a series of oral history interviews as the first phase of the project. These audiotaped interviews, now numbering twelve, have been conducted with Arkansas district judges from both the Eastern and the Western Districts and those judges from Arkansas who sit on the Eighth Circuit Court of Appeals. Retired, senior active, and active judges have been interviewed, as well as other individuals with knowledge of the courts and the judges.

The oral histories range in length from approximately two and one-half hours to ten hours and emphasize personal biography, career development, political and civic involvement, background to the judicial appointment, judicial experiences, and interesting or significant cases and decisions. Copies of the completed transcripts and interview tapes will be provided to the Eighth Circuit Executive Office and to archives within Arkansas.

In addition to the audiotaped interviews, videotaped interviews have also been completed with two senior judges. These videotaped interviews were conducted after the audiotaped sessions and focus on highlights of the material covered in the audiotaped interviews.

Ross is also conducting research on earlier periods of Arkansas court history in preparation for a manuscript on the history of the federal courts in Arkansas. To the same end, Arkansas district and circuit judges and attorneys are researching the work of earlier judges, briefing some of their cases and providing additional information as it is available. For further information, contact Frances Ross, History Department, University of Arkansas, Little Rock, 2801 S. University, Little Rock, Arkansas 72204; (501) 569-3235.

Federal Court History Updates

This listing reports additions, corrections, and changes to the roster of federal court history programs and the bibliography of historical publications sponsored by court history programs.

Programs

Federal Circuit: Patricia M. McDermott, Circuit Librarian, United States Court of Appeals for the Federal Circuit, 717 Madison Place, N.W., Washington, D.C. 20439; (202) FTS 633-5871).

Publications

Massachusetts

Special Bicentennial Issue: 200th Anniversary of the Federal Courts in Massachusetts. *Massachusetts Law Review* (Massachusetts Bar Association) 74, no. 4 (December 1989): 190-291.

New York

Bigger, Philip J. *Annual Report of the United States Probation Office, Eastern District of New York for the Year 1989. A Special Edition Containing a History of the Office on the Occasion of its 60th Anniversary, 1930-1990.* 61 pp. + 7 unnumbered. Brooklyn, New York: 1990.

Eighth Circuit

Historical Society News. June Boadwine, Margaret Dostal, eds. (Semi-annual newsletter of the Historical Society of the United States Courts in the Eighth Circuit.) Vol. 1, no. 1 (July 1990) —

First Court History Seminar to be held in Washington, D.C.

The first seminar offered by the Federal Judicial History Program for history programs in the federal courts will take place in Washington, D.C., on October 30 and 31, 1990. Panels will address the subjects of court records, papers of judges, judicial oral history, bicentennial commemoration, and the administration of court history programs.

A few places may be available for observers, although the Center will not be able to provide any funding. If you would like to attend, please contact the Federal Judicial History Program, (FTS/202) 633-6216.