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## Statistical Survey

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# The Work of the Louisiana Supreme Court for the 1944-1945 Term\*

This symposium covers the term from October of 1944 through September of 1945. The pattern of previous surveys<sup>1</sup> has been followed in examining the jurisprudence as reflected in the work of Louisiana's highest appellate court during the year surveyed.

## I. STATISTICAL SURVEY

*Paul M. Hebert\* and Margaret Taylor Lane\*\**

During World War II it was necessary to discontinue the statistical survey of the supreme court's work. To provide continuity in this information the statistical survey, patterned along previous lines, has been completed for the years intervening since the last published survey.<sup>2</sup> Accordingly the statistical tables are presented in the series covering the years 1941-1942, 1942-1943, 1943-1944 in addition to 1944-1945.<sup>3</sup> Completion of these tables makes available an analysis of eight years of the court's work beginning with the statistical tables covering the 1937-1938 term.<sup>4</sup>

The various tables reveal interesting data. Table I indicates a marked decline in the total volume of judicial business handled by the court during 1943-1944 and 1944-1945 as compared with 1941-1942 and 1942-1943. For example total cases handled by the court (excluding rehearing applications) were 449 in 1941-1942 and 361 in 1942-1943 as compared with 292 in 1943-1944 and 279 in 1944-1945. Total matters docketed with the court showed steady decrease. 473 matters were docketed in 1941-1942, 433 in 1942-1943, 363 in 1943-1944 and 349 in 1944-1945. This may reflect

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1. (1939) 1 LOUISIANA LAW REVIEW 314; (1939) 2 LOUISIANA LAW REVIEW 31; (1941) 3 LOUISIANA LAW REVIEW 267; (1942) 4 LOUISIANA LAW REVIEW 165.

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2. The last published statistical survey is found in *The Work of the Louisiana Supreme Court for the 1940-41 Term* (1942) 4 LOUISIANA LAW REVIEW 165-171.

3. Much of the information was compiled from the Official Daily Court Record showing cases docketed in the supreme court. Back volumes were made available for this purpose through the courtesy of Montgomery-Andree Printing Company, Inc.

4. See *The Work of the Louisiana Supreme Court for the 1937-1938 Term* (1939) 1 LOUISIANA LAW REVIEW 314 which began the statistical survey.

the fact that lawyers were too busy during the years of World War II to litigate as many matters as they normally would have and this tendency may be evidenced in the current volume of the court's business.

A relatively large percentage of matters docketed in the court include applications for writs, which are granted in a relatively small percentage of the cases. Thus in 1941-1942, 250 applications for writs were filed constituting 52.8 per cent of total matters docketed; in 1942-1943, 194 applications for writs were filed or 44.8 per cent of total matters docketed; in 1943-1944, 161 applications for writs were filed or 44.3 per cent of total matters docketed; and in 1944-1945, 151 applications for writs were filed or 43.2 per cent of total matters docketed. Of the number of writs applied for (including supervisory writs to lower courts and writs of certiorari to the courts of appeal) only 52 or 20.8 per cent were granted in 1941-1942; 27 or 13.9 per cent were granted in 1942-1943; 26 or 16.1 per cent were granted in 1943-1944; 19 or 12.5 per cent were granted in 1944-1945. (See Tables VII and VIII.) This indicates the amount of the court's time which must be consumed in considering matters of which the court does not take jurisdiction.

Applications for rehearings before the supreme court continue to flourish with the odds heavily against the applicant. Thus in 1941-1942 out of 115 applications filed, rehearings were granted in 8 instances; in 1942-1943, 4 rehearings were granted out of 128 applications; in 1943-1944, 1 rehearing was granted from 102 applications; in 1944-1945, 6 were granted from 106 rehearing applications. (See Table VII.)

Is the court keeping abreast of its business? In 1941-1942 the court actually disposed of 449 cases or 94.9 per cent of the number docketed; in 1942-1943, 361 or 83.3 per cent of the number docketed; in 1943-1944, 292 or 80.4 per cent of the number docketed; and in 1944-1945, 279 or 79.9 per cent of the number docketed were actually disposed of. (See Table I.) Of the undisposed matters it is believed that a large percentage are cases which will not actually be urged for consideration by the court. An average of 68 matters (excluding rehearing applications) per court member was handled by the court in 1941-1942; 51 matters per court member in 1942-1943; 41 per court member in 1943-1944; and 39 per court member in 1944-1945. (See Table I.)

Of the cases disposed of with written opinions in 1941-1942, 178 were on appeal from district courts; in 1942-1943, 159 were on appeal from district courts; in 1943-1944, 127 were on appeal from

district courts; and in 1944-1945, 136 were on appeal from district courts. Of these cases in 1941-1942, 62.3 per cent were affirmed, 19.1 per cent were reversed, and 18.5 per cent were modified or otherwise disposed of. Corresponding percentages for 1942-1943 were: 54 per cent affirmed, 27.6 per cent reversed and 18.2 per cent modified or otherwise disposed of; in 1943-1944, 61.4 per cent were affirmed, 22.8 per cent were reversed and 15.7 per cent were modified or otherwise disposed of; in 1944-1945, 51.4 per cent were affirmed, 27.2 per cent were reversed and 21.3 per cent were modified or otherwise disposed of. (See Table II.)

On the other hand of the decisions of the courts of appeal reviewed by the supreme court in 1941-1942, 31.5 per cent were affirmed, 63.1 per cent were reversed and 5.2 per cent were modified or otherwise disposed of. Corresponding figures for other years were: in 1942-1943, 47.8 per cent affirmed, 47.8 per cent reversed and 4.3 per cent modified or otherwise disposed of; in 1943-1944, 36.3 per cent affirmed, 45.5 per cent reversed and 18.1 per cent modified or otherwise disposed of; in 1944-1945, 44.4 per cent affirmed, 50 per cent reversed and 5.5 per cent modified or otherwise disposed of. (See Tables II and III.)

Of the cases reported in written opinions 71.4 per cent for 1941-1942, 69.7 per cent for 1942-1943, 73.4 per cent for 1943-1944 and 77.7 per cent for 1944-1945 were based on appeals from the district courts. Cases reaching the supreme court on writs of review to the courts of appeal constituted 7.6 per cent of reported cases in 1941-1942, 10 per cent in 1942-1943, 6.3 per cent in 1943-1944 and 10.2 per cent in 1944-1945. Cases reaching the supreme court on supervisory writs to lower courts constituted 13.2 per cent of reported cases in 1941-1942, 16.2 per cent in 1942-1943, 15 per cent in 1943-1944, and 8.5 per cent in 1944-1945. (See Table V.)

The geographical analysis (Table VI) shows that normally the largest number of appeals to the supreme court come from the parishes of Caddo, Calcasieu, East Baton Rouge and Orleans.

Table IV, Topical Analysis of Decisions, is an arbitrary classification made for convenience in treatment. For the respective years this table shows a relatively large number of matters involving Criminal Law and Procedure, Practice and Procedure, Mineral Rights, Constitutional Law, Minors and Tutorship, Successions and Workmen's Compensation handled during each term.

*Personnel of the Court.* At the beginning of the term of October of 1941 the supreme court was composed of Chief Justice Charles A. O'Niell, and Associate Justices Wynne G. Rogers, Fred M. Odom, Archibald T. Higgins, John B. Fournet, Amos Lee

Ponder and Judge E. Howard McCaleb, Jr., of the Court of Appeal, Parish of Orleans, who was selected on May 23, 1941, to fill the temporary vacancy occasioned by the death, on April 18, 1941, of Associate Justice John R. Land.

During the four year period covered in this survey the following changes occurred in the court's personnel: Judge Joe B. Hamiter, of the Court of Appeal, Second Circuit, was elected to fill the vacancy caused by the death of Judge Land. Associate Justice Hamiter took office on January 1, 1943, at which time Judge McCaleb returned to the Court of Appeals, Parish of Orleans.

Associate Justice Fred M. Odom retired on December 20, 1944, being succeeded by Associate Justice Frank W. Hawthorne who had been elected to take office on January 1, 1945.<sup>5</sup>

## 1941-1942

TABLE I

VOLUME OF JUDICIAL BUSINESS (1941-1942)

Cases disposed of with written opinions.....	249
*Applications for writs filed during 1941-1942 term.....	250
†Applications for writs considered.....	200
Applications for writs pending.....	66
Applications for rehearings disposed of.....	115
Cases docketed during 1941-1942 term (excluding writ applications)....	223
‡Total matters docketed during 1941-1942 term.....	473
Total cases handled by the court (excluding rehearing applications)...	449
Grand total of matters handled by the court (including rehearing applications) .....	564

\* This figure includes applications for supervisory writs to the lower courts as well as applications for writs of certiorari to the courts of appeal. See Table VIII.

† This figure includes 16 applications filed prior to the 1941-1942 term and acted upon by the court during the 1941-1942 term. Of the 250 applications for writs filed during the term, 184 were actually considered.

‡ This figure includes 218 appeals from district courts, 4 original proceedings, 1 application from a court of appeal for instructions, 101 supervisory writs to lower courts, 149 writs of certiorari to courts of appeal—a total of 473 matters.

5. During the current 1945-1946 term, Judge Robert F. Kennon, Judge of the Court of Appeal, Second Circuit, was selected by the court to fill the vacancy caused by the death of Justice Archibald T. Higgins who died on October 3, 1945. The court as presently constituted is composed of: Chief Justice O'Niell—term expires Dec. 31, 1954; Associate Justice Rogers—term expires Dec. 31, 1952; Associate Justice Fournet—term expires Dec. 31, 1948; Associate Justice Ponder—term expires Dec. 31, 1950; Associate Justice Hamiter—term expires Dec. 31, 1956; Associate Justice Hawthorne—term expires Dec. 31, 1958; Associate Justice Kennon—appointed for the term expiring Dec. 31, 1946.

TABLE II  
DISPOSITION OF LITIGATION (1941-1942)

	On Appeal from District Courts	On Appeal from Juvenile or City Courts	On Appeal from Recorders' Courts	On Certiorari or Review from Appellate Courts	On Supervisory Writs to District Courts	On Certified Questions from Courts of Appeal	On Original Jurisdiction	TOTAL
Affirmed .....	111	3	..	6	..	..	..	120
Affirmed in part and reversed in part.....	4	..	..	..	1	..	..	5
Affirmed in part, reversed in part and remanded.....	2	..	..	..	..	..	..	2
Amended and affirmed .....	12	..	..	..	..	..	..	12
Appeal dismissed ex proprio motu.....	1	..	..	..	..	..	..	1
Attorneys disbarred or suspended.....	..	..	..	..	..	..	2	2
Certified questions answered...	..	..	..	..	..	1	..	1
Exceptions overruled.....	..	..	..	..	..	..	3	3
Judges removed from office....	..	..	..	..	..	..	2	2
Motions to dismiss appeal granted.....	7	1	..	..	..	..	..	8
Motions to dismiss appeal refused.....	7	..	..	..	..	..	..	7
Remanded to courts of appeal for further proceedings....	..	..	..	1	..	..	..	1
Reversed and remanded.....	17	..	1	3	6	..	..	27
Reversed and rendered.....	17	1	..	2	7	..	..	27
Reversed and judgment of lower court amended.....	..	..	..	1	..	..	..	1
Reversed and judgment of lower court reinstated.....	..	..	..	6	..	..	..	6
Rule for contempt discharged..	..	..	..	..	..	..	5	5
Writs made peremptory.....	..	..	..	..	9	..	..	9
Writs recalled.....	..	..	..	..	10	..	..	10
<b>TOTALS.....</b>	<b>178</b>	<b>5</b>	<b>1</b>	<b>19</b>	<b>33</b>	<b>1</b>	<b>12</b>	<b>249</b>

TABLE III

DISPOSITION OF CASES REVIEWED ON WRITS OF CERTIORARI FROM COURTS OF APPEAL (1941-1942)

	Parish of Orleans	First Circuit	Second Circuit	TOTAL
Affirmed .....	2	3	1	6
Reversed and remanded.....	..	1	2	3
Reversed and rendered.....	1	..	1	2
Reversed and judgment of lower court reinstated.....	1	1	4	6
Remanded to courts of appeal for further proceedings.....	..	..	1	1
Reversed and judgment of lower court amended.....	..	..	1	1
<b>TOTALS.....</b>	<b>4</b>	<b>5</b>	<b>10</b>	<b>19</b>

TABLE IV

## TOPICAL ANALYSIS OF DECISIONS (1941-1942)

Admiralty .....	1
Adoption .....	1
Agency .....	4
Allimony .....	6
Carriers .....	1
Community Property .....	1
Constitutional Law .....	16
Contempt of Court.....	5
Conventional Obligations .....	4
Corporations .....	2
Criminal Law and Procedure.....	43
Disbarment .....	5
Divorce and Separation.....	3
Elections .....	3
Evidence .....	3
Expropriation .....	3
Insane persons.....	1
Insurance .....	5
Labor Law.....	1
Lease .....	3
Mineral Rights .....	16
Minors, Tutorship.....	3
Municipal Corporations .....	11
Partition .....	1
Practice and Procedure.....	42
Prescription .....	5
Property .....	10
Public Officers .....	6
Sales .....	11
Schools and School Districts.....	4
Security Devices .....	5
Successions .....	9
Taxation .....	4
Torts and Workmen's Compensation.....	11
TOTAL.....	249

TABLE V

## JURISDICTIONAL ORIGIN OF CASES (1941-1942)

Appeals from district courts.....	178
Appeals from juvenile or city courts.....	5
Appeal from recorders' courts.....	1
On certiorari or writs of review from courts of appeal.....	19
Questions certified from courts of appeal.....	1
On supervisory writs to district courts.....	33
Original jurisdiction of supreme court.....	12
TOTAL.....	249

TABLE VI  
GEOGRAPHICAL DISTRIBUTION OF APPEALS FROM  
DISTRICT COURTS (1941-1942)

A—By Parish

Parish	No. of Cases	Parish	No. of Cases
Acadia .....	1	Natchitoches .....	3
Allen .....	1	Orleans Civil .....	41
Ascension .....	2	Orleans Criminal .....	7
Avoyelles .....	7	Ouachita .....	5
Beauregard .....	2	Pointe Coupee .....	1
Bienville .....	2	Rapides .....	2
Bossier .....	1	Richland .....	2
Caddo .....	20	Sabine .....	1
Calcasieu .....	10	St. Bernard .....	3
Cameron .....	1	St. Charles .....	1
Claiborne .....	2	St. James .....	1
East Baton Rouge .....	22	St. Landry .....	2
East Feliciana .....	2	St. Mary .....	5
Evangeline .....	1	Tangipahoa .....	1
Franklin .....	1	Tensas .....	2
Iberia .....	3	Union .....	1
Iberville .....	1	Vernon .....	3
Jackson .....	2	Washington .....	1
Jefferson .....	3	Webster .....	4
Jefferson Davis .....	2	West Baton Rouge .....	1
Lafayette .....	1	Winn .....	2
Lafourche .....	1		
Lincoln .....	1		
		<b>TOTAL</b> .....	<b>178</b>

B—By Judicial District

	No. of Cases
First District (Caddo) .....	20
Second District (Claiborne, Jackson, Bienville) .....	6
Third District (Lincoln, Union) .....	2
Fourth District (Ouachita, Morehouse) .....	5
Fifth District (West Carroll, Richland, Franklin) .....	3
Sixth District (East Carroll, Madison, Tensas) .....	2
Eighth District (Grant, Winn) .....	2
Ninth District (Rapides) .....	2
Tenth District (Natchitoches, Red River) .....	3
Eleventh District (DeSoto, Vernon, Sabine) .....	4
Twelfth District (Avoyelles) .....	7
Thirteenth District (Evangeline) .....	1
Fourteenth District (Calcasieu, Jefferson Davis, Allen, Beauregard, Cameron) .....	16
Fifteenth District (Acadia, Lafayette, Vermilion) .....	2
Sixteenth District (St. Mary, Iberia, St. Martin) .....	8
Seventeenth District (Terrebonne, Lafourche) .....	1
Eighteenth District (Iberville, West Baton Rouge, Pointe Coupee) .....	3
Nineteenth District (East Baton Rouge) .....	22
Twentieth District (East Feliciana, West Feliciana) .....	2
Twenty-first District (Tangipahoa, Livingston, St. Helena) .....	1
Twenty-second District (Washington, St. Tammany) .....	1
Twenty-third District (Assumption, Ascension, St. James) .....	3
Twenty-fourth District (Jefferson, St. John the Baptist, St. Charles) .....	4
Twenty-fifth District (St. Bernard, Plaquemines) .....	3
Twenty-sixth District (Bossier, Webster) .....	5
Twenty-seventh District (St. Landry) .....	2
<b>TOTAL</b> .....	<b>130</b>
Orleans Civil District .....	41
Orleans Criminal District .....	7
<b>TOTAL</b> .....	<b>178</b>



TABLE VII

DISPOSITIONS OF APPLICATIONS FOR WRITS AND REHEARINGS  
(1941-1942)

	Granted	Refused	Total
Applications for rehearings.....	8	107	115
Applications for writs.....	52	132	184*
<b>TOTALS.....</b>	<b>60</b>	<b>239</b>	<b>299</b>

\* This figure includes applications for supervisory writs to the lower courts as well as applications for writs of certiorari or review to the courts of appeal. See Table VIII. This figure does not include 16 applications for writs considered by the court but filed during the previous term.

TABLE VIII

## DISPOSITION OF APPLICATIONS FOR WRITS (1941-1942)

	Granted	Refused	Pending	Total
Supervisory writs to lower courts..	25	26	50	101
Writs of certiorari to courts of appeal.....	27	106	16	149
<b>TOTALS.....</b>	<b>52</b>	<b>132</b>	<b>66</b>	<b>250</b>

TABLE IX

## DISSENTS\* (1941-1942)

	With Opinion	Without Opinion	Total
O'Niell, C. J.....	8	8	16
Fournet, J. ....	7	1	8
Higgins, J. ....	6	.	6
Odom, J. ....	3	5	8
Ponder, J. ....	2	2	4
Rogers, J. ....	3	2	5
<b>TOTALS.....</b>	<b>29</b>	<b>18</b>	<b>47</b>

\* In cases wherein rehearings have been granted, the dissents here tabulated are those from the opinion on rehearing. Dissents from the original opinions therein have not been included, since in such cases the final opinion of the court is that rendered on the rehearing. Total number of cases in which dissents were expressed—30.

## 1942-1943

TABLE 1

## VOLUME OF JUDICIAL BUSINESS (1942-1943)

Cases disposed of with written opinions.....	228
*Applications for writs filed during 1942-1943 term .....	194
†Applications for writs considered.....	133
‡Applications for writs pending.....	73
Applications for rehearings disposed of.....	128
Cases docketed during 1942-1943 term (excluding writ applications)...	239
†Total matters docketed during 1942-1943 term.....	433
Total cases handled by the court (excluding rehearing applications)...	361
Grand total of matters handled by the court (including rehearing applications).....	489

\* This figure includes applications for supervisory writs to the lower courts as well as applications for writs of certiorari to the courts of appeal. See Table VIII.

† This figure includes 12 applications filed prior to the 1942-1943 term and acted upon by the court during the 1942-1943 term. Of the 194 applications for writs filed during the 1942-1943 term, 121 were actually considered.

‡ This figure includes 230 appeals from district courts, 9 original proceedings, 86 supervisory writs to lower courts, 108 writs of certiorari to courts of appeal—a total of 433 matters.

TABLE II  
DISPOSITION OF LITIGATION (1942-1943)

	On Appeal from District Courts	On Certiorari or Review from Appellate Courts	On Supervisory Writs to District Courts	On Original Jurisdiction	TOTAL
Affirmed .....	86	11	7	..	104
Affirmed in part and reversed in part....	2	..	..	..	2
Affirmed in part, reversed in part and remanded.....	4	1	1	..	6
Amended and affirmed.....	11	..	..	..	11
Attorneys suspended .....	..	..	..	2	2
Exceptions overruled .....	..	..	..	3	3
Execution of sentence stayed.....	..	..	1	..	1
Motions to dismiss appeal granted.....	5	..	..	..	5
Motions to dismiss appeal refused.....	5	..	..	..	5
Proceedings dismissed .....	..	..	..	4	4
Petition denied.....	..	..	1	..	1
Remanded to district court for further proceedings...	1	..	..	..	1
Reversed and remanded.....	27	5	7	..	39
Reversed and rendered.....	17	2	10	..	29
Reversed and judgment of lower court amended .....	..	1	..	..	1
Reversed and judgment of lower court reinstated.....	..	3	..	..	3
Transferred to courts of appeal for lack of jurisdiction.....	1	..	..	..	1
Writs made peremptory.....	..	..	4	..	4
Writs recalled .....	..	..	6	..	6
<b>TOTALS.....</b>	<b>159</b>	<b>23</b>	<b>37</b>	<b>9</b>	<b>228</b>

TABLE III  
DISPOSITION OF CASES REVIEWED ON WRITS OF CERTIORARI FROM COURTS OF APPEAL (1942-1943)

	Parish of Orleans	First Circuit	Second Circuit	TOTAL
Affirmed .....	3	4	4	11
Affirmed in part and reversed in part and remanded.....	..	..	1	1
Reversed and remanded.....	3	1	1	5
Reversed and rendered.....	1	1	..	2
Reversed and judgment of lower court reinstated .....	2	..	1	3
Reversed and judgment of lower court amended .....	..	..	1	1
<b>TOTALS.....</b>	<b>9</b>	<b>6</b>	<b>8</b>	<b>23</b>

TABLE IV  
TOPICAL ANALYSIS OF DECISIONS (1942-1943)

Administrative Law .....	1
Agency .....	1
Alimony .....	2
Attorneys .....	4
Banking and Negotiable Instruments.....	4
Carriers .....	2
Community Property.....	4
Conflict of Laws.....	1
Constitutional Law.....	8
Conventional Obligations.....	4
Corporations .....	2
Criminal Law and Procedure.....	50
Disbarment .....	8
Elections .....	2
Evidence .....	1
Expropriation .....	6
Insane Persons .....	1
Insurance .....	9
Labor Law .....	1
Lease .....	3
Mineral Rights.....	15
Minors .....	1
Municipal Corporations .....	2
Partition .....	1
Partnership .....	1
Practice and Procedure.....	32
Prescription .....	5
Property .....	6
Public Officers .....	7
Sales .....	5
Schools and School Districts.....	1
Security Devices .....	7
Successions .....	13
Taxation .....	3
Torts and Workmen's Compensation.....	15
<b>TOTAL.....</b>	<b>228</b>

TABLE V  
JURISDICTIONAL ORIGIN OF CASES (1942-1943)

Appeals from district courts.....	159
On certiorari or writs of review from courts of appeal.....	23
On supervisory writs to district courts.....	37
Original jurisdiction of supreme court.....	9
<b>TOTAL.....</b>	<b>228</b>

TABLE VI  
GEOGRAPHICAL DISTRIBUTION OF APPEALS FROM  
DISTRICT COURTS (1942-1943)

<i>A—By Parish</i>			
Parish	No. of Cases	Parish	No. of Cases
Acadia	2	LaSalle	2
Allen	2	Lincoln	1
Ascension	1	Orleans Civil	32
Assumption	1	Orleans Criminal	5
Avoyelles	8	Ouachita	3
Beauregard	1	Plaquemines	3
Bienville	1	Rapides	4
Bossier	3	Sabine	3
Caddo	8	St. Bernard	3
Calcasieu	5	St. Landry	12
Caldwell	1	St. Martin	3
Claiborne	3	St. Tammany	2
DeSoto	3	Tangipahoa	6
East Baton Rouge	13	Terrebonne	2
Evangeline	2	Vermilion	1
Grant	1	Washington	1
Iberia	3	Webster	1
Iberville	1	West Baton Rouge	1
Jackson	2	Winn	1
Jefferson	6		
Jefferson Davis	1		
Lafourche	5		
		<b>TOTAL</b>	<b>159</b>

<i>B—By Judicial District</i>		No. of Cases
First District (Caddo)		8
Second District (Claiborne, Jackson, Bienville)		6
Third District (Lincoln, Union)		1
Fourth District (Ouachita, Morehouse)		3
Eighth District (Grant, Winn)		2
Ninth District (Rapides)		4
Eleventh District (DeSoto, Vernon, Sabine)		6
Twelfth District (Avoyelles)		8
Thirteenth District (Evangeline)		2
Fourteenth District (Calcasieu, Jefferson Davis, Allen, Beauregard, Cameron)		9
Fifteenth District (Acadia, Lafayette, Vermilion)		3
Sixteenth District (St. Mary, Iberia, St. Martin)		6
Seventeenth District (Terrebonne, Lafourche)		7
Eighteenth District (Iberville, West Baton Rouge, Pointe Coupee)		2
Nineteenth District (East Baton Rouge)		13
Twenty-first District (Tangipahoa, Livingston, St. Helena)		6
Twenty-second District (Washington, St. Tammany)		3
Twenty-third District (Assumption, Ascension, St. James)		2
Twenty-fourth District (Jefferson, St. John the Baptist, St. Charles)		6
Twenty-fifth District (St. Bernard, Plaquemines)		6
Twenty-sixth District (Bossier, Webster)		4
Twenty-seventh District (St. Landry)		12
Twenty-eighth District (LaSalle, Caldwell)		3
<b>TOTAL</b>		<b>122</b>
Orleans Civil District		32
Orleans Criminal District		5
<b>TOTAL</b>		<b>159</b>

TABLE VII  
DISPOSITIONS OF APPLICATIONS FOR WRITS AND REHEARINGS  
(1942-1943)

	Granted	Refused	Total
Applications for rehearings.....	4	124	128
Applications for writs.....	27	94	121*
<b>TOTALS.....</b>	<b>31</b>	<b>218</b>	<b>249</b>

\* This figure includes applications for supervisory writs to the lower courts as well as applications for writs of certiorari or review to the courts of appeal. See Table VIII. This figure does not include 12 applications for writs considered by the court but filed during the previous term.

TABLE VIII  
DISPOSITION OF APPLICATIONS FOR WRITS (1942-1943)

	Granted	Refused	Pending	Total
Supervisory writs to lower courts..	8	19	59	86
Writs of certiorari to courts of appeal .....	19	75	14	108
<b>TOTALS.....</b>	<b>27</b>	<b>94</b>	<b>73</b>	<b>194</b>

TABLE IX  
DISSENTS\* (1942-1943)

	With Opinion	Without Opinion	Total
O'Niell, C. J. ....	10	4	14
Fournet, J. ....	16	..	16
Hamiter, J. ....	..	1	1
Higgins, J. ....	12	..	12
Odom, J. ....	1	2	3
Ponder, J. ....	2	14	16
Rogers, J. ....	3	1	4
<b>TOTALS.....</b>	<b>44</b>	<b>22</b>	<b>66</b>

\* In cases wherein rehearings have been granted, the dissents here tabulated are those from the opinion on rehearing. Dissents from the original opinions therein have not been included, since in such cases the final opinion of the court is that rendered on the rehearing. Total number of cases in which dissents were expressed—40.

## 1943-1944

TABLE I  
VOLUME OF JUDICIAL BUSINESS (1943-1944)

Cases disposed of with written opinions.....	173
*Applications for writs filed during 1943-1944 term.....	161
†Applications for writs considered.....	119
Applications for writs pending.....	58
Applications for rehearings disposed of.....	102
Cases docketed during 1943-1944 term (excluding writ applications)....	202
‡Total matters docketed during 1943-1944 term.....	363
Total cases handled by the court (excluding rehearing applications)...	292
Grand total of matters handled by the court (including rehearing applications) .....	394

\* This figure includes applications for supervisory writs to the lower courts as well as applications for writs of certiorari to the courts of appeal. See Table VIII.

† This figure includes 16 applications filed prior to the 1943-1944 term and acted upon by the court during 1943-1944 term. Of the 161 applications for writs filed during the 1943-1944 term, 103 were actually considered.

‡ This figure includes 185 appeals, 6 original proceedings, 1 application from a court of appeal for instructions, 60 supervisory writs to lower courts, 101 writs of certiorari to courts of appeal—a total of 363 matters.

TABLE II  
DISPOSITION OF LITIGATION (1943-1944)

	On Appeal from District Courts	On Appeal from Juvenile or City Courts	On Certiorari or Review from Appellate Courts	On Supervisory Writs to District or Lower Courts	On Certified Questions from Courts of Appeal	On Original Jurisdiction	TOTAL
Affirmed .....	78	1	4	4	..	..	87
Affirmed in part and reversed in part.....	3	..	..	..	..	..	3
Amended and affirmed.....	11	..	2	..	..	..	13
Attorneys suspended .....	..	..	..	..	..	2	2
Attorney adjudged in contempt ..	..	..	..	..	..	1	1
Certified questions answered... ..	..	..	..	..	1	..	1
Exceptions overruled .....	..	..	..	..	..	1	1
Motions to dismiss appeal granted.....	3	..	..	..	..	..	3
Motions to dismiss appeal refused .....	2	..	..	..	..	..	2
Motion to assign for oral argument granted .....	..	..	..	..	..	1	1
Motion to require plaintiffs to supplement transcript denied .....	1	..	..	..	..	..	1
Proceedings dismissed .....	..	..	..	..	..	1	1
Reversed and remanded.....	12	..	1	4	..	..	17
Reversed and rendered.....	17	1	1	8	..	..	27
Reversed and judgment of lower court reinstated.....	..	..	3	..	..	..	3
Writs made peremptory.....	..	..	..	3	..	..	3
Writs recalled .....	..	..	..	7	..	..	7
<b>TOTALS.....</b>	<b>127</b>	<b>2</b>	<b>11</b>	<b>26</b>	<b>1</b>	<b>6</b>	<b>173</b>

TABLE III  
DISPOSITION OF CASES REVIEWED ON WRITS OF CERTIORARI FROM COURTS OF APPEAL (1943-1944)

	Parish of Orleans	First Circuit	Second Circuit	TOTAL
Affirmed .....	1	2	1	4
Amended and affirmed .....	1	1	..	2
Reversed and rendered.....	..	..	1	1
Reversed and remanded.....	..	1	..	1
Reversed and judgment of lower court reinstated .....	1	1	1	3
<b>TOTALS.....</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>11</b>

## TABLE IV

## TOPICAL ANALYSIS OF DECISIONS (1943-1944)

Alimony .....	2
Attorneys .....	2
Banking and Negotiable Instruments.....	4
Community Property .....	4
Constitutional Law .....	6
Contempt .....	1
Conventional Obligations .....	6
Corporations .....	2
Criminal Law and Procedure.....	36
Disbarment .....	4
Divorce .....	6
Elections .....	5
Expropriation .....	5
Insurance .....	6
Labor Law.....	1
Lease .....	2
Mineral Rights .....	9
Minors .....	2
Municipal Corporations.....	3
Partition .....	3
Partnership .....	1
Practice and Procedure.....	15
Prescription .....	5
Property .....	3
Public Officers .....	4
Sales .....	8
Schools and School Districts.....	2
Security Devices .....	5
Successions .....	12
Taxation .....	3
Trade Names .....	1
Torts .....	5
<b>TOTAL.....</b>	<b>173</b>

## TABLE V

## JURISDICTIONAL ORIGIN OF CASES (1943-1944)

Appeals from district courts.....	127
Appeals from juvenile or city courts.....	2
On writs of review from courts of appeal.....	11
Questions certified from courts of appeal.....	1
On supervisory writs to district courts.....	26
Original jurisdiction of supreme court.....	6
<b>TOTAL.....</b>	<b>173</b>

TABLE VI  
GEOGRAPHICAL DISTRIBUTION OF APPEALS FROM  
DISTRICT COURTS (1943-1944)

A—By Parish

Parish	No. of Cases	Parish	No. of Cases
Acadia	3	Lincoln	1
Allen	2	Livingston	2
Assumption	1	Orleans Civil	28
Avoyelles	1	Orleans Criminal	6
Beauregard	1	Ouachita	2
Bienville	1	Plaquemines	4
Caddo	12	Rapides	5
Cameron	1	Richland	1
Calcasieu	2	Sabine	1
Claiborne	3	St. Bernard	1
DeSoto	1	St. James	1
East Baton Rouge	12	St. John the Baptist	1
East Feliciana	1	St. Landry	1
Evangeline	3	St. Mary	5
Grant	2	Tangipahoa	4
Iberville	1	Terrebonne	3
Jackson	2	Vernon	1
Jefferson	2	Washington	1
Jefferson Davis	1	Webster	2
Lafayette	1		
LaSalle	4		
		<b>TOTAL</b>	<b>127</b>

B—By Judicial District

	No. of Cases
First District (Caddo)	12
Second District (Claiborne, Jackson, Bienville)	6
Third District (Lincoln, Union)	1
Fourth District (Ouachita, Morehouse)	2
Fifth District (West Carroll, Richland, Franklin)	1
Eighth District (Grant, Winn)	2
Ninth District (Rapides)	5
Eleventh District (DeSoto, Vernon, Sabine)	3
Twelfth District (Avoyelles)	1
Thirteenth District (Evangeline)	3
Fourteenth District (Calcasieu, Jefferson Davis, Allen, Beauregard, Cameron)	7
Fifteenth District (Acadia, Lafayette, Vermilion)	4
Sixteenth District (St. Mary, Iberia, St. Martin)	5
Seventeenth District (Terrebonne, Lafourche)	3
Eighteenth District (Iberville, West Baton Rouge, Pointe Coupee)	1
Nineteenth District (East Baton Rouge)	12
Twentieth District (East Feliciana, West Feliciana)	1
Twenty-first District (Tangipahoa, Livingston, St. Helena)	6
Twenty-second District (Washington, St. Tammany)	1
Twenty-third District (Assumption, Ascension, St. James)	2
Twenty-fourth District (Jefferson, St. John the Baptist, St. Charles)	3
Twenty-fifth District (St. Bernard, Plaquemines)	5
Twenty-sixth District (Bossier, Webster)	2
Twenty-seventh District (St. Landry)	1
Twenty-eighth District (LaSalle, Caldwell)	4
<b>TOTAL</b>	<b>93</b>
Orleans Civil District	28
Orleans Criminal District	6
<b>TOTAL</b>	<b>127</b>



TABLE VII

DISPOSITIONS OF APPLICATIONS FOR WRITS AND REHEARINGS  
(1943-1944)

	Granted	Refused	Total
Applications for rehearings.....	1	101	102
Applications for writs.....	26	77	103*
<b>TOTALS.....</b>	<b>27</b>	<b>178</b>	<b>204</b>

\* This figure includes applications for supervisory writs to the lower courts as well as applications for writs of certiorari or review to the courts of appeal. See Table VIII. This figure does not include 16 applications for writs considered by the court but filed during the previous term.

TABLE VIII

## DISPOSITION OF APPLICATIONS FOR WRITS (1943-1944)

	Granted	Refused	Pending	Total
Supervisory writs to lower courts...	4	10	46	60
Writs of certiorari to courts of appeal.....	22	67	12	101
<b>TOTALS.....</b>	<b>26</b>	<b>77</b>	<b>58</b>	<b>161</b>

TABLE IX

## DISSENTS\* (1943-1944)

	With Opinion	Without Opinion	Total
O'Niell, C. J.....	5	5	10
Fournet, J. ....	6	2	8
Hamiter, J. ....	1	.	1
Higgins, J. ....	5	.	5
Odom, J. ....	1	2	3
Ponder, J. ....	.	4	4
Rogers, J. ....	1	1	2
<b>TOTALS.....</b>	<b>19</b>	<b>14</b>	<b>33</b>

\* In cases wherein rehearings have been granted, the dissents here tabulated are those from the opinion on rehearing. Dissents from the original opinions therein have not been included, since in such cases the final opinion of the court is that rendered on the rehearing. Total number of cases in which dissents were expressed—19.

## 1944-1945

TABLE I

## VOLUME OF JUDICIAL BUSINESS (1944-1945)

Cases disposed of with written opinions.....	175
*Applications for writs filed during 1944-1945 term.....	151
†Applications for writs considered.....	104
Applications for writs pending.....	62
Applications for rehearings disposed of.....	106
Cases docketed during 1944-1945 (excluding writ applications).....	198
‡Total matters docketed during 1944-1945 term.....	349
Total cases handled by the court (excluding rehearing applications)...	279
Grand total of matters handled by the court (including rehearing applications) .....	385

\* This figure includes applications for supervisory writs to the lower courts as well as applications for writs of certiorari to the courts of appeal. See Table VIII.

† This figure includes 15 applications filed prior to the 1944-45 term and acted upon by the court during the 1944-1945 term. Of the 151 applications for writs filed during the 1944-1945 term, 89 were actually considered.

‡ This figure includes 196 appeals, 1 original proceeding, 1 application from a court of appeal for instructions, 64 supervisory writs to lower courts, 87 writs of certiorari to courts of appeal—a total of 349 matters.

TABLE II

DISPOSITION OF LITIGATION (1944-1945)

	On Appeal from District Courts	On Appeal from Juvenile Courts	On Certiorari or Review from Appellate Courts	On Supervisory Writs to District or Lower Courts	On Certified Questions or Certification of Record from Courts of Appeal	On Original Jurisdiction	TOTAL
Affirmed .....	79	1	8	1	1	1	82
Affirmed in part and reversed in part.....	5	..	1	..	..	..	6
Affirmed in part, reversed in part and remanded.....	2	..	..	..	..	..	2
Amended and affirmed.....	5	..	..	..	..	..	5
Exceptions overruled .....	..	..	..	..	..	1	1
Motions to dismiss appeal granted .....	7	..	..	..	..	..	7
Motions to dismiss appeal refused .....	6	..	..	..	..	..	6
Proceedings dismissed .....	..	..	..	..	..	2	2
Reversed and remanded.....	20	..	3	1	..	..	24
Reversed and rendered.....	17	..	3	8	..	..	28
Reversed and judgment of lower court reinstated.....	..	..	3	..	..	..	3
Transferred to courts of appeal for lack of jurisdiction.....	4	..	..	..	..	..	4
Writs made peremptory.....	..	..	..	2	..	..	2
Writs recalled .....	..	..	..	3	..	..	3
<b>TOTALS.....</b>	<b>136</b>	<b>1</b>	<b>18</b>	<b>15</b>	<b>1</b>	<b>4</b>	<b>175</b>

TABLE III

DISPOSITION OF CASES REVIEWED ON WRITS OF CERTIORARI FROM COURTS OF APPEAL (1944-1945)

	Parish of Orleans	First Circuit	Second Circuit	TOTAL
Affirmed .....	3	3	2	8
Affirmed in part and reversed in part..	1	.	.	1
Reversed and remanded.....	1	1	1	3
Reversed and rendered.....	1	1	1	3
Reversed and judgment of lower court reinstated .....	1	.	2	3
<b>TOTALS.....</b>	<b>7</b>	<b>5</b>	<b>6</b>	<b>18</b>

TABLE IV

## TOPICAL ANALYSIS OF DECISIONS (1944-1945)

Agency .....	2
Alimony .....	4
Attorneys .....	1
Banking and Negotiable Instruments.....	1
Carriers .....	1
Constitutional Law .....	2
Conventional Obligations .....	5
Corporations .....	4
Criminal Law and Procedure.....	30
Disbarment .....	3
Divorce .....	8
Elections .....	2
Expropriation .....	2
Insane Persons .....	3
Insurance .....	7
Lease .....	2
Mineral Rights .....	11
Minors .....	5
Mortgages .....	4
Municipal Corporations.....	4
Practice and Procedure.....	30
Prescription .....	2
Property .....	7
Public Officers .....	1
Sales .....	3
Schools and School Districts.....	1
Security Devices .....	2
Successions and Donations.....	14
Taxation .....	4
Torts and Workmen's Compensation.....	10
TOTAL.....	175

TABLE V

## JURISDICTIONAL ORIGIN OF CASES (1944-1945)

Appeals from district courts.....	136
Appeals from juvenile court, Parish of Caddo.....	1
On writs of certiorari or review from courts of appeal.....	18
On certification from courts of appeal.....	1
On supervisory writs to district or lower courts.....	15
Original jurisdiction of supreme court.....	4
TOTAL.....	175

TABLE VI  
GEOGRAPHICAL DISTRIBUTION OF APPEALS FROM  
DISTRICT COURTS (1944-1945)

A—By Parish

Parish	No. of Cases	Parish	No. of Cases
Acadia	1	LaSalle	2
Allen	3	Livingston	2
Ascension	2	Morehouse	1
Avoyelles	2	Natchitoches	2
Beauregard	2	Orleans Civil	33
Bienville	1	Orleans Criminal	7
Bossier	1	Plaquemines	1
Caddo	8	Rapides	5
Calcasieu	5	Richland	1
Catahoula	1	St. Bernard	3
Claiborne	2	St. Charles	1
Concordia	1	St. Landry	3
DeSoto	5	St. Martin	2
East Baton Rouge	13	Tangipahoa	4
Evangeline	1	Vermilion	2
Grant	1	Vernon	1
Iberia	1	Webster	1
Jackson	1	Winn	1
Jefferson	9		
Jefferson Davis	2		
Lafourche	2	<b>TOTAL</b>	<b>136</b>

B—By Judicial District

No. of Cases

First District (Caddo)	8
Second District (Claiborne, Jackson, Bienville)	4
Fourth District (Ouachita, Morehouse)	1
Fifth District (West Carroll, Richland, Franklin)	1
Seventh District (Catahoula, Concordia)	2
Eighth District (Grant, Winn)	2
Ninth District (Rapides)	5
Tenth District (Natchitoches, Red River)	2
Eleventh District (DeSoto, Vernon, Sabine)	6
Twelfth District (Avoyelles)	2
Thirteenth District (Evangeline)	1
Fourteenth District (Calcasieu, Jefferson Davis, Allen, Beauregard, Cameron)	12
Fifteenth District (Acadia, Lafayette, Vermilion)	3
Sixteenth District (St. Mary, Iberia, St. Martin)	3
Seventeenth District (Terrebonne, Lafourche)	2
Nineteenth District (East Baton Rouge)	13
Twenty-first District (Tangipahoa, Livingston, St. Helena)	6
Twenty-third District (Assumption, Ascension, St. James)	2
Twenty-fourth District (Jefferson, St. John the Baptist, St. Charles)	10
Twenty-fifth District (St. Bernard, Plaquemines)	4
Twenty-sixth District (Bossier, Webster)	2
Twenty-seventh District (St. Landry)	3
Twenty-eighth District (LaSalle, Caldwell)	2
<b>TOTAL</b>	<b>96</b>
Orleans Civil District	33
Orleans Criminal District	7
<b>TOTAL</b>	<b>136</b>

TABLE VII

DISPOSITIONS OF APPLICATIONS FOR WRITS AND REHEARINGS  
(1944-1945)

	Granted	Refused	Total
Applications for rehearings.....	6	100	106
Applications for writs.....	19	70	89*
<b>TOTALS.....</b>	<b>25</b>	<b>170</b>	<b>195</b>

\* This figure includes applications for supervisory writs to the lower courts as well as applications for writs of certiorari or review to the courts of appeal. See Table VIII. This figure does not include 15 applications for writs considered by the court but filed during the previous term.

TABLE VIII

## DISPOSITION OF APPLICATIONS FOR WRITS (1944-1945)

	Granted	Refused	Pending	Total
Supervisory writs to lower courts...	1	10	53	64
Writs of certiorari to courts of appeal .....	18	60	9	87
<b>TOTALS.....</b>	<b>19</b>	<b>70</b>	<b>62</b>	<b>151</b>

TABLE IX

## DISSENTS\* (1944-1945)

	With Opinion	Without Opinion	Total
O'Niell, C. J. ....	9	2	11
Fournet, J. . . . .	2	1	3
Hamiter, J. ....	6	1	7
Odom, J. ....	.	2	2
Ponder, J. ....	.	1	1
Rogers, J. ....	1	2	3
<b>TOTALS.....</b>	<b>18</b>	<b>9</b>	<b>27</b>

\* In cases wherein rehearings have been granted, the dissents here tabulated are those from the opinion on rehearing. Dissents from the original opinions therein have not been included, since in such cases the final opinion of the court is that rendered on the rehearing. Total number of cases in which dissents were expressed—21.