

## SOUTH CAROLINA

The District Court of South Carolina has a bizarre history. The eighth of the original thirteen colonies, the state was organized as a single-district by the Judiciary Act of 1789.<sup>1</sup> It was divided in 1823 into Eastern and Western Districts.<sup>2</sup> However, in 1897 the U.S. Supreme Court ruled that the districts were not separate in a jurisdictional sense, and so South Carolina reverted to a single-district state.<sup>3</sup> Congress nevertheless authorized separate Eastern and Western Districts in 1911,<sup>4</sup> only to reorganize the state as a single-district in 1965.<sup>5</sup>

SC.ST.01 was assigned to the Eastern and Western Districts from March 3, 1911 to March 3, 1915, when it was designated for the Eastern District only, where it remained until the court was reorganized as a single-district in 1965. The following districts also were transferred in 1965: SC.ST.02, assigned to the Western District on March 19, 1915; SC.ST.03, designated for the Eastern and Western Districts on April 29, 1929; SC.ST.04, assigned to the Eastern and Western Districts.

South Carolina resides in the Fourth Circuit and has ten district judgeships.

| <b>Statutory History</b> |                           |                  |
|--------------------------|---------------------------|------------------|
| <i>Seat</i>              | <i>Legislation</i>        | <i>Authority</i> |
| SC.ST.01                 | Act of September 24, 1789 | 1 STAT. 73       |
| SC.ST.02                 | Act of March 3, 1915      | 38 STAT. 961     |
| SC.ST.03                 | Act of February 26, 1929  | 45 STAT. 1319    |
| SC.ST.04                 | Act of May 19, 1961       | 75 STAT. 80      |
| SC.ST.05                 | Act of June 2, 1970       | 84 STAT. 294     |
| SC.ST.06                 | Act of October 20, 1978   | 92 STAT. 1629    |

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<sup>1</sup>Act of September 24, 1789, 1 STAT. 73.

<sup>2</sup>Act of February 21, 1823, 3 STAT. 726. One judge (Thomas Fee) presided over both districts.

<sup>3</sup>*Barrett v. United States*, 169 U.S. 218 (1897).

<sup>4</sup>Act of March 3, 1911, 36 STAT. 1123. One judge (Henry Smith) served both districts.

<sup>5</sup>Act of October 7, 1965, 79 STAT. 951. For historical detail see, Historical Sketch of the United States District Court for the District of South Carolina. Mimeo copy prepared and made available by the Office of the Clerk.

|          |                          |                |
|----------|--------------------------|----------------|
| SC.ST.07 | Act of October 20, 1978  | 92 STAT. 1629  |
| SC.ST.08 | Act of October 20, 1978  | 92 STAT. 1629  |
| SC.ST.09 | Act of December 1, 1990  | 104 STAT. 5089 |
| SC.ST.10 | Act of December 15, 2000 | 114 STAT. 2762 |

| <b>Seat Histories</b> |                         |                                |                          |                            |                       |
|-----------------------|-------------------------|--------------------------------|--------------------------|----------------------------|-----------------------|
| <i>Position #</i>     | <i>Name</i>             | <i>Date of Confirmation</i>    | <i>Date of Departure</i> | <i>Reason</i>              | <i>Party</i>          |
| SC.ST.01.01           | Drayton, William        | February 10, 1790 <sup>6</sup> | May 18, 1790             | Deceased                   | Federalist            |
| SC.ST.01.02           | Bee, Thomas             | June 14, 1790                  | February 18, 1812        | Deceased                   | Federalist            |
| SC.ST.01.03           | Drayton, John           | May 7, 1812                    | November 27, 1822        | Deceased                   | Jeffersonian Democrat |
| SC.ST.01.04           | Lee, Thomas             | February 17, 1823              | October 24, 1839         | Deceased                   | Jeffersonian Democrat |
| SC.ST.01.05           | Gilchrist, Robert Budd  | February 17, 1840 <sup>7</sup> | May 1, 1856              | Deceased                   | Democrat              |
| SC.ST.01.06           | Magrath, Andrew Gordon  | May 12, 1856                   | November 7, 1860         | Resigned                   | Democrat              |
| SC.ST.01.07           | Bryan, George Seabrook  | March 12, 1866                 | September 5, 1886        | Retired                    | Whig                  |
| SC.ST.01.08           | Simonton, Charles Henry | January 13, 1887 <sup>8</sup>  | December 19, 1893        | Elevated to Fourth Circuit | Democrat              |
| SC.ST.01.09           | Brawley, William Hiram  | January 18, 1894               | June 14, 1911            | Retired                    | Democrat              |

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<sup>6</sup>Recess appointment, November 18, 1789.

<sup>7</sup>Recess appointment, October 30, 1839.

<sup>8</sup>Recess appointment, September 3, 1886.

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|-------------|---------------------------------|--------------------------------|--------------------|----------------------------|------------|
| SC.ST.01.10 | Smith, Henry Augustus Middleton | June 7, 1911                   | November 24, 1923  | Retired                    | Democrat   |
| SC.ST.01.11 | Cochran, Ernest Ford            | January 17, 1924 <sup>9</sup>  | March 4, 1934      | Deceased                   | Republican |
| SC.ST.01.12 | Myers, Francis Kerschner        | June 9, 1934                   | August 2, 1940     | Deceased                   | Democrat   |
| SC.ST.01.13 | Waring, Julius Waties           | January 20, 1942               | February 15, 1952  | Retired                    | Democrat   |
| SC.ST.01.14 | Williams, Ashton Hilliard       | July 2, 1952                   | February 25, 1962  | Deceased                   | Democrat   |
| SC.ST.01.15 | Simons, Charles E., Jr.         | April 30, 1964                 | August 17, 1986    | Retired                    | Democrat   |
| SC.ST.01.16 | Anderson, Joseph F., Jr.        | October 8, 1986                | Active             | Active                     | Democrat   |
|             |                                 |                                |                    |                            |            |
| SC.ST.02.01 | Johnson, Joseph Travis          | January 24, 1916 <sup>10</sup> | May 8, 1919        | Deceased                   | Democrat   |
| SC.ST.02.02 | Watkins, Henry Hitt             | July 22, 1919                  | December 31, 1936  | Retired                    | Democrat   |
| SC.ST.02.03 | Wyche, Charles Cecil            | January 22, 1937               | September 17, 1966 | Deceased                   | Democrat   |
| SC.ST.02.04 | Russell, Donald Stuart          | October 20, 1966               | April 23, 1971     | Elevated to Fourth Circuit | Democrat   |
| SC.ST.02.05 | Blatt, Solomon, Jr.             | May 26, 1971                   | May 7, 1990        | Retired                    | Democrat   |
| SC.ST.02.06 | Norton, David C.                | June 28, 1990                  | Active             | Active                     | Republican |
|             |                                 |                                |                    |                            |            |
| SC.ST.03.01 | Glenn, John Lyles, Jr.          | April 29, 1929                 | May 2, 1938        | Deceased                   | Democrat   |
| SC.ST.03.02 | Lumpkin, Alva Moore             | May 22, 1939                   | July 21, 1941      | Resigned                   | Democrat   |

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<sup>9</sup>Recess appointment, November 22, 1923.

<sup>10</sup>Recess appointment, March 9, 1915.

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|-------------|--|-----------------------|-----------------------|-------------------------------|------------|
| SC.ST.03.03 | Timmerman,<br>George Bell                    | January 20,<br>1942   | October 10,<br>1962   | Retired                       | Democrat   |
| SC.ST.03.04 | Hemphill,<br>Robert W.                       | April 30, 1964        | May 10, 1980          | Retired                       | Democrat   |
| SC.ST.03.05 | Wilkins,<br>William W.,<br>Jr.               | July 20, 1981         | June 16, 1986         | Elevated to<br>Fourth Circuit | Republican |
| SC.ST.03.06 | Henderson,<br>Karen<br>LeCraft <sup>11</sup> | June 13, 1986         | July 5, 1990          | Elevated to<br>D.C. Circuit   | Republican |
| SC.ST.03.07 | Shedd, Dennis<br>W.                          | October 27,<br>1990   | November 19,<br>2002  | Elevated to<br>Fourth Circuit | Republican |
| SC.ST.03.08 | Floyd, Henry<br>Franklin                     | September 22,<br>2003 | Active                | Active                        | Democrat   |
|             |  |                       |                       |                               |            |
| SC.ST.04.01 | Martin, James<br>Robert, Jr.                 | September 8,<br>1961  | November 30,<br>1979  | Retired                       | Democrat   |
| SC.ST.04.02 | Anderson,<br>George Ross,<br>Jr.             | May 21, 1980          | Active                | Active                        | Democrat   |
|             |  |                       |                       |                               |            |
| SC.ST.05.01 | Chapman,<br>Robert F.                        | May 26, 1971          | September 19,<br>1981 | Elevated to<br>Fourth Circuit | Republican |
| SC.ST.05.02 | Hamilton,<br>Clyde H.                        | November 24,<br>1981  | July 18, 1991         | Elevated to<br>Fourth Circuit | Republican |
| SC.ST.05.03 | Traxler,<br>William Byrd,<br>Jr.             | February 27,<br>1992  | October 21,<br>1998   | Elevated to<br>Fourth Circuit | Republican |
| SC.ST.05.04 | Seymour,<br>Margaret B.                      | October 21,<br>1998   | Active                | Active                        | Democrat   |
|             |  |                       |                       |                               |            |
| SC.ST.06.01 | Hawkins,<br>Falcon B., Jr.                   | September 25,<br>1979 | October 1,<br>1993    | Retired                       | Democrat   |
| SC.ST.06.02 | Currie,<br>Cameron<br>McGowan                | March 10,<br>1994     | Active                | Active                        | Democrat   |

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<sup>11</sup>First female district judge appointed from South Carolina.

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|-------------|--|-----------------------|--------------------|---------|-------------|
|             |  |                       |                    |         |             |
| SC.ST.07.01 | Houck,<br>Charles<br>Weston                | September 25,<br>1979 | October 1,<br>2003 | Retired | Democrat    |
| SC.ST.07.02 | Harwell,<br>Robert Bryan                   | June 24, 2004         | Active             | Active  | Republican  |
|             |  |                       |                    |         |             |
| SC.ST.08.01 | Perry,<br>Matthew J.,<br>Jr. <sup>12</sup> | September 19,<br>1979 | October 1,<br>1995 | Retired | Democrat    |
| SC.ST.08.02 | Duffy, Patrick<br>Michael                  | December 22,<br>1995  | Active             | Active  | Independent |
|             |  |                       |                    |         |             |
| SC.ST.09.01 | Herlong,<br>Henry M., Jr.                  | May 9, 1991           | Active             | Active  | Republican  |
|             |  |                       |                    |         |             |
| SC.ST.10.01 | Wooten, Terry<br>L.                        | November 8,<br>2001   | Active             | Active  | Republican  |

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<sup>12</sup>First African American appointed from South Carolina.

