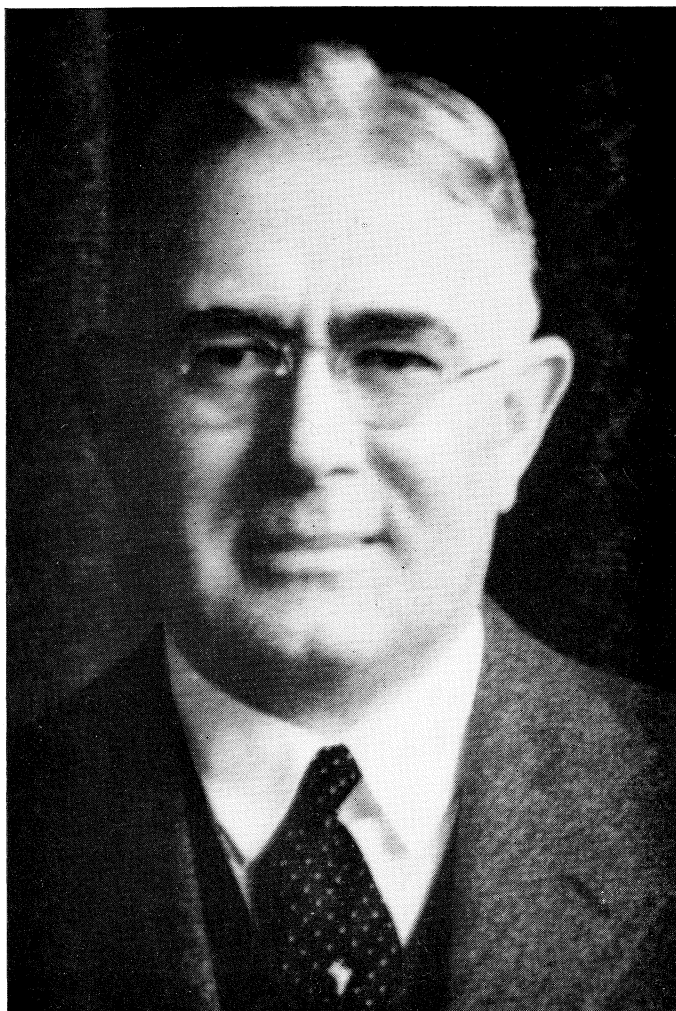


KANSAS JUDICIAL COUNCIL BULLETIN

OCTOBER, 1948

PART 3—TWENTY-SECOND ANNUAL REPORT



HON. CHESTER STEVENS

TABLE OF CONTENTS

	PAGE
Foreword	38
Memorial to Justice Allen B. Burch.....	39
Possible Changes in County Court Procedure.....	40
By James M. McDermott	
Comment on Statistical Tables.....	50
By Randal C. Harvey	
Supreme Court—Twenty-one-year Summary.....	52
Table A-1—Roster of Judicial Officials, as of July 1, 1948.....	54
A-2—Summary of District Courts, by Districts.....	56
A-3 and A-4—Disposition of Civil Cases, including Divorce.....	59
A-5—District Courts, Types of Civil Cases Commenced.....	63
Table B-1—(condensed) Disposition of Criminal Cases.....	64
Table C-1—Probate Courts, Summary of Business Handled.....	66
Table D-1—(Combined with B-2) Disposition of Cases in County and City Courts	70
Please Help Us Keep Our Mailing List Up to Date.....	72

FOREWORD

In this issue, we print on the cover the portrait of the Honorable Chester Stevens, of Independence, one of the original members of the Judicial Council, who served from 1927 to 1941. Mr. Stevens is a native Kansan, admitted to the bar in 1907, and for many years has been one of the leaders of the bar of Kansas. He has had an outstanding career as a lawyer and a citizen. His efforts were very valuable to the Council in its formative period, during which its work was organized, particularly the promulgation of rules and motion days in the district courts, and later the formulation and adoption of the probate code.

At the October session of the Supreme Court services were held honoring the late Justice Burch. Included in the service was a memorial delivered by Justice Hoch, which is printed herein under separate title.

We print in this issue an article by James M. McDermott, formerly of Winfield, on the subject of "Possible Changes in County Court Procedure." Mr. McDermott made this study at the request of the Council and as a part of its research work, and this article should be quite useful in the consideration of amendments to the statutes relating to county courts.

Following our usual custom, we print in this issue a summary of the statistics gathered by the Judicial Council as required by law, showing the business transacted in the various courts of the state during the year ended June 30, 1948. These tables are generally in the same form as in 1947, when we found it necessary to condense them for printing in the BULLETIN. More detailed information can be obtained from our files upon request. These tables are preceded by a short summary, analyzing the general trends of the business in the various courts in the state as a whole.

Memorial to the Late Justice Allen B. Burch

By JUSTICE HOMER HOCH

As I speak today, for the Court, in tribute to the memory of our honored colleague, Justice Allen B. Burch, whose sudden death brought shock and sadness to us all, my own feelings are weighted with a deep sense of personal loss. He was my close and trusted friend.

Justice Burch was born at Carthage, Mo., on June 18, 1895, the son of Dr. and Mrs. Edward J. Burch. Much of his boyhood was spent at Fredonia, Kan. Upon graduation from the Kansas University School of Law in 1917, he began the active practice of law in Wichita, Kan., where, in the years that followed, he developed an extensive practice in both state and federal courts. His early practice was interrupted by World War I, in which he served with high credit to himself and his country. In August, 1918, he was united in marriage with May Miller of Wichita, who, together with two daughters and a son, survives him. At the primary election in 1944 he was nominated as a candidate on the Republican ticket for membership on this court, and at the ensuing election in November was elected by a large majority. His service here extended from January 8, 1945, to his untimely death on May 31, 1948.

Such is the brief chronicle of his journey. It is the *canvas* only and not the *portrait*. No mere recital of dates, of milestones along the way, can portray the life of Allen Burch, or give us the character and rich color of his warm and friendly personality. As a lawyer he was grounded in the fundamentals of the law. He possessed the scholar's appreciation of the law's development, of its slow emergence out of the strivings of men to achieve, under an organized society, the blessings of tempered liberty and ordered justice. This intellectual attachment to the history of the law and its high purposes found expression in his years of active practice and in his judicial service. Both for his legal ability and for his adherence to high standards of professional conduct, he was held in universal esteem by the members of the bar. As a judge upon this bench, he displayed an appreciation of the responsibility which rests upon such an appellate court. He sought to approach the consideration of every case, large or small, with an open mind, and his decisions were reached with impartiality and courage. In an eager quest for sound conclusions, he did not spare himself, but explored widely and often laboriously the fields of research into which the assigned cases beckoned him. These conscientious labors bore fruit in opinions that were well-considered and well-fortified. During the three years and five months of his service here, he wrote seventy-two formal opinions for the Court, six specially concurring opinions, and twelve dissenting opinions. His written opinions are marked by a careful recital of the facts, a clear statement and logical treatment of the issues presented, a facility of expression, and an evident sincerity of conviction that will remain as an enduring monument to his judicial service. His dissenting opinions bear evidence of that independence of thought which, within the bounds of reason and decent regard for the views of others, is a bulwark to public confidence in our courts. The keen and rare sense of humor which he possessed sometimes found sly way into his opinions, but never at the sacrifice of essential dignity or with personal offense to litigants or counsel.

The high qualities of character which Allen Burch evidenced as lawyer and judge marked his life in all its broad and human aspects. With an unselfish and patriotic spirit he devoted time and energy to his community and his state in many avenues of civic service. In his personal relationships he was a delightful companion and a steadfast friend.

I shall not here venture within the intimate family circle where his deep devotions lay, except to say that all who were privileged to know something of the charm of his home life know that to those who were dear to him, he left the wingless riches of sweet and unsullied memories.

May I close this brief and inadequate comment with a more general reflection. On occasions like this, the deeper and unanswerable questions ever press themselves upon our thought. At the meridian of his powers, in the very fullness of a useful life when so many years of promise seemed to lie ahead, Allen Burch was called from bench and forum and peaceful fireside. Why things like this should be remains ever among the endless mysteries of life. We live and die in a world which we so little understand. Science, with all its revealing conquests, from atom to the far reaches of the universe, stands mute at the outposts of reality. In earth and sky and sea, in every dawn and every nightfall, in the prophecy of every springtime and the fruition of every harvest, in leaf and flower and crystal, there is always and everywhere the note and the breath of mystery. And greater than the mystery of the world around us is the mystery of the world within us. More compelling than the mystery of what we see is the mystery of what we are—the mystery of thought, of love, of personality, of the yearning for immortality—the ever surging mystery of life and the ever saddening mystery of death. Here the voice of Christian faith alone must speak, to clothe life with significance and to temper death's somber tragedy. We must believe that somewhere life's deeper meanings will be revealed, life's injustices corrected, life's inequalities leveled, life's incompleteness made whole. In such a faith, and with treasured remembrance, we salute the enduring spirit and the abiding memory of Allen Burch, our departed colleague and friend.

Possible Changes in County Court Procedure

By JAMES M. McDERMOTT

Proposed changes in the procedure of a specific class of court already established and functioning, such as the county court, are to be aimed primarily at a more complete accomplishment of the basic purpose of that particular court, as distinguished from the general purposes applicable to all courts.

The basic purpose of the county court is to be sought in the jurisdictional character of the court, the prevailing design of its procedure, and the relationship of the court to other courts of original jurisdiction. Above all, it is clear that the Kansas county court is distinctly a judicial court of the state, exercising full judicial power of the sovereign within the prescribed limits of its jurisdiction; and is in no sense intended as a local tribunal to

be devoted to the local concerns of its particular county¹, as it is in some other states.²

As it now stands, the county court has some of the elements of both an inferior and a superior court. In smaller cases it employs the informal procedure of the justice of the peace. Its judgments as such will not stand alone, but are entirely disregarded on appeal to a superior court. Its jurisdiction is not general, but limited, and must be shown in the proceedings.³ On the other hand, it has some of the characteristics of a superior court in that it follows modified district court procedure in larger cases,⁴ and has ancillary power of injunction and receivership.⁵

Superficially, the county court would appear to have two main purposes: (1) to improve the quality of administration of justice under the justice of the peace code by providing a better judge and better organized court facilities for the handling of minor litigation; and (2) to provide easier and more constant access to the class of justice administered by the district court.

However, the county court evidently is not intended to supersede the justice of the peace court, but only to supplement it; for justices of the peace are not automatically reduced to ineffectuality in jurisdiction in county court territory, and the justice court procedure is simply attached virtually intact to the county court⁶ apparently for the sake of convenience and not as a part of the court. This view is borne out by the fact that justices of the peace are so reduced in jurisdiction in city court territory, and city courts have justice court procedure altogether and no distinctive elements of district court procedure.⁷

In its present concurrent and disjointed status, therefore, the lower range of county court procedure would appear to amount to little more than an alternative for escape from the weaknesses of individual justice of the peace courts. As to the upper range of its procedure, the court is chiefly valuable, not so much for speed of procedure, as for speed of access, particularly in those counties which do not have a resident district judge. Consequently, the county court would appear to be aimed, not so much at providing an improved substitute for the justice of the peace court, as for bringing the district court class of justice down within the reach of small-case litigants, as far as possible. In this view, the court is not a substitute at all. It is an auxiliary designed to bridge a gap in the judicial system.

As an auxiliary, the county court can not be regarded as an intermediate court, because it is not uniformly established in all counties and does not have appellate jurisdiction. It cannot be said to amount to a full division of the district court, because all such divisions must have the same powers as a single district judge throughout the district, which powers the county court does not have.⁸ In view of the provision for local option with the individual counties

1. Russell State Bank v. Steinle, 159 K. 293, 296; 153 P. 2d 906.

2. See Statutes of Ark., Mo., Ore., Tenn., W. Va.

3. 21 W. & Phr., P. Ed., Inf. Ct., P. 277, 278.

4. 1947 Supp., G. S. 1935, sec. 20-808.

5. G. S. 1935, sec. 20-810.

6. Sec. 20-808, *supra*; see Note 4.

7. G. S. 1935, sec. 20-1403, 1502, 1603, 1803, 1902, 2102; 1947 Supp., G. S. 1935, sec. 20-2002.

8. Sec. 20-808, *supra*; G. S. 1935, sec. 20-709.

as to adoption of the court, in place of uniform establishment in all counties, and the fact that the court is kept separate from the probate court, there is reason to conclude that the basic purpose of the county court is to provide, not another inferior court, but substantially an inferior subdivision of a superior court, namely, the district court.

In its character as an inferior subdivision, the county court should serve to bring organized and formal justice, as distinguished from the relatively unorganized and informal justice dispensed by the justice of the peace, closer to the domicile of the small-claim litigant, which the court cannot do through the use of justice court procedure which has been merely grafted upon it without being merged in it. Accordingly, it is difficult to see how the court can properly accomplish its object without a separate code of its own.

In setting the standard for all court procedure, section 18 of the Kansas Bill of Rights expresses the basic conflict inherent in the machinery of all courts, and particularly such courts as the county court. Section 18 provides that for injuries suffered in person, reputation or property, all persons shall have "remedy by due course of law," and also shall have "justice administered without delay."

Correspondingly, litigation in a class of court such as the county court involves two mutually antagonistic factors which must be equally well served: speed and flexibility, on the one hand, as against adequacy and thoroughness, on the other. In small cases, the former factor is predominant, whereas in larger cases the latter is more important. It is in the middle class of cases, in which the two factors become about equally important, where the main problem appears; and no jurisdictional dividing-line will answer it. In fact, it is in the middle class of cases, too large for justice court procedure and not large enough for the deliberation of district court procedure, deriving particular advantage from neither, that the initial urge for the county court may well have had its origin.

As to small cases, reasonable assurance of expeditious disposal is essential in order for litigation of such cases to be worth-while at all. Slow justice all but destroys the value of a small case, and thus deprives the plaintiff of a benefit and a service to which he is entitled from the judicial system. A minor right should be adjudicated just as thoroughly, in accordance with its characteristic needs, as a major right.

In larger cases, the summary and informal procedure under the justice of the peace code is not adequate, because it does not afford sufficiently detailed care in the formation and consideration of issues. An inadequate and more or less summary disposal of a substantial case is apt to lead to more difficulty, delay and expense, in the long run, than would be entailed by adequate and thorough disposition at one hearing under the slower and more detailed pattern of district court procedure. Manifestly, over-simplification can be as damaging as over-complication. There is a saturation-point of diminished return at which summary and speedy procedure begins to do more harm than good, and the advantages thereof are transformed into disadvantages.

In this regard, the use of the sum of \$300 as the dividing-line between major and minor litigation in the county court,⁹ demonstrates the fallacy of the

9. Sec. 20-808, *supra*.

hybrid procedural structure now prevailing in that court. The original selection of this arbitrary amount, as the maximum jurisdictional limit for justices of the peace, apparently constituted an attempt reasonably to approximate the intrinsic difference between major and minor cases. At the time the amount was set, some years ago, \$300 was a sum which could be looked up to. Today, it is more likely to be looked down upon. Before World War I, a person with \$300 in the bank could feel fairly solid, if not substantial. Now, if his resources get down to \$300, he begins to feel "broke."

In the sense of the general distinction between major and minor, large and small cases, there is a controlling relationship between jurisdictional amount and the type of procedure best suited to it. The relationship would seem to be indisputably clear as between extreme cases involving, say, \$90 and \$900. But in the intermediate field of \$400 to \$700, the special values of speed and expedition on the one hand, and of thoroughness and deliberation on the other, eventually diminish to a point where both are about equally important and neither is paramount. Where an arbitrary procedural dividing-line is set, some cases will be just barely over the line; others will be just barely under it; and still others may shift across from one category to another during trial. Yet there will be no sharp difference in the essential character of these cases as being of major or minor quality. Any attempt to raise the divisional amount separating the two procedures under the present dual system would simply intensify the fallacy. Raising the designated amount is not a solution to the procedural difficulties of the dual system. It is the duality itself which needs to be remedied.

In the prevailing statutory attempt at satisfying both of the conflicting procedural factors through statement of county court jurisdiction by reference to other codes, the inaccuracies and ambiguities which arise bear witness to the danger of resorting to shortcuts for the sake of legislative brevity. Shortcuts have a tendency to degenerate into makeshifts; and at best can be just as prolific as sources of confusion as are excess prolixity and complexity.

In general, the basic object of all procedure is to get the parties into court, find out what the dispute is about, and settle it properly and justly. Even in the most summary of proceedings, the essentials of notice, opportunity to be heard, and proper investigation of facts are to be preserved.¹⁰ The specific problem is to develop a single procedure which will serve the needs of both major and minor cases without special variation according to each type. In such procedure, there should be no dividing-line at all, at which a categorical jump is to be made from one type of procedure into an entirely different one.

In revising county court procedure, therefore, it is considered desirable to start with the district court code as a basis; because it is known to be at least adequate for all types of cases, to begin with, and is susceptible of being modified to the point of suitability for small cases without alteration of its fundamental values. Such approach is consonant with the basic identity of the county court as an inferior subdivision of the district court, and with the purpose of the court of bringing a better type of justice to the less affluent type of litigant. The fundamental plan of such revision should be to retain the basic services of the district court code which are essential to adequate and thorough justice in substantial cases, and yet strip them down sufficiently so

10. U. S. Const., Amend. 14; 13 W. & Phr., P. Ed., D. Pr. L., P. 491, 498, 501, 503.

as not to constitute a dead weight and an obstruction in expeditious disposal of the less exacting needs of minor cases.

As a functional part of procedure, the basic object of all pleadings is to ascertain if a case is triable before the court; and if so, what are the issues and matters to be tried. In this connection, district court procedure contains three principal substantive pleadings: the plaintiff's statement of his case, the defendant's answer thereto, and the plaintiff's optional reply to the answer. Although the time and manner of their occurrence may vary, these three substantive pleadings may not be dispensed with, and must be made available in one form or another in all courts of original civil jurisdiction.

The three primary pleadings may be supplemented by separate testing of matters of jurisdiction, process, and the form and legal sufficiency of pleadings, by means of pretrial motions and demurrers; but such motions and demurrers are only auxiliary proceedings made available in aid of the primary object as above stated. They may be formally varied or merged, according to the needs of the particular class of forum, without impairment of their function.

It is in the period of pretrial pleadings intervening between the return-day and the day set for trial, that the most prolific field for vexatious and unnecessary delay is to be found. Aside from unnecessary delay, moreover, the ordinary delays inherent in an extended pretrial period correspondingly invite further delays through interference from the normal mechanics of the court in the discharge of its business.

Recognition of this predominant source of delay is reflected in the current statutory reduction of the time for pleading in larger cases in the county court to one-half that of district court procedure,¹¹ which reduction was not included in the original county court statute.¹² Such reduction, however, merely alleviates the dilatory effect without correcting the source, which lies in the multiplicity of separate filings and hearings. In the smaller cases, these numerous and successive filings and hearings are particularly detrimental, in that they not only delay disposition of the case, but they further impair the case-value by running up costs and expense.

The best solution would seem to lie in consolidation, which would amount to a reduction of pleading-time to zero, with respect to auxiliary proceedings under motion and demurrer. Although combination of answer and demurrer having reference to the same parts of a petition is forbidden at common law, upon the ground that general demurrer and general denial are absolutely inconsistent, there is statutory and judicial precedent to the effect that formal consolidation of the two in a single written pleading is not objectionable. In some jurisdictions, the defendant is authorized to combine in one pleading as many several matters, both of law and fact, as he may deem necessary to his defense, with the qualification that all issues of law shall be tested and decided first, with consideration of issues of fact to follow.¹³

There is no express statutory prohibition in this state against consolidation of demurrer and answer, and some of the statutes and decisions would seem to recognize the validity of the principle. Although the Supreme Court once referred to a local rule of a district court requiring the filing of a demurrer and an answer at the same time, as "manifestly a bad rule"¹⁴; section

11. 1947 Supp., G. S. 1935, sec. 20-808.

12. G. S. 1935, sec. 20-808.

13. 41 Am. Jur. 440, 441, Par. 210.

60-710 of the civil code nevertheless provides that a defendant is entitled to plead "as many grounds of defense, counterclaim, setoff and for relief as he may have," in his answer. The term "defense" is defined as "a reason, in law or fact, why the plaintiff should not recover or establish what he seeks," and has been regarded as including "what is put forward to defeat an action."¹⁵ Section 60-707 of the civil code further provides that where a demurrable defect is not apparent on the face of the petition, the defect may be objected to by answer, which amounts to a consolidation of demurrer and answer under certain circumstances.

There is no express statutory provision in this state which compels a defendant to resort to demurrer exclusively in any instance. The terms of the statute are permissive, such as: "The only pleadings allowed are . . ."; and "the defendant may demur to the petition only when . . ."; and where defects do not appear on the face of the petition, "the objection may be taken by answer."¹⁶ The Supreme Court has ruled that where a defendant *may* demur separately, he *must* demur separately, and may not raise objection to an apparent defect by answer, upon the ground that such objection presents a question of law, which questions are "the peculiar province of the demurrer."¹⁷ However, there is nothing in the reasoning of the opinion which would indicate a belief that demurrer and answer are incompatible and incapable of association.

In comparison with the so-called peculiar province of the demurrer, the function of the answer is "to apprise the plaintiff of what defense is set up in bar of his claim."¹⁸ This general function would seem to include the particular function of the demurrer, especially in view of the fact that the demurrable defect of want of sufficiency in the petition as stating a cause of action may be challenged at such a late stage as at trial, by objection to introduction of evidence under the petition, and the further fact that the demurrable defect of want of jurisdiction in the court may be challenged at any time.¹⁹ Yet such challenges present only issues of law, and no primary issues of fact.

Since the only function of the demurrer is to challenge the sufficiency of pleadings, and this function already is performed by the answer in certain instances, it is believed that the demurrer may and should be consolidated with the answer in county court pleadings, to the end that its function may be retained in the pleadings, and yet not result in delay and multiplication of effort to the detriment of small cases. Accordingly, it is suggested that the demurrer, as such, should be abolished in the county court, and that defenses in bar, to be asserted in the answer, should be relied upon for the raising of issues of law.

It is conceivable that motions may be of such a special nature and wide variety that they are not suitable to combination with the answer. They should, however, be consolidated within their own class as much as possible; within the rule that several objects may be included in the same motion,

14. Butcher v. Bank of Brownsville, 2 K. 70, 82.

15. 11 W. & Phr., P. Ed., 581, 584; Frizell v. Northern Trust Co., 144 K. 481, 484; 61 P. 2d 1344.

16. G. S. 1935, sec. 60-703, 705, 707.

17. Lyons v. Berlau, 67 K. 426, 429, 430; 73 Pac. 52.

18. Munn v. Taulman, 1 K. 243, 246.

19. Water Supply Co. v. Dodge City, 55 K. 60, 61, 62, 39 Pac. 219; Comer v. McGuire, 121 K. 820, 822, 250 Pac. 345.

provided they "all grow out of, or are connected with, the action or proceeding in which it is made," as specified in section 60-721 of the civil code.

Further in connection with the handling of pretrial pleadings, it is to be noted that trial itself is handled as a distinct and integral phase to be completed at one continuous sitting, although it involves many different matters and several different kinds of proceedings, including motions and demurrers. Since wide variety and interdependence of matters handled in a trial do not prevent successful disposal in a single trial at one sitting, it would seem possible that pretrial pleadings might successfully be handled and disposed of in a similar manner. It is true that making up the issues, as accomplished by the pleadings, is somewhat different from proving them, as accomplished by the trial. However, in effect, the function of shaping the issues often is gone through all over again in the middle of the trial, by demurrer to the evidence or various motions for judgment, or more especially in submission and contest of requests for special instructions.

Therefore, in addition to consolidation of demurrer and answer, and even though formal motions may be kept separate from the answer, it is suggested that there be established in county court procedure a so-called "pleading-day" in each case, equivalent to the trial day; and that all proceedings relating to pleadings and preparation of issues in the case be heard and disposed of, as a distinct and integral phase composed of a group of interrelated items, at one sitting beginning on that day, even though the entire process may require several days in accordance with the size and complexity of the case. It is considered that such procedure, after filing and cross-filing of pleadings had been completed, would tend to preserve a direct proportional relationship between the size and nature of a case and the amount of time to be consumed in its disposal; with the result that the needs of the larger cases could be served, and at the same time the interests of small-claim litigants could be protected. Likewise, under such procedure the middle-class cases would not be tangled up with any arbitrary procedural dividing-line. It is believed that procedure thus would be placed upon a sliding scale by which each case would tend to select its own procedure in accordance with its needs, so far as pretrial pleadings are concerned.

As to trial itself, there has been some question as to whether trial by jury should be abolished altogether in the county court, with the suggestion that all county court cases in which a jury is demanded should be immediately and automatically transferred to the district court for trial, upon the theory that litigants seldom use a jury in the county court, and that jury trials in that court are usually appealed, in any event. This suggested procedure would not violate the constitutional guaranty of trial by jury, for section 5 of the Kansas Bill of Rights has been interpreted by the Supreme Court as intending only a preservation of the right as it stood at common law and not an extension thereof to all cases in all courts.²⁰ Since trial by jury is not necessary to due process of law,²¹ and the right to such trial is not impaired by elimination in one court where a common law jury is available in another court in the same vicinity,²² juries therefore legally could be dispensed with in the county court.

20. *In re Rolfs*, 30 K. 758, 762, 1 Pac. 523; *State, ex rel., v. Topeka*, 36 K. 76, 85, 86, 12 Pac. 310; 59 Am. R. 529.

21. 31 Am. Jur. 555, Par. 6.

22. *In re Kinsel*, 64 K. 1, 5, 6, 67 Pac. 634.

As a matter of fact, statistics show that a relatively small proportion of trials in existing county courts are by jury, and also show that of those cases tried by jury, only a few are appealed. During the year ending June 30, 1946, out of a total of 153 cases tried, only 10 were tried by jury.²³ During the year ending June 30, 1947, out of a total of 12 cases tried by jury, only 3 were appealed.²⁴

In view of these statistics, the retention of trial by jury in the county court evidently does little harm. It may do some good. It does not cause undue delay if it is not often used. Its absence would not materially improve the county court in the performance of its designed function, nor make it more desirable as an alternative forum, and would tend to defeat the purpose of the court. So long as juries remain an integral and substantial part of the judicial machinery of the state and are retained in at least some of the courts thereof, it is considered that they likewise should be retained, even if dormant, in the county court.

It is believed that existing statutory provisions relating to juries in the county court should be retained as they are, with the exception of two additional provisions which are thought to be desirable.

As to the first additional provision, it is suggested that the judge should be required to give general instructions to the jury in every jury case in the county court, as a matter of course, in order to maintain the basic standard of superior court procedure. It is believed that laymen county judges, with a little practice, can become as expert in that task as a lawyer district judge would be, and it might result in surprising improvement in the work of those juries and thus tend to further cut down on appeals.

As to the second such provision, it is considered that a minimum period of time immediately prior to trial should be set aside as a deadline beyond which no demand for a jury may be made. Accordingly, it is suggested that election as to trial by jury in county court cases should be required to be made as a final phase of the pretrial pleading-day proceedings, with discretion in the trial judge to allow an extra day or so for that purpose, or not, as he may deem necessary and advisable in the premises. The case still could become immediately triable upon completion of such proceedings, and could be set according to the needs of the court and the parties, under whichever election is made, with the possible proviso that if a jury is demanded, the case shall be set not less than two days after such election.

As to issuance of execution on county court judgments, it is suggested that district court procedure should govern throughout, with the exception that such execution should issue as a matter of course and without demand, ten days after judgment, if there has been no challenge for error, appeal, filing of stay bond, or docketing of the case in district court. Proceedings in aid of execution, as a practical matter, are available through the county judge, who has power to conduct such proceedings in his capacity as probate judge.²⁵ Since the probate judge acts as the agent of the district court in the exercise of such power,²⁶ he may be expected to have his routine of operation and

23. Judicial Council Bulletin, Oct., 1946, p. 181.

24. Extracted from Judicial Council files by author.

25. G. S. 1935, sec. 60-3486.

26. Bowersock v. Adams, 55 K. 681, 685, 41 Pac. 971.

channels of communication with the clerk of the district court fairly well established.

As to the manner of appeal from judgments in the county court, there has been some question as to whether trial *de novo* should be abolished as the method of appellate consideration in the district court, for the reason that it tends to result in duplication of trials. If trial *de novo* were abolished, there would have to be substituted some form of appeal for error. In many cases, any substituted form of appeal for error might very likely amount to a trial *de novo*, in any event, and probably would prove more cumbersome. So long as the judge of the county court is not required to be a lawyer, trial *de novo* on appeal to the district court is considered necessary.

On the other hand, in view of the inherent potentialities for abuse in the practice of deliberate defaulting in contemplation of appeal *de novo*, on the part of defendants, for the sole purpose of changing the forum, it is considered that some preliminary showing of probable cause for the appeal should be required in the district court before the full trial *de novo* is undertaken. This approach, it is believed, would prove more satisfactory than rendering default judgments nonappealable altogether, in accordance with the Nebraska rule²⁷; which policy might result in increase, instead of decrease, of trial duplications. In some instances, deliberate default may well be intended for the exact purpose of avoiding duplication of trials where eventual resort to the higher court seems a practical certainty in any event, and therefore any required showing of probable cause should tend to establish such fact.

As to the matter of costs and security therefor, it is considered that the county court should have its own schedule of costs, to be based upon the justice-court grouping of quantities of the same item under a single moderate charge, for the sake of economy to less affluent and small-claim litigants. Moreover, so long as justice courts are retained concurrently with the county court, with jurisdiction up to \$300 free of cost deposit to residents, it is believed that a cost deposit should be required in all cases in the county court. In view of the nature and purpose of the county court, it is believed that the magistrate court system of requiring a deposit of \$5 in cases up to \$500, and a deposit of \$10 in cases over \$500, is most suitable.

As to garnishment proceedings, it is suggested that garnishment bond in the county court should be eliminated altogether in cases up to \$500, and that such bond in cases over \$500 should be reduced in maximum to the amount of the plaintiff's claim, instead of double the amount as required under district court procedure, in order to make the remedy more available to claimants of limited means, and at the same time retain adequate protection for defendant debtors against abuse of the remedy.

Suggestion has been made that the clerk of the district court should be designated as clerk of the county court. Such arrangement, it is believed, would be objectionable, for the reason that in multiple-county districts the one clerk would be clerk of several courts of several counties, and it would be cumbersome and impractical to have the records of all of those courts concentrated in a single set of official hands.

If the county court is to have a clerk separate from the county judge, each

²⁷ Clendenning v. Crawford & McLaughlin, 7 Neb. 474, 476, 4 N. W. 83; Carr v. Luscher, 35 Neb. 318, 321, 53 N. W. 144.

such court should have a clerk of its own. It is suggested in this regard that there might be authorized the appointment of a deputy clerk of the county court, at the option of the individual county, to correspond to the deputy clerk of the probate court now available²⁸; and it might be feasible to associate the two clerks in the deputy probate clerk, in the same manner as the judges of the two courts are associated in the probate judge.²⁹

In conclusion, it is to be noted that the jurisdictional provisions of the county court statute, as they now stand, present an interesting example of the hazards and difficulties to be encountered in any attempt to formulate a new code by categorical reference to other codes. The statute provides that county judges shall have "the ordinary powers and jurisdiction of justices of the peace" in cases involving up to \$300, and shall have concurrent jurisdiction with the district court "in all civil cases" exceeding \$300, up to \$1,000.³⁰

There is judicial authority to the effect that powers exercised in attachment, garnishment, and forcible entry and detainer proceedings are extraordinary powers, rather than ordinary powers.³¹ Yet such powers, which are not specifically conferred, are powers which the county court certainly must have, at least with reference to attachment and garnishment. Conversely, the authorities are fairly clear that proceedings in mandamus, quo warranto, original injunction, and habeas corpus all constitute civil actions. Yet all of such actions are of such a nature that they would seem to call for the specialized care and skilled deliberation of a lawyer as judge, and might be regarded as questionable in the hands of the county court.

If, by use of the term "ordinary powers," it is meant that county judges are to have the judicial powers of justices of the peace as distinguished from their administrative powers, as defined in the Nebraska interpretation of the term,³² it would seem that the statute would be clearer and sounder if it employed a specific adjective in place of the general, categorical adjective "ordinary." Similarly, whether it is intended that the county court should or should not have jurisdiction in the mentioned specialized civil actions, it is considered desirable that such intent be made clear beyond all doubt. Accordingly, it is suggested that explicit jurisdictional exception or inclusion should be made as to all of such actions, by express provision as to each in the county court law.

28. 1947 Supp., G. S. 1935, sec. 59-202.

29. 1947 Supp., G. S. 1935, sec. 20-803.

30. 1947 Supp., G. S. 1935, sec. 20-808.

31. 30 W. & Phr., P. Ed., Ord. Proc., p. 267; Kellogg v. Hazlett, 2 K. A. 525, 529; Reeves v. McAdoo, 165 K. 193, 197, 193 P. 2d 233.

32. Adkins v. Andrews, 1 Neb. (Unof.) 810, 96 N. W. 228; Blaco v. Haller, 9 Neb. 149, 1 N. W. 978; Uhl v. Pence, 11 Neb. 316, 9 N. W. 41; Ingram v. State, *ex rel.*, 24 Neb. 33, 36, 37 N. W. 943.

Comment on Statistical Tables

By RANDAL C. HARVEY

The statistics printed in this issue show a continuation of the postwar trends noted in the October, 1947, BULLETIN, particularly the decline in the number of divorce cases and the increase in criminal cases.

SUPREME COURT

There was a sharp increase in the number of cases disposed of, from 261 in 1947 to 360 in the current statistical year. This continues the trend which began in 1946, and the number of cases in the Supreme Court has increased over seventy percent since 1945.

DISTRICT COURTS

There has been a decline in the total number of cases commenced in the district court, from 20,110 in 1947 to 18,459 in 1948, and a similar decline in the number of cases terminated. Most of this decline is in divorce cases, which dropped from 10,247 in 1947 to 8,716 in 1948. This makes a total decline of more than thirty-five percent in the number of divorce cases since 1946, which was the peak year with 13,472 cases.

There has been a sharp increase in the number of suits for recovery of money and in appeals from the probate court and other inferior tribunals to the district court. There has been a substantial decline in suits to quiet title and for partition. Foreclosure suits are still at a low ebb, with a total of 120 for the state, hardly more than one to the county. In other types of civil business in the district courts, there is no substantial change in the number of cases. The number of jury trials in civil cases has shown a surprising increase from 187 to 273.

Criminal cases in the district courts have increased from 1,995 in 1947 to 2,301 in 1948, an increase of more than fifteen percent. The number of criminal trials has increased from 162 to 206.

PROBATE COURTS

There has been a slight increase in the number of decedent's estates opened during the year, from 4,408 in 1947 to 4,576 in 1948, and a slight decline in the number of guardianships opened, from 1,221 to 1,159. There has been a sharp decline in the number of descent proceedings, from 3,765 to 2,955, but juvenile cases have increased from 1,303 to 1,621. In other types of business of the probate courts, there has been no substantial change.

COUNTY AND CITY COURTS

The business of county and city courts has increased in both civil and criminal cases. In the county courts, the number of civil cases has increased from 897 to 1,034, while the number of criminal cases has increased from 3,176 to 4,190. In the city courts, the number of civil cases has increased from 4,888 to 5,741, and the number of criminal cases has increased from 3,480 to 4,476.

GENERAL CONCLUSIONS

The sharp decline in the number of divorce cases establishes the fact that the high divorce rates of 1945 and 1946 were the result of abnormal war conditions rather than a trend toward looser domestic relations. The decline in the number of suits to quiet title and descent proceedings would tend to show that title problems are being solved to some extent by curative legislation and the general acceptance of title standards. The increase in juvenile cases and in criminal cases of all kinds is significant in showing an antisocial trend, particularly among young offenders, but it must be remembered that during the war much of this type of work was handled by courts martial and with demobilization this has been thrown back upon the state courts.

The inflationary economic conditions continue to hold down the number of mortgage foreclosures and replevin suits which formerly constituted a substantial percentage of the total number of civil cases.

The statistical tables also show that, with minor exceptions, the courts are handling their work expeditiously and are not building up excessively long dockets. While the number of pending cases may seem large, these include all of the cases which were filed in the few months preceding the end of the statistical year, many of which were not yet at issue at the close of the year.

Supreme Court—Twenty-year Summary

YEAR ENDED JUNE 30	Cases	Disposed of	Dismissed	Submitted
1928.....	Appealed, civil.....	529	143	386
	Appealed, criminal.....	101	44	57
	Original.....	46	13	33
	Totals.....	676	200	476
1929.....	Appealed, civil.....	475	128	347
	Appealed, criminal.....	72	29	43
	Original.....	36	18	18
	Totals.....	583	175	408
1930.....	Appealed, civil.....	504	143	351
	Appealed, criminal.....	77	37	40
	Original.....	52	16	36
	Totals.....	633	196	437
1931.....	Appealed, civil.....	490	131	359
	Appealed, criminal.....	63	29	34
	Original.....	38	13	25
	Totals.....	591	173	418
1932.....	Appealed, civil.....	522	159	363
	Appealed, criminal.....	74	45	29
	Original.....	32	6	26
	Totals.....	628	210	418
1933.....	Appealed, civil.....	459	135	324
	Appealed, criminal.....	66	35	31
	Original.....	23	5	18
	Totals.....	548	175	373
1934.....	Appealed, civil.....	427	149	278
	Appealed, criminal.....	52	30	22
	Original.....	42	11	31
	Totals.....	521	190	331
1935.....	Appealed, civil.....	506	167	339
	Appealed, criminal.....	58	26	32
	Original.....	25	11	14
	Totals.....	589	204	385
1936.....	Appealed, civil.....	475	156	319
	Appealed, criminal.....	66	31	35
	Original.....	39	19	20
	Totals.....	580	206	374
1937.....	Appealed, civil.....	397	103	294
	Appealed, criminal.....	56	27	29
	Original.....	33	9	24
	Totals.....	486	139	347
1938.....	Appealed, civil.....	388	131	257
	Appealed, criminal.....	41	25	16
	Original.....	32	6	26
	Totals.....	461	162	299
1939.....	Appealed, civil.....	397	114	283
	Appealed, criminal.....	32	17	15
	Original.....	15	4	11
	Totals.....	444	135	309

SUPREME COURT SUMMARY—CONCLUDED

YEAR ENDED JUNE 30	Cases	Disposed of	Dismissed	Submitted
1940.....	Appealed, civil.....	426	117	309
	Appealed, criminal.....	31	10	21
	Original.....	39	20	19
	Totals.....	496	147	349
1941.....	Appealed, civil.....	314	103	211
	Appealed, criminal.....	31	14	17
	Original.....	64	39	25
	Totals.....	409	156	253
1942.....	Appealed, civil.....	293	82	211
	Appealed, criminal.....	23	4	19
	Original.....	27	6	21
	Totals.....	343	92	251
1943.....	Appealed, civil.....	290	72	218
	Appealed, criminal.....	28	14	14
	Original.....	35	17	18
	Totals.....	353	103	250
1944.....	Appealed, civil.....	216	59	157
	Appealed, criminal.....	17	7	10
	Original.....	16	5	11
	Totals.....	249	71	178
1945.....	Appealed, civil.....	186	51	135
	Appealed, criminal.....	9	8	1
	Original.....	15	6	9
	Totals.....	210	65	145
1946.....	Appealed, civil.....	178	44	134
	Appealed, criminal.....	19	6	13
	Original.....	43	15	28
	Totals.....	240	65	175
1947.....	Appealed, civil.....	189	55	134
	Appealed, criminal.....	13	4	9
	Original.....	59	19	40
	Totals.....	261	78	183
1948.....	Appealed, civil.....	244	63	181
	Appealed, criminal.....	23	8	15
	Original.....	93	73	20
	Totals.....	360	144	216
	Grand totals....	9,661	3,086	6,575

TABLE A-1.—ROSTER OF JUDICIAL OFFICIALS AS OF JULY 1, 1948

COUNTY	Jud. dist.	District judge	Clerk of court	Probate judge
Allen.....	37	Wallace H. Anderson..	Jessie M. Fry.....	A. M. Dunlap*
Anderson.....	4	Hugh Means.....	Mabel Church.....	Dean Smith
Atchison.....	2	Lawrence F. Day.....	Hal Waisner.....	Philip Shrack
Barber.....	24	Clark A. Wallace.....	Edith Myers.....	John C. Hilleky
Barton.....	20	Roy J. McMullen.....	A. J. Bortz.....	Leonard Birzer
Bourbon.....	6	Harry W. Fisher.....	Amy Armstrong.....	Geo. W. Bainum
Brown.....	22	John L. Gernon.....	Edna Boicourt.....	Richard W. Shaw
Butler.....	13	Carl Ackerman.....	Harry R. Martin.....	Ralph B. Ralston*
Chase.....	5	W. N. Calkins.....	Mildred Speer.....	C. A. Blackburn
Chautauqua.....	13	Jay Sullivan.....	Cleopha Call.....	Ima I. Raybourn
Chautauqua.....	Div. 2	W. N. Calkins.....		
Cherokee.....	11	Jerome Harmon.....	Lois Mason.....	Millard P. Knock
Cheyenne.....	17	Robert Hemphill.....	Chas. N. Roberts.....	A. A. Gillispie
Clark.....	31	Karl Miller.....	Hope Grimes.....	O. T. Ammon*
Clay.....	21	Edgar C. Bennett.....	Hazel K. Chestnut.....	Oscar E. Peterson*
Cloud.....	12	W. D. Vance.....	Floyd R. Turner.....	E. C. Schroeter
Coffey.....	5	Jay Sullivan.....	Harry W. Mudge.....	W. A. Starliper*
Comanche.....	31	Karl Miller.....	Jessie Chamness.....	Earl Martin
Cowley.....	19	Albert Faulconer.....	Sallie O. Smith.....	Frank R. Gray*
Crawford.....	38	L. M. Resler.....	Grace Webb.....	Robt. W. Colborn
Decatur.....	17	Robert Hemphill.....	Alice J. Vernon.....	George Nellans*
Dickinson.....	8	James P. Coleman.....	Seth Barter, Jr.....	Thornton D. Scott*
Doniphan.....	22	John L. Gernon.....	Beulah M. Swiggett.....	John R. Bell
Douglas.....	4	Hugh Means.....	Mary Ellen Simmons.....	Frank R. Gray*
Edwards.....	33	Lorin T. Peters.....	John Stoner.....	L. L. Anderson*
Elk.....	13	Carl Ackerman.....	Frank A. Force.....	Miriam O. Beaty
Elk.....	Div. 2	W. N. Calkins.....		
Ellis.....	23	C. A. Spencer.....	Julius Stroemel.....	Alexander Meier
Ellsworth.....	30	A. R. Buzick.....	J. M. Wilson.....	Gerhard Haase
Finnney.....	32	Ray H. Calihan.....	Mae Purdy.....	M. C. Schrader*
Ford.....	31	Karl Miller.....	Elta J. Riley.....	Richard W. Evans*
Franklin.....	4	Hugh Means.....	Christina Woke.....	Clive H. Owen
Geary.....	8	James P. Coleman.....	C. W. Marston.....	J. W. Filby*
Gove.....	23	C. A. Spencer.....	Louise Brown.....	V. J. Smith*
Graham.....	34	W. K. Skinner.....	Cora Roberts.....	E. L. McClure
Grant.....	30	F. O. Rindom.....	Betty Teegerstrom.....	Myrtle Newby
Gray.....	31	Karl Miller.....	Tressie Johnson.....	Grace H. Truax
Greeley.....	32	Ray H. Calihan.....	Laura M. Holmes.....	Hope Owen
Greenwood.....	13	Carl Ackerman.....	Alma Long.....	B. M. Beyers*
Greenwood.....	Div. 2	W. N. Calkins.....		
Hamilton.....	32	Ray H. Calihan.....	Amelia J. Minor.....	A. C. Bostwick
Harper.....	24	Clark A. Wallace.....	Jay B. Pearl.....	R. H. Beebe
Harvey.....	9	George L. Allison.....	Mabel McMullen.....	Alfred G. Schroeder*
Haskell.....	39	F. O. Rindom.....	J. B. Patton.....	Albert Schnellbacher
Hodgeman.....	33	Lorin T. Peters.....	F. S. Haun.....	J. E. Reed*
Jackson.....	36	Lloyd Morris.....	Chelcia Shelby.....	D. W. Gibson
Jefferson.....	36	Lloyd Morris.....	Nona Crosley.....	Claude Kimmel
Jewell.....	15	W. R. Mitchell.....	Bernice Howard.....	Salina Teeple*
Johnson.....	10	John L. Kirkpatrick.....	Gertrude S. Hedberg.....	Harley V. Haskin
Keamy.....	32	Ray H. Calihan.....	Bertha Adams.....	Lewis Keeler
Kingman.....	24	Clark A. Wallace.....	Nell H. Walter.....	W. H. White
Kiowa.....	31	Karl Miller.....	James Estlack.....	Harry Paxton
Labette.....	16	L. E. Goodrich.....	Maye Eller.....	Oren Gray
Lane.....	32	Ray H. Calihan.....	Eva Cramer.....	A. J. Myers
Leavenworth.....	1	J. H. Wendorff.....	Dorothy Harrison.....	Sam Parsia
Lincoln.....	30	A. R. Buzick.....	E. D. Harlow.....	R. W. Greene
Linn.....	6	Harry W. Fisher.....	Will H. Bayless.....	Merlin Casteel
Logan.....	23	C. A. Spencer.....	A. W. Rogge.....	Gladys Hargadine
Lyons.....	5	Jay Sullivan.....	Bess M. Cook.....	W. W. Parker
Marion.....	8	James P. Coleman.....	Virgil M. Wiebe.....	G. E. Hargett*
Marshall.....	21	Edgar C. Bennett.....	Wallace J. Koppes.....	P. R. Puelleine*
McPherson.....	9	George L. Allison.....	Donald S. Clark.....	J. J. Heidebrecht
Meade.....	31	Karl Miller.....	Ethel R. Copenhagen.....	Florilla De Cow

TABLE A-1.—CONCLUDED. Roster of Judicial Officials as of July 1, 1948.

COUNTY	Jud. dist.	District judge	Clerk of court	Probate judge
Miami.....	10	John L. Kirkpatrick....	Ethel J. Hunt.....	A. H. Kraft
Mitchell.....	15	W. R. Mitchell.....	Douglas L. Knarr.....	H. D. Arend*
Montgomery.....	14	J. W. Holdren.....	M. D. Smith.....	John Wright
Morris.....	8	James P. Coleman.....	Inez Featherston.....	E. M. Jones*
Morton.....	39	F. O. Rindom.....	Irene Kuder.....	George H. Terrill
Nemaha.....	22	John L. Gernon.....	Iva Weyer.....	L. S. Slocum
Neosho.....	7	Ora D. McClellan.....	Mamie E. Hayes.....	J. L. Naff
Ness.....	33	Lorin T. Peters.....	Gladys K. Bondurant.....	Blair Eibert*
Norton.....	17	Robert Hemphill.....	Arthur V. Poage.....	D. A. Jordon
Osage.....	35	A. K. Stavelly.....	Jean Neill.....	T. L. Tiffany*
Osborne.....	15	W. R. Mitchell.....	Elma McColl.....	James W. Bell*
Ottawa.....	30	A. R. Buzick.....	A. H. Finley.....	W. D. Lancaster
Pawnee.....	33	Lorin T. Peters.....	Rose Wood.....	Spencer C. Ackerman
Phillips.....	17	Robert Hemphill.....	Floyd Keesee.....	C. A. Radefeld*
Pottawatomie.....	36	Lloyde Morris.....	Lloyd W. Hope.....	H. H. Holuba*
Pratt.....	24	Clark A. Wallace.....	Willard J. Davis.....	E. R. Barnes
Rawlins.....	17	Robert Hemphill.....	Louise Portschy.....	M. H. Bird*
Reno.....	40	F. B. Hettinger.....	G. R. Williams.....	A. B. Leigh
Republic.....	12	W. D. Vance.....	Warren A. Scott.....	Henry Van Natta*
Rice.....	20	Roy J. McMullen.....	Laura Saint.....	H. G. Doddridge*
Riley.....	21	Edgar C. Bennett.....	Joseph F. Musel.....	Scott Pfuetze
Rooks.....	34	W. K. Skinner.....	Geo. F. Crane.....	G. M. James*
Rush.....	33	Lorin T. Peters.....	Gladys Driver.....	Oscar Showalter*
Russell.....	23	C. A. Spencer.....	Geo. W. Brandt.....	J. D. Steinkle*
Saline.....	30	A. R. Buzick.....	Howard Ford.....	Fred D. Joy
Scott.....	32	Ray H. Calihan.....	Nellie Scheuerman.....	James H. Force*
Sedgwick..... Div. 1	18	Ross McCormick.....	L. D. Leland.....	Clyde M. Hudson
..... Div. 2		William J. Wertz		
..... Div. 3		Clair E. Robb		
..... Div. 4		I. N. Williams		
Seward.....	39	F. O. Rindom.....	Mary Lindley.....	E. S. Irwin
Shawnee..... Div. 1	3	George A. Kline.....	Genevieve Cowell.....	Walter G. Stumbo
..... Div. 2		Paul H. Heinz		
..... Div. 3		Dean McElhenry		
Sheridan.....	34	W. K. Skinner.....	Nannie E. Adams.....	J. U. Andregg
Sherman.....	34	W. K. Skinner.....	Sylvia R. Riley.....	Nora E. Beecham
Smith.....	15	W. R. Mitchell.....	Lucille Figg.....	Miles Elson
Stafford.....	20	Roy J. McMullen.....	Gertrude Bartle.....	L. L. Carleton*
Stanton.....	39	F. O. Rindom.....	Tina B. Wilson.....	Mary Lea Fiss
Stevens.....	39	F. O. Rindom.....	J. F. Fulkerson.....	J. B. Porter*
Sumner.....	25	Wendell Ready.....	Laura McCormick.....	Ford Harbaugh
Thomas.....	34	W. K. Skinner.....	N. C. Knudson.....	H. H. Goetsch*
Trego.....	23	C. A. Spencer.....	D. E. Cypher.....	Garland Wanker*
Wabaunsee.....	35	A. K. Stavelly.....	Eva Dorman.....	H. R. Williams
Wallace.....	23	C. A. Spencer.....	Ida Ward.....	George Cox*
Washington.....	12	W. D. Vance.....	Alta Hennon.....	Bertha Pifer*
Wichita.....	32	Ray H. Calihan.....	Daisy Dickey.....	Maggie Gilmore
Wilson.....	7	Ora D. McClellan.....	J. E. Kenny.....	Bess Schmidt
Woodson.....	37	Wallace H. Anderson.....	Myra Dummond.....	John H. Schnell*
Wyandotte..... Div. 1	29	E. L. Fischer.....	John W. Foley.....	William H. McHale
..... Div. 2		Willard M. Benton		
..... Div. 3		Harvey J. Emerson		
..... Div. 4		Russell C. Hardy		

* Also judge of county court.

TABLE A-2.—SUMMARY OF DISTRICT COURTS, BY DISTRICTS—
YEAR ENDING JUNE 30, 1948

Judicial dist.	COUNTY	Civil cases, including divorce				Criminal cases			
		Pending July 1, 1947	Com-menced	Terminated	Pending July 1, 1948	Pending July 1, 1947	Com-menced	Terminated	Pending July 1, 1948
1	Leavenworth.....	450	483	395	538	89	42	38	93
2	Atchison.....	133	211	220	124	5	11	12	4
3	Shawnee.....	368	1,399	1,334	433	59	246	232	73
4	Anderson.....	27	51	46	32	3	3	4	2
	Douglas.....	98	251	251	98	17	37	41	13
	Franklin.....	83	175	214	44	6	19	21	4
	Totals.....	208	477	511	174	26	59	66	19
5	Chase.....	11	40	36	15	0	0	0	0
	Coffey.....	20	127	119	28	1	2	3	0
	Lyon.....	125	196	237	84	3	24	20	7
	Totals.....	156	363	392	127	4	26	23	7
6	Bourbon.....	55	207	199	63	6	28	22	12
	Linn.....	31	67	83	15	2	10	8	4
	Totals.....	86	274	282	78	8	38	30	16
7	Neosho.....	52	188	163	77	2	13	11	4
	Wilson.....	66	123	139	50	5	27	32	0
	Totals.....	118	311	302	127	7	40	43	4
8	Dickinson.....	60	183	201	42	6	18	21	3
	Geary.....	66	222	203	85	3	17	18	2
	Marion.....	23	69	69	23	5	10	13	2
	Morris.....	18	77	76	19	2	3	4	1
	Totals.....	167	551	549	169	16	48	56	8
9	Harvey.....	81	186	189	78	4	24	24	4
	McPherson.....	51	190	166	75	5	10	8	7
	Totals.....	132	376	355	153	9	34	32	11
10	Johnson.....	224	404	432	196	18	35	37	16
	Miami.....	62	162	185	39	7	14	17	4
	Totals.....	286	566	617	235	25	49	54	20
11	Cherokee.....	200	375	295	280	6	22	24	4
12	Cloud.....	16	104	98	22	1	14	9	6
	Republic.....	19	87	79	27	0	14	12	2
	Washington.....	24	102	110	16	0	7	6	1
	Totals.....	59	293	287	65	1	35	27	9
13	Butler.....	172	342	357	157	21	44	46	19
	Chautauqua.....	21	63	62	22	1	10	9	2
	Elk.....	17	86	87	16	2	5	6	1
	Greenwood.....	50	178	171	57	2	14	14	2
	Totals.....	260	669	677	252	26	73	75	24
14	Montgomery.....	154	413	414	153	11	97	83	25
15	Jewell.....	29	69	62	36	0	4	3	1
	Mitchell.....	20	53	48	25	3	7	10	0
	Osborne.....	29	76	80	25	4	9	10	3
	Smith.....	21	51	57	15	0	10	8	2
	Totals.....	99	249	247	101	7	30	31	6

TABLE A-2.—CONTINUED. Summary of district courts, by districts—year ending June 30, 1948

Judicial dist.	COUNTY	Civil cases, including divorce				Criminal cases			
		Pending July 1, 1947	Com-menced	Terminated	Pending July 1, 1948	Pending July 1, 1947	Com-menced	Terminated	Pending July 1, 1948
16	Labette.....	84	235	239	80	2	18	17	3
17	Cheyenne.....	8	26	24	10	0	3	3	0
	Decatur.....	25	58	66	17	0	3	2	1
	Norton.....	31	75	80	26	1	2	3	0
	Phillips.....	26	57	71	12	1	1	2	0
	Rawlins.....	15	47	53	9	0	6	6	0
	Totals.....	105	263	294	74	2	15	16	1
18	Sedgwick.....	1,559	2,875	2,721	1,713	360	457	381	436
19	Cowley.....	126	326	311	141	10	26	22	14
20	Barton.....	90	266	241	115	5	37	39	3
	Rice.....	38	123	116	45	1	4	3	2
	Stafford.....	26	86	76	36	1	15	12	4
	Totals.....	154	475	433	196	7	56	54	9
21	Clay.....	23	93	85	31	0	7	7	0
	Marshall.....	39	120	127	32	0	6	5	1
	Riley.....	84	165	184	65	2	20	18	4
	Totals.....	146	378	396	128	2	33	30	5
22	Brown.....	29	125	112	42	1	8	8	1
	Doniphan.....	20	72	68	24	3	10	9	4
	Nemaha.....	21	57	66	12	1	2	2	1
	Totals.....	70	254	246	78	5	20	19	6
23	Ellis.....	58	109	121	46	5	24	18	11
	Gove.....	8	49	42	15	0	4	3	1
	Logan.....	18	53	62	9	1	6	7	0
	Russell.....	96	165	172	89	3	20	20	3
	Trego.....	4	34	33	5	3	4	6	1
	Wallace.....	11	26	29	8	0	5	4	1
	Totals.....	195	436	459	172	12	63	58	17
24	Barber.....	24	70	76	18	0	6	5	1
	Harper.....	19	60	62	17	7	4	9	2
	Kingman.....	28	62	74	16	1	1	1	1
	Pratt.....	32	111	100	43	3	15	15	3
	Totals.....	103	303	312	94	11	26	30	7
25	Sumner.....	75	174	166	83	5	10	10	5
29	Wyandotte.....	2,701	2,042	2,216	2,527	253	305	351	207
30	Ellsworth.....	33	71	70	34	0	7	6	1
	Lincoln.....	9	34	31	12	1	4	4	1
	Ottawa.....	14	33	28	19	3	5	6	2
	Saline.....	214	376	334	256	19	38	32	25
	Totals.....	270	514	463	321	23	54	48	29
31	Clark.....	5	31	20	16	2	3	3	2
	Comanche.....	14	21	32	3	3	11	12	2
	Ford.....	62	177	183	56	6	47	45	8
	Gray.....	14	49	39	24	1	7	6	2
	Kiowa.....	11	32	26	17	0	4	4	0
	Meade.....	18	32	33	17	8	4	12	0
	Totals.....	124	342	333	133	20	76	82	14

TABLE A-2.—CONCLUDED. Summary of district courts, by districts—year ending June 30, 1948

Judicial dist.	COUNTY	Civil cases, including divorce				Criminal cases			
		Pending July 1, 1947	Commenced	Terminated	Pending July 1, 1948	Pending July 1, 1947	Commenced	Terminated	Pending July 1, 1948
32	Finney.....	52	171	153	70	12	27	33	6
	Greeley.....	15	44	40	19	0	5	2	3
	Hamilton.....	16	57	47	26	4	35	27	12
	Kearny.....	23	48	50	21	0	8	4	4
	Lane.....	13	23	23	13	3	10	5	8
	Scott.....	11	45	39	17	2	8	10	0
	Wichita.....	14	27	27	14	1	2	2	1
	Totals.....	144	415	379	180	22	95	83	34
33	Edwards.....	39	31	61	9	0	1	1	0
	Hodgeman.....	13	25	25	13	0	1	1	0
	Ness.....	23	58	69	12	0	12	12	0
	Pawnee.....	27	67	68	26	6	12	12	6
	Rush.....	21	44	50	15	0	3	3	0
	Totals.....	123	225	273	75	6	29	29	6
34	Graham.....	21	50	50	21	0	1	0	1
	Rooks.....	25	81	71	35	1	1	1	1
	Sheridan.....	9	17	19	7	1	0	0	1
	Sherman.....	25	82	80	27	1	11	9	3
	Thomas.....	10	42	41	11	0	5	4	1
	Totals.....	90	272	261	101	3	18	14	7
35	Osage.....	14	111	99	26	0	20	16	4
	Wabaunsee.....	11	41	46	6	1	1	2	0
	Totals.....	25	152	145	32	1	21	18	4
36	Jackson.....	27	85	81	31	2	2	4	0
	Jefferson.....	29	120	120	29	2	14	16	0
	Pottawatomie.....	26	104	105	25	2	7	6	3
	Totals.....	82	309	306	85	6	23	26	3
37	Allen.....	110	175	173	112	3	29	29	3
	Woodson.....	23	49	48	24	0	2	1	1
	Totals.....	133	224	221	136	3	31	30	4
38	Crawford.....	304	385	357	332	32	27	24	35
39	Grant.....	7	41	21	27	0	0	0	0
	Haskell.....	3	16	17	2	0	5	5	0
	Morton.....	18	25	31	12	1	8	7	2
	Seward.....	28	86	88	26	9	19	25	3
	Stanton.....	10	9	11	8	1	2	1	2
	Stevens.....	13	34	35	12	3	7	8	2
	Totals.....	79	211	203	87	14	41	46	9
40	Reno.....	415	639	652	402	35	99	100	34
	Grand totals...	9,983	18,459	18,263	10,179	1,133	2,393	2,314	1,212

SUMMARY OF DISTRICT COURTS—BY COUNTIES

TABLES A-3 AND A-4.—DISPOSITION OF CIVIL CASES, INCLUDING DIVORCE, YEAR ENDING JUNE 30, 1948

COUNTIES	Total number of cases	Foreign transcripts	Divorce cases					Other civil cases				
			Number	Dismissed	Denied	Granted to wife	Granted to husband	Emergency declared	Number	Dismissed	Tried to court	Tried to jury
Allen†.....	173	3	91	32	3	39	17	0	79	20	57	2
Anderson.....	46	0	19	4	1	8	6	1	27	2	24	1
Atholson*.....	219	0	82	18	1	54	9	0	137	20	117	0
Barber.....	76	0	33	14	0	12	7	2	43	11	28	4
Barton*†.....	240	12	124	47	1	55	21	6	104	24	73	7
Bourbon.....	199	1	98	33	0	42	23	17	100	25	73	2
Brown.....	112	2	33	12	0	14	7	0	77	8	68	1
Butler*.....	356	0	171	53	0	89	29	11	185	52	122	11
Chase.....	36	1	8	1	0	5	2	1	27	1	25	0
Chautauqua.....	62	0	21	5	0	13	3	0	41	6	35	0
Cherokee.....	295	2	119	37	0	51	31	5	174	41	130	3
Cheyenne.....	24	0	12	2	0	7	3	0	12	2	10	0
Clark.....	20	1	2	2	0	0	0	0	17	1	16	0
Clay.....	85	0	40	12	1	22	5	0	45	5	40	0
Cloud.....	98	6	38	9	0	23	6	0	54	4	46	4
Coffey.....	119	2	24	8	0	8	8	0	93	10	82	1
Comanche.....	32	0	14	3	0	5	6	0	18	3	14	1
Cowley*.....	308	5	177	36	0	106	35	12	126	26	98	2
Crawford.....	357	3	214	61	1	114	38	35	140	39	97	4
Decatur.....	66	0	18	9	0	9	0	3	48	6	39	3
Dickinson.....	201	4	70	11	0	41	18	4	127	10	117	0
Doniphan.....	68	0	25	6	0	14	5	0	43	4	39	0
Douglas*.....	250	0	115	35	2	61	17	1	135	17	112	6
Edwards.....	61	0	10	2	0	8	0	0	34	3	15	0
Elk.....	87	1	22	5	0	13	4	2	64	13	50	1

* Additional cases which were removed to the Federal Court: Atholson County, 1; Barton County, 1; Butler County, 1; Cowley County, 3; Douglas County, 1.

† One additional jury trial resulting in a mistrial in a case which is still pending and not terminated.

TABLES A-3 AND A-4.—CONTINUED. Disposition of civil cases, including divorce, year ending June 30, 1948

COUNTIES	Total number of cases	Foreign transcripts	Divorce cases					Other civil cases				
			Number	Dismissed	Denied	Granted to wife	Granted to husband	Emergency declared	Number	Dismissed	Tried to court	Tried to jury
Ellis*.....	120	0	33	9	0	10	14	0	87	35	51	1
Ellsworth†	71	5	22	7	1	8	6	1	44	8	23	3
Finney.....	153	3	69	24	0	35	10	0	81	20	61	0
Ford.....	183	4	113	31	0	68	14	3	66	13	52	1
Franklin.....	214	0	61	21	1	27	12	0	153	46	100	7
Geary.....	203	0	93	19	0	49	25	3	110	15	92	3
Gove.....	42	0	2	2	0	0	0	0	40	3	37	0
Graham.....	50	2	13	6	0	4	3	0	35	2	33	0
Grant.....	21	0	10	3	0	5	2	0	11	4	6	1
Gray.....	39	3	9	3	0	4	2	0	27	5	22	0
Greeley.....	40	4	8	3	0	2	3	0	28	4	24	0
Greenwood.....	171	1	55	16	0	27	12	0	115	16	96	3
Hamilton.....	47	0	17	9	0	7	1	0	30	9	21	0
Harper.....	62	3	25	8	0	12	5	0	34	7	27	0
Harvey.....	189	7	56	11	0	34	11	6	126	27	96	3
Haskell.....	17	2	8	2	0	2	4	0	7	3	4	0
Hodgeman.....	25	1	4	1	0	3	0	0	20	2	14	4
Jackson.....	81	1	27	10	0	12	5	0	53	10	43	0
Jefferson.....	120	0	35	7	0	20	8	1	85	6	75	4
Jewell.....	62	1	12	3	0	7	2	1	49	8	41	0
Johnson.....	432	9	155	45	0	85	25	1	268	75	185	8
Kearny**.....	49	3	13	5	0	5	3	1	33	13	19	1
Kingman*.....	73	0	23	6	0	8	9	0	50	4	42	4
Kiowa.....	26	1	12	2	0	2	2	1	13	1	12	0
Labette*.....	238	5	126	42	0	65	19	0	107	22	82	3

* Additional cases which were removed to the Federal Court: Ellis County, 1; Kingman County, 1; Labette County, 1.

** Additional cases which were transferred on change of venue: Kearny County, 1.

† Includes one case which is pending on new trial.

TABLES A-3 AND A-4.—CONTINUED. Disposition of civil cases, including divorce, year ending June 30, 1948

COUNTIES	Total number of cases	Foreign transcripts	Divorce cases					Other civil cases				
			Number	Dismissed	Denied	Granted to wife	Granted to husband	Emergency declared	Number	Dismissed	Tried to court	Tried to jury
Lane.....	23	0	3	1	0	2	0	0	20	4	16	0
Leavenworth.....	395	2	205	39	2	131	33	21	188	42	146	0
Lincoln.....	31	0	5	2	0	3	0	1	26	3	22	1
Linn.....	83	0	21	9	0	8	4	1	62	11	49	2
Logan.....	62	0	9	2	0	5	2	0	53	0	53	0
Lyon*.....	236	5	112	43	0	54	15	5	119	37	82	0
Marion.....	69	5	13	2	0	8	3	0	51	7	39	5
Marshall.....	127	0	41	10	1	24	6	0	86	12	71	3
McPherson.....	166	0	57	20	1	26	11	0	109	31	76	2
Meade.....	33	1	6	4	0	2	0	0	26	8	18	0
Miami*.....	182	5	62	21	0	32	9	3	115	18	96	1
Mitchell.....	48	0	21	6	0	9	6	0	27	6	21	0
Montgomery.....	414	14	238	59	3	136	40	12	162	38	116	8
Morris.....	76	6	21	6	0	9	6	0	49	5	43	1
Morton**.....	30	0	12	4	0	6	2	0	18	6	9	3
Nemaha.....	66	2	18	5	0	12	1	0	46	17	24	5
Neosho.....	163	1	83	20	0	41	22	3	79	30	45	4
Ness.....	69	1	13	2	0	10	1	1	55	4	49	2
Norton.....	80	1	33	12	0	17	4	0	46	4	39	3
Osage†.....	100	1	28	8	0	13	7	0	71	6	63	2
Osborne.....	80	1	13	3	0	10	0	0	66	10	56	0
Ottawa***.....	28	2	7	3	0	3	1	0	19	3	16	0
Pawnee*.....	66	0	28	5	0	19	4	0	38	4	33	1
Phillips.....	71	3	33	14	0	12	7	1	35	5	30	0
Pottawatomie*.....	103	0	26	10	0	6	10	1	77	5	72	0
Pratt.....	100	0	45	14	0	25	6	0	55	13	41	1
Rawlins.....	53	1	12	8	0	3	1	0	40	3	37	0
Reno*.....	651	36	380	133	0	204	43	39	235	57	171	7
Republic.....	79	0	31	11	0	11	9	2	48	6	40	2
Rice*.....	115	5	57	15	0	34	8	3	53	9	40	4

* Additional cases which were removed to the Federal Court: Lyon County, 1; Miami County, 3; Pawnee County, 2; Pottawatomie County, 2; Reno County, 1; Rice County, 1.

** Additional cases which were transferred on change of venue: Morton County, 1.

† Includes one case which is pending on new trial.

*** Additional jury trials resulting in mistrials which are still pending and not terminated: Ottawa County, 1.

TABLES A-3 AND A-4.—CONCLUDED. Disposition of civil cases, including divorce, year ending June 30, 1948

COUNTRIES	Total number of cases	Foreign transcripts	Divorce cases					Other civil cases				
			Number	Dismissed	Denied	Granted to wife	Granted to husband	Emergency declared	Number	Dismissed	Tried to court	Tried to jury
Riley.....	184	6	73	21	0	40	12	0	105	16	89	0
Rooks.....	71	0	14	8	0	6	0	0	57	8	49	0
Rush.....	50	2	12	4	0	5	3	1	36	11	25	0
Russell.....	172	0	69	28	0	24	17	0	103	21	81	1
Saline.....	334	16	188	55	1	93	39	7	130	24	97	9
Scott.....	39	1	14	5	0	7	2	1	24	5	19	0
Sedgwick* **	2,718	71	1,669	639	0	797	233	132	978	418	496	64
Seward*.....	87	1	60	23	0	30	7	1	26	6	20	0
Shawnee*.....	1,333	0	849	354	1	385	109	34	484	122	355	7
Sheridan.....	19	2	2	0	0	1	1	0	15	2	13	0
Sherman.....	80	2	34	11	0	14	9	1	44	9	34	1
Smith.....	57	1	25	4	0	17	4	0	31	5	25	1
Stafford.....	76	3	28	11	0	14	3	0	45	10	34	1
Stanton.....	11	0	2	1	0	0	1	0	9	4	5	0
Stevens.....	35	1	13	3	0	9	1	0	21	1	20	0
Sumner.....	166	6	64	22	0	29	13	0	96	11	82	3
Thomas.....	41	0	15	1	0	11	3	0	26	3	23	0
Trego.....	33	4	8	2	0	4	2	0	21	3	18	0
Wabunsee.....	46	0	8	1	0	5	2	0	38	6	32	0
Wallace.....	29	0	5	3	0	2	0	0	24	1	23	0
Washington.....	110	1	17	9	0	8	0	0	92	4	86	2
Wichita.....	27	1	8	6	0	2	0	0	18	3	15	0
Wilson.....	139	5	72	27	0	31	14	1	62	20	35	7
Woodson.....	48	0	13	0	1	11	1	0	35	6	27	2
Wyandottie* ***	2,213	44	1,410	613	0	622	175	45	759	300	441	18
Totals.....	18,235	359	8,886	3,094	21	4,362	1,409	436	8,990	2,165	6,552	273

* Additional cases which were removed to the Federal Court: Sedgwick County, 3; Seward County, 1; Shawnee County, 1; Wyandotte County, 5.

** Additional jury trials resulting in mistrials in cases which are still pending and not terminated: Sedgwick County, 3.

*** Includes two cases which are pending and not terminated.

TABLE A-5.—DISTRICT COURTS

TYPES OF CIVIL CASES COMMENCED—STATE AS A WHOLE—COMPARED
WITH 1946 AND 1947

	Year ending June 30, 1946	Year ending June 30, 1947	Year ending June 30, 1948
Number of cases*	22,301	19,788	18,100
Recovery of money	966	1,230	1,559
Damages	806	1,013	998
Foreclosure	111	97	120
Quiet title	4,134	4,208	3,729
Divorce	13,472	10,247	8,716
Replevin	72	147	159
Ejectment	63	48	39
Injunction	274	248	264
Partition	496	454	404
Tax cases†	97	110	73
Habeas corpus	55	73	95
Appeals—Probate	91	94	127
Other appeals	284	383	521
Miscellaneous	1,380	1,436	1,296

* Does not include 359 foreign transcripts included in total of 18,459 on Table A-2, June 30, 1948, or 322 foreign transcripts included in total of 20,110 on Table A-2, June 30, 1947.

† Personal tax warrants are not included as cases in any of these tables.

SUMMARY OF DISTRICT COURTS BY COUNTIES

TABLE B-1 (CONDENSED).—DISPOSITION OF CRIMINAL CASES—YEAR ENDING JUNE 30, 1948

COUNTIES	Number of cases	Dis-missed	Plea of guilty as charged	Plea of guilty of lesser offense	Trials			
					Con-victed of crime charged	Con-victed of lesser offense	Ac-quitted	Mis-trials
Allen*	28	13	9	0	4	0	2	1
Anderson*	3	1	1	0	0	0	1	0
Athol	12	4	8	0	0	0	0	0
Barber	5	0	4	0	1	0	0	0
Barton	39	8	19	9	1	0	2	0
Bourbon	22	5	15	1	0	1	0	0
Brown†¶	6	1	5	0	0	0	0	0
Butler*	46	12	22	0	9	0	3	0
Chase	0	0	0	0	0	0	0	0
Chautauqua	9	1	6	1	0	1	0	0
Cherokee	24	7	9	7	0	0	1	0
Cheyenne	3	0	3	0	0	0	0	0
Clark	3	2	0	0	1	0	0	0
Clay	7	1	5	0	1	0	0	0
Cloud	9	1	7	0	0	0	1	0
Coffey	3	2	0	1	0	0	0	0
Comanche	12	4	7	0	0	0	1	0
Cowley	22	8	7	5	0	0	2	0
Crawford	24	10	6	6	1	0	1	0
Decatur	2	0	1	1	0	0	0	0
Dickinson	21	8	11	0	1	0	1	0
Doniphan	9	3	6	0	0	0	0	0
Douglas	41	23	12	5	0	1	0	0
Edwards	1	0	1	0	0	0	0	0
Elk	6	1	0	4	0	0	1	0
Ellis†	17	6	10	1	0	0	0	0
Ellsworth	6	1	3	0	0	0	2	0
Finney	33	12	18	2	1	0	0	0
Ford	45	13	29	1	2	0	0	0
Franklin	21	5	11	1	0	1	3	0
Geary	18	9	7	0	1	0	1	0
Gove	3	1	2	0	0	0	0	0
Graham	0	0	0	0	0	0	0	0
Grant	0	0	0	0	0	0	0	0
Gray	6	0	5	0	0	0	1	0
Greeley	2	1	1	0	0	0	0	0
Greenwood¶	13	1	11	0	0	0	1	0
Hamilton	27	12	12	0	1	0	2	2
Harper	9	5	2	1	0	0	1	0
Harvey	24	7	6	0	10	0	1	0
Haskell	5	3	1	1	0	0	0	0
Hodgeman	1	0	1	0	0	0	0	0
Jackson	4	3	1	0	0	0	0	0
Jefferson	16	5	10	0	0	0	1	0
Jewell	3	0	3	0	0	0	0	0
Johnson‡	36	14	11	7	3	0	1	0
Kearny	4	1	2	0	0	0	1	0
Kingman	1	1	0	0	0	0	0	0
Kiowa	4	1	1	2	0	0	0	0
Labette	17	7	7	1	1	0	1	0

* Additional cases in which the defendants were tried and found to be insane: Allen County, 1; Anderson County, 1; Butler County, additional trial in one case.

† Additional cases in which the defendants were adjudged insane before trial: Brown County, 1; Johnson County, 1.

¶ Additional cases which were transferred on change of venue: Brown County, 1; Greenwood County, 1.

‡ One additional case transferred to Juvenile Court.

TABLE B-1 (Condensed).—CONCLUDED. Disposition of criminal cases—year ending June 30, 1948

COUNTIES	Number of cases	Dis-missed	Plea of guilty as charged	Plea of guilty of lesser offense	Trials			
					Con-victed of crime charged	Con-victed of lesser offense	Ac-quitted	Mis-trials
Lane.....	5	1	3	0	1	0	0	0
Leavenworth.....	38	18	6	8	1	2	3	0
Lincoln.....	4	1	3	0	0	0	0	0
Linn.....	8	0	4	1	1	1	1	0
Logan.....	7	5	2	0	0	0	0	0
Lyon.....	20	4	14	0	2	0	0	2
Marion.....	13	6	5	2	0	0	0	0
Marshall.....	5	0	0	3	1	0	1	0
McPherson.....	8	1	7	0	0	0	0	0
Meade.....	12	6	6	0	0	0	0	0
Miami.....	17	4	9	2	0	0	2	0
Mitchell.....	10	4	5	0	1	0	0	0
Montgomery†.....	81	29	35	9	3	1	4	2
Morris.....	4	0	2	1	1	0	0	0
Morton.....	7	3	3	0	0	1	1	0
Nemaha.....	2	1	1	0	0	0	0	0
Neosho.....	11	5	5	0	0	1	0	0
Ness.....	12	7	2	1	0	1	1	0
Norton.....	3	1	2	0	0	0	0	0
Osage.....	16	4	6	5	0	1	0	0
Osborne.....	10	1	9	0	0	0	0	0
Ottawa.....	6	3	3	0	0	0	0	0
Pawnee.....	12	5	6	1	0	0	0	0
Phillips.....	2	0	1	0	1	0	0	0
Pottawatomie.....	6	0	6	0	0	0	0	0
Pratt.....	15	3	12	0	0	0	0	0
Rawlins.....	6	1	1	3	1	0	0	0
Reno.....	100	35	57	4	2	0	1	1
Republic.....	12	1	10	0	0	1	0	0
Rice.....	3	0	2	1	0	0	0	0
Riley.....	18	8	6	3	1	0	0	0
Rooks.....	1	0	0	1	0	0	0	0
Rush.....	3	0	3	0	0	0	0	0
Russell.....	20	4	16	0	0	0	0	0
Saline.....	32	17	6	5	0	2	2	1
Scott.....	10	3	7	0	0	0	0	0
Sedgwick*.....	381	187	163	5	16	1	9	0
Seward.....	25	16	8	0	1	0	0	0
Shawnee†.....	230	76	123	12	16	0	3	0
Sheridan.....	0	0	0	0	0	0	0	0
Sherman.....	9	1	6	0	2	0	0	0
Smith.....	8	3	5	0	0	0	0	0
Stafford.....	12	4	4	2	2	0	0	0
Stanton.....	1	0	1	0	0	0	0	0
Stevens.....	8	3	5	0	0	0	0	0
Sumner.....	10	1	9	0	0	0	0	1
Thomas.....	4	1	3	0	0	0	0	0
Trego.....	6	3	3	0	0	0	0	0
Wabaunsee.....	2	1	1	0	0	0	0	0
Wallace.....	4	1	3	0	0	0	0	0
Washington.....	6	1	5	0	0	0	0	0
Wichita.....	2	1	1	0	0	0	0	0
Wilson†.....	30	7	22	0	0	0	1	0
Woodson.....	1	1	0	0	0	0	0	0
Wyandotte.....	351	247	69	9	18	3	5	3
Totals.....	2,301	958	1,014	135	109	18	66	13

* One additional trial in a case which is pending on new trial.

† Additional cases in which the defendants were adjudged insane before trial: Montgomery County, 2; Shawnee County, 2; Wilson County, 2.

PROBATE COURTS
TABLE C-1.—SUMMARY OF BUSINESS HANDLED—YEAR ENDING JUNE 30, 1948

COUNTIES	Estates of decedents			Guardianships			Trusts under supervision	Juvenile cases	Habeas corpus hearings	Orders in absence of district judge	Adoption proceedings	Insanity hearings	Determination of descent	Miscellaneous	Transcripts
	Foreign transcripts	Opened during year	Closed during year	Foreign transcripts	Opened during year	Closed during year									
Allen.....	16	49	48	1	16	8	4	10	0	0	7	5	38	0	0
Anderson.....	0	34	32	2	5	4	4	5	0	0	1	5	17	4	8
Atchison.....	10	40	39	1	11	7	9	4	0	0	17	12	25	10	0
Barber.....	17	28	26	5	7	4	2	4	1	0	9	8	11	0	0
Barton.....	15	96	77	4	19	16	17	8	0	2	31	8	19	1	0
Bourbon.....	5	49	39	3	7	4	2	0	0	0	9	11	39	0	0
Brown.....	0	51	41	2	21	9	10	5	0	0	5	11	28	2	17
Bridger.....	49	46	72	2	23	13	16	11	0	0	31	19	41	0	0
Chase.....	10	16	11	2	2	1	2	0	0	0	0	0	11	0	0
Chautauqua.....	12	28	27	1	4	3	0	2	0	0	0	2	7	0	1
Cherokee.....	13	52	50	0	1	7	6	0	0	0	13	36	47	0	0
Cheyenne.....	6	22	0	0	6	0	0	4	0	0	0	1	0	0	0
Clark.....	11	10	10	1	2	3	2	0	0	0	2	0	9	0	9
Clay.....	16	63	43	0	6	9	15	2	0	5	8	3	15	0	0
Cloud.....	5	63	45	0	12	7	5	0	0	1	4	7	23	0	0
Coffey.....	9	29	25	3	11	2	3	0	0	0	2	8	20	0	0
Concho.....	0	13	13	4	2	1	1	3	0	0	1	0	5	0	8
Cowley.....	5	92	92	13	24	12	18	37	0	0	17	39	57	13	29
Crawford.....	0	77	62	0	17	19	8	0	0	0	13	20	79	0	12
Decatur.....	0	17	0	0	6	0	0	0	0	0	5	0	0	0	0
Dickinson.....	22	87	76	1	24	27	28	4	1	0	18	6	47	11	0
Doniphan.....	2	41	37	2	12	7	14	6	0	2	4	7	18	7	8
Douglas.....	0	64	62	0	13	12	26	11	0	0	13	17	46	2	15
Edwards.....	0	14	14	0	4	5	3	1	1	2	2	2	14	0	12
Elk.....	15	30	16	1	7	6	1	3	0	0	0	6	9	2	0

TABLE C-1.—CONTINUED. Summary of business handled—year ending June 30, 1948

COUNTIES	Estates of decedents			Guardianships			Trusts under supervision	Juvenile cases	Habeas corpus hearings	Orders in absence of district judge	Adoption proceedings	Insanity hearings	Detention of delinquent	Miscellaneous	Transcripts
	Foreign transcripts	Opened during year	Closed during year	Foreign transcripts	Opened during year	Closed during year									
Ellis.....	17	45	35	1	10	4	2	14	0	14	3	13	15	0	0
Ellsworth.....	0	42	51	1	3	0	7	0	0	0	10	0	10	0	20
Finney.....	26	26	12	13	9	0	0	13	1	2	14	6	17	0	0
Ford.....	27	59	35	8	17	4	2	17	0	2	18	9	38	0	4
Franklin.....	11	48	66	1	18	11	21	5	0	25	8	5	38	0	0
Geary.....	15	40	25	3	9	8	5	7	0	0	21	6	12	0	0
Gove.....	26	12	15	3	4	5	0	5	0	0	0	4	26	0	0
Graham.....	0	15	14	0	2	0	2	0	0	0	2	0	13	0	16
Grant.....	28	3	3	5	3	0	0	5	0	0	4	0	6	0	0
Gray.....	17	5	6	1	5	3	0	0	0	0	0	0	10	2	0
Greeley.....	20	3	7	4	1	0	0	0	0	0	1	0	7	0	0
Greenwood.....	1	35	51	1	15	3	4	3	0	23	5	0	15	14	0
Hamilton.....	18	10	8	1	2	1	1	7	0	8	4	1	17	0	0
Harper.....	1	44	38	1	5	7	17	0	0	0	5	0	22	0	0
Harvey.....	19	58	63	0	10	9	19	11	1	9	18	22	39	0	0
Haskell.....	16	4	8	2	3	0	0	0	0	0	2	0	5	0	0
Hodgeman.....	1	10	6	0	4	1	0	0	0	0	1	2	6	0	0
Jackson.....	22	36	37	2	5	6	1	1	0	6	7	17	25	0	0
Jefferson.....	3	32	36	1	1	4	3	0	0	3	4	0	35	0	0
Jewell.....	1	21	27	0	4	4	3	0	0	0	6	4	0	27	0
Johnson.....	24	81	88	4	28	15	18	27	1	3	20	29	70	0	0
Kearny.....	23	7	5	4	1	2	2	0	0	6	3	1	15	0	2
Kingman.....	20	29	36	2	4	5	7	2	0	0	9	6	10	0	0
Kiowa.....	2	18	15	0	3	1	0	0	0	0	8	0	9	0	0
Labette.....	21	53	51	0	20	10	7	19	0	5	18	30	66	3	0

TABLE C-1.—CONTINUED. Summary of business handled—year ending June 30, 1948

COUNTIES	Estates of decedents			Guardianships			Trusts under supervision	Juvenile cases	Habeas corpus hearings	Orders in absence of district judge	Adoption proceedings	Insanity hearings	Determination of descent	Miscellaneous	Transcripts
	Foreign transcripts	Opened during year	Closed during year	Foreign transcripts	Opened during year	Closed during year									
Lane.....	26	9	8	2	1	0	0	0	0	0	2	1	6	0	0
Leavenworth.....	0	94	60	0	32	7	6	7	0	0	16	43	76	0	18
Lincoln.....	0	37	32	1	4	6	1	7	0	0	3	1	10	3	9
Linn.....	10	27	17	2	1	0	1	4	0	0	1	0	31	0	0
Logan.....	20	7	7	4	1	2	0	1	0	0	0	0	5	0	7
Lyon.....	15	53	58	0	17	3	3	24	0	0	17	10	38	0	0
Marion.....	26	65	49	3	16	9	19	15	0	0	4	6	53	0	0
Marshall.....	1	57	72	3	18	21	7	0	0	0	6	4	45	2	2
McPherson.....	10	54	77	0	20	15	9	0	0	3	11	0	43	0	0
Meade.....	2	14	12	0	4	1	3	0	0	0	3	0	5	0	0
Miami.....	0	39	50	4	7	10	6	0	0	6	8	20	29	0	12
Mitchell.....	9	47	60	2	6	12	1	4	0	0	13	10	25	0	0
Montgomery.....	18	78	116	3	27	22	23	48	0	5	42	45	83	0	0
Morris.....	0	18	11	0	8	4	1	5	0	2	1	0	23	0	1
Morton.....	10	8	0	0	0	0	0	0	1	2	3	1	5	4	28
Nemaha.....	9	33	49	2	7	14	11	4	0	1	5	6	35	0	0
Neosho.....	9	61	9	9	12	13	3	19	0	5	10	21	41	0	0
Ness.....	0	19	14	0	5	2	3	0	0	0	2	2	9	0	0
Norton.....	17	25	0	0	5	0	0	11	0	0	4	2	31	0	0
Osage.....	15	36	33	5	10	9	7	5	0	1	8	8	24	0	0
Osborne.....	0	47	41	0	9	5	3	7	0	1	6	12	6	0	10
Ottawa.....	3	34	30	0	1	6	6	6	0	4	6	2	19	0	0
Pawnee.....	22	31	21	1	5	6	3	4	0	0	5	60	19	3	0
Phillips.....	7	49	26	1	8	0	0	9	0	0	2	4	19	0	1
Pottawatomie.....	21	50	39	1	1	6	7	2	0	7	5	7	23	0	0
Pratt.....	3	49	45	1	7	6	3	8	2	0	7	2	17	1	12
Rawlins.....	0	28	29	1	2	0	0	0	0	0	2	6	9	0	9
Reno.....	5	132	70	1	1	8	2	20	0	0	26	0	59	0	0
Republic.....	14	46	32	3	13	12	9	4	0	0	5	0	45	0	0
Rice.....	13	48	50	0	8	10	5	7	0	19	9	4	32	0	0

TABLE C-1.—CONCLUDED. Summary of business handled—year ending June 30, 1948

COUNTIES	Estates of decedents			Guardianships			Trusts under supervision	Juvenile cases	Habeas corpus hearings	Orders in absence of district judge	Adoption proceedings	Insanity hearings	Determination of descent	Miscellaneous	Transcripts
	Foreign transcripts	Opened during year	Closed during year	Foreign transcripts	Opened during year	Closed during year									
Riley.....	16	52	60	1	28	8	9	12	0	19	7	21	32	0	0
Rooks.....	16	45	32	3	9	1	6	0	0	0	3	8	18	0	0
Rush.....	73	31	25	10	7	2	4	0	0	3	0	2	15	0	0
Russell.....	24	36	49	5	13	11	7	1	0	22	7	0	8	0	0
Saline.....	26	79	92	5	14	0	15	41	0	0	14	24	40	0	0
Scott.....	16	14	6	0	1	3	1	0	0	0	0	0	0	0	0
Sedgwick.....	12	342	333	1	129	44	44	754	0	0	136	96	131	55	15
Seward.....	10	14	14	1	5	2	5	14	0	0	11	4	8	0	0
Shawnee.....	64	187	160	1	71	30	41	83	0	0	80	246	164	0	0
Sheridan.....	24	7	10	0	6	6	2	0	0	1	2	0	12	0	0
Sherman.....	15	12	10	0	2	1	0	0	0	6	0	1	11	0	0
Smith.....	5	20	24	0	10	2	3	0	0	3	4	0	24	0	0
Stafford.....	4	43	31	5	7	6	6	5	0	0	5	5	15	1	24
Stanton.....	8	8	0	1	1	1	0	0	0	0	0	0	1	0	0
Stevens.....	5	6	1	0	0	0	0	0	0	0	1	0	14	0	0
Sumner.....	46	75	80	12	24	18	19	10	0	2	18	16	50	0	0
Thomas.....	25	39	40	2	1	0	1	2	1	2	1	1	8	0	0
Trego.....	19	18	20	0	1	3	3	0	0	0	1	3	8	0	0
Wabunsee.....	0	38	21	1	4	2	3	0	0	0	0	0	19	1	12
Wallace.....	0	2	2	0	1	0	0	0	0	0	0	0	10	0	25
Washington.....	10	42	53	0	6	4	3	0	0	0	1	6	19	0	0
Wichita.....	0	8	5	0	0	0	0	0	0	0	0	0	11	0	0
Wilson.....	15	54	46	5	18	7	11	13	0	0	13	20	43	2	0
Woodson.....	1	13	1	2	0	1	0	0	0	2	5	5	15	0	0
Wyandotte.....	15	238	202	6	58	47	23	209	0	0	102	117	271	6	19
Totals.....	1,331	4,576	4,198	216	1,159	697	671	1,621	10	249	1,047	1,241	2,955	170	372

TABLE D-1 (COMBINED WITH B-2).—COUNTY AND CITY COURTS
DISPOSITION OF CASES—YEAR ENDING JUNE 30, 1948

COUNTY COURTS	Number of cases	Civil cas. s			Criminal cases			
		Number	Dis- missed	Trials	Number	Dis- missed	Pleas of guilty	Trials
Allen.....	113	33	11	22	80	30	28	22
Barber.....	105	12	2	10	93	66	24	3
Brown.....	58	19	7	12	39	5	25	9
Rutler.....	205	72	24	48	133	43	43	47
Clark.....	29	7	4	3	22	3	17	2
Clay.....	91	28	14	14	63	16	38	9
Cloud.....	123	8	3	5	115	19	80	16
Coffey.....	53	14	1	13	39	6	29	4
Comanche.....	41	9	6	3	32	15	9	8
Decatur.....	72	19	12	7	53	13	38	2
Dickinson.....	78	15	9	6	63	3	50	10
Doniphan.....	145	13	6	7	132	12	107	13
Douglas.....	311	89	39	50	222	30	170	22
Edwards.....	26	5	2	3	21	11	9	1
Finney.....	332	65	21	44	267	65	172	30
Ford.....	449	90	38	52	359	135	178	46
Geary.....	120	41	14	27	79	29	33	17
Gove.....	38	7	3	4	31	6	20	5
Greenwood.....	113	26	4	22	87	11	66	10
Harvey.....	182	26	15	11	156	21	115	20
Hodgeman.....	21	4	1	3	17	1	12	4
Jewell.....	63	9	9	0	54	20	29	5
Kearny.....	179	20	11	9	159	26	120	13
Marion.....	160	16	7	9	144	17	119	8
Marshall.....	145	50	32	18	95	4	83	8
Mitchell.....	168	16	0	16	152	3	122	27
Morris.....	36	3	1	2	33	6	24	3
Ness.....	80	6	1	5	74	5	54	15
Norton.....	67	10	3	7	57	5	49	3
Osage.....	177	29	11	18	148	19	116	13
Osborne.....	79	12	3	9	67	6	61	0
Pawnee.....	111	53	18	35	58	8	38	12
Phillips.....	64	14	13	1	50	4	45	1
Pottawatomie.....	55	13	6	7	42	0	34	8
Rawlins.....	51	16	7	9	35	0	30	5
Republic.....	97	15	11	4	82	10	55	17
Rice.....	144	21	9	12	123	31	77	15
Rooks.....	58	15	7	8	43	17	18	8
Rush.....	57	9	6	3	48	25	20	3
Russell.....	11	5	4	1	6	2	3	1
Scott.....	19	0	0	0	19	1	18	0
Sheridan.....	35	2	1	1	33	4	29	0
Sherman.....	30	10	0	10	20	0	13	7
Smith.....	54	7	4	3	47	7	32	8
Stafford.....	14	10	4	6	4	0	3	1
Stevens.....	152	8	3	5	144	2	137	5
Thomas.....	45	8	2	6	37	3	29	5
Trego.....	57	4	0	4	53	5	44	4
Wabaunsee.....	33	9	6	3	24	9	13	2
Wallace.....	52	2	0	2	50	0	45	5
Washington.....	63	17	4	13	46	1	39	6
Woodson.....	163	23	8	15	140	14	122	4
Totals.....	5,224	1,034	427	607	4,190	794	2,884	512

TABLE D-1 (Combined with B-2).—CONCLUDED. Disposition of cases—year ending June 30, 1948

CITY COURTS	Number of cases	Civil cases			Criminal cases			
		Number	Dis-missed	Trials	Number	Dis-missed	Pleas of guilty	Trials
Arkansas City.....	206	124	24	100	82	6	70	6
Atchison.....	359	254	52	202	105	16	75	14
Chanute.....	49	15	3	12	34	7	21	6
Coffeyville.....	743	578	94	484	165	20	82	63
Hutchinson.....	918	299	80	219	619	117	379	123
Independence.....	355	90	30	60	265	78	134	53
Kansas City.....	1,921	1,495	246	1,249	426	208	58	160
Leavenworth.....	368	110	63	47	258	63	126	69
Olathe.....	212	67	22	45	145	26	97	22
Pittsburg.....	329	64	30	34	265	44	208	13
Salina.....	468	124	58	66	344	28	155	61
Topeka.....	1,065	417	161	256	648	124	351	173
Wichita.....	3,224	2,104	740	1,364	1,120	449	420	251
Totals.....	10,217	5,741	1,603	4,138	4,476	1,286	2,176	1,014

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TOPEKA, KANSAS
1948



22-5872