jurisdiction of the Federal Courts, published in 1842,\textsuperscript{107} and his book on executive powers,\textsuperscript{108} published in 1866 after he left the Bench, still are valuable reference works. The executive powers book has been published in five editions.

The December 1983 edition of the New York State Bar Association News carried a statement by New York State Regent Emlyn I. Griffith, an attorney from Rome, New York (Northern District), concerning the importance of law related education in the New York public schools.\textsuperscript{109} It was in response to just such a statement by the secretary of the Board of Regents that Judge Conkling wrote The Young Citizens Manual\textsuperscript{110} in 1839. In its preface he said: "It is believed . . . to be high time that such portions of our laws relating to the ordinary business of social life as can be readily understood and especially that our Criminal Code, should be rendered more easily accessible to all, and should henceforth form a part of the education of the whole body of our youth."\textsuperscript{111}

The violation of the copyright laws by George F. Comstock after he left office as the Official Reporter of New York Court of Appeals cases gave rise to an opinion by Judge Conkling so significant that it was printed and distributed as a separate publication.\textsuperscript{112} Conkling's opinions dealing with various branches of the law may be found throughout the Federal Court Reports covering his term of service. His opinion in United States v. Cobb\textsuperscript{113} was referred to in the fine exhibit entitled "Slavery and the Federal Courts" prepared by the sponsors of this lecture. The defendants in Cobb were charged with unlawfully aiding in the escape of a fugitive slave from Syracuse, a hotbed of abolitionist sentiment. In holding the defendants for grand jury after a preliminary examination, Judge Conkling, a former slave owner himself,\textsuperscript{114} expressed indignation at the immorality of the Fugitive Slave Laws. Nevertheless, he condemned the use of force and violence and urged obedience to the nations' laws.

Judge Conkling also was a noted lecturer of his day. His address in 1856 to the graduating class at Albany Law School regarding professional obligations,\textsuperscript{115} and his 1828 discourse on the virtues of Governor DeWitt Clinton,\textsuperscript{116} delivered before the Phi Beta Kappa Society at Union College, are as instructive and timely as if they were written today. He was a man of great personal integrity. It is reported that he presented himself at the office of a certain newspaper when he failed to receive a bill for his daily deliveries. The proprietor of the newspaper, who had received some valuable official advertising from the
Northern District Court, advised the Judge that there was no charge. Judge Conkling replied: "No, sir; no, sir; I thank you for your courtesy; you can, doubtless, in your position feel able to send me your paper, as you say; but I, in my position, cannot afford to accept of that or any other favor." The Judge thereupon paid the bill, demanded a receipt, and left the newspaper office. Some judges will go to any length to avoid reporting a gift on their annual financial statements. It may very well have been Judge Conkling who asked a defendant whether he was represented by counsel and was told: "God is my lawyer." The Judge replied: "You should have someone locally."

Seven children were born to Alfred Conkling and his beautiful and talented wife, Eliza, who was known as the "Belle of the Mohawk" before her marriage. The family moved to Auburn in 1839 at the suggestion of William Seward and remained there until the completion of Judge Conkling's judicial service. Many famous visitors were received at the Conkling home in Auburn, including Chancellor Kent, ex-Presidents Adams and Van Buren, and ex-Governors Throop and Seward. Seward was an Auburn resident also and a brilliant lawyer whose cases included the defense of Horace Greeley in the libel suit brought by James Fenimore Cooper. He was a courageous abolitionist, a great political leader, and served as United States Senator before his service as Secretary of State in the Lincoln and Johnson Administrations.

One of the Conkling daughters married Reverend Samuel Coxe and became the mother of Alfred Conkling Coxe, sixth Judge of the Northern District. A son, Frederick, organized a regiment of New Yorkers and served as its Colonel in the Civil War. He later organized the West Side Savings Bank in New York City and served as its president.

Roscoe was the fourth, and by far the most famous, of the Conkling children. Formal school work was difficult for him and, although he had inherited his mother's charm, he was somewhat of a disappointment to his scholarly father. As he matured, however, it became apparent that he was a gifted orator and the possessor of a near perfect memory, qualities that were lacking in Judge Conkling. He was admitted to the bar in 1850 and tried his first case before his father. It was, apparently, a time of greater public confidence in the integrity of the bench and bar.
In a later case Roscoe successfully defended a man accused of forgery by demonstrating that his client was unable to write. Following his service in Congress, where he made his first important speech in support of the fourteenth amendment, Roscoe Conkling became a United States Senator and an important leader in the national government. He was a strong supporter of President Grant and was instrumental in the passage of the civil rights legislation with which present day Federal Judges are so familiar. He twice declined offers to serve on the United States Supreme Court, and he resigned from the United States Senate in 1881 in a disagreement with the President over a matter of principle. These unusual actions made Roscoe Conkling one of the most unique figures in American political history. In the manner of most politicians, however, he was not lacking in self-respect, and it was said that he carried on a great love affair — unassisted.

When Alfred Conkling resigned from the Northern District Bench in 1852 to accept an appointment as Minister to Mexico, his son had just started upon a political career. After serving in Mexico for one year, Judge Conkling went to Omaha, Nebraska, where he practiced law for the next eight years. He then returned to upstate New York, where he occupied himself with literary pursuits until his death at Utica in 1874 at the age of eighty-five. Roscoe Conkling was by then at the height of his political career.

One can only speculate on the reasons why Millard Fillmore asked Judge Conkling to undertake the mission to Mexico. It is a fact, that Fillmore appointed his former law partner, Nathan Kelsey Hall, to the Northern District Bench immediately upon Conkling's departure. Born in Onondaga County, Hall moved to Erie County at an early age and worked at farming and shoemaking before studying law in Mr. Fillmore's office. Eventually, the law firm of Fillmore, Hall & Haven was formed in Buffalo and became prominent in the Western part of the state. Hall gained particular prominence as an equity lawyer, and it is said that his services were much sought after in such matters. When it comes to public service prior to appointment to the Federal Bench, I believe that the career of Nathan Kelsey Hall is without parallel. He served as deputy clerk of Erie County, clerk of the county board of supervisors and as city attorney and alderman in Buffalo. By appointment of Governor Seward, he held the judicial offices of Master in Chancery and Judge of the Court of Common Pleas. He was elected a member of the State Assembly and served one term in Congress before returning to his
law practice just before Fillmore's election as President of the United States. Fillmore appointed him to the position of Postmaster General in 1850, and he served in that position, except for a brief period during which he served as Acting Secretary of the Interior, until his appointment to the Northern District Bench in 1852.128

Until his death twenty-two years later, Judge Hall performed his judicial duties with great ability and diligence. One biographer describes him as "a man of much more than ordinary ability, an able and upright judge, and thoroughly capable and qualified for administrative office."129 His obituary described him as "a man of much ability, of a genial though retiring disposition, and much esteemed as a lawyer and Judge."130 Judge Hall was required to take up where Judge Conkling had left off in the trial of the Syracuse violators of the Fugitive Slave Laws. None of those defendants ever served a prison term, and most of the cases resulted in acquittal or dismissal.131

President Lincoln's suspension of the Writ of Habeas Corpus during the Civil War led to an important decision by Judge Hall in 1862. The reported opinion in Ex parte Benedict132 relates to the case of Reverend Judson D. Benedict, a pacifist arbitrarily arrested by order of the War Department. Anticipating the Supreme Court's decision in Ex parte Milligan133 by some four years, Judge Hall held that the President could not constitutionally suspend the Great Writ. Judge Hall's order of release was thwarted when Benedict was whisked out of Hall's jurisdiction after he left the courtroom and taken to Washington, D.C. by the U.S. Marshal under order of the War Department.134 Under the circumstances, the Judge declined to hold the Marshal in contempt.

As in the case of all Federal Judges, Hall was confronted with issues in areas of law with which he previously was unfamiliar. By study and hard work, he became proficient in admiralty, patents and bankruptcy, and his opinions in cases involving these matters frequently were reported. He became well known to the admiralty bar in the Southern District, where he often was called upon to preside in such cases. The increase in maritime business on the inland lakes also gave rise to extensive admiralty litigation in the Northern District.135

My research assistant took any early dislike to Judge Hall when she discovered, in the Federal Archives, the original papers in a case entitled "The
United States of America v. Susan B. Anthony. I think that her antipathy was directed at the indictment more than anything else. In the indictment, Ms. Anthony was charged with illegally voting in a congressional election, "the said Susan B. Anthony being then and there a person of the female sex." The indictment was handed up to Judge Hall at Albany, the defendant was convicted after trial in the Circuit Court at Canandaigua and was sentenced to pay a fine of $100.00 and costs. Although the Marshal certified that he could not find any property in the district to satisfy the judgment, and although it appears that the fine and costs never were paid, my research assistant is of the opinion that the Judge should at least have suspended imposition of sentence. When I think about the Judge returning to his home on June 19, 1873 to report that his work for the day included the sentencing of Susan B. Anthony, I can only say: "Better him than me."

In spite of his part in the Anthony case, Judge Hall was a great credit to the Northern District. In a eulogy delivered shortly after his death in 1874, he was described as "a gentleman of the old-time school, a Type of a class rapidly passing away." Another description of Hall could be applied just as well to any one of the present Judges of the Northern District: "He never played, and, in fact, wore himself out by intense application to the heavy business of his district."

The Divine Hand of Providence often receives some earthly guidance in the selection of Federal Judges. This certainly was true in the case of Judge Hall, and it was true in the case of his successor, William James Wallace, appointed by President Grant to the Northern District Bench in 1874. Wallace was a Syracuse native who received a degree from Hamilton College. At his application for admission to the bar, it was his good fortune to meet Roscoe Conkling, who was a member of the examining committee. A close friendship developed between the young lawyer and the eminent Senator, and I suppose that there is some significance in the fact that the President who appointed Wallace was known to have been influenced in many things by Roscoe Conkling. The newspapers reported the Wallace appointment in laudatory terms, noting that Wallace was a Republican with an excellent reputation as a lawyer and that he had served a single successful term as Mayor of Syracuse.

Although Syracuse now is the largest city in the Northern District, it did not become an incorporated village until 1825, and its later growth is at-
tributed to the opening of the Erie Canal. Syracuse did not have a resident lawyer until 1819, and the law school at Syracuse University was not established until 1895. 143

The embezzlement of funds from the First National Bank of Saratoga and the Commercial National Bank of Saratoga provided the opportunity for Judge Wallace to write an important Northern District opinion in 1881 on a motion to quash the indictment of the defendants charged with those crimes. An attorney representing creditors of the banks not only drew the indictments but appeared before the grand jury, where he gave testimony, introduced exhibits and commented on the evidence. In granting the motion to quash, Judge Wallace outlined the rules for inquiring into grand jury determinations, described the circumstances under which a court could interfere in grand jury proceedings, and found that the grand jurors were improperly led to their conclusions in the case at bar. 144

In 1882 Judge Wallace was appointed to succeed Samuel Blatchford as Circuit Judge of the Second Circuit. Blatchford, a former law partner of William Seward in Auburn, had been appointed to the United States Supreme Court. 145 In 1892 Judge Wallace became the first presiding Judge of the newly established Court of Appeals for the Second Circuit, serving in that capacity until his retirement in 1907 to join a law firm with a Wall Street address. He must have been seized by a strange malady in 1897 while Circuit Chief, because he ran on the Republican ticket for Chief Judge of the New York Court of Appeals in that year and lost. 146 Judge Learned Hand was to fall victim to the same malady some years later.

William Wallace was known as a generous and charitable man, and his will provided for the distribution of $160,000 and two parcels of New York City real estate for the benefit of indigent children. 147 Upon being approached by a beggar who said that he hadn’t tasted food in a week, one of Judge Wallace’s less generous colleagues is reported to have said: “Don’t worry. It still tastes the same.” Five hundred Judges and lawyers attended the retirement dinner for Judge Wallace at the Waldorf-Astoria on May 29, 1907. In his remarks at the dinner Judge Wallace spoke out against a pending proposal by a congressional leader to make the office of Federal Judge an elected position, with a term of seven years. Some things never change! He also discussed what he referred to as unconstitu-