

LOOKING FOR PETTINGILL

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Ever since I was a student in law school I had a great interest in the history of the federal court in Puerto Rico. I remember many of the stories I heard from my grandfather and the lawyers I knew back then, most of them already in their golden years but quite eager to talk about the courts to any young lawyer who may have wanted to listen. As a lecturer in Maritime Law at the University of Puerto Rico's School of Law, I had the opportunity to study certain admiralty cases from the 20's all the way to the 50's, and through those decisions I learned the names of many of the judges who preceded us. But it was not until 2004, when the *History of the Federal Court in Puerto Rico*, written by Dr. Guillermo Baralt, was published, that I started to look back once more. Guillermo Baralt's work awakened my curiosity for other details and I began to wonder who had been the judges that had worked in this Court from the time we had our change in sovereignty until the Honorable Clemente Ruiz-Nazario became the first Puerto Rican federal judge during the early 50's.

I learned through Dr. Baralt's book about Noah Brooks Kent Pettingill, who was the first federal judge in Puerto Rico. Being a native of Maine, I asked two friends who are former Supreme Court Chief Justices from that state to find out more for me about this historical character. Judges Vincent L. McKusick and Daniel J. Wathen immediately took over the task of gathering additional information. We discovered that Noah Pettingill was not a soldier, an adventure seeker, or some unimportant or unemployed attorney who could not find a job anywhere else but Puerto Rico. He was a member of a prestigious family of scholars. His name and experience in Puerto Rico are still well recognized in Maine. He was born in Augusta, the state's capital, on December 23, 1862. Pettingill went to college at one of the oldest and most prestigious schools in New England, Bowdoin College, and graduated in 1883. From there he went to Boston University, in Massachusetts, where he earned his law degree in 1888. He was married to Achsa Deborah Pichels in Scotland on October 30, 1894 and never had any children. The couple moved to Tampa, Florida, where Pettingill opened his first law office, and from there traveled to Puerto Rico. Dr. Baralt tells us that Pettingill migrated to Puerto Rico in 1898, a few days before the Spanish-American War broke out. This should not come as a surprise, since during the last few years of the 19th century, commercial and personal contacts between Puerto Rico and the United States were frequent. The theory my friends from Maine have is that Noah Pettingill migrated to Puerto Rico after hostilities ceased, to be the first judge in the recently created "United States Provisional Court for Puerto Rico", the predecessor of the current federal court. Pettingill was sworn into office on June 27, 1899.

In barely one year as a judge for the U.S. Provisional Court, Pettingill left his mark on the history books of federal legal practice in Puerto Rico. Dr. Baralt narrates how Judge Pettingill went to Vieques and held a criminal trial there against an American

soldier accused of rape and murder. Pettingill found him guilty and imposed the death sentence for him, but President McKinley commuted this sentence to life in prison.

The Provisional Court remained active from 1898 until May first, 1900, when the United States Congress passed a law to create a permanent federal court. After this date, when the current federal court first opened its doors, Pettingill resided in Puerto Rico for fourteen years. He was a federal prosecutor between 1900 and 1906. Later, Pettingill became a distinguished litigating attorney, having earned widespread recognition as one of a handful of American and Puerto Rico lawyers who handled all the major cases back then. As a litigating attorney, Noah B.K. Pettingill was the first attorney to sign our court's registry of counselors.

Subsequently, Pettingill returned to Tampa, Florida, and lived there the remainder of his life. He died in that city on January 23, 1934, at the age of 71. The *Tampa Morning Tribune* published various articles upon his death attesting to the admiration and respect felt by his fellow members of the bar and bench. Having been past president of the Tampa Bar Association, the newspaper also published a review of his personal life, including his brief time in Puerto Rico as judge and lawyer.

The judges in Maine ran into an old report prepared by James Harlan, Puerto Rico's Secretary of Justice, in which the work done by Pettingill in court was noted. History always repeats itself. Harland wrote: "Word is that there had never been another court in Puerto Rico that had earned the trust of all the people in the way the U.S. Provisional Court, established by military authorities and American judges, had earned it."

Finally, my colleagues in Maine found a photograph of Pettingill, which I now share with you. About this photograph, our librarian, Ana Milagros Rodríguez, mentioned to Judge Wathen: "This gentleman was very handsome." To which Wathen, in order to include himself in the flattery, replied: "All men in Maine are handsome." So in the end, the search for Pettingill also had a humorous side to it. I share all this with you so you learn about our history. The federal court enjoyed the trust of the people from the outset, and to this date still does. We all know that even if it is done "the American way", this is the place where we do justice.

*Translated into English by Janis Palma, USCCI, Official Staff Interpreter
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