SUMMARY

Size: ca. 2,730 linear feet

Geographic

Locations: Louisiana

Inclusive dates: 1813-1920
Summary: The Archives of the Supreme Court of Louisiana consist of manuscript files of cases appealed from lower state courts to the Supreme Court of Louisiana and bound volumes of Court records pertaining to the dockets and minutes of court sessions. Case files range in volume from several pages to thousands of pages. Rules required that the Court be provided with a complete transcript of lower court files and evidence; thus the case files include maps, surveys, printed briefs, and a host of other documentation.

Related Collections: Dart & Dart Collection (Mss 61); Dart & Dart and Prior Firms Collection (Mss 140); Dart & Dart and Prior Firms Collection, Addendum 1 (Mss 150); Dart & Dart and Prior Firms Collection, Addendum 2 (Mss 256); John A. Dixon, Jr. Collection (Mss 216)

Source: Deposit, 1979-2000

Access: 1. Open to research under regulations of Special Collections.
2. Records not to be removed from Special Collections without written permission of the Court.
3. Clerk of Court may withdraw records on deposit at any time.

Copyright: Physical rights are retained by the Earl K. Long Library, University of New Orleans

Citation: Supreme Court of Louisiana Historical Archives, Earl K. Long Library, University of New Orleans

Historical Note

The Supreme Court of Louisiana holds the distinction of being the state’s highest court, or, as it is often called, the court of last resort in Louisiana. By order of the Court on November 4, 1976, its historical archives—defined as those records created from the Court’s inception in 1813, when Louisiana’s first state constitution became effective, through 1920—were deposited in the Earl K. Long Library at the University of New Orleans “to ensure their preservation and safety.”
The archives consist mainly of manuscript case files appealed from lower state courts to the Supreme Court of Louisiana. Occupying approximately 2,730 linear feet, case files range in extent from several pages to thousands of pages. Rules required that the Court be provided with a complete transcript of lower court files and evidence; thus the case files include maps, surveys, printed briefs, and a host of other documentation. Often these are the only extant copies, not only of appellate arguments and decisions, but also of records that originated with lower courts, for many lower-court copies have been lost to fire, theft, and age-related deterioration.

Case files include a small number of legal documents, dating between 1769 and 1812, which were used as exhibits or in transcripts, and dockets for some cases which were “unreported”, meaning that the opinion was not published in *Louisiana Reports*. Supplementing these case files are docket books, which serve as a sort of index to the case files, and minute books, which summarize particular cases and record the Court’s disposition of them.

In addition to the winter and spring sessions held in New Orleans, until 1894 the Supreme Court met elsewhere in the state during the summer and fall, at times in Opelousas, Alexandria, Baton Rouge, Monroe, Natchitoches, and Shreveport. Each location maintained its own docket-numbering system. Several times, coinciding with new state constitutions, one numbering system was discontinued and another was begun. Many case files, docket books, and minute books for Court sessions held outside New Orleans are missing. Since 1898 the Court has held its sessions only in New Orleans.

**Research Tips**

We are working on creating a complete database of all of the cases in our collection which will be useful for searching for individual names and case citations. In the meantime, there are many tools available to researchers for locating cases from this collection.

One of the easiest, which is available on most campuses, is LexisNexis Academic’s Legal Research. On the main page, click on “State Case Law,” then on “Louisiana”. Set the “Court” option to “Louisiana High Court” and the “Date” to any range between 1813-1920 to target our holdings. This offers keyword searching of the full-text of the opinions published in the various legal reports. You may also click the “Guided Search” tab to perform a more targeted search for combinations of terms or names in various sections of the record: Plaintiffs, Defendants, Judges, Citation, Headnotes, to name a few.

Researchers should note that not all of the court’s opinions were published. For example, if the judges applied well-established principles to a case with no novel facts,
they did not bother to publish the opinion as it had no value as a precedent. But what is of little interest to the lawyer might be of great interest to the historian or anthropologist. The files of these “unreported” cases are a potential gold mine, but accessing them can be difficult as there is no published reference to them, other than the list of “Cases Not Reported” in the front of the annual legal reports after 1865. Besides the annual reports, researchers may consult the docket indexes to the New Orleans sessions to discover these cases involving individuals, companies or institutions from that portion of the state. Thomas C. Manning’s *Unreported Cases Heard and Determined by the Supreme Court of Louisiana, from January 8, 1877, to April, 1880, Digested, Reported, and Condensed* (St. Louis: Nixon-Jones Printing Co., 1884), a copy of which is in the Dart Collection (Mss 140), is another useful source.

Researchers using the collection to study various historical and cultural topics should keep in mind that this is a collection of materials related to law and should familiarize themselves with the precise legal vocabulary used by the court. For example, historians interested in *placage*, the antebellum practice of white men keeping a black mistress, will not find any cases if they search for “placage” in LexisNexis. The appropriate legal term is “concubinage,” and a search using that word yields fifty-five cases where the term occurs before 1865. An excellent source for checking the terms you wish to search is any edition of William K. Dart and Edward F. White’s *Louisiana Digest Annotated* (1917; Second series, 1937; new 1951; the latter is in our Reference Collection KFL 57.L66), which gives case citations as well as cross-references to other useful terms. Another good source is West’s *Louisiana Digest 1809 to Date* (Reference Collection KFL 57 .L66).

Another very useful tool for finding case files that deal with portions of the state’s constitution or legislative acts is Theodore Roehl’s *Annotations to the Statute Law of the State of Louisiana* (New Orleans: F. F. Hansell & Bro., Ltd., 1917), a copy of which is in the Dart Collection (Mss 140). This breaks down the Civil Code, Code of Practice, Constitutions (1812-1913), and Acts of the Legislature (1822-1916) into their articles, sections, and acts, and lists the legal citations for all Supreme Court cases that deal with these individual components.

**List of Series and Subseries**

**List of Series and Subseries**

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I.B Western District (Opelousas; Alexandria), 1813-1846
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Series Descriptions

Series I. Case Files

1813-1920

Case files can consist of a few pages or several hundred. Generally they contain transcripts of the lower court proceedings, including testimony and evidence, copies of motions and briefs filed with the Supreme Court, and the opinions rendered by the justices.

The files are divided into three broad eras: 1813-1846; 1846-1861; and 1861-1920. Within those eras, the files are arranged according to the geographical location of the court session. Within each session, the files are arranged according to the docket number assigned by the clerk of that court.

The case files from the New Orleans sessions are the most complete; the others have gaps and many files missing. Materials that were too large to fit with the regular files are kept in separate “Oversize” boxes. The existence of these materials is usually noted on the individual case file folder.
Researchers should note that not all of the court’s opinions were published. The files for these “unreported” cases are included, but accessing them can be difficult as there is no published reference to them, other than the list of “Cases Not Reported” in the front of the annual legal reports after 1865. These cases are noted in our Supreme Court Database. Researchers may also consult the docket indexes to the New Orleans sessions to discover these cases involving individuals from that portion of the state. Thomas C. Manning’s Unreported Cases Heard and Determined by the Supreme Court of Louisiana, from January 8, 1877, to April, 1880, Digested, Reported, and Condensed (St. Louis: Nixon-Jones Printing Co., 1884), a copy of which is in the Dart Collection (Mss 140), is another useful source.

We are currently working on a database of all the case files. In the meantime, finding a particular case file requires determining (a) the court session, (b) the date, and (c) the docket number. The court session and date are recorded in the printed opinions located using the legal citation for the decision (e.g. 5 Martin (O.S) 157; 9 Rob. 354; 16 La Ann 652) or LexisNexis. The docket number is found in the same printed information for cases reported after 1865. Finding a docket number for pre-1865 cases requires you to look up the legal citation for the case in the set of reports in our reading room to find the docket number written in pencil in the case heading.

Another very useful tool for finding case files is Theodore Roehl's Annotations to the Statute Law of the State of Louisiana (New Orleans: F. F. Hansell & Bro., Ltd., 1917), a copy of which is in the Dart Collection (Mss 140). This breaks down the Civil Code, Code of Practice, Constitutions (1812-1913), and Acts of the Legislature (1822-1916) into their articles, sections, and acts, and lists the legal citations for all Supreme Court cases that deal with these individual components. This is particularly helpful for anyone doing research on a particular act or section of a constitution.

See Series IV for case files for the Court of Errors and Appeals, 1843-1846.

1813-1846

Subseries I.A: Eastern District (New Orleans), 1813-1846

Includes docket numbers 1-6124. See the entry for Subseries I.C, Baton Rouge, for cases moved there in the mid 1830s.
Subseries I.B: Western District (Opelousas; Alexandria), 1813-1846
Includes docket numbers 1-1369.

Subseries I.C: Baton Rouge, 1832-1836
Includes docket numbers 1-119. This was a special district carved out of the Eastern District (New Orleans) by act of the legislature in 1832. Pending cases appealed from the parishes of West Feliciana, East Feliciana, East Baton Rouge, Livingston, St. Helena, and Washington were transferred from New Orleans to Baton Rouge. After this session was abolished by another legislative act in 1836, these cases were returned to New Orleans.

1846-1860

Subseries I.D: New Orleans, 1846-1860
Includes docket numbers 1-6984.

Subseries I.E: Alexandria, 1846-1860
Includes docket numbers 1-364.

Subseries I.F: Monroe, 1846-1860
Includes docket numbers 19-857.

1861-1920

Subseries I.G: New Orleans, 1861ff
Processed cases include docket numbers 1-10,359.

Unprocessed records include docket numbers 10,360-25,059.

**Subseries I.H: Opelousas, 1869-1894**

Includes docket numbers 1-1492.

**Subseries I.I: Monroe, 1869-1894**

Includes docket numbers 6-1301.

**Subseries I.J: Natchitoches, 1866-1869**

Includes docket numbers 1-861.

**Subseries I.K: Shreveport, 1880-1894**

Includes docket numbers 1-384

**Series II. Docket Books and Indexes, 1813-1898**

Only the docket books and indexes for the New Orleans sessions exist. When a case was filed with the clerk of the court, it was assigned a sequential docket number and both parties were also listed in the indexes along with the docket number.

**Subseries II.A: Docket Books, 1813-1898**

Generally each page is divided into fourths, with one-quarter of a page devoted to each docket number. All transactions concerning the case were recorded here in chronological order, including: the original court and its docket number, documents filed (e.g. motions, briefs), hearings, judgments, and the charges for each transaction. Some lengthy cases required more
space and a note at the bottom indicates which other docket number the case was continued under. These books can be used, among other things, to determine dates of court actions for newspaper research.

**Subseries II.B: Indexes, 1826-1898**

Individual cases were listed in the index under the first letter of the last name of both the appellee and appellant, with the case’s docket number listed in the left margin. Successions are usually listed under “S” (e.g. “Succession of E. B. Hardesty”) as well as the last name of the decedent (e.g. “Hardesty, E. B. Succession of”). Other cases involving the state as an agent or officials are not always consistent, and could be listed under the individual's surname or title of the office (e.g. “State ex rel. Dellonde v. City School Board” is listed in under “S” and “C”). These indexes are useful for finding docket numbers for unreported cases as well as cases where the opinion has no number listed, or it is incorrect.

**Series III. Minute Books, 1813-1922**

These volumes record the daily activities of the court sessions in chronological order. Information concerning cases includes names, docket numbers, and actions taken. The court also entered important communications from federal and state officials, commissions, admissions to the Louisiana bar, memorials and other items deemed important.

**Subseries III.A: New Orleans Sessions, 1813-1922**

Includes Eastern District and New Orleans.

**Subseries III.B: Other Sessions, 1813-1894**

Includes Western District, Alexandria, Opelousas, Monroe, Natchitoches, and Shreveport.

**Series IV. Miscellaneous Records, 1817-1894**
These include opinion books, various administrative records, a docket summary for New Orleans, and the cases of the Court of Errors and Appeals.

**Container List**

**Series I. Case Files, 1813-1920**

**Subseries I.A:** Eastern District (New Orleans), 1813-1846

- Boxes 1-314  Docket Nos. 1-6124
- Boxes 1-18  Oversize

**Subseries I.B:** Western District (Opelousas; Alexandria), 1813-1846

- Boxes 1-29  Docket Nos. 1-1369
- Boxes 1-4  Oversize

**Subseries I.C:** Baton Rouge, 1832-1836
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Boxes 1-7 Docket Nos. 1-119

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Subseries I.E: Alexandria, 1846-1860

Boxes 1-482 Docket Nos. 1-6984

Boxes 1-54 Oversize

Subseries I.F: Monroe, 1846-1860

Boxes 1-2 Docket Nos. 19-857

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Subseries I.G: New Orleans, 1861ff
Subseries I.H: Opelousas, 1869-1894

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Subseries I.I: Monroe, 1869-1894

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**Subseries I.K:** Shreveport, 1880-1894

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**Series III. Minute Books, 1813-1922**

**Subseries III.A: New Orleans Sessions, 1813-1922**

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**Series IV.  Miscellaneous Records, 1817-1894**

Volumes (Placed after Minute Books)

New Orleans Indexes to Opinion Books (The actual books do not exist)

- No. 16  May 24, 1847—March 13, 1848
- No. 17  March 13, 1848—January 22, 1849
- No. 18  [1849]
- No. 19  June 6, 1849—May 20, 1850
- No. 20  n.d.

Shreveport Opinion Book, 1880-1890

Opelousas Opinion Book, 1893-1894

New Orleans Summary Docket, 1875-1878

[Written in the back of the Alexandria Minute Book, 1846-1860, in Subseries II.B, Volume 3]
Files (Placed at end of Subseries III.A, Eastern District case files)

Box 314  Administrative Records, 1817-1846

Documents relating to admissions to the Louisiana Bar, requests for certified copies and other miscellaneous records. A complete inventory is contained in the front of the box.

Box 315  Court of Errors and Appeals, 1843-1846

Includes docket numbers 13-24. The Supreme Court had no jurisdiction over criminal cases before the Constitution of 1845. An act of the legislature on April 6, 1843, created this special court to consider appeals on questions of law in criminal matters, presided over by three district judges of the state. The opinions were printed in a separate section of the Supreme Court’s reports, beginning with 8 Rob. 513 through 8 Rob. 616, and are also available in LexisNexis. See 8 Rob. 512 for a brief description of the act and history of this special court.

Index Terms

Law—Louisiana

Supreme Court of Louisiana