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## Mr. Chief Justice O'Niell: A Quarter-Centennial of Judicial Service

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## EDITORIAL

### MR. CHIEF JUSTICE O'NIELL

#### A QUARTER-CENTENNIAL OF JUDICIAL SERVICE

On April 6th, 1939, Louisiana's distinguished Chief Justice, the Honorable Charles Austin O'Niell, completed twenty-five years of continuous service as a member of the Supreme Court of the State. To commemorate the happy occasion, a testimonial dinner was tendered to the Chief Justice in New Orleans on April 12th, 1939, as an expression of the esteem in which he is held by the Bench and Bar of Louisiana. Eloquent tributes were paid to him by a panel of speakers chosen from the leaders of the profession. The speakers included Governor Richard W. Leche, Judge Sam A. LeBlanc, Mr. Charles I. Denechaud, Mr. John H. Tucker, Jr., and Mr. Eldon S. Lazarus. The toastmaster was Judge Rufus

E. Foster and the invocation was pronounced by His Excellency, the Most Reverend Joseph Francis Rummel, S.T.D., Archbishop of New Orleans. The Louisiana Law Review wishes to add its congratulations to those already expressed by the members of the legal profession and to record appropriately in these pages the following salient facts in the Chief Justice's career:

Charles Austin O'Niell was born in the town of Franklin, parish of St. Mary, Louisiana, on September 7th, 1869. After his early education at the place of his birth, he attended Tulane High School in New Orleans from 1885 to 1888 and the College of the Christian Brothers in Memphis, Tennessee, for two years. His legal education was received through study in the law office of the late Murphy J. Foster, who subsequently became Governor of Louisiana, and at Tulane University. Upon his graduation from Tulane in 1893, Judge O'Niell was admitted to the bar and practiced his profession in St. Mary parish until 1908 when he was elected District Judge. Following four years of service as District Judge, he was elected to the Supreme Court of Louisiana in November of 1912 and assumed the duties of that position on April 6th, 1914. The Court at the time was composed of only five judges. The other members were: Chief Justice Frank A. Monroe and Associate Justices Olivier O. Provosty, Alfred D. Land and Walter B. Sommerville. Upon Chief Justice Monroe's retirement on January 2, 1922, Judge Olivier O. Provosty succeeded to the Chief Justiceship. Through intervening changes in the personnel of the Court, Judge O'Niell had become senior Associate Justice so that on December 30, 1922 when Chief Justice Provosty retired, Charles A. O'Niell became Chief Justice of the Supreme Court.

Judge O'Niell enjoys the distinction of having served the State in the capacity of Chief Justice longer than any other member of Louisiana's Supreme Judiciary. With the exception of Judge François Xavier Martin, whose period of service extended from February 1, 1815 to March 18, 1846, no jurist has served longer on the Supreme Bench.

In the fifty-six volumes of official reports covering the period of the Chief Justice's service on the Supreme Court (volumes 135-190 of the Louisiana Reports) Judge O'Niell has handed down 1504 prevailing opinions, and 280 dissenting opinions. In addition, he has dissented without opinion in 367 cases and has expressed partial dissent or concurrence in the result on other grounds in 758 cases. These statistics furnish abundant evidence of the industry of the Chief Justice, while a reading of any of his opinions

will serve to give ample evidence of his outstanding judicial ability.

During his span of service, vast changes have been wrought in the fabric of the law, and with the skill of the jurist's art, Judge O'Niell has made his great contribution toward keeping that fabric alive by weaving into it the new patterns necessitated by developments in the commercial, private or public law of the State. He has also, through the process of interpretation, adapted old threads of the civil law to the new uses exacted by modern conditions.

Judge O'Niell's keen interest in the civil law has found its practical application in cases which required the searching analysis of the legal philosophy of the civil law. Legal scholars agree that his opinions have been marked by a lucidity of style and clearly stated conclusions. These are based on such a skillful use of logic and an array of judicial precedent as to be most convincing. When the occasion warrants, his Irish wit and sense of humor leave a delightful imprint upon his opinions, to the incidental enjoyment of the reader.

As a judge, the Chief Justice has repeatedly displayed his assiduity in the quest for justice, often devoting an entire summer or giving up his usual vacation or rest period for additional research and work in the solution of a particularly intricate problem. Numerous landmark decisions of Louisiana law are evidence of this diligence.

Judge O'Niell's genial personality and friendly courteous attitude toward the lawyers practicing before the Court are human qualities that have endeared him to the members of the profession—the profession that he has striven so hard to serve. In sum, it may be said that his career has evoked that degree of reverence and respect for the judiciary which he so obviously typifies.

As Chief Justice O'Niell approaches three score years and ten, the Louisiana Law Review joins with the legal profession of Louisiana in saying: "Well done thou good, faithful and able jurist." With confidence may we join with the members of the Bar in wishing the Chief Justice many more years of useful service on the Bench. From his pen may we continue to receive a flow of what Dean John H. Wigmore has referred to as "masterly opinions" making valuable contributions to Louisiana and American law.

PAUL M. HEBERT, *Dean.*